

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

Meeting Date: April 23, 2013

Department: Public Safety Department
Submitted by: Consumer Affairs Division
Advisory Board Name: Consumer Affairs Hearing Board

I. EXECUTIVE BRIEF

Motion and Title: **Staff Recommends Motion to Approve:** appointment of two At-Large members to the countywide Consumer Affairs Hearing Board as follows:

Nominee	Term	Expires	Seat	Requirement	Recommended by Commissioners:
Frank Lewis	2 years	04/22/2015	5	Management/Business	Paulette Burdick Jess R. Santamaria Priscilla Taylor Hal R. Valeche
Harold Moldoff	2 years	04/22/2015	7	Citizen/Resident	

Summary: Section 9-5 of Chapter 9, Article I of the Palm Beach County Code establishes a Consumer Affairs Hearing Board ("Hearing Board"). The nine (9) members of the Hearing Board are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The Hearing Board serves in both an advisory capacity to the County Commissioners and as an Appeals Hearing Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. Members are selected from various businesses, professions and the general public. With the approval of this motion, the Hearing Board will have 5 of 9 appointed/active members, and one member (special technical) whose term has expired, but is permitted to remain until his successor is duly appointed and qualified. **Countywide (PGE)**

Background and Policy Issues: The Board of County Commissioners created the Consumer Affairs Hearing Board in 1972. The Board carries out the requirements of the six ordinances administered by the Consumer Affairs Division. The representation on the Consumer Affairs Board must include: 1) an attorney; 2) a business person (active or retired) recommended by a Chamber of Commerce; 3) a certified general contractor; 4) a resident (active or retired) with at least five years experience in the management of a business; 5) three at-large residents interested in consumer issues; and 6) two persons who have expertise in technical fields relating to consumer transactions. **NOTE:** With the appointments of these two seats, the Hearing Board will have five seats filled and the following four vacancies: one certified contractor, one representative from the Chamber of Commerce, one person with technical expertise, and one attorney. Nominations are being sought from the Board of County Commissioners for the four vacant positions. The Advisory Board has three seats currently filled and a diversity count as follows: Asian: 1 (33.3%) Black: 1 (33.3%) and White: 1 (33.3%). The gender ratio (male: female) is 3:0.

Attachments:

1. Memorandum requesting nomination
2. Board/Committees Checklist, Application, & Ethics Acknowledgment (Lewis)
3. Board/Committees Checklist, Application, & Ethics Acknowledgment (Moldoff)
4. Current Consumer Affairs Hearing Board Membership List
5. Consumer Affairs Ordinance #77-10

Recommended by: _____

Department Director

4/16/13
Date

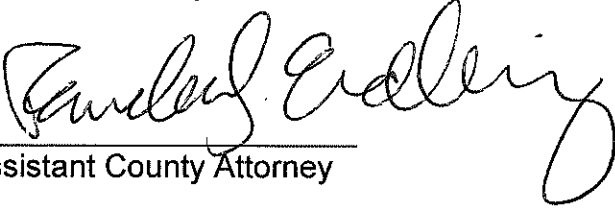
Approved by: _____

Assistant County Administrator

4/16/13
Date

II. REVIEW COMMENTS

Legal Sufficiency:


Assistant County Attorney

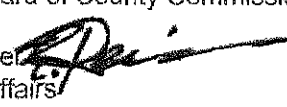
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)



MEMORANDUM

Date: April 3, 2013

To: Mayor Steven L. Abrams,
and Members of the Board of County Commissioners

From: Eugene Reavis, Manager 
Division of Consumer Affairs

RE: **Consumer Affairs Hearing Board (CAHB)
Request for Nominations of Six (6) At Large Members**

Department of Public Safety
Division of Consumer Affairs
South Military Trail, Suite 201
West Palm Beach, FL 33415
Main Office: (561) 712-6600
and West County 1-888-852-7362
FAX (561) 712-6610
www.pbccgov.com/consumer

Palm Beach County
Board of County
Commissioners


Steven L. Abrams, Chairman
Isabella A. Taylor, Vice Chair

Hal R. Valeche
Paulette Burdick
Shelley Vana
Mary Lou Berger
Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

 printed on recycled paper

The purpose of this memo is to request nominations to fill six (6) At-Large CAHB seats. Vacancies and seat requirements are as follows:

- We currently have two (2) vacant Seats: #3 (Certified Contractor), and #5 (Management of Business with five (5) years of experience).
- Mr. Alexander Domb, Seat #1 (Attorney), and Mr. Pedro Guilarte, Seat #2 (Chamber of Commerce Representative), whose terms expired January 13, 2013, do not wish to be reappointed.
- Mr. Philip Shapkin, Seat #7 (Resident of Palm Beach County), and Mr. Herbert Milstein, Seat # 9 (Special Technical), whose terms also expired on January 13, 2013, have completed three 2-year terms, and are not eligible for reappointment.

The CAHB was created and established in 1972. Nine (9) members of the Hearing Board are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The CAHB serves in both an advisory capacity to the BCC and as an Appeals Hearing Board to carry out the functions pertaining to alleged unfair or deceptive trade acts or practices as provided for in Ordinance 77-10, assist, advise and cooperate with the Board of County Commissioners and local, state, and federal agencies, protect the interest of Palm Beach County consumers, and to hear appeals from administrative action taken against companies believed to be in violation of one of the regulatory ordinances assigned to Consumer Affairs: Towing, Vehicle for Hire, Moving and Price Gouging.

Pursuant to the ordinance, all of the Board members must be citizens of the United States and qualified electors of Palm Beach County. Members of the Hearing Board cannot hold public employment and cannot be interested financially in the profits or emoluments of any contract, work or service for the county.

We are providing applications for two (2) interested and qualified individuals (attached). If you wish to endorse the nominations for the two qualified individuals, please sign and return the attached applications by Friday, April 5, 2013. Your recommendation(s) for appointment will be placed on the April 16, 2013 Board of County Commissioners meeting. If you would like to nominate others candidates for the expired or vacant positions, please forward names and contact information to me at your earliest convenience, and I will contact the candidates and work with them to complete the application form. Any additional candidates will be presented to the Board for appointment at a later date. If you should have any questions, please feel free to contact me at 561-712-6605.

Attachments: 1) Board/Committee Application – Frank D. Lewis, nominee
2) Board/Committee Application – Harold Moldoff, nominee
3) CAHB current member list

c: Vince Bonvento, Asst. County Administrator/Director, Public Safety Department
Pamela Eidelberg, Assistant County Attorney

R:\Consumer Affairs\CAHearingBoard\BCC Nomination Request 04-03-13r.docx

Attachment # 1

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

*The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. **Further, please attach a biography or résumé to this form.***

Section I (Department): (Please Print)

Board Name: Consumer Affairs Hearing Board Advisory ☒ Not Advisory ☐

☒ At Large Appointment or ☐ District Appointment / District #: _____

Term of Appointment: 2 Years. From: 4/23/13 To: 4/22/15

Seat Requirement: _____ Seat #: _____

☐ *Reappointment or ☒ New Appointment

or ☐ to complete the term of _____ Due to: ☐ resignation ☐ other

Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____**

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: LEWIS FRANK DALE
Last First Middle

Occupation/Affiliation: RETIRED
Owner ☐ Employee ☐ Officer ☐

Business Name: _____

Business Address: _____

City & State: _____ Zip Code: _____

Residence Address: 6812 CALLE DEL PAZ NORTH

City & State: BOCA RATON FLORIDA Zip Code: 33433

Home Phone: 561-391-1514 Business Phone: ☐ none Ext. _____

Cell Phone: 561-706-0294 Fax: ☐

Email Address: FRANK - LSS@YAHOO.COM

Mailing Address Preference: ☐ Business ☒ Residence

Have you ever been convicted of a felony: Yes _____ No ☒

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☒ African-American ☒ Caucasian

Attachment # 2

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR ☒ NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- ☒ By watching the training program on the Web, DVD or VHS
☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Frank Dale Lewis Printed Name: FRANK DALE LEWIS Date: 2-14-2013

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:

Palm Beach County Consumer Affairs Division
50 S. Military Trail, Suite 201
West Palm Beach, FL 33415

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Paula H. Burdick Date: 4-8-2013

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BOARD OF COUNTY COMMISSIONERS
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Occupation/Affiliation: RETIRED
Owner ☐ Employee ☐ Officer ☐

Business Name: _____

Business Address: _____

City & State: _____ Zip Code: _____

Residence Address: 6812 CALLE DEL PAZ NORTH

City & State: BOCA RATON FLORIDA Zip Code: 33433

Home Phone: 561-391-1514 Business Phone: ☐ none ☐ Ext. _____

Cell Phone: 561-706-0294 Fax: ☐

Email Address: FRANK - LSS@YAHOO.COM

Mailing Address Preference: ☐ Business ☒ Residence

Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☒ African-American ☒ Caucasian

Section II Continued:

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West Palm Beach, FL 33415

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: 4-16-13

Commissioner's Signature: [Signature] Date: 4/5/13

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

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Email Address: FRANK - L55@YAHOO.COM

Mailing Address Preference: ☐ Business ☒ Residence

Have you ever been convicted of a felony: Yes _____ No ☒

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☒ African-American ☒ Caucasian

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_____	_____	_____	_____
_____	_____	_____	_____

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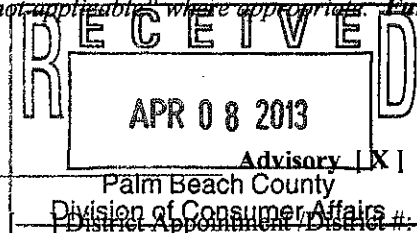
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BOARDS/COMMITTEES APPLICATION**

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Section I (Department): (Please Print)

Board Name: Consumer Affairs Hearing Board



Advisory ☒ Not Advisory ☐

☒ At Large Appointment

or

Palm Beach County
Division of Consumer Affairs
District Appointment/District #:

Term of Appointment: 2 Years.

From: 4/28/13

To: 4/22/15

Seat Requirement:

Seat #:

☐ *Reappointment

or

☒ New Appointment

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APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: LEWIS

FRANK

DALE

Last

First

Middle

Occupation/Affiliation:

RETIRED

Owner ☐

Employee ☐

Officer ☐

Business Name:

Business Address:

City & State

Zip Code:

Residence Address:

City & State

Home Phone:

Cell Phone:

Email Address:

Mailing Address Preference: ☐ Business ☒ Residence

Have you ever been convicted of a felony: Yes _____ No ☒

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☐ Native-American

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☒ Caucasian

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_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR ☒ NONE

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AND

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*Applicant's Signature: Frank Dale Lewis Printed Name: FRANK DALE LEWIS Date: 2-14-2013

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Return this FORM to:

Palm Beach County Consumer Affairs Division
50 S. Military Trail, Suite 201
West Palm Beach, FL 33415

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Cindy L DeStefano for Date: 4/5/13
Comm. Hal Valeche

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

Frank D. Lewis
6812 Calle del Paz North
Boca Raton, Fl. 33433
561-391-1514

SUMMARY:

An experienced manager and administrator with extensive background in the following areas. Project management, budget planning, contract negotiations, human resources, and general office operations.

EDUCATION:

University of Baltimore
Bachelor of Science in Business Management

EXPERIENCE:

Florida Health Choice, Inc. Delray Beach, Florida
Human Resources Manager, January 1994 to June 2000

Responsible for all HR policy at Florida Health Choice. Established employee handbook, procedures, and policy for recruiting, employee relations, benefits administration, position descriptions, and salary administration.

IBM Corporation - Boca Raton, Florida
Administration Manager, 1986 - 1993

Supported the VP of Marketing in all aspects of Human Resources including, salary, performance reviews, manpower planning and coordination of marketing program budget reviews, EOP, and accounts receivable. Established controls for hardware and software loaner programs for the Manufacturing Industry.

Personnel Manager - 1983 - 1985

Negotiated the internal placement and relocation of more than 2000 employees transferring within the corporation. Managed a \$14 million dollar moving and living budget.

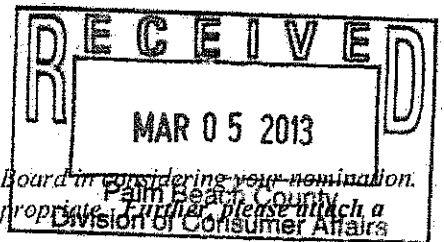
Branch Operations Manager - 1978 - 1982
Richmond, Virginia

Recruited and organized a staff of sixteen people to operate the administrative functions of the Richmond Branch Office. Responsibilities included all order entry, accounts receivable, accounts payable, library maintenance, and affirmative action programs. Fostering a cooperative team spirit for marketing, systems engineers and the support staff to work in a harmonious and efficient operation was my most important contribution.

IBM Corporation - 1969 - 1978

Various nonexempt positions with IBM in Baltimore and Washington, D. C.

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Section I (Department): (Please Print)

Board Name: CONSUMER AFFAIRS HEARING BOARD Advisory ☒ Not Advisory ☐
☒ At Large Appointment or ☐ District Appointment / District #: _____
Term of Appointment: 2 Years. From: 4/23/13 To: 4/22/15
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Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: MOLDOFF HAROLD _____
Last First Middle
Occupation/Affiliation: RETAIL MANAGEMENT - RETIRED
Owner ☒ Employee ☐ Officer ☐
Business Name: YANKEE BARGAIN STORES, INC NO LONGER
Business Address: PLAISTOW NH IN BUSINESS
City & State Zip Code: _____
Residence Address: 2797 MUSKEGON WAY
City & State Zip Code: W. PALM BEACH FL 33411
Home Phone: 561 855-7754 Business Phone: () - Ext. _____
Cell Phone: 561 531-0927 Fax: 561 388-7780
Email Address: HMOLDOFF@COMCAST.NET
Mailing Address Preference: ☐ Business ☒ Residence
Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

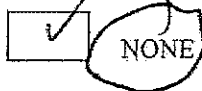
Minority Identification Code: ☐ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR



All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS
☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: [Signature] Printed Name: Harold Molodtsov Date: 3/4/13

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
 {Insert Liaison Name Here}, {Insert Department/Division Here}
 {Insert Address Here}

Section III (Commissioner, if applicable):

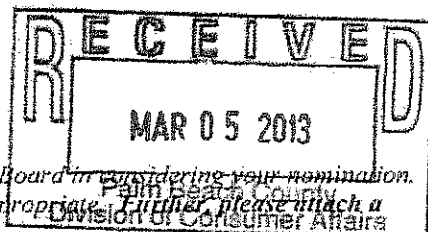
Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: [Signature] Date: 4-8-2013

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION



The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. *Further, please attach a biography or résumé to this form.*

Section I (Department): (Please Print)

Board Name: CONSUMER AFFAIRS HEARING BOARD Advisory ☒ Not Advisory ☐
☒ At Large Appointment or ☐ District Appointment /District #: _____
Term of Appointment: 2 Years. From: 4/23/13 To: 4/22/15
Seat Requirement: _____ Seat #: _____
☐ *Reappointment or ☒ New Appointment
or ☐ to complete the term of _____ Due to: ☐ resignation ☐ other
Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: MOLDOFF HAROLD _____
Last First Middle
Occupation/Affiliation: RETAIL MANAGEMENT - RETIRED
Owner ☒ Employee ☐ Officer ☐
Business Name: YANKEE BARGAIN STORES, INC NO LONGER
Business Address: IN BUSINESS
City & State: PLAISTOW NH Zip Code: _____
Residence Address: 2797 MUSKIEGON WAY
City & State: W. PALM BEACH FL Zip Code: 33411
Home Phone: 561 855-7754 Business Phone: () - Ext. _____
Cell Phone: 561 531-0927 Fax: 561-388-7780
Email Address: HMOLDOFF@COMCAST.NET
Mailing Address Preference: ☐ Business ☒ Residence
Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☐ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

Section II (Continued)

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-433 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

Contract/Transaction No.	Department/Division	Description of Services	Term
Ex: (R&XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12

(Attach Additional Sheets), if necessary)

OR ☒ NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

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☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: [Signature] Printed Name: HEROLD MOLDOFF Date: 3/4/13

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to
 {Insert Liaison Name Here}, {Insert Department/Division Here}
 {Insert Address Here}

Section III (Commissioner, if applicable):

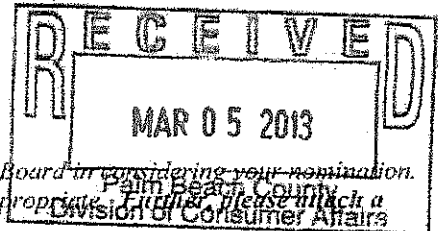
Appointment to be made at BCC Meeting on

Commissioner's Signature: [Signature] Date: 4/5/13

Pursuant to Florida's Public Records Law, this document may be reviewed and photographed by members of the public.

Rev. 09/01/2011

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION



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Term of Appointment: 2 Years. From: 4/23/13 To: 4/22/15
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Owner ☒ Employee ☐ Officer ☐
Business Name: YANKEE BARGAIN STORES, INC NO LONGER
Business Address: PLAISTOW NH IN BUSINESS
City & State Zip Code: _____
Residence Address: 2797 MUSKIEGON WAY
City & State Zip Code: W. PALM BEACH FL 33411
Home Phone: 561 855-7754 Business Phone: () - - Ext. _____
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Email Address: HMOLDOFF@COMCAST.NET
Mailing Address Preference: ☐ Business ☒ Residence
Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☐ Male ☐ Female
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☐ By attending a live presentation given on _____, 20____

AND

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*Applicant's Signature: [Signature] Printed Name: HAROLD MALDOFF Date: 3/4/13

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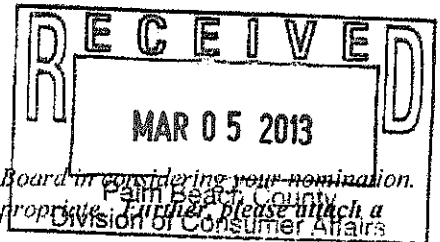
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Commissioner's Signature: [Signature] Date: 4/4/13

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Revised 08/01/2011

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BOARDS/COMMITTEES APPLICATION



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Business Address: PLAISTOW NH IN BUSINESS

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Residence Address: 2797 MUSKIEGON WAY

City & State Zip Code: W. PALM BEACH FL 33411

Home Phone: 561 855-7754 Business Phone: () - Ext. _____

Cell Phone: 561 531-0927 Fax: 561 308-7780

Email Address: HMOLDOFF@COMCAST.NET

Mailing Address Preference: ☐ Business ☒ Residence

Have you ever been convicted of a felony: Yes _____ No ☒

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☐ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

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Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
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(Attach Additional Sheet(s), if necessary)

OR ☒ ☐ NONE

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☐ By attending a live presentation given on _____, 20____

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*Applicant's Signature: [Signature] Printed Name: Harold Moldoff Date: 3/4/13

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Return this FORM to:
 {Insert Liaison Name Here}, {Insert Department/Division Here}
 {Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Cindy L De Zeeppo for Date: 4/5/13
Comm. Hazi Valeche

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

BIO – VOLUNTEER ACTIVITIES

HAROLD MOLDOFF

- 2011-2012** **VOLUNTEER, NEW HAMPSHIRE AARP CONSUMER PROTECTION SPEAKERS BUREAU**
- ASSISTED IN FORMAT OF FORMAL PRESENTATIONS OF CONSUMER AWARENESS OF FRAUDS AND SCAMS**
- ASSISTED IN DEVELOPMENT OF SPEAKERS BUREAU, CURRENTLY AT 15, SPEAKING TO SENIOR GROUPS THROUGHOUT NEW HAMPSHIRE**
- 1996-2012** **ZONING BOARD OF ADJUSTMENT, RYE BEACH, NH PRECINCT, CHAIRMAN FROM 2003-2012**
- 1992-2012** **ACTIVE VOLUNTEER COUNSELOR WITH S.C.O.R.E. (SERVICE CORPS OF RETIRED EXECUTIVES)**
- SERVED AS CHAPTER CHAIR AND MARKETING COORDINATOR FOR SIX NEW ENGLAND STATES**
- 1992-2011** **VOLUNTEER CONSUMER AFFAIRS SPECIALIST WITH NH ATTORNEY GENERAL'S OFFICE, CONCORD, NEW HAMPSHIRE**
- ASSISTED IN DEVELOPMENT AND PRESENTATION OF STATEWIDE PROGRAMS TO CIVIC AND SENIOR GROUPS ON "HOW TO AVOID CONSUMER FRAUD"**
- SIMILAR PROGRAM DIRECTED TO HIGH SCHOOL STUDENTS MAKING THEM AWARE OF POTENTIAL PROBLEMS WHEN BUYING A USED CAR, CREDIT CARD DEBT AND BUYING ON THE INTERNET**

AWARDS

- 2004** **SBA SCORE COUNSELOR OF THE YEAR FOR STATE OF NEW HAMPSHIRE**
- 2005** **NH DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE COMMISSION ON AGING – JOSEPH D. VAUGHN AWARD**
- 2011** **CITATION FROM NEW HAMPSHIRE GOVERNOR JOHN LYNCH FOR VOLUNTEER SERVICE**

BIOGRAPHY - HAROLD MOLDOFF

1952-54 U. S. ARMY

1957 GRADUATE: BOSTON UNIVERSITY, SCHOOL OF BUSINESS BS IN BA

**1954-1982 CAREER IN RETAIL MANAGEMENT INCLUDING FILENE'S; SEARS;
ZAYRE; INTERSTATE STORES AND KINGS DEPARTMENT STORES**

**1982-1990 OWNER/OPERATOR SIX (6) RETAIL DISCOUNT STORES IN
NEW HAMPSHIRE AND MASSACHUSETTS.**

1990 RETIRED

PALM BEACH COUNTY
CONSUMER AFFAIRS HEARING BOARD (CAHB)
CURRENT "AT LARGE" MEMBER LIST (For Internal Use only)

Updated April 2, 2013

SEAT #	MEMBER NAME Contact Information	NOMINATED BY	SEAT REQUIREMENT	Initial Appointment Date Reappointment Date	TERM EXPIRES	CURRENT TERM	ELIGIBLE FOR REAPPOINTMENT	Diversity/Gender
1	VACANT		Attorney					
2	VACANT		Chamber of Commerce					
3	VACANT		Certified Contractor					
4	Athavale, Manohar 8712 S. Kendale Circle Lake Worth, FL 33467 561-304-2533 (h) 561-212-7781 (c) 561-304-2818 (fax)	Commissioner Vana	Resident of Palm Beach County	05/04/11	05/03/13	1	YES	Asian / Male
5	VACANT		Management of Business (5 yrs experience)					
6	Waldron, Jr. James Turner 1425 39 th Street West Palm Beach, FL 33407 561-881-0091 (h) 561-685-3452 (c)	Commissioner Taylor	Resident of Palm Beach County	03/09/10 12/18/12	 12/17/14	 2	YES	African American / Male
7	VACANT		Resident of Palm Beach County					
8	Murphy, Harold 13245 Compton Rd. Loxahatchee, FL 33470 561-662-0025 (c) 561-686-8307 (fax)	Commissioner Santamaria	Special Technical	05/18/10 12/18/12	 12/17/14	 2	YES	White / Male
9	Milstein, Herbert 7379 London Lane Boca Raton, FL 33433 561-391-9551 (h)	Commissioner Abrams	Special Technical	04/10/07 12/20/11	 01/13/13	 3	NO	White / Male

ORDINANCE NO. 77-10

AMENDED
Sec 9 75-1
~~72-2~~
74-4
74-22
72-2

AN AMENDED ORDINANCE TO BE DESIGNATED THE CONSUMER AFFAIRS ORDINANCE OF PALM BEACH COUNTY OF 1977; PROVIDING DEFINITIONS OF TERMS; PROVIDING FOR UNFAIR OR DECEPTIVE TRADE ACTS OR PRACTICES; PROVIDING FOR THE CREATION OF A CONSUMER AFFAIRS BOARD; PROVIDING FOR THE POWERS OF CONSUMER AFFAIRS BOARD; ESTABLISHING THE CONSUMER AFFAIRS OFFICE; CREATING AN EXECUTIVE DIRECTOR; PROVIDING FOR ASSURANCES OF VOLUNTARY COMPLIANCE; PROVIDING FOR OPERATING PROCEDURES UNDER THIS ORDINANCE; PROVIDING FOR CEASE AND DESIST ORDER; PROVIDING FOR ORDER TO SHOW CAUSE; PROVIDING FOR ADMISSIBLE EVIDENCE; PROVIDING FOR BOARD ORDER; PROVIDING FOR JUDICIAL REVIEW OF BOARD ACTIONS; PROVIDING FOR ENFORCEMENT; CREATING A CONSUMER ADVOCATE; PROVIDING FOR THE ADOPTION BY REFERENCE OF CERTAIN STATUTES; PROVIDING FOR THE RETENTION OF OTHER RIGHTS AND REMEDIES; PROVIDING FOR EXEMPTIONS FROM THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, as amended, authorizes the Board of County Commissioners of Palm Beach County to provide and maintain for the citizens and visitors of said County standards which will insure their health, welfare, and well being; and

WHEREAS, the protection of the citizens and visitors of Palm Beach County from unfair and deceptive trade acts or practices is necessary in the general interest of the public and to promote the general welfare; and

WHEREAS, Section 125.01, Florida Statutes, provides that the Board of County Commissioners may adopt ordinances and resolutions as may be necessary to the exercise of their powers; and

WHEREAS, the existence of previously unforeseen deceptive business practices has come to the attention of the Board of County Commissioners; and

WHEREAS, it is the intent of the Board of County Commissioners of Palm Beach County to improve consumer protection in Palm Beach County while maximizing the efficient utilization of available resources:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

This Ordinance shall be designated and may be cited as the (Amended) Consumer Affairs Ordinance of Palm Beach County of 1977.

SECTION 1. DEFINITIONS

The following words when used in this Ordinance shall have the following meanings ascribed to them unless the text requires or specifies a different meaning:

A. "Person" shall include, where applicable, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity whatsoever.

B. "Consumer" shall mean a purchaser or lessee or prospective purchaser or lessee of consumer goods or services or consumer credit, including a co-obligor or surety.

C. "Consumer goods, services, credit and debts" shall mean goods, services, credit and debts which are primarily for personal, household, or family purposes.

D. "Consumer transaction" shall mean a sale, lease, assignment, award by chance or other commercial disposition of any item of goods, a consumer service, or an intangible instrument or commodity, to any individual for purposes that are primarily personal, family or household, or that relate to a business opportunity that requires either the consumer's expenditure of money or property and/or his or her personal services on a continuing basis and in which he or she has not been previously engaged, or solicitation by a supplier with respect to any of the foregoing dispositions.

E. "Unfair or deceptive trade acts or practices" shall mean unfair methods of competition and unfair deceptive acts or practices in the conduct of any consumer transaction and shall include but are not limited to the following:

(1) representations that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have;

(2) representations that a person or supplier has a

1 sponsorship, approval, status, affiliation or connection which
2 he or she does not have;

3 (3) representations that goods are original or new
4 if in fact they are not, or if they are deteriorated, altered,
5 reconditioned, reclaimed, or second-hand;

6 (4) representations that goods are of a particular
7 standard, brand, quality, style, or model, if they are of another;

8 (5) representations that goods or services are
9 those of another, if they are not;

10 (6) using deceptive representations or designations
11 of geographic origin in connection with goods or services;

12 (7) advertising goods or services intending not
13 to sell them as advertised;

14 (8) advertising goods or services with intent not
15 to supply reasonable expectable public demand, unless the
16 advertisement discloses a limitation of quantity;

17 (9) making false or misleading statements concerning
18 the need for, or necessity of, any goods, services, replacements,
19 or repairs;

20 (10) disparaging the goods, services, or business
21 of another by false or misleading representations of fact;

22 (11) making false or misleading statements of fact
23 concerning the reasons for the existence of, or amounts of price
24 reductions;

25 (12) failing to return or refund deposits or
26 advance payments for goods not delivered or services not rendered,
27 when no default or further obligation of persons making such
28 deposits or advance payments exists;

29 (13) taking consideration for goods or services
30 intending not to deliver such goods or perform such services,
31 or intending to deliver goods or provide services materially
32 different from those ordered or sold;

33 (14) making false or misleading statements
34 concerning the profitability, risk, or any other material aspect
35 of any home-operated business opportunity or venture;

36

1 (15) offering gifts, prizes, free items, or other
2 gratuities, intending not to provide them as offered in connection
3 with a sale of goods or services to a consumer;

4 (16) making false or misleading statements
5 concerning the existence, terms, or probability of any rebate,
6 additional goods or services, commission, discount offered as an
7 inducement for the sale of goods or services;

8 (17) using physical force, threat of physical
9 force, or coercion in dealing with consumers;

10 (18) any violation of the Florida Deceptive and
11 Unfair Trade Practices Act, Section 501.201 et seq., Florida
12 Statutes;

13 (19) advertising, representing, or offering for
14 sale an article of food or food product as "kosher" or having
15 the word "kosher" in any language inscribed thereon if such food
16 is not in fact kosher as sanctioned by orthodox Hebrew religious
17 requirements, and

18 (20) selling or exposing for sale in any hotel,
19 restaurant or other place where food products are sold for
20 consumption on the premises, any meat or meat preparation, or
21 article of food, or food preparation falsely representing the
22 same to be kosher or as having been prepared in accordance with
23 the orthodox Hebrew religious requirements when the meat or meat
24 preparation, article of food or food preparation is not kosher
25 or not prepared in accordance with orthodox Hebrew religious
26 requirements; or selling or exposing for sale in such hotel,
27 restaurant or such other place both kosher and non-kosher food
28 or food preparation, the latter having not been prepared in
29 accordance with Jewish ritual or not sanctioned by the Hebrew
30 orthodox religious requirements and failing to conspicuously
31 display a sign or other public notice in block letters at least
32 four inches in height "kosher and non-kosher food served here;"
33 or displaying within or outside such hotel, restaurant or other
34 place or on a window or door thereof, or in handbills or other
35 printed matter distributed in or outside such hotel, restaurant
36

77-10

1 or other place, words or letters in Hebraic characters or any
2 sign, emblem, insignia, symbol or mark in simulation of same, the
3 display of which might reasonably be calculated to deceive or
4 lead a reasonable person to believe that a representation is
5 being made that all food sold or offered for sale on the premises
6 is kosher and prepared in accordance with the orthodox Hebrew
7 religious requirements if such is not true of all the food products
8 sold on the premises.

9 F. "Merchant" means a seller, lessor, creditor or any
10 person who makes available either directly or indirectly goods,
11 services, or credit to consumer. "Merchant" shall include
12 manufacturers, wholesalers and others who are responsible for any
13 unfair or deceptive trade acts or practices as defined in this
14 Ordinance.

15 G. "Board" shall mean the Consumer Affairs Board of
16 Palm Beach County.

17 H. "Office" shall mean the Consumer Affairs Office of
18 the County.

19 I. "Director" shall mean the executive director of the
20 Consumer Affairs Office.

21 K. "Consumer Advocate" shall mean the Assistant
22 County Attorney designated to assist the Consumer Affairs Office.

23 SECTION 2. UNFAIR OR DECEPTIVE TRADE ACTS OR PRACTICES.

24 No person shall engage in any unfair method of competi-
25 tion or unfair or deceptive act or practice in the conduct of any
26 consumer transaction. A person engages in an unfair method of
27 competition or deceptive trade act or practice when in the course
28 of his or her business, vocation or occupation, he or she knows or
29 in the exercise of care should know, that he or she has in the past
30 engaged in or is now engaging in any unfair method of competition or
31 deceptive acts or practices in the conduct of any trade or
32 commerce as herein defined.

33 SECTION 3. CONSUMER AFFAIRS BOARD.

34 A. A Palm Beach County Consumer Affairs Board is
35 hereby created and established. The members of this Board shall

1 be citizens of the United States and qualified electors of Palm
2 Beach County. Members of this Board shall not hold any other
3 public office or public employment and shall not be interested
4 financially in the profits or emoluments of any contract, work
5 or service for the County. While serving as a member of the
6 Consumer Affairs Board, no member shall become a candidate for
7 election to, or hold any other public or governmental office,
8 and shall not be a member of any national, state or local
9 committee of a political party, or take part in any campaign,
10 except to exercise his opinions and to cast his vote. Members
11 shall abstain from voting on any matter in which they have a
12 financial interest with Palm Beach County or any person or agency
13 acting for Palm Beach County.

14 B. The Consumer Affairs Hearing Board shall consist
15 of nine (9) members appointed by the entire Board of County
16 Commissioners. In order to provide continuity, initial
17 appointments shall be for staggering terms as follows: three (3)
18 members for one (1) year terms, three (3) members for two (2) year
19 terms, three (3) members for three (3) year terms. All
20 appointments thereafter shall be for a period of two (2) years
21 unless removed for grounds hereinafter stated. Each member shall
22 be eligible for reappointment and shall hold office until his
23 successor is duly appointed and qualified. No member shall serve
24 more than a total of six (6) years. Vacancies shall be filled
25 for the unexpired term. Members serve without compensation.

26 The composition and representative membership of the
27 Hearing Board shall be as follows:

28 (1) At least one (1) member shall be an attorney,
29 licensed to practice in the State of Florida, who shall be a
30 member of the Palm Beach County Bar Association.

31 (2) At least one (1) member shall be a
32 businessperson, or retired businessperson, who may be recommended
33 to the Board of County Commissioners by any Chamber of Commerce in
34 Palm Beach County.

35 (3) At least one (1) member shall be a certified
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1 general, building or residential contractor, who resides and
2 does business in Palm Beach County. This individual should be
3 knowledgeable of home building and may be recommended to the
4 Board of County Commissioners by the Home Builders and Contractors
5 Association, the Associated Builders and Contractors Association,
6 the Florida Atlantic Builders Association, Association of General
7 Contractors of America, or a similar organization.

8 (4) At least one (1) member, who may be retired,
9 who is a resident of Palm Beach County with at least five (5)
10 years experience in the operation or management of a business.

11 (5) At least three (3) members shall be residents
12 of Palm Beach County interested in Consumer Affairs, and

13 (6) The remaining two (2) members may be
14 selected on the basis of their expertise or knowledge in technical
15 fields relating to consumer transactions. Examples of individuals
16 with such expertise would include persons with experience in the
17 Plumbing and Air-conditioning Contractors Industry Fund, the
18 Florida Electronic Service Agents, the electrical industry, the
19 automotive industry or similar industry.

20 C. Any member of the Consumer Affairs Board may be
21 removed from office by majority vote of the entire membership of
22 the Board of County Commissioners for malfeasance, misfeasance,
23 or nonfeasance in office, upon specific charges filed with the
24 Commission. However, before a member may be removed he or she must
25 be served with a copy of the charges filed against him or her at
26 least ten (10) days before action thereon by the Commission and
27 given an opportunity to be heard in person, or by counsel, at a
28 public hearing, if requested in writing. Any member of the Consumer
29 Affairs Board shall be automatically removed from office upon
30 three (3) consecutive unexcused absences from duly called Board
31 meetings.

32 D. The members of the Consumer Affairs Hearing Board
33 shall elect a Chairman. The Hearing Board must have at least
34 five (5) members present to constitute a quorum. Hearings may be
35 called by either the Chairman, the Executive Director or upon
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1 written notice signed by at least five (5) members of the Hearing
2 Board. At any hearing the Board may fix and call a hearing on a
3 future date. All hearings shall be public. Hearings of the
4 Consumer Affairs Hearing Board shall be held no less frequently
5 than once every one hundred and twenty (120) days. In the event
6 there are no proposed violations of the Ordinance to resolve, the
7 Executive Director of Consumer Affairs shall submit to the
8 Hearing Board a status report on the pertinent activities of the
9 Palm Beach County Department of Consumer Affairs.

10 E. Any appeal of a decision rendered by the Consumer
11 Affairs Hearing Board regarding a violation of Chapter 501 shall
12 be directed to the Florida State Department of Legal Affairs
13 with subsequent judicial review through the District Courts of
14 Appeal. Adjudications of the Consumer Affairs Board of substantive
15 violations of this Ordinance shall be appealed to the Circuit
16 Court of the Fifteenth Judicial Circuit by Writ of Certiorari.

17 SECTION 4. POWERS OF CONSUMER AFFAIRS BOARD.

18 The Board shall have the following authority and powers:

19 (1) To carry out the adjudicatory functions pertain-
20 ing to alleged unfair or deceptive trade acts or practices as
21 provided for in Section 11 of this Ordinance;

22 (2) To assist, advise and cooperate with the
23 Board of County Commissioners and local, state and federal agencies
24 and officials to protect the interests of the consumer public;

25 (3) To render decisions or take action in the name
26 of the Board only upon approval of a majority of the quorum of
27 members of said Board;

28 (4) To hear appeals by persons aggrieved by actions
29 of the Consumer Affairs Office not already referred to the State
30 Attorney for criminal prosecution. The Board shall reach a prompt
31 decision on all such appeals, and may affirm, reverse or modify the
32 action or decision appealed from, provided that such decision shall
33 not be in conflict with the provisions of this Ordinance.

34 (5) To exercise and perform such other functions,
35 powers and duties as may be deemed necessary or appropriate to

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1 protect and promote the welfare of Palm Beach County consumers. 77-10

2 SECTION 5. CONSUMER AFFAIRS OFFICE.

3 There is hereby created the Consumer Affairs Office as a
4 department of the County.

5 SECTION 6. EXECUTIVE DIRECTOR OF CONSUMER AFFAIRS OFFICE.

6 The Executive Director of the Consumer Affairs Office
7 shall be a County employee under the supervision and control of
8 the County Administrator of Palm Beach County.

9 SECTION 7. POWERS OF EXECUTIVE DIRECTOR.

10 The functions and powers of the Executive Director of
11 the Consumer Affairs Office shall include the following:

12 (1) To receive complaints from all persons
13 complaining of unfair or deceptive trade acts or practices as
14 defined in this Ordinance;

15 (2) To represent the interests of consumers before
16 administrative and regulatory agencies and legislative bodies;

17 (3) To enforce the provisions of the Ordinance;

18 (4) To investigate complaints, institute actions
19 and proceedings under this Ordinance;

20 (5) To conduct appropriate surveys and inspections
21 to determine whether the provisions of this Ordinance are being
22 complied with;

23 (6) To report to the appropriate law enforcement
24 officers any information concerning violations of any consumer
25 protection law;

26 (7) To render annual reports to the Board of
27 County Commissioners as to the number of complaints filed, the
28 nature thereof and the disposition thereof and other relevant
29 activities of the office and the Board undertaken during the
30 previous year;

31 (8) To publicize and disseminate information to
32 the public concerning consumer affairs and to recommend methods
33 for improvement thereof;

34 (9) To enlist and encourage public support, and the
35 assistance of civic organizations and the cooperation of business
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1 enterprises and organizations in consumer affairs;

2 (10) To make periodic reports concerning the status
3 of consumer affairs in Palm Beach County and the enforcement of
4 the provisions of this Ordinance, and recommendations concerning
5 consumer protection. Such reports shall be made to the Consumer
6 Affairs Board and to the Board of County Commissioners of Palm
7 Beach County;

8 (11) To prepare assurances of voluntary compliance
9 as provided for in Section 8 of this Ordinance;

10 (12) To assist, develop and conduct programs of
11 consumer education and information through public hearings,
12 meetings, publications or other materials prepared for distribution
13 to the consumer;

14 (13) To file with the Consumer Affairs Board
15 complaints for which he or she has determined there are grounds to
16 believe an unfair or deceptive trade act or practice has occurred.
17 SECTION 8. ASSURANCE OF VOLUNTARY COMPLIANCE.

18 In the enforcement of this Ordinance, the Director may
19 accept an assurance of voluntary compliance with respect to any
20 method, act, or practice deemed to be violative of law from any
21 person who has engaged, or was about to engage in, such method, act,
22 or practice. Any such assurance shall be a formal written
23 agreement between the Office of Consumer Affairs and the merchant,
24 approved as to form and legal sufficiency by either the Consumer
25 Advocate or the County Attorney, and filed with the Clerk of the
26 Circuit Court of the Fifteenth Judicial Circuit. Such assurances
27 of voluntary compliance may be conditioned on a commitment to
28 reimburse consumers or any other appropriate corrective action
29 such as the voluntary payment by the merchant of the costs of
30 the investigation by the Office of Consumer Affairs. An
31 assurance is not evidence of prior violation of this part,
32 however, unless an assurance has been rescinded by agreement of
33 the parties or voided by the Court for good cause; subsequent
34 failure to comply with the terms of an assurance shall be deemed
35 prima facie evidence of a violation of this Ordinance. No such
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1 assurance shall act as a limitation upon any action or remedy
2 available to a person aggrieved by a violation of this Ordinance.

3 Every merchant desiring to negotiate an assurance of
4 voluntary compliance shall be apprised of his or her right to
5 have his or her case heard by the Consumer Affairs Hearing Board
6 in the event he or she does not wish to enter into such
7 assurance of voluntary compliance.

8 SECTION 9. OPERATING PROCEDURES.

9 A. Any consumer may make or file a complaint stating
10 the name and address (if known) of the person alleged to have
11 committed the violation complained of and the particulars thereof,
12 and such other information as may be required by the Office of
13 Consumer Affairs.

14 B. Upon the filing of a complaint, the Executive
15 Director shall cause such investigation as he or she deems
16 appropriate to be made. If the Executive Director determines that
17 there are reasonable grounds to believe a violation has occurred,
18 he or she may attempt to conciliate the matter through conferences
19 with all interested parties and such representatives as the parties
20 may choose to assist them.

21 C. If the Executive Director determines that there are
22 no reasonable grounds to believe that a violation has occurred,
23 he or she may dismiss the complaint or order such further investi-
24 gation as may be necessary.

25 SECTION 10. CEASE AND DESIST ORDER.

26 [Notice of Non-Compliance]

27 If the Director, after due investigation, has reason to
28 believe that a person has been or is violating any of the
29 provisions of this Ordinance, then the Director shall cause to
30 be served upon such person a demand to cease and desist, stating
31 the charges and containing a Notice of Hearing to be held not
32 sooner than ten (10) days and not later than thirty one (31) days
33 after service of the demand.

34 (1) Official Notice of Hearing, which shall be by
35 personal service, certified mail or posting in a conspicuous

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1 ice at the merchant's place of business, shall incorporate and
2 set out the following:

3 (a) The name of the complainant;

4 (b) The alleged charge and approximate date of
5 the commission of the act;

6 (c) The section of the Ordinance alleged to be
7 involved;

8 (d) Notification as to the time and place of the
9 Board hearing which shall be held not sooner than ten (10) days
10 and not later than thirty one (31) days after service of the
11 demand;

12 (e) Notice to the respondent that he or she may be
13 represented by counsel, and that he or she may bring all original
14 documents and other data pertinent to the case, and,

15 (f) That he or she will be given an opportunity to
16 present witnesses and evidence he or she may deem appropriate.

17 SECTION 11. ORDER TO SHOW CAUSE.

18 [Board Hearing]

19 The person so complained of shall have the right to
20 appear at the place and time so fixed and show cause why the
21 demand for the cease and desist order should not be upheld by the
22 Hearing Board.

23 SECTION 11 A. EVIDENCE.

24 A. The Board shall give probative effect to the
25 evidence which would be admissible to civil proceedings in the
26 courts of this state, but in receiving evidence due regard shall
27 be given to the competent, reliable and technical evidence which
28 will aid the Board in making a fair determination of the matter,
29 regardless of the existence of any common law or statutory rule
30 which might otherwise make improper the admission of such
31 evidence.

32 (1) Hearsay evidence may be used for the purpose
33 of supplementing or explaining any direct evidence but shall not
34 be sufficient in itself to support a finding unless it would be
35 admissible in a civil action.

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1 (2) The rules of privilege shall be effective to
2 the same extent that they are now or hereafter may be recognized
3 in civil actions.

4 (3) Irrelevant and unduly repetitious evidence
5 shall be excluded.

6 (4) At the hearing the parties may present
7 testimony and evidence, and the right to cross examine witnesses
8 shall be preserved. All testimony and evidence shall be given
9 under oath or by affirmation.

10 (5) The Board shall keep a full record of the
11 hearing, which record shall be public and open to inspection by any
12 person, and upon request by any principal party to the proceedings
13 the Board shall furnish such party a copy of the hearing record,
14 at such cost as the Commission deems appropriate.

15 B. The general procedure for the hearing shall be
16 as set forth above and as well, each party shall have the
17 following rights:

18 (1) to call and examine witnesses;

19 (2) to introduce exhibits;

20 (3) to cross examine opposing witnesses on any
21 relevant matter even though the matter was not covered under direct
22 examination;

23 (4) to impeach any witness regardless of which
24 party first called him or her to testify; and

25 (5) to rebut the evidence.

26 SECTION 11 B. BOARD ORDER.

27 A. After due public hearing, the Board shall issue its
28 order based on the greater weight of the evidence, either issuing
29 an Order to Cease and Desist, or dismissing the demand. Any
30 Order to Cease and Desist shall contain any findings of fact
31 supporting the Order and recommendations for compliance the Board
32 may have. The Order to Cease and Desist shall contain an order
33 of abatement framed in the manner of a writ of injunction.

34 (1) If, at the conclusion of the hearing, the
35 Board orders a dismissal of the demand, and that the person
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1 complained against has not violated this Ordinance the Board shall
2 so state and shall publish its findings and issue its order
3 dismissing the demand.

4 B. To establish a cause of action under this Ordinance
5 it need not be shown that consumers were actually injured.

6 SECTION 12. ENFORCEMENT.

7 A. It shall be the duty and responsibility of all law
8 enforcement officials to assist in the enforcement of this
9 Ordinance to the extent that it is within their jurisdiction to
10 do so.

11 B. In addition to the procedures established elsewhere
12 in this Ordinance, at any time after a complaint has been filed,
13 in order to preserve the status quo or to prevent irreparable
14 harm, the Executive Director may take whatever action is
15 necessary to preserve such status quo or to prevent such
16 irreparable harm, including, but not limited to, seeking
17 temporary restraining orders and preliminary injunctions, without
18 bond.

19 C. Whenever any person has engaged in any acts or
20 practices which constitute violations of any provision of this
21 Ordinance, the Consumer Advocate, on behalf of the Board of
22 County Commissioners of Palm Beach County, may make application
23 to the Circuit Court of the Fifteenth Judicial Circuit for an
24 order enjoining such acts or practices and for an order granting
25 a permanent injunction, restraining order, or other order
26 enjoining such acts or practices; said orders to be granted
27 without bond.

28 SECTION 13. CONSUMER ADVOCATE.

29 A. The County Attorney of Palm Beach County shall
30 designate one Assistant County Attorney to serve as the Consumer
31 Advocate. Said person shall serve as the prosecuting attorney
32 for the Board and Office of Consumer Affairs and shall assist in
33 the negotiation of, and preparation of assurances of voluntary
34 compliance. Said person, when requested, shall assist in the
35 supervision of investigations and shall render such additional
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1 assistance as may be requested by the Chairman of the Board and/or
2 Executive Director.

3 B. All legal-style documents used either by the
4 Director, Hearing Board, or the Office of Consumer Affairs shall
5 be stamped and signed by the County Attorney as to form and
6 legal sufficiency.

7 SECTION 14. ADOPTION BY REFERENCE OF CERTAIN STATUTES.

8 A. All statutes of the State of Florida and rules
9 adopted thereunder defining and prohibiting false advertising and
10 offenses relating to consumer protection, trade standards, and
11 weights and measures, defined by State law, are adopted and
12 incorporated by reference as part of this article to the same
13 extent and the same effect as if the provisions of each such
14 statute were set out in full herein, defining and prohibiting each
15 such offense against the State to be prohibited by, or an offense
16 in violation of this Ordinance. This shall include, but is not
17 limited to Part II of Chapter 501, Florida Statutes, and all rules
18 adopted pursuant to Section 501.205, Florida Statutes. Chapter
19 817, Florida Statutes, is hereby adopted by reference. It is the
20 intent of this Ordinance that due consideration and great weight
21 be given to the interpretation of the FEDERAL TRADE COMMISSION
22 and the Federal Courts relating to Section 5(a)(1) of the
23 FEDERAL TRADE COMMISSION ACT (15 USC 45 (a)(1)), as from time to
24 time amended.

25 B. Rules having the force and effect of law as authorized
26 under Sections 4, 5, and 6 of the Fair Packaging and Labeling Act
27 (P.L. 89-755) that supersede state and local laws which are less
28 stringent than or require information different from said Act,
29 are hereby adopted by reference, as published in the Federal
30 Register as part of this Ordinance. No person shall distribute
31 or cause to be distributed, offer for sale, or sell in this
32 County any packaged consumer commodity unless in conformity with
33 the Fair Package and Labeling Act and/or the rules which shall be
34 established by the promulgating authority.

1 SECTION 15. OTHER RIGHTS AND REMEDIES.

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2 Nothing herein shall prevent any person from exercising
3 any right or seeking any private remedy to which he might otherwise
4 be entitled, or from filing any complaint with any other agency.

5 SECTION 16. EXEMPTIONS.

6 Nothing in this Ordinance shall apply to any television
7 or radio broadcasting station or to any publisher or printer of a
8 newspaper, magazine, or other form of printed advertising, which
9 broadcasts, publishes, or prints such advertisements, except in-
10 sofar as said station or publisher or printer is guilty of
11 deception in the sale, or in the offering for sale of its own
12 services, or to actions or transactions regulated under laws
13 administered by the Florida Public Service Commission.

14 SECTION 17. INCLUSION IN CODE.

15 It is the intention of the County Commission, and it is
16 hereby ordained, that the provisions of this Ordinance shall
17 become and be made a part of the Code of Laws and Ordinances of
18 Palm Beach County, Florida; that the sections of this Ordinance
19 may be renumbered or relettered to accomplish such intention;
20 and that the word "ordinance" may be changed to "section,"
21 "article," or other appropriate word.

22 SECTION 18. APPLICABILITY.

23 It is hereby provided that this Ordinance shall
24 constitute a uniform law applicable in all the unincorporated
25 and incorporated areas of Palm Beach County, Florida, to the
26 extent permitted by the Florida Constitution, Article VIII,
27 Section 1.

28 SECTION 19. REPEALING LAWS IN CONFLICT HEREWITH.

29 All special laws applying to and within this County and
30 general laws applying only to this County, and any general law
31 which this Board of County Commissioners is specifically authorized
32 by Article VIII of the Florida Constitution to supersede, nullify
33 or amend, or any part of such ordinances, resolutions or laws,
34 in conflict with any provision of this Ordinance, are hereby
35 repealed.

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1 SECTION 20. SEVERABILITY.

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2 If any section, sub-section, sentence, clause or
3 provision of this Ordinance is held invalid, the remainder of
4 this Ordinance shall not be affected by such invalidity.

5 SECTION 21. PENALTIES.

6 Violations of this Ordinance shall be punishable as a
7 misdemeanor in accordance with Section 125.69, Florida Statutes.
8 Each day of a continuing violation shall be considered a
9 separate offense punishable by fine of up to Five Hundred Dollars
10 (\$500.00) or sixty (60) days imprisonment in the County Jail.

11 SECTION 22. EFFECTIVE DATE.

12 The provisions of this Ordinance shall become effective
13 upon receipt from the Florida Department of State of official
14 acknowledgment that this Ordinance has been filed with the
15 Department of State.

16 PASSED AND ADOPTED: This 27th day of December, 1977.

17 Approved as to form
18 Legal Sufficiency

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

19 *Lawrence Lange*

By *Lake Lytal*
Chairman

20
21 Acknowledged by the Department of State of the State of Florida,
22 on this the 9th day of January, 1978.
23 @ 9:26 A.M.

24 RECEIVED BY SECRETARY OF STATE ON January 3, 1978.
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