

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

BOARD APPOINTMENT SUMMARY

Meeting Date: December 18, 2007
 Department: Palm Beach County Health Department
 Submitted by: Palm Beach County Health Department
 Advisory Board Name: Environmental Appeal Board

I. EXECUTIVE BRIEF

Motion and Title: **Staff Recommends Motion to Approve:** Appointment of one (1) member to the Environmental Appeal Board, to complete the unexpired term of Carolyn Ansay, who resigned and whose term expires on July 27, 2008.

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>
Brian Joslyn, Esq.	5	Member of PBC Bar Association

Summary: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association; one person recommended by the Home Builders and Contractors Association; one professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one water resource professional employed by the South Florida Water Management District; and one drinking water engineer employed by the Department of Environmental Protection. This action will fill the above-referenced seat until July 27, 2008. Countywide (GDB)

Background and Justification: Environmental Control Rules I and II provide for the organization of the Environmental Appeal Board. These rules state that composition and representative members of the Appeal Board shall consist of an attorney, an engineer, a water resource professional, a drinking water engineer, and a professional recommended by the Home Builders and Contractors Association. The Home Builders and Contractors Association has merged with another association and is now known as the Gold Coast Builders Association. The term of Carolyn Ansay, who has resigned, is unexpired; said term expires on July 27, 2008. A recommendation to fill this unexpired position was sought from the PBC Bar Association.

Attachments:

- N Section 12 of Environmental Control Rule I
- N Chapter C, Section 5 of Article 17 of ULDC
- N Board Appointment Information Form
- N Letter from PBC Bar Association
- N Resume of Brian Joslyn, Esq.
- N Current Membership Directory

Recommended by: _____

Department Director

Date

Legal Sufficiency: _____

Assistant County Attorney

Date

- D. For treatment and disposal of industrial hazardous or toxic wastes.
- E. For commercial establishments where food is processed, handled, prepared or served. This restriction does not apply to retail or prepackaged food stores and to convenience stores where food service is limited to coffee, soft drinks and hot dogs.

Section 9 Handling of Septage

Collection, treatment and disposal of septage shall be in accordance with Rule 64E-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Rule 64E-6, F.A.C.

Section 10 Prohibitions

- A. It is prohibited for any person to construct, keep, use or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
- B. No person shall manufacture, sell or install an OSTDS unless in compliance with the requirements of this Article.
- C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
- D. Organic chemical solvents shall not be advertised, sold or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

Section 11 Incorporation by Reference of Rule 64E-6, F.A.C.

Rule 64E-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance and fee schedule unless higher in the PBC fee ordinance. In the event of a conflict between the provision of Rule 64E-6, F.A.C. and this Article, the more restrictive provision shall apply.

Section 12 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art.17, Decision Making Bodies.

Section 13 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be non-refundable and in the following amounts:
 - 1. \$100.00 for a single family residence.
 - 2. \$125.00 for all others, including, but not limited to, multiple family, commercial or subdivisions.
 - 3. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C.
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix 3, ECR I- Information Required for an Appeal for an Individual Lot, or Appendix 4, ECR II- Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal

2. Staff

The PBCCHD shall be the professional staff of the EAB.

E. Meetings

1. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

Section 6 Environmental Control Hearing Board

A. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

B. Powers and Duties

The ECHB has the following powers and duties:

1. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
2. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
 - a. to refrain from committing, creating, maintaining, or permitting the violations;
 - b. to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - c. to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - d. to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
 - e. to administer oaths to any or all persons who are to testify before the ECHB.

C. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

D. Officers

1. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

2. Staff

The PBCCHD shall be the professional staff of the ECHB.

E. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

Section 7 Groundwater and Natural Resources Protection Board

A. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

B. Powers and Duties

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce Art. 14, Environmental Standards, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected;
2. to adopt rules of procedure for the conduct of hearings;
3. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;

Part I:

☒ At Large Appointment or ☐ District Appointment

Term of Appointment: Years. From: 12/18/07 To: 7/27/08

Seat Requirement: **Attorney** Seat #: **5**

☐ *Reappointment or ☐ New Appointment

or ☒ to complete the term of **Carolyn Ansay, Esq.** Due to: ☒ resignation ☐ other

Completion of term to expire on: 7/27/08

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

Name: JOSLYNBRIAN

Last First Middle

Occupation/Affiliation: **Attorney at Law**

Business Name: Casey Ciklin Lubitz, et al

Business Address: **515 N. Flagler Drive, 19th Floor**

City & State **West Palm Beach** Zip Code: **33401**

Residence Address: **91 Yacht Club Place**

City & State Tequesta Zip Code: 33469

Home Phone: (561) 747-6131 Business Phone: (561) 820-0351 Ext.

Cell Phone: (561) Fax: (561) 820-0389

Email Address: **bjoslyn@caseyciklin.com**

Mailing Address preference: ☒ Business Address ☐ Residence

Minority Identification Code:

☐ IF (Native-American Female) ☐ IM (Native-American Indian Male)
☐ AF (Asian-American Female) ☐ AM (Asian-American Male)
☐ BF (African-American Female) ☐ BM (African-American Male)
☐ HF (Hispanic-American Female) ☐ HM (Hispanic-American Male)
☐ WF (Caucasian Female) ☒ WM (Caucasian Male)

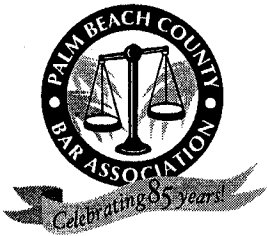
Part III: COMMISSIONER COMMENTS

Appointment to be made at BCC Meeting on: **12/18/07**

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

Number of previously disclosed voting conflicts during the previous term

Signature: _____ Date: _____



PALM BEACH COUNTY BAR ASSOCIATION

ESTABLISHED 1922

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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

MEENU SASSER
PRESIDENT
RICHARD D. SCHULER
PRESIDENT ELECT
C. WADE BOWDEN
JOHN M. HOWE
MICHAEL J. NAPOLEONE
BRYAN POULTON
ADAM T. RABIN
MICHELLE R. SUSKAUER
DIRECTORS

PATIENCE A. BURNS, CAE
EXECUTIVE DIRECTOR

REPLY TO:

October 29, 2007

JASON J. GUARI
YOUNG LAWYERS SECTION PRESIDENT
ADAM S. DONER
NORTH COUNTY SECTION PRESIDENT
MANUEL FARACH
IMMEDIATE PAST PRESIDENT
GREGORY W. COLEMAN
SCOTT G. HAWKINS
DAVID C. PRATHER
LISA S. SMALL
EX OFFICIO MEMBERS - FL BAR BOARD
OF GOVERNORS MEMBERS
HOWARD S. GROSSMAN
EX OFFICIO MEMBER - SOUTH COUNTY
BAR ASSOCIATION PRESIDENT

Ms. Sherry Ingram, Legal Assistant
Office of County Attorney
Environmental Control Office
Post Office Box 1909
West Palm Beach, FL 33402-1989

Dear Sherry:

This is to advise you that the Palm Beach County Bar Association has agreed to appoint Brian Joslyn to the Environmental Appeal Board.

Should you have any further questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

Patience A. Burns

Patience A. Burns, CAE
Executive Director

PAB:lsh

cc: Brian Joslyn
Casey Ciklin Lubitz et al
515 N. Flagler Drive 19th FL
West Palm Beach, FL 33401
(561) 832-5900

RECEIVED

NOV - 2 2007

Palm Beach County Attorney
Environmental Control Office

BRIAN B. JOSLYN

515 North Flagler Drive, Suite 1800 • West Palm Beach, Florida 33401 • (561)820-0351
e-mail: bjoslyn@caseyciklin.com

EDUCATION:

Undergraduate: University of Central Florida, B.S. Political Science 1978, Summa Cum Laude; minors in Economics and Russian Language; Cumulative GPA: 3.92; Graduated second in class of College of Social Sciences

Law School: University of Florida, J.D. with Honors 1981; GPA: 3.01; Graduated in top 25% of class

ACTIVITIES AND HONORS:

Undergraduate: Dean's Merit Scholarship Recipient 2 quarters; Debate Scholarship Recipient; Dean's List Every Quarter of Undergraduate School; 4.0 GPA in major and in Economics minor; President, Political Science Union; Student Senator, Senior Year; Debate Team, Freshman - Junior Year; member Omicron Delta Kappa Leadership Fraternity

Law School: Dean's List 8 of 9 quarters; Chancellor of University of Florida Honor Court, Senior Year; Attorney General of the University Student Body, Junior Year; Florida Blue Key; Kappa Alpha Fraternity; Book Award, Income Taxation I

EMPLOYMENT:

January 1987 - Associate, then Partner (since January 1989), Casey, Ciklin, Lubitz, Martens, & O'Connell, Present West Palm Beach, FL. Trial Lawyer, practice focus on: Real Estate Finance Law; Corporate and Partnership Dissolutions and Disputes; Land Use Litigation; Legal and Accounting Malpractice; Loan Workouts; Probate Litigation; Construction Litigation and Securities Litigation; Over 125 Trials, Arbitrations and Appeals. Argued successfully in Florida Supreme Court in Bitterman v. Bitterman, 714 So.2d 356 (Fla. 1998). Rated AV by Martindale Hubbell.

Sept. 1981 - Associate Attorney, DeSantis, Cook, Gaskill & Silverman, P.A., North Palm Beach,
Dec. 1986 Florida - Employed as Commercial Trial Lawyer with a practice focusing on Real Estate Finance and Landlord-Tenant Litigation; Probate, Corporate and Partnership Litigation.

Fall 1980 - Law Clerk to Professor Fletcher N. Baldwin, Jr., University of Florida; Senior Paper on
June 1981 Ineffective Assistance of Counsel on Appeal in Death Penalty Cases - became part of Appellate Brief argued by Professor Baldwin to Florida Supreme Court in Knight v. State, 395 So.2d. 997 (Fla. 1981)

Fall 1979 - Law Clerk to Honorable Benjamin M. Tench, Circuit Judge, Eighth Judicial Circuit
June 1981 Court of Florida; Gainesville, FL

PROFESSIONAL ASSOCIATIONS:

Florida Bar; American Bar Association; U.S. District Court, Southern District of Florida Bar Association; Southern District Trial Bar; Academy of Florida Trial Lawyers; Association of American Trial Lawyers; Palm Beach County Bar Association. Florida Bar Grievance Committee (Palm Beach County) 1993 – 1996; Vice Chair 1996; Palm Beach County Trial Lawyers Association

NON-LEGAL WORK EXPERIENCE:

1971 - 1974	U.S. Army; Paratrooper, Ranger and Special Forces Qualified; Airborne Ranger Fire Team Leader and Long Range Reconnaissance Team Member, Honorably discharged as Sp.4.
1975 - 1978	Worked at a variety of part-time jobs to finance my education.

HOBBIES:

Martial Arts – 3rd Degree Black Belt in Shaolin Kempo Karate, 1st Degree Black Belt in Kendo; Conflict Simulation Games; Travel; Photography; Modeler of Scale Ship Models; Mountaineering and Backpacking.

REFERENCES:

Furnished upon request.

ENVIRONMENTAL APPEAL BOARD DIRECTORY

Authority: Environmental Control Rules I and II

Terms Per Ord 96-28 *Appointments are for three (3) years*

Updated: November 28, 2007

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Brian J. LaMotte, P.E. SFRN, Inc. 1201 Belvedere Road West Palm Beach FL 33405	655-1151 – Asst. Suki Fax 832-9390 Email blamotte@sfrninc.com Cell – 346-3239	Professional Engineer registered by State of Florida and nominated by Am. Society of Civil Engineers -PB Branch	7-12-05	7-28-05 to 7-27-08		X
2	Simon Sunderland, P.G., Vice- Chair M.S.C. 4350, South Florida Water Management District 3301 Gun Club Road West Palm Beach FL 33406	682-2705 Fax 682-6442 ssunder@sfwmd.gov	Water resource professional employed by SFWMD	3-15-05	3-17-05 to 3-16-08		X
3	Frank M. Keiser, II Sun Tree Homes, Inc. 13860 Wellington Trace, Suite38 Wellington, FL 33411	795-4141 Fax frank.keiser@suntreehomes.com	Member of Gold Coast Builders Assoc. (formerly HCBA)	8-21-07	8-21-07 to 7-27-08	X	
4	Michael Bechtold, P.E. Department of Environ. Protection Southeast District 400 North Congress Avenue, #200 West Palm Beach FL 33401	Ofc 681-6682 Fax 681-6760 Cell 281-4898 mike.bechtold@dep.state.fl.us	Drinking Water Engineer employed by the DEP	3-15-05	3-17-05 to 3-16-08		X
5	Vacant due to resignation Of Carolyn Ansay, Esq.		Attorney nominated by PBC Bar Association		12/18/07 to 7-27-08	X	
Health Department Rep. – Antoine Devonshire – 355-3070 , 901 Evernia Avenue, WPB 33041							