

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

BOARD APPOINTMENT SUMMARY

Meeting Date: January 14, 2014
Department: Florida Department of Health in Palm Beach County
Submitted by: Office of County Attorney
Advisory Board Name: Environmental Control Hearing Board

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: Appointment of the following individual to the Palm Beach County Environmental Hearing Board for a term of three (3) years beginning on January 14, 2014 and ending on January 13, 2017.

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Alicia M. Phidd, Esq.	1	Attorney	Palm Beach County Bar Assoc.

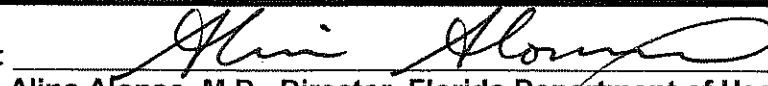
Summary: The Board is composed of five members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. Countywide (P.E.)

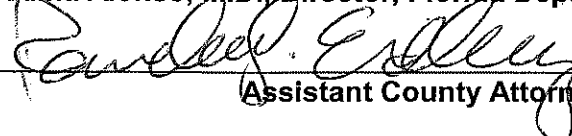
Background and Justification: Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board. This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board. The Palm Beach County Bar Association recommended Alicia Phidd, Esq.

This Board consists of five (5) members: currently, three (3) white males, one (1) black female (nominee), and one vacant seat.

Attachments:

1. Recommendation letter from Palm Beach County Bar Association
2. Boards/Committees Application
3. Resume
4. Current List of Board Members
5. Pages 10 and 11 of Chapter 77-616, Laws of Florida
6. Article 2, Chapter G, Section 3E, Unified Land Development Code
7. Page 2, PBC Resolution 92-123

Recommended by:  12/10/13
Alina Alonso, M.D., Director, Florida Department of Health in PBC Date

Legal Sufficiency:  12/16/2013
Assistant County Attorney Date



PALM BEACH COUNTY BAR ASSOCIATION

ESTABLISHED 1922

1507 BELVEDERE ROAD
WEST PALM BEACH, FL 33406
TELEPHONE: (561) 687-2800
FAX: (561) 687-9007
www.palmbeachbar.org
e-mail: info@palmbeachbar.org

JILL G. WEISS
PRESIDENT
THEODORE S. KYPREOS
PRESIDENT ELECT
ROSALYN SIA BAKER-BARNES
GREGORY P. HUBER
JESSICA CALLOW MASON
ROBERT "LEE" McELROY IV
JAMES G. PRESSLY III
EDWARD D. "NED" REAGAN
JOHN R. WHITTLES
DEAN XENICK
DIRECTORS

PATIENCE A. BURNS, CAE
EXECUTIVE DIRECTOR

REPLY TO:

November 21, 2013

JULIA WYDA
YOUNG LAWYERS SECTION PRESIDENT
TODD S. STEWART
NORTH COUNTY SECTION PRESIDENT
ADAM T. RABIN
IMMEDIATE PAST PRESIDENT
GARY S. LESSER
RONALD P. PONZOLI
DAVID C. PRATHER
MICHELLE R. SUSKAUER
EX OFFICIO MEMBERS - FL BAR BOARD OF GOVERNORS MEMBERS
ROBIN I. BRESKY
EX OFFICIO MEMBER - SOUTH PALM BEACH COUNTY BAR ASSOCIATION PRESIDENT

Barbara L. Sullivan, Clerk
Environmental Control Hearing Board
P.O. Box 29
West Palm Beach, FL 33402

Dear Barbara

This is to advise you that the Palm Beach County Bar Association has appointed Alicia Phidd to the Environmental Control Hearing Board.

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

Sincerely yours,

Patience A. Burns, CAE
Executive Director

PAB: kdc

**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 resume to this form***

Section I (Department): (Please Print)

Board Name: Environmental Control Hearing Board Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: 3 Years. From: 2-01-14 To: 1-31-17

Seat Requirement: PALM BEACH COUNTY BAR ASSOCIATION Seat #: 1

*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: PHIDD ALICIA M.
Last First Middle

Occupation/Affiliation: Attorney
Owner Employee Officer

Business Name: _____

Business Address: _____

City & State: _____ Zip Code: _____

Residence Address: 9605 Capondra Avenue #305

City & State: Palm Beach Gardens Zip Code: 33418

Home Phone: () _____ Business Phone: () _____ Ext. _____

Cell Phone: 661 900 6893 Fax: () _____

Email Address: phidda@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: _____

N/A

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

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 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
<u>None</u>	<u>None</u>	<u>None</u>	<u>None</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.palmbeachcountvethics.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: Alicia Rhoads Printed Name: Alicia Rhoads Date: 06/29/2013

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

Return this FORM to:
Barbara Sullivan, Palm Beach County Health Department
P.O. Box 29, 800 Clematis St., West Palm Beach, FL 33402

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

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

Revised 08/01/2011



Profile *Alicia Phidd Esq.*

Corporate Attorney/Commercial Litigator, Post Office Box 14391, North Palm Beach, FL 33408
www.aliciaphidd.com info@aliciaphidd.com (561) 900-6893

Synopsis

AREAS OF EXPERTISE

- 1 Complex Commercial Disputes
- 2 Employment Law
- 3 Contract Drafting & Review
- 4 Intellectual Property
- 5 Business Compliance & General Corporate Counsel Duties

"Ms. Phidd pays attention to details and is results oriented."

Bar Admissions

- Florida Bar
- U.S. District Court, Middle District
- U.S. District Court, Southern District
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Fourth Circuit

Education

- J.D., St. Thomas University School of Law
- M.P.S., Environmental Studies, SUNY at Stony Brook
- Graduate Certificate, Solid Waste Management, SUNY at Stony Brook
- B.Sc., Chemistry, SUNY at Stony Brook

Noted High Profile Cases

- **Fed. Court**-Associate Attorney-Filed Intellectual Property Lawsuit on behalf of Chubby Checker vs. Hewlett Packard, 2013
- **State Court**-Associate Attorney-Defended Don King Productions, Inc. & dissolved Injunction filed by boxer against it.-2012

Experience

- Negotiated multi-million dollar real estate commercial transactions
- Argued motions in multi-billion dollar lawsuit
- Drafting and reviewing contracts
- Advise clients on regulatory compliance
- Managing outside litigation counsel
- Employment law and policy consultation to corporations.
- Executing transactional & litigation of trademark and other intellectual property matters
- Excellent legal research and writing
- Litigating complex breach of contract actions
- Drafting motions, memoranda of law, research and pleadings
- Utilize discovery tools to move claims through to trial.
- Host status conferences on direction of case and plan litigation strategies.

My Favorite Motto

- Chance Favors the Prepared Mind-Louis Pasteur

Alicia M. Phidd, Esq.

9605 Capendon Avenue, #305, Palm Beach Gardens, Florida 33418

Phone: 561-900-6893*Email: phidda@yahoo.com

OBJECTIVE

To serve as the attorney volunteer on the five member hearing board of the Palm Beach County Environmental Control Hearing Board.

EDUCATION

DEGREE:

Juris Doctor

St. Thomas University School of Law, Miami, FL

1998

- **Honors:** Phi Delta Phi Legal Honor Society, Dean's List, Book Award in Civil Procedure for Academic Achievement, Dan Bradley Memorial Scholarship, Who's Who: American Law Students 17th Edition.
- **Environmental Paper:** Three Decades of Global Environmental Awareness: The Change of Focus From Solid Waste Management to Federal Enforcement of Hazardous Waste Environmental Crimes.

Master of Professional Studies in Environmental Studies

State University of New York at Stony Brook, Stony Brook, NY

1996

- **Thesis:** Plastics: Dilemma or Blessing?

Bachelor of Science (Chemistry)

State University of New York at Stony Brook, Stony Brook, NY

1992

CERTIFICATE:

Graduate Certificate in Waste Management

State University of New York at Stony Brook, Stony Brook, NY

1996

- **Concentration:** Solid Waste

INTERNSHIPS:

Summer Associate

Hopping, Green, Sams & Smith, Tallahassee, FL

1998

Drafted memos of law on environmental issues such as solid waste disposal and recycling of waste; Right to privacy of employees, patient-client privilege of a psychotherapy report to name a few.

Internship (Federal Law)

United States District Court of Florida, Southern District, Miami, FL

1997

RELATED ENVIRONMENTAL EXPERIENCE

Associate Professor of Law and Environmental Science

University of Phoenix, Tampa, FL

2006 - 2012

Prepare and deliver lecture and PowerPoint presentations through ground class and online medium for the following subject matters: Contemporary Business Law I, Contemporary Business Law II, Business Law, Employment Law, Legal Aspects of Supervision.

Adjunct Professor of Environmental Studies

Arvois University, Chicago, IL

2003 - 2003

Delivered lecture on Ecological Perspective through the online medium. Created a learning environment of a high level discourse and stimulated student participation in the discussions in a high level technological format. Created a system which mimics brick and mortar style teaching.

Adjunct Professor of Law

Broward Community College, Davie, FL

2000 - 2002

Delivered lecture on Business Law and Environmental Law. Duties included choosing the text and developing the course and syllabus for the class. Created a learning environment of a high level discourse and stimulated student participation in the discussions.

Adjunct Professor of Environmental Studies

Nova Southeastern University Davie, FL

2001 - 2001

Delivered lecture on Environmental Studies. Created a learning environment of a high level discourse and stimulated student participation in the discussions.

BAR MEMBERSHIPS

- Florida Bar Member • Florida Bar Business Law Division
- Florida Bar ADR Division • United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Fourth Circuit

CIVIC ENGAGEMENTS

- Florida Bar Law Related Education Committee 2007-2013
- USF-Advisory Council-Community Member 2010-2013
- Moffitt Cancer Center- Advisory Council-Community Member 2008-2012
- Palm Beach County Bar Association-Professionalism Committee 2012-2013

ENVIRONMENTAL CONTROL HEARING BOARD DIRECTORY

Authority: Chapter 77-616, Special Laws of Florida **Terms:** 3 Years for All (See Resolution 92-123)

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Denise J. Bleau, Esq. (CHAIR) Ward, Damon, Posner, Pheterson, & Bleau 4420 Beacon Circle, Ste 100 West Palm Beach, FL 33407	Work: 561-842-3000 Email Dbleau@warddameron.com Fax: 561-842-3626 Cell: 561-329-9862	Attorney-Recommended by PBC Bar (Filling this seat requires contacting the PBC Bar at least 4 months prior to end of this term)	1/13/09	1-12-10 to 1-11-14		X
2	Lewis E. Green, M.D. 6613 Sand City Way Delray Beach, FL 33446	561-637-1802 home 561-374-1700 cell Email: lewgreen10@gmail.com	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)	09-11-07	4-7-012 to 4-06-15		X
3	Edwin Sherman 4740 South Ocean Boulevard Apt. 1105 Highland Beach FL 33487	561-392-5115 Home 609-823-9325 Home away Cell 561-654-5115 Fax FL 561-395-0986 Fax Away 609-823-7441 Email aabirder@aol.com Away Address: 111 S. 16 th Avenue, Apt. 718, Longport NJ 08403	Citizen Recommended by BCC	12-18-01	2-01-11 to 1-31-14		X
4	David L. Freudenberg 3735 Victoria Way Boca Raton FL 33434	*Cell 561-213-3524 *Use this # 561-482-5436 Home Fax 561-883-9709 Email dfreud@usa.net Email muskie13@gmail.com	Citizen Recommended by BCC	12-18-07	2-01-11 to 1-31-14		X
5	Chad Gruber, P.E. (VICE CHAIR) Gruber Consulting Engineers 2587 James River Road West Palm Beach FL 33411	Email chad@gruberengineers.com Cell: 312-2041 Fax: 537-7229	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)	12-18-07	1-12-11 to 1-11-14		X

Updated as of 5/25/12

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.	1.15/176
5	(b) Use of equipment in the performance of such	1.15/177
6	agricultural operations.	
7	(c) Barbecue equipment or outdoor fireplaces used for	1.15/178
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	1.15/182
16	permission given in the performance of such duty of the	
17	officer for the purpose of weed abatement, the prevention or	1.15/183
18	elimination of the fire hazard, or the instruction of	1.15/183
19	employees in the methods of fire fighting which is in the	1.15/183
20	opinion of such officer necessary, or from fires set pursuant	
21	to permit for purpose of instruction of employees of private	1.15/183
22	industrial concerns in methods of fire fighting, or for civil	1.15/183
23	defense instruction.	
24	(g) The use of an orchard or citrus grove heater which	1.15/183
25	does not produce unconsumed solid carbonaceous matter at a	1.15/183
26	rate in excess of one (1) gram per minute.	
27	(h) Odors emanating from agricultural operations in	1.15/183
28	the growing, harvesting or processing of crops or raising of	1.15/183
29	fowls or animals.	
30	Section 9. Hearing board; organization.--The Board	1.15/183
31	shall appoint a five (5) member Hearing Board, the members of	

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

The PBCHD shall be the professional staff of the EAB.

5. Meetings

a. 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.

E. Environmental Control Hearing Board

1. Establishment

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

2. Powers and Duties

The ECHB has the following powers and duties:

- a. 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
- b. 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:
 - 1) to refrain from committing, creating, maintaining, or permitting the violations;
 - 2) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - 3) to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - 4) 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
 - 5) to administer oaths to any or all persons who are to testify before the ECHB.

3. 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.

4. Officers

a. Secretary

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

b. Staff

The PBCHD shall be the professional staff of the ECHB.

5. 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.

F. Groundwater and Natural Resources Protection Board

1. Establishment

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

2. Powers and Duties

The GNRPB shall have the following powers and duties:

- a. to hold hearings as necessary to enforce Article 14, ENVIRONMENTAL STANDARDS. ERM may refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, 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; [Ord. 2006-004] [Ord. 2010-022]
- b. to adopt rules of procedure for the conduct of hearings;
- c. 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;
- d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
- e. to take testimony under oath;

1 The following resolution is hereby approved and adopted:

2 Section 1. Terms and Length of Service.

3
4 - A. Members of the Environmental Control Hearing
5 Board shall be subject to the following terms
6 and length of service:

7
8 (1) The lawyer, engineer, and two citizens
9 shall serve for one (1) year.

10
11 (2) The medical doctor shall serve for two
12 (2) years.

13
14 (3) Thereafter, all appointments shall be
15 made for a term of three (3) years.
16 Appointments to fill any vacancy on the
17 Hearing Board shall be for the remainder
18 of the unexpired term of office.

19
20 (4) Members of the Hearing Board shall be
21 automatically removed for lack of
22 attendance. Lack of attendance is
23 defined as failure to attend three (3)
24 consecutive meetings or failure to attend
25 more than one-half of the meetings
26 scheduled during a calendar year.
27 Participation for less than three-fourths
28 of a meeting shall constitute lack of
29 attendance. Excused absences due to
30 illness, absence from the County, or
31 personal hardship shall not constitute
32 lack of attendance.
33
34

R-92 123