

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
**BOARD APPOINTMENT SUMMARY**

**Meeting Date:** February 4, 2014

**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/reappointment of the following individuals to the Consumer Affairs Hearing Board

A) **Appoint** two (2) new members for the term from February 4, 2014 to September 30, 2016

Nominee	Seat #	Seat Requirement	Recommended by:
Martin Lipnack	2	Citizen/Resident	Mayor Priscilla Taylor Vice-Mayor Paulette Burdick Commissioner Hal Valeche
Michael Carter	3	Citizen/Resident	Vice-Mayor Paulette Burdick Commissioner Hal Valeche

B) **Reappoint** one (1) member for the term from February 4, 2014 to September 30, 2016

Nominee	Seat #	Seat Requirement	Recommended by:
Manohar Athavale	4	Citizen/Resident	Commissioner Hal Valeche Commissioner Shelley Vana

**Summary:** The Consumer Affairs Ordinance approved by BCC on December 17, 2013, and codified in Chapter 9, Article I of the Palm Beach County Code, establishes a seven (7) member Consumer Affairs Hearing Board ("Hearing Board"). The Hearing Board serves in both an advisory capacity to the County Commissioners and as an appellate board, hearing administrative appeals filed by persons disputing staff decisions concerning the towing, vehicle for hire, and moving industries. A memo was sent to all Board members on December 23, 2013 seeking nominations for the above three (3) at-large seats. **Countywide (PGE)**

**Background and Justification:** 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 shall consist of seven (7) members, one of whom must be an attorney, licensed to practice in the State of Florida, and all other appointments shall be made by the Board of County Commissioners on the basis of experience or interest in the field of consumer affairs. **NOTE:** With the appointments of these seats, the Hearing Board will have six of the seven seats filled. The Advisory Board will have a diversity count as follows: Asian: 1 (14%) Black: 1 (29%) and White: 4 (57%). The gender ratio (male: female) is 7:0.

**Attachments:**

1. Memorandum to BCC Requesting Nominations
2. Advisory Board Nominee Information Forms, Ethics Acknowledgments and Resumes of each Nominee
3. Current Consumer Affairs Hearing Board Membership List
4. Consumer Affairs Ordinance 2013-035

Recommended by:  1/22/14  
 Department Director Date

Approved by:  1/23/14  
 Assistant County Attorney Date

## **II. REVIEW COMMENTS**

Legal Sufficiency:

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Assistant County Attorney

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

**MEMORANDUM**



Department of Public Safety  
20 S. Military Trail  
West Palm Beach, FL 33412  
(561) 712-6470  
Fax: (561) 712-6490  
[www.pbcgov.com](http://www.pbcgov.com)

Date: December 23, 2013

To: Mayor Priscilla Taylor,  
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 Two (2) At Large members and reappointment of one (1) incumbent position**

The purpose of this memo is to request nominations to fill two (2) At-Large CAHB seats (Martin I. Lipnack and Michael T. Carter), and one (1) incumbent position for the member shown below:

Nominee	Initial Appointment	Requirement
Manohar Athavale	05/04/2011 - by Commissioner Vana	Citizen/Resident

We are providing applications and resumes' for the interested and qualified individuals (attached). If you wish to endorse the nominations, please sign and return the attached applications by **Wednesday, January 7, 2014**. Our recommendation(s) for appointment will be placed on the February 4, 2014 Board of County Commissioners meeting.

If you would like to nominate other candidates for the remaining 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.

The CAHB is selected for countywide representation and serve three (3) year terms, with a limit of three (3) consecutive terms. 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 Palm Beach County Code Chapter 9 Consumer Affairs, article 1. CAHB members 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 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.

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 – Martin Lipnack, nominee
  - 2) Board/Committee Application – Michael Carter, nominee
  - 3) Board/Committee Application – Manohar Athavale, incumbent
  - 4) CAHB current member list

**Palm Beach County  
Board of County  
Commissioners**  
Priscilla A. Taylor, Mayor  
Paulette Burdick, Vice Mayor  
Hal R. Valeche  
Shelley Vana  
Steven L. Abrams  
Mary Lou Berger  
Jess R. Santamaria

**County Administrator**  
Robert Weisman

*"An Equal Opportunity  
Affirmative Action Employer"*

Attachment #           /

**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: 3 Years. From: 2/4/2014 To: 09/30/2016  
Seat Requirement: Citizen / Resident Seat #: 2  
 \*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: LIPNACK MARTIN I.  
Last First Middle  
Occupation/Affiliation: RETIRED FLORIDA ATTORNEY / MEDIATOR  
Owner  Employee  Officer   
Business Name: DISPUTE RESOLUTION CONSULTANTS, INC.  
Business Address: 8506 LOGIA CIRCLE  
City & State: BOYNTON BEACH, FL Zip Code: 33472  
Residence Address: 8506 LOGIA CIRCLE  
City & State: BOYNTON BEACH, FL Zip Code: 33472  
Home Phone: 561-375-6773 Business Phone:  none  Ext.  
Cell Phone: 561-504-5314 Fax: 561-742-3003  
Email Address: milipnack@gmail.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  Caucasian  
 Native-American  Hispanic-American  Asian-American  African-American

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:  Printed Name: MARTIN I. LIPNACK Date: 11/30/13


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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto: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:  Date: 1/6/2013

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.

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_____	_____	_____	_____
_____	_____	_____	_____

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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: *Martin I. Lipnack* Printed Name: MARTIN I. LIPNACK Date: 11/30/13

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto: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: *Paulette Burdick* Date: 1-6-2014

**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.

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_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR  NONE

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- 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: *Martin I. Lipnack* Printed Name: MARTIN I. LIPNACK Date: 11/30/13

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 233-0724.

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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: *Sal M. Vercetti* Date: 1/6/14



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Better CEO Reporting & BI - All Your Data—Mktg, Sales, Finance, etc.—In One CEO Dashboard. Get A Demo! | Read More >

How would you like to add your skills and your objectives?

Save

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People You May Know



Luis Gonzalez 2nd
Chief Executive Officer/President at Miami S...
Connect 46



Your connections Walter, Nicolas and 41 others have endorsed your new skills and expertise!



- Employment Law, Legal Research, Automobile Accidents, Corporate Law, Subrogation, Legal Assistance, Claims Management, Legal Issues, Professional Liability, Trial Practice, Attorneys, Trials, Bankruptcy, Legal Liability, Conflict, Class Actions, Hearings, Litigation Support, Legal Writing, Workers Compensation, Claim Investigation, Fraud

Add to profile

Skip

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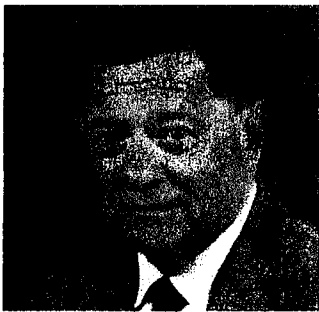
23 Your profile has been viewed by 23 people in the past 90 days.

16 You have shown up in search results 16 times in the past 30 days.

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Profile Strength

All-Star



Martin Lipnack

Mediator/Umpire for Insurance Property Damage Claims at Dispute Resolution Consultants, Inc.

United States Alternative Dispute Resolution

- Current: Dispute Resolution Consultants, Inc.
Previous: Nova Southeastern University, Law Offices of Martin I. Lipnack
Education: Brooklyn Law School

Edit

500+ connections

Contact Info

www.linkedin.com/pub/martin-lipnack/20/789/749/

Share your profile >

People Also Viewed



John A. Voelpel III
Independent Adjuster / Umpire at Voelpel Claim Service, Inc.

Ray Rendueles CGA CPIA CPAU PCLA CPIU
Certified General Adjuster/Appraiser/Umpire at Aria Umpire Services



Martin Lipnack is now connected to Ahmed Said, Ph.D., P.E., Principal Engineer at Sinkhole Geotech, Inc. and HydroAssess, Inc.

4 days ago

Martin Lipnack is now connected to Joseph Blade, Owner, Blade Adjustment Company

8 days ago

See More

See your profile

### Experience

#### President of

**Dispute Resolution Consultants, Inc.**

December 1989 – Present (24 years)

MEDIATOR FOR ALL TYPES OF CIVIL DISPUTES ( NO FAMILY LAW-Divorce, etc.),Breach of Contract, Personal Injury, Insurance, Business, Real Estate, Employment, Intellectual Property,Estates,Wills,Malpractice, Corporations, Leases, Construction, etc. CERTIFIED FLORIDA CIRCUIT CIVIL MEDIATOR SINCE 1989.

CERTIFIED UMPIRE (similar to Arbitrator) FOR PROPERTY DAMAGE INSURANCE CLAIMS (Residential,Commercial and Condominium)

FLORIDA ATTORNEY (Retired)

CERTIFIED CRISIS INTERVENTION SPECIALIST (Palm Beach County, Florida)

STRONG BACKGROUND IN RESOLVING DISPUTES AND CONFLICTS



#### MEDIATOR for Civil Disputes - UMPIRE for Insurance Property Damage Claims

Dispute Resolution Consultants, Inc.

December 1989 – Present (24 years) | South Florida

MEDIATOR for all Civil Claims, Conflict Resolution; Assisting people and business in resolving disputes. Have mediated thousands of disputes.

UMPIRE for Appraisal Property Damage and Catastrophe Claims (Hurricane, Fire, Water and other Catastrophes)

Certified (Basic and Advanced) UMPIRE

#### Lecturer

**Nova Southeastern University**

January 1990 – December 1999 (10 years)

Past Lecturer and Trainer, Nova Southeastern University, Dept. of Dispute Resolution; Past Trainer, American Arbitration Association; Florida Primary Circuit Civil Mediation Trainer; Past President, Mediation Institute Of America, Inc.



#### Attorney Martin I. Lipnack

Law Offices of Martin I. Lipnack

October 1973 – December 1999 (26 years 3 months)



Mimi Hidaigo  
Claim Manager at CatManDo



Nicole Duboff  
Associate at the Duboff Law Firm



Henry Rodriguez CPAU  
Residential & Commercial Insurance Adjuster/Appraiser/Umpire



Eric Turner  
Independent Insurance Professional



Mike McCormack, CGA  
Certified General Adjuster



Richard Brown  
Executive General Adjuster



Diane Durel  
GENERAL ADJUSTER at CCSI



Bryan E. Thomas  
United States Adjusters, Inc.



### People You May Know



Luis Gonzalez 2nd  
Chief Executive Officer/President at Miami S...  
Connect • 46





**Additional Honors & Awards**

Public Service Commendation, US Coast Guard  
 Certificate of Appreciation, Florida Academy of Professional Mediators  
 US Navy League, Numerous Merit Of The Year Awards  
 Awards from Hudson-Delaware Council, Boy Scouts of America











**Organizations**

**Additional Organizations**

Past member, Nat'l. Advisory Committee, Volunteers In Police Service, USA Freedom Corps, by appointment of the White House and US Dept. of Justice. Past Vice-Pres., Hudson-Delaware Council, Boy Scouts of America Past District Chairman, Hudson-Council, Boy Scouts of America Past Member, Order Of The Arrow Past Pres., Broward County Council, US Navy League Member, Commissioning Committee, USS Higgins and USCGC Gannet Certified Crisis Intervention Specialist Past member, Broward Navy Days Past Member, World Trade Center Ft. Lauderdale



**Connections**

**All (500+)**   **New (1)**

- |  |   |
|--|---|
| <br><b>Philip Metzler</b><br>Litigation Specialist II at Citizens Propert...                     | <br><b>Julie Ann Lubarsky</b><br>Licensed Public Adjuster NC, SC, GA, F...             |
| <br><b>Doug Huebner</b><br>Claims Specialist at AAA Wisconsin                                   | <br><b>Darryl Davis</b><br>Owner, DDavis & Associates Inc                             |
| <br><b>Bob Cook</b><br>Public Adjuster at Able Adjusting                                       | <br><b>Terry Phillips</b><br>American Select Claims, Inc.                            |
| <br><b>CHURCH AGENCY</b><br>Nadine Kravetz, CISR<br>Executive Vice President at The Church ... | <br><b>Ted Taylor</b><br>Owner at Kaleb Blake Company, LLC.                          |
| <br><b>Connie Doumenis, RPA, C...</b><br>Mediations Miami & South Florida, LLC                 | <br><b>Brian Haden AIC/FCLA/FCLS</b><br>Insurance Appraiser / Adjuster / Estimati... |

Next

**Groups**

- |  |   |  |   |
|--|---|--|---|
| <br><b>ABA Section of Disp...</b><br>Visible > | <br><b>ADR Resources &gt; Di...</b><br>Visible > | <br><b>ADR, Conflict Resolu...</b><br>Visible > | <br><b>Adjusting Today</b><br>Visible > |
| <br><b>Alternative Dispute R...</b>            | <br><b>Alternative Dispute R...</b>              | <br><b>American Bar Associ...</b>               | See 41 more   |

**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: 3 Years. From: 2/4/2014 To: 09/30/2016

Seat Requirement: Citizen / Resident Seat #: 3

\*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: Carter Michael Trinnac  
Last First Middle

Occupation/Affiliation: Certified General Contractor  
Owner  Employee  Officer

Business Name: Vanguard Construction

Business Address: PO Box 222275

City & State: West Palm Beach, FL Zip Code: 33422

Residence Address: 903 43<sup>rd</sup> Street

City & State: West Palm Beach, FL Zip Code: 33407

Home Phone: \_\_\_\_\_ Business Phone:  none  Ext. \_\_\_\_\_

Cell Phone: 561-343-2571 Fax:

Email Address: vanguardconstruct@gmail.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:

**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>
<u>None</u>			

(Attach Additional Sheet(s), if necessary)

OR  NONE

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- 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: Michael Carter Printed Name: Michael Carter Date: 12/5/13

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto: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: Parbette Burdick Date: 1-6-2014

**Section II Continued:**

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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: Michael Carter Printed Name: Michael Carter Date: 12/5/13

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto: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: Joe R. Valocchi Date: 1/6/14

## **MICHAEL T. CARTER**

903 43<sup>rd</sup> Street West Palm Beach, Florida 33407 office(561)313-2571

[m.vanguardconstruct@gmail.com](mailto:m.vanguardconstruct@gmail.com)

### **SUMMARY OF SKILLS AND QUALIFICATIONS**

- .. **Accomplished general contractor with extensive, progressive experience**— gained valuable knowledge from positions that included case coordinator, project manager and as business owner.
- .. **Widely known for integrity and high quality results**— repeatedly win business and develop a loyal customer base for providing excellent work.
- .. **Verifiable reputation for consistently completing all projects on time and within budget**— personally manage and coordinate all necessary manpower, materials and equipment, and provide daily supervision of progress.
- .. **Unparalleled record of managing projects safely**— earned numerous awards for safety and consistently keep workers' compensation costs exceptionally low
- .. **Straightforward manager who oversees crews of productive and loyal workers**— maintain low turnover by expecting “an honest day's work for a honest day's pay” and treating people fairly.
- .. **Expert in using time and cost saving methods, and latest equipment**— resourceful in developing construction methods that are efficient and cost-effective, and in maintaining up-to-date equipment.

### **PROFESSIONAL EXPERIENCE** Owner –VANGUARD CONSTRUCTION 2009 – Present

Operate a construction company serving government, corporate and private clients. Oversee all aspects of the business including general office administration, finance and budgeting, hiring and firing, and supervision of employees and subcontractors. Bid and negotiate on work contracts. Purchase capital equipment and raw materials. Work with local, state and federal officials to ensure regulatory compliance. Projects include:

- **Commercial Construction**
- **Residential Construction**

### **CERTIFICATIONS AND LICENSES**

Florida Certified General Contractor CGC1519467

City of West Palm Beach SBE

Palm Beach County MBE

Palm Beach County School District MBE

State of Florida MBE

Broward County Schools MBE

Florida Dept of Transportation MBE

Turner School of Construction Management 2010

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

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.

**Part I (to be filled out by Department):** (Please Print)

Board Name: Consumer Affairs Hearing Board

At Large Appointment                      or                       District Appointment

Term of Appointment: \_\_\_\_\_ Years.                      From: 2/4/14                      To: 9/30/16

Seat Requirement: Citizen/Resident                      Seat #: 4

\*Reappointment                      or                       New Appointment

or  to complete the term of \_\_\_\_\_                      Due  resignation  other to: \_\_\_\_\_  
Completion of term to expire on: \_\_\_\_\_

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

Number of previously disclosed voting conflicts during the previous term \_\_\_\_\_

**Part II (to be filled out and signed by Applicant):** (Please Print)

**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Athavale                      Manohar                      L

Last                      First                      Middle  
Retired, Executive at IBM Corporation for 41 years (1967-2009)

Occupation/Affiliation: \_\_\_\_\_

Business Name: Retired (Worked with IBM for 42 years as Software development executive, Sales Executive, and Services Executive)

Business Address: 8712 S Kendale Circle

City & State: Lake Worth, FL                      Zip Code: 33467

Residence Address: 8712 S. Kendale Circle

City & State: Lake Worth, FL                      Zip Code: 33467

Home Phone: 561 304 2533                      Business Phone: 561 304 2533

Cell Phone: 561 212 7781                      Fax: 561 304 2818

Email Address: mathavale@msn.com

Mailing Address preference:  Business  Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No X

If Yes, state the court, nature of offense, disposition of case and date: N/A

**Minority Identification Code:**

- |  |  |
|--|--|
| <input type="checkbox"/> IF (Native-American Female)   | <input type="checkbox"/> IM (Native-American Indian Male)    |
| <input type="checkbox"/> AF (Asian-American Female)    | <input checked="" type="checkbox"/> AM (Asian-American Male) |
| <input type="checkbox"/> BF (African-American Female)  | <input type="checkbox"/> BM (African-American Male)          |
| <input type="checkbox"/> HF (Hispanic-American Female) | <input type="checkbox"/> HM (Hispanic-American Male)         |
| <input type="checkbox"/> WF (Caucasian Female)         | <input type="checkbox"/> WM (Caucasian Male)                 |

Applicant's Signature: signed electronically                      Date: 2/2/2011

**Part III (to be filled out by Commissioner):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: Hel P. Valade                      Date: 1/6/14



PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

ADVISORY BOARD NOMINEE INFORMATION FORM

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.

**Part I (to be filled out by Department):** (Please Print)

Board Name: Consumer Affairs Hearing Board

At Large Appointment or  District Appointment

Term of Appointment: \_\_\_\_\_ Years. From: 2/4/14 To: 9/30/16

Seat Requirement: Citizen/Resident Seat #: 4

\*Reappointment or  New Appointment

or  to complete the term of \_\_\_\_\_ Due  resignation  other to: \_\_\_\_\_

Completion of term to expire on: \_\_\_\_\_

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

Number of previously disclosed voting conflicts during the previous term \_\_\_\_\_

**Part II (to be filled out and signed by Applicant):** (Please Print)

**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Athavale Manohar L

Last First Middle

Retired, Executive at IBM Corporation for 41 years (1967-2009)

Occupation/Affiliation: \_\_\_\_\_

Business Name: \_\_\_\_\_

Retired (Worked with IBM for 42 years as Software development executive, Sales Executive, and Services Executive)

Business Address: \_\_\_\_\_

8712 S Kendale Circle

City & State \_\_\_\_\_

Lake Worth, FL

33467

Zip Code: \_\_\_\_\_

Residence Address: \_\_\_\_\_

8712 S. Kendale Circle

Lake Worth, FL

33467

City & State \_\_\_\_\_

Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_

561 304 2533

Business Phone: \_\_\_\_\_

561 304 2533

Cell Phone: \_\_\_\_\_

561 212 7781

Fax: \_\_\_\_\_

561 304 2818

Email Address: \_\_\_\_\_

mathavale@msn.com

Mailing Address preference:  Business  Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No X

If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_ N/A

**Minority Identification Code:**

IF (Native-American Female)

IM (Native-American Indian Male)

AF (Asian-American Female)

AM (Asian-American Male)

BF (African-American Female)

BM (African-American Male)

HF (Hispanic-American Female)

HM (Hispanic-American Male)

WF (Caucasian Female)

WM (Caucasian Male)

Applicant's Signature: signed electronically

Date: 2/2/2011

**Part III (to be filled out by Commissioner):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Shelley Danna

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

1/6/14



TO: ADVISORY BOARD MEMBERS  
 FROM: ROBERT WEISMAN  
 COUNTY ADMINISTRATOR  
 RE: PALM BEACH COUNTY CODE OF ETHICS

Effective May 1, 2010, contractual relationships between Palm Beach County government and advisory board members, their employers, or businesses, are prohibited conflicts of interest as set forth in the Palm Beach County Code of Ethics, Ordinance 2009-051. This conflict of interest must be waived by an affirmative vote of five (5) members of the Board of County Commissioners upon full disclosure at a public meeting in order to accept appointment to an advisory board. In the space provided below, please identify any such contractual relationships, or verify that none exist at this time. The Ordinance (2009-051) and the training requirement can be found on the web at: <http://www.pbcgov.com/ethics/advisory.htm>

<u>Type of Contract</u>	<u>Which Department/Division</u>	<u>Effective Date</u>	<u>Term</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_ Yes, submit a waiver to the Board of County Commissioners, since I or my employer have/has the above named contract(s);

OR

At this time, I nor my employer have contract(s) with the Board of County Commissioners

**As a (current or potential) advisory board member you are required to receive training on the PBC Code of Ethics and acknowledge that you have read and understand the PBC Code of Ethics Ordinance.**

If you are unable access the training and/or Ordinance on the web, please contact Dennis Moore at 561-712-6605 for other arrangements.

**Acknowledgment of Receipt**

NAME: Manohar Athavale  
Print or Type

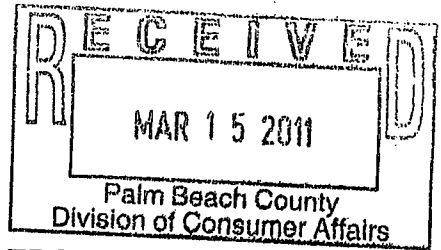
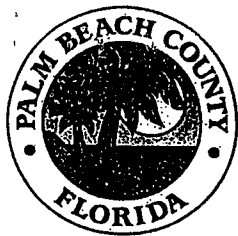
FIRM/COMPANY/ORGANIZATION: - Retired

ADVISORY BOARD(S): Consumer Affairs Hearing Board

I acknowledge that I have taken the required training; and read and understand the Palm Beach County Code of Ethics Ordinance, the provisions of which are effective May 1, 2010. I understand that as an advisory board member of the above-mentioned board(s) that I am bound by it.

Signature: Manohar Athavale Date: 3/9/2011

Please sign and return this FORM to Dennis Moore, 50 S. Military Trail, WPB, FL 33415. A self-addressed envelope has been provided for your convenience.



**TO: ADVISORY BOARD MEMBERS**

**FROM: ROBERT WEISMAN  
COUNTY ADMINISTRATOR**

**RE: STATE GUIDE TO THE SUNSHINE AMENDMENT &  
CODE OF ETHICS**

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

**Palm Beach County  
Board of County  
Commissioners**

- Karen T. Marcus, Chair
- Shelley Vana, Vice Chair
- Paulette Burdick
- Steven L. Abrams
- Burt Aaronson
- Jess R. Santamaria
- Priscilla A. Taylor

**County Administrator**

Robert Weisman

As an appointee to a Palm Beach County Advisory Board, you must familiarize yourself with the State Guide to the Sunshine Amendment and Code of Ethics. The purpose of this guide is to ensure adherence to the highest standards of ethics, protect the integrity of County government and foster public confidence.

This guide addresses conflict of interest, disclosure, acceptance and reporting of gifts, use of position or property, voting conflicts, political activities, prohibition against misuse of the code, and enforcement. This Guide also addresses conflicts, prohibitions on doing business with the County or having conflicting employment or contractual relationships. The Guide can be found on the web at: <http://www.pbcgov.com/ethics/advisory.htm>

Please read and make yourself familiar with the Guide and return the acknowledgment form below to: Dennis Moore, 50 South Military Trail, Suite 201, West Palm Beach, FL 33415. If you cannot access this document on the web, please contact Dennis Moore at 561-712-6600 for other arrangements.

**Acknowledgment of Receipt**

NAME: Manohar (Manny) Athavale  
Print or Type

ADVISORY BOARD(S): CONSUMER AFFAIRS HEARING BOARD

I acknowledge that I have read the State of Florida Guide to the Sunshine Amendment and the Code of Ethics. I understand that as an advisory board member of the above-mentioned board(s) that I am bound by it.

Signature: Manohar d Athavale Date: 3/9/2011

Please sign and return to Administration in self-addressed envelope provided.

Revised 3/15/10

"An Equal Opportunity  
Affirmative Action Employer"

printed on recycled paper



**ACKNOWLEDGEMENT OF RECEIPT  
PALM BEACH COUNTY  
CODE OF ETHICS TRAINING**

Legal Name: Manohar Athavale (Please print clearly)

Employee Identification Number: \_\_\_\_\_

Agency/Municipality: Palm Beach County

Department/Board: Public Safety/Consumer Affairs Hearing Board

**Check those items that apply**

I acknowledge that I have read a copy of the Palm Beach County Code of Ethics (printed or posted on the intranet/internet) and completed additional training by:

- Watching the Code of Ethics Training Program on the Intranet/Internet.**
- Watching the Code of Ethics Training Program on DVD.**
- Attending a live presentation given on \_\_\_\_\_, 20\_\_.**

I understand that I am responsible for understanding and abiding by the Palm Beach County Code of Ethics as I conduct my assigned duties during my term of employment. I also understand that the information in this policy is subject to change. Policy changes will be communicated to me by my supervisor or through official notices.

Manohar Athavale  
(Legal Signature)

1/23/2014  
(Date)

**Employees: Submit signed form to your Department Head**  
**Department Heads: Submit signed forms to Records/Human Resources**  
**Advisory Board Members: Submit signed forms to Appropriate Municipal Representative**

**PLEASE SUBMIT THIS FORM TO APROPRIATE PARTY AS HIGHLIGHTED ABOVE  
PLEASE DO NOT SUBMIT THIS FORM TO THE COMMISSION ON ETHICS**

---

300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401  
PHONE: 561.355-1915 FAX: 561.355-1904  
Hotline: 877.766.5920 E-mail: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)  
Website: [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)

Manohar L Athavale  
8712 S Kendale Circle, Lake Worth, FL 33467  
561-304-2533 / 561-212-7781 / 561-304-2818(fax)

**BACKGROUND  
SUMMARY**

**Teaching Experience:**

Full time: One year at Mississippi Valley State University

Adjunct: (equivalent 3 years) Number of courses taught at Syracuse University in  
Computer Simulation

Teaching Assistant: 3 years at University of Wisconsin

**Industrial Experience: Forty one years of IBM experience in technology,  
development, services, and training employees.**

**Development:** Software development and development project management

**Services:** Certified Executive Level Project manager. Performed/Managed  
multimillion dollar development projects in various industries

**Sales:** Managed WW sales teams and have been a client executive in many  
segments (A&D, Semiconductor, Automotive) and many HW and SW products.

**Volunteering Experience:** Volunteered as Tax Preparer for VITA (United Way  
Free Tax Preparation Service) and for AARP during 2007, 2008, 2009 tax  
seasons.

**EXPERIENCE**

1976-1977

**Professor: Mississippi Valley State University:** Established a new computer  
Science Department and taught a number of undergraduate level courses

1973-1980

**Adjunct Faculty:** Taught graduate level courses in Computer Modeling and  
Simulation in Department of Computer Sciences and Mathematics at Syracuse  
University

2005-2009

**Industrial Experience: Sales/Client executive for GES (Global Engineering  
Services):** Client executive for Cell Processor based technology and Speech-2-  
Speech Translation technology. Worked as global sales leader of a sales team  
and Technical Specialist in Aerospace and Defense sector, Consumer electronics  
sector, and Automotive Sector.

2005

**Project Executive/Services** for Embedded Systems Software Development  
project at Hyundai Automotive facility in S. Korea.

2003-2005

**Project Executive/Services** for a \$50M systems implementation mission in  
Singapore. Led a multinational services team of 50 software/hardware engineers  
to implement a manufacturing control system for Chartered Semiconductor in  
Singapore.

2001-2003

**WW Sales leader** for Special Applications of the IBM PLM portfolio.

1995-2000

**Automation Systems Services principal,** led a services and software  
development organization of 120 professionals as a Managing principal of  
*Manufacturing Automation Systems*. Started the organization and took to the US  
market a software product developed in IBM Japan and successfully  
implemented at a number of external customers in AP.

1982-1994

**Managed various services and consulting units** in Industrial Sector, IGS,  
Manufacturing Technology Center, CIM Technology Center, and Corporate  
Staff. Active role in well recognized IBM reengineering of the 90s.

1973-1982

**Semiconductor Software Development:** Worked in various capacities at IBM  
Fishkill

**EDUCATION:**

Ph D (Computer Science) University of Wisconsin 1973

MS (Industrial Engineering) Cornell University

B Tech from Indian Institute of Technology, Mumbai

**PALM BEACH COUNTY**  
**CONSUMER AFFAIRS HEARING BOARD (CAHB)**  
**CURRENT "AT LARGE" MEMBER LIST (For Internal Use only)**  
 Updated December 31, 2013

Attachment # 3

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 *Resident of Palm Beach County					
3	VACANT		*Certified Contractor *Resident of Palm Beach County					
4	<b>Athavale, Manohar</b> 8712 S. Kendale Circle Lake Worth, FL 33467 561-304-2533 (h) 561-212-7781 (c) 561-304-2818 (fax) mathavale@msn.com	Commissioner Vana	Resident of Palm Beach County	05/04/2011	*05/03/2013 *09/30/2013	1	YES	Asian / Male
5	<b>Lewis, Frank</b> 6812 Calle Del Paz North Boca Raton, FL 33433 (561) 391-1514 (h) (561) 706-0294 (c) Frank_L55@yahoo.com	Commissioners Burdick, Taylor, Santamaria, and Valeche	*Business Management *Resident of Palm Beach County	04/23/2013	*04/22/2015 *09/30/2015	2	YES	White/Male
*6	<b>Waldron, Jr. James Turner</b> 1425 39 <sup>th</sup> Street West Palm Beach, FL 33407 561-881-0091 (h) 561-685-3452 (c) Jwald81663@aol.com	Commissioner Taylor  *Once vacated, this seat will be removed	Resident of Palm Beach County	03/09/2010  12/18/2012	*12/17/2014 *09/30/2014	2	YES	African American / Male
7	<b>Moldoff, Harold</b> 2797 Muskegon Way West Palm Beach, FL 33411 (561) 855-7754 (h) (561) 318-7780 (fax) hmoldoff@comcast.net	Commissioners Burdick, Taylor, Santamaria, and Valeche	Resident of Palm Beach County	04/23/2013	*04/22/2015 *09/30/2015	2	YES	White/Male

SEAT #	MEMBER NAME Contact Information	NOMINATED BY	SEAT REQUIREMENT	Initial Appointment Date Reappointment Date	TERM EXPIRES	CURRENT TERM	ELIGIBLE FOR REAPPOINTMENT	Diversity/Gender
8	<b>Murphy, Harold</b> 13245 Compton Rd. Loxahatchee, FL 33470 561-662-0025 (c) 561-686-8307 (fax) Dirtyh911@aol.com	Commissioner Taylor	<b>*Special Technical</b> <b>*Resident of Palm Beach County</b>	05/18/2010 12/18/2012	<del>*12/17/2014</del> *09/30/2014	2	YES	White / Male
*9	<b>Milstein, Herbert</b> 7379 London Lane Boca Raton, FL 33433 561-391-9551 (h) Herb7379@aol.com	Mayor Abrams  *Once vacated, this seat will be removed	<b>*Special Technical</b> <b>*Resident of Palm Beach County</b>	04/10/2007 12/20/2011	*01/31/2013 *09/30/2013	3	NO	White / Male

\*Note – Changes noted are as a result of the new Consumer Affairs Ordinance which went into effect on December 19, 2013 (attached)

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ORDINANCE NO. 2013- 035

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING PALM BEACH COUNTY CODE, CHAPTER 9, ARTICLE I, CODIFYING ORDINANCE NO. 72-2, AS AMENDED, "THE PALM BEACH COUNTY CONSUMER AFFAIRS ORDINANCE," RELATING TO CONSUMER AFFAIRS AND UNFAIR OR DECEPTIVE TRADE PRACTICES; AND ADOPTING A NEW CONSUMER AFFAIRS ORDINANCE; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SCOPE OF ORDINANCE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR OTHER RIGHTS AND REMEDIES; PROVIDING FOR A CONSUMER AFFAIRS DIVISION; PROVIDING FOR A DIRECTOR OF CONSUMER AFFAIRS; PROVIDING FOR POWERS OF DIRECTOR; PROVIDING FOR COMPLAINTS; PROVIDING FOR THE PROHIBITION OF UNFAIR OR DECEPTIVE TRADE PRACTICES; PROVIDING FOR A CONSUMER AFFAIRS HEARING BOARD; PROVIDING FOR POWERS OF THE CONSUMER AFFAIRS HEARING BOARD - PROCEEDINGS AT HEARING; PROVIDING FOR ASSURANCE OF VOLUNTARY COMPLIANCE; PROVIDING FOR CEASE AND DESIST ORDER OF DIRECTORS; PROVIDING FOR ORDER TO SHOW CAUSE; PROVIDING FOR STATUTES ADOPTED; PROVIDING FOR ENFORCEMENT AND CIVIL PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

46           **WHEREAS**, it is the intent of the Board of County Commissioners of Palm Beach  
47 County to continuously improve consumer protection in Palm Beach County while maximizing  
48 the efficient utilization of available resources; and



1           **WHEREAS**, since the date of adoption and implementation of the original enactment of  
2 the Consumer Affairs Ordinance, No. 72-2, it has been necessary to amend it from time to time  
3 in order to best serve the citizens of Palm Beach County and provide for their general safety and  
4 welfare; and

5           **WHEREAS**, a Consumer Affairs Hearing Board was established in 1977 to assist, advise  
6 and cooperate with the Board of County Commissioners and local, state, and federal agencies  
7 and officials to protect the interest of the consumer public; and to carry out the adjudicatory  
8 functions pertaining to alleged unfair or deceptive trade acts or practices; and

9           **WHEREAS**, the Board of County Commissioners of the Palm Beach County adopted  
10 Resolution 2013-0193 on March 1, 2013, which imposes specific requirements on members of  
11 County advisory boards; and

12           **WHEREAS**, the Consumer Affairs Hearing Board is subject to the provisions of  
13 Resolution 2013-0193; and

14           **WHEREAS**, due to the substantial procedural and substantive changes made to this  
15 ordinance to bring it into compliance with other County ordinances, since it was last amended in  
16 1977, it is more efficient and in the best interest of the Board of County Commissioners to repeal  
17 and replace the Consumer Affairs Ordinance in its entirety.

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

20 **Section 1. The Consumer Affairs Ordinance.**

21 Chapter 9, Article I, of the Palm Beach County Code, "The Consumer Affairs Ordinance,"  
22 (Ordinance No. 72-2, as amended), is hereby repealed and the Palm Beach County Consumer  
23 Affairs Ordinance of 2013 is hereby adopted as follows;

24  
25 **Section 2. Title.**

26 This Ordinance shall be designated and may be cited as the "Palm Beach County Consumer  
27 Affairs Ordinance of 2013."

28  
29 **Section 3. Definitions.**

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

- 32  
33           (a) "Board" shall mean the Consumer Affairs Hearing Board of Palm Beach  
34 County;  
35  
36           (b) "Consumer" means a purchaser or lessee or prospective purchaser or lessee of  
37 consumer goods or services or consumer credit, including a co-obligor or  
38 surety;  
39  
40           (c) "Consumer goods, services, credit and debts" means goods, services, credit  
41 and debts which are primarily for personal, household, or family purposes;

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- (d) "Consumer transaction" means 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) "Director" shall mean the director or the manager of the Consumer Affairs Division;
- (f) "Division" shall mean the Palm Beach County Department of Public Safety Consumer Affairs Division;
- (g) "Hearing" shall mean an administrative appeal heard by the Consumer Affairs Hearing Board on matters filed by person appealing the decisions of the Division;
- (h) "Meeting" shall mean a meeting of the Board and Division staff to conduct its regular business as necessary;
- (i) "Merchant" means a seller, lessor, creditor or any person who makes available either directly or indirectly goods, services, or credit to consumers. "Merchant" shall include manufacturers, wholesalers and others who are responsible for any unfair or deceptive trade acts or practices as defined in this Ordinance;
- (j) "Person" shall include, where applicable, natural persons, corporations, trusts, partnerships, limited liability companies, incorporated or unincorporated associations, and any other legal business entity whatsoever; and,
- (k) "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 those acts referenced in Section 11. Prohibition of Unfair or Deceptive Trade Acts or Practices.

**Section 4. Scope of Ordinance.**

This Ordinance shall be applicable in both the unincorporated and incorporated areas of Palm Beach County, except that it shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters.

**Section 5. Exemptions.**

Nothing in this Ordinance shall apply to any television or radio broadcasting station or to any publisher or printer of a newspaper, magazine, or other form of printed advertising, which broadcasts, publishes, or prints such advertisements, except insofar as said station or publisher or printer is guilty of deception in the sale, or in the offering for sale of its own services, or to actions or transactions regulated under laws administered by the state public service commission.

**Section 6. Other Rights and Remedies.**

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

**Section 7. Consumer Affairs Division.**

There is hereby created the Consumer Affairs Division under the Department of Public Safety.

1 **Section 8. Director of Consumer Affairs Division.**

2 The Director of the Consumer Affairs shall be a County employee under the supervision and  
3 control of the Director of the Department of Public Safety.  
4

5 **Section 9. Powers of Director.**

6 The functions and powers of the Director of the Consumer Affairs Division shall include the  
7 following:  
8

- 9 (a) To receive complaints from all persons complaining of unfair or deceptive  
10 trade acts or practices as defined in this Ordinance;
- 11 (b) To represent the interests of consumers before administrative and regulatory  
12 agencies and legislative bodies;
- 13 (c) To enforce the provisions of this Ordinance;
- 14 (d) To investigate complaints, institute actions and proceedings under this  
15 Ordinance;
- 16 (e) To conduct appropriate surveys and inspections to determine whether the  
17 provisions of this Ordinance are being complied with;
- 18 (f) To report to the appropriate law enforcement officers any information  
19 concerning violations of any consumer protection law;
- 20 (g) To render annual reports to the Board of County Commissioners as to the  
21 number of complaints filed, the nature thereof and the disposition thereof and  
22 other relevant activities of the office and the Board undertaken during the  
23 previous year;
- 24 (h) To publicize and disseminate information to the public concerning consumer  
25 affairs and to recommend methods for improvement thereof;
- 26 (i) To enlist and encourage public support and the assistance of civic  
27 organizations and the cooperation of business enterprises and organizations in  
28 consumer affairs;
- 29 (j) To make periodic reports concerning the status of consumer affairs in Palm  
30 Beach County and the enforcement of the provisions of this Ordinance, and  
31 recommendations concerning consumer protection. Such reports shall be  
32 made to the Consumer Affairs Hearing Board and to the Board of County  
33 Commissioners of Palm Beach County;
- 34 (k) To prepare assurances of voluntary compliance as provided for in Section 15  
35 of this Ordinance; and
- 36 (l) To assist, develop and conduct programs of consumer education and  
37 information through public hearings, meetings, publications or other materials  
38 prepared for distribution to the consumer.

39 **Section 10. Complaints.**

- 40 (a) Any consumer may make or file a complaint stating the name and address (if  
41 known) of the person alleged to have committed the violation complained of  
42 and the particulars thereof, and such other information as may be required by  
43 the Consumer Affairs Division.
- 44 (b) Upon the filing of a complaint, the Director shall review the complaint and  
45 supporting documentation, if any, and assign a staff investigator, if  
46 appropriate. If the staff investigator determines that there are reasonable  
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1 grounds to believe a violation has occurred, the staff investigator may attempt  
2 to conciliate the matter through conferences with all interested parties and  
3 such representatives as the parties may chose to assist them, or alternatively,  
4 may issue a civil citation.  
5

- 6 (c) If the staff investigator determines that there are no reasonable grounds to  
7 believe that a violation occurred, the investigator shall prepare a closure letter  
8 for the Director to review and approve, prior to dismissing the complaint.  
9

10 **Section 11. Prohibition of Unfair or Deceptive Trade Practices.**  
11

12 No person shall engage in any unfair method of competition or deceptive act or practice in the  
13 conduct of any consumer transaction. A person engages in an unfair method of competition or  
14 deceptive trade act or practice when in the course of his or her business, vocation or occupation,  
15 he or she knows, or in the exercise of care should know, that he or she in the past engaged, or is  
16 now engaging in, any unfair method of competition or deceptive acts or practices in the conduct  
17 of any trade or commerce as herein defined. Unfair or deceptive trade acts or practices shall  
18 include, but are not limited to, the following:  
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- 20 (a) Representations that goods or services have sponsorship, approval,  
21 characteristics, ingredients, uses, benefits, or quantities which they do not  
22 have;  
23  
24 (b) Representations that a person or supplier has a sponsorship, approval, status,  
25 affiliation or connection which he or she does not have;  
26  
27 (c) Representations that goods are original or new if in fact they are not, or if  
28 they are deteriorated, altered, reconditioned, reclaimed, or second-hand;  
29  
30 (d) Representations that goods are of a particular standard, brand, quality, style,  
31 or model, if they are of another;  
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33 (e) Representations that goods or services are those of another, if they are not;  
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35 (f) Using deceptive representations or designations of geographic origin in  
36 connection with goods or services;  
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38 (g) Advertising goods or services intending not to sell them as advertised;  
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40 (h) Advertising goods or services with intent not to supply reasonable expectable  
41 public demand, unless the advertisement discloses a limitation of quantity;  
42  
43 (i) Making false or misleading statements concerning the need for, or necessity  
44 of, any goods, services, replacements, or repairs;  
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46 (j) Disparaging the goods, services, or business of another by false or misleading  
47 representations of fact;  
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49 (k) Making false or misleading statements of fact concerning the reasons for the  
50 existence of, or amounts of price reductions;  
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52 (l) Failing to return or refund deposits or advance payments for goods not  
53 delivered or services not rendered, when no default or further obligation of  
54 persons making such deposits or advance payments exists;  
55  
56 (m) Taking consideration for goods or services intending not to deliver such  
57 goods or perform such services, or intending to deliver goods or provide  
58 service materially different from those ordered or sold;  
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60 (n) Making false or misleading statements concerning the profitability, risk, or  
61 any other material aspect of any home-operated business opportunity or  
62 venture;

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- (o) Offering gifts, prizes, free items, or other gratuities, intending not to provide them as offered in connection with a sale of goods or services to a consumer;
- (p) Making false or misleading statements concerning the existence, terms, or probability of any rebate, additional goods or services, commission, discount offered as an inducement for the sale of goods or services;
- (q) Using physical force, threat of physical force, or coercion in dealing with consumers;
- (r) Any violation of the Florida Deceptive and Unfair Trade Practices Act, Section 501.201 et seq., Florida Statutes;
- (s) Advertising, representing, or offering for sale an article of food or food product as "kosher" or having the word "kosher" in any language inscribed thereon if such food is not in fact kosher as sanctioned by orthodox Hebrew religious requirements, and,
- (t) Selling or exposing for sale in any hotel, restaurant or other place where food products are sold for consumption on the premises, any meat or meat preparation, or article of food, or food preparation falsely representing the same to be kosher or as having been prepared in accordance with the orthodox Hebrew religious requirements when the meat or meat preparation, article of food or food preparation is not kosher or not prepared in accordance with orthodox Hebrew religious requirements, or; or selling or exposing for sale in such hotel, restaurant or such other place kosher and non-kosher food or food preparation, the latter having not been prepared in accordance with Jewish ritual or not sanctioned by the Hebrew orthodox religious requirements and failing to conspicuously display a sign or other public notice in block letters at least four inches in height "kosher and non-kosher food served here;" or displaying within or outside such hotel, restaurant or other place, words or letters in Hebraic characters or any sign, emblem, insignia symbol or mark in simulation of same, the display of which might reasonably be calculated to deceive or lead a reasonable person to believe that a representation is being made that all food sold or offered for sale on the premises is kosher and prepared in accordance with the orthodox Hebrew religious requirements if such is not true of all the food products sold on the premises.

**Section 12. Consumer Affairs Hearing Board.**

- (a) The Palm Beach County Consumer Affairs Hearing Board is hereby recreated and reestablished. The Board shall be subject to the uniform policies and procedures established by the Board of County Commissioners for Advisory Boards as currently set forth in Resolution No. 2013-0193, as may be further amended by action of the Board of County Commissioners.
- (b) The Board shall consist of seven (7) members appointed at-large by the Board of County Commissioners. The members of this Board shall be residents of Palm Beach County at the time of appointment and while serving on the Board. At least one (1) member shall be an attorney, licensed to practice in the State of Florida, and all other appointments shall be made by the Board of County Commissioners on the basis of experience or interest in the field of consumer affairs. All Board appointments shall be for a term of three (3) years, with a limit of three (3) consecutive terms. Terms shall begin on October 1<sup>st</sup>, and end on September 30<sup>th</sup>. Existing member's terms shall end on September 30<sup>th</sup> of the year in which their term expires. Vacancies occurring during a term shall be filled for the unexpired portion of the term, and shall not count toward a member's term limits. Members serve without compensation. Members shall be governed by the applicable provisions of the State Ethics Code and the applicable provisions of the Palm Beach County Code of Ethics, as may be amended.

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- (c) Members shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or a failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Members removed pursuant to this paragraph shall not continue to serve on the Board and such removal shall create a vacancy. Vacancies shall be filled in the same manner as the original appointments for the remainder of the vacant term.
- (d) Members shall appoint a chairperson and a vice-chairperson. The chairperson and the vice-chairperson shall be elected by a majority vote of the Board and shall serve for a term of one (1) year. The vice-chairperson shall perform the duties of the chairperson in the absence of the chairperson. In the absence of both the chairperson and the vice-chairperson, the Division director or manager may conduct the meeting or hearing. Meetings and hearings shall be governed by Robert's Rules of Order, and shall be open to the public, duly advertised and otherwise comply with all applicable requirements of Florida's "Sunshine" law as set forth in Chapter 286, Florida Statutes. A majority of the members currently appointed shall constitute a quorum and action may be taken by the Board upon a vote of a majority of the members present. At any meeting or hearing, the Board may fix and call a meeting or hearing on a future date. The Board shall meet on a regular basis to conduct its business and as necessary to conduct administrative hearings filed by persons appealing the decisions of the Division.
- (e) Any appeal of a decision rendered by the Consumer Affairs Hearing Board regarding a violation of Chapter 501 Florida Statutes shall be directed to the Florida Office of the Attorney General with subsequent judicial review through the District Courts of Appeal. Adjudications of the Consumer Affairs Hearing Board of substantive violations of this Ordinance shall be appealed to the Circuit Court of the Fifteenth Judicial Court by Writ of Certiorari.
- (f) Alternatively, the Division shall have the option to utilize a Special Master to hear matters for appeal, instead of scheduling those appellate matters before the Consumer Affairs Hearing Board. The Division shall establish policies and procedures governing the Special Master process prior to said utilization.

**Section 13. Powers of the Consumer Affairs Hearing Board.**

The Consumer Affairs Hearing Board shall have the following authority and power:

- (a) To assist, advise, and cooperate with the Board of County Commissioners and local, state, and federal agencies and officials to protect the interests of the consumer-public;
- (b) To hear appeals by persons aggrieved by actions of the Consumer Affairs Division not already referred to the state attorney for criminal prosecution; the Board shall reach a prompt decision on all such appeals and may affirm or reverse the action or decision appealed from, provided that such decision shall not be in conflict with the provisions of this Ordinance; and,
- (c) To exercise and perform such other functions, powers and duties as may be deemed necessary or appropriate to protect and promote the welfare of county consumers.

**Section 14. Consumer Affairs Hearing Board – Proceedings at Hearing.**

- (a) The Board shall give probative effect to the evidence which would be admissible to civil proceedings in the courts of this state but in receiving evidence due regard shall be given to the competent, reliable and technical

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evidence which will aid the Board in making a fair determination of the matter, regardless of the existence of any common law or statutory rule which might otherwise make improper the admission of such evidence.

- (b) The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil action. Irrelevant and unduly repetitious evidence shall be excluded.
- (c) At the hearing the parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation.
- (d) The Board shall keep a full record of the hearing, which record shall be public and open to inspection by any person; and upon request by any principal party to the proceedings the Board shall furnish such party a copy of the hearing record, at such cost as the Board of County Commissioners deems appropriate.
- (e) The general procedure for the hearing shall be as set forth above, and as well, each party shall have the following rights:
  - (1) To call and examine witnesses;
  - (2) To introduce exhibits;
  - (3) To cross examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination;
  - (4) To impeach any witness regardless of which party first called him to testify; and,
  - (5) To rebut the evidence.

**Section 15. Assurance of Voluntary Compliance.**

- (a) In the enforcement of this Ordinance, the Director may accept an Assurance of Voluntary Compliance with respect to any method, act or practice deemed to be violative of law from any person who has engaged or was about to engage in such method, act or practice. Any such assurance shall be a formal written agreement between the Consumer Affairs Division and the merchant, approved as to form and legal sufficiency by the County Attorney's Office and filed with the Clerk of the Circuit Court. Such Assurances of Voluntary Compliance may be conditioned on a commitment to reimburse consumers or any other appropriate corrective action such as the voluntary payment by the merchant of the costs of the investigation by the Consumer Affairs Division. An Assurance of Voluntary is not evidence of prior violation of this section, however, unless an Assurance of Voluntary has been rescinded by agreement of the parties or voided by the court for good cause. Subsequent failure to comply with the terms of an Assurance of Voluntary shall be deemed prima facie evidence of a violation of this Ordinance. No such Assurance of Voluntary shall act as a limitation upon any action or remedy available to a person aggrieved by a violation of this Ordinance.
- (b) Every merchant desiring to negotiate an Assurance of Voluntary Compliance shall be apprised of his right to have his case heard by the Board in the event he does not wish to enter into such Assurance of Voluntary Compliance.

**Section 16. Cease and Desist Order of Director.**

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

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(b) Official notice of hearing, which shall be by personal service, certified mail or posting in a conspicuous place at the merchant's place of business, shall incorporate and set out the following:

- (1) The name of the complainant;
- (2) The alleged charge and approximate date of the commission of the act;
- (3) The section of this Ordinance alleged to be involved;
- (4) Notification as to the time and place of the Board hearing which shall be held not sooner than ten (10) days and not later than thirty-one (31) days after service of the demand;
- (5) Notice to the respondent that he may be represented by counsel, and that he may bring all original documents and other data pertinent to the case; and,
- (6) That the respondent will be given an opportunity to present witnesses and evidence he may deem appropriate.

**Section 17. Order to Show Cause.**

The person against whom a complaint is filed under this Ordinance shall have the right to appear at the place and time so fixed and show cause why the demand for the Cease and Desist Order should not be upheld by the Board.

**Section 18. Statutes Adopted.**

- (a) All statutes of the state and rules adopted there under defining and prohibiting false advertising and offenses relating to consumer protection, trade standards, and weights and measures, defined by state law, are adopted and incorporated by reference as part of this Ordinance to the same extend and the same effect as if the provisions of each such statute were set out in full herein, defining and prohibiting each such offense against the state to be prohibited by, or an offense in violation of this Ordinance. This shall include, but is not limited to Part II of Chapter 501, Florida Statutes, and all rules adopted pursuant to section 501.205, Florida Statutes, Chapter 817, Florida Statutes, is hereby adopted by reference. It is the intent of this Ordinance that due consideration and great weight be given to the interpretations of the Federal Trade Commission and the federal courts relating to section 5(a)(1) of the Federal Trade Commission Act (15 USC 45(a)(1)), as from time to time amended.
- (b) Rules having the force and effect of law as authorized under sections 4, 5, and 6 of the Fair Packaging and Labeling Act (P.L. 89-755) that supersede state and local laws which are less stringent than or require information different from such act, are hereby adopted by reference, as published in the Federal Register as part of this Ordinance. No person shall distribute or cause to be distributed, offer for sale, or sell, in this county any packaged consumer commodity unless in conformity with the Fair Packaging and Labeling Act and/or the rules which shall be established by the promulgating authority.

**Section 19. Enforcement and Civil Penalties.**

- (a) It shall be the duty and responsibility of all law enforcement officials to assist in the enforcement of this Ordinance to the extent that it is within their jurisdiction to do so.
- (b) Whenever any person has been issued a civil citation by a staff investigator and has been found to have engaged in any acts or practices which constitute a violation of any provision of this Ordinance, the person shall be required to pay Palm Beach County a civil penalty not to exceed Two Hundred Fifty



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Dollars (\$250) for the first violation and Five Hundred Dollars (\$500) for each repeat violation.

**Section 20. Repeal of Laws in Conflict.**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this article are hereby repealed to the extent of any conflict.

**Section 21. Savings Clause.**

All complaints, investigations, orders, hearing processes, and all other functions of the Consumer Affairs Division, or the Consumer Affairs Hearing Board, initiated or completed pursuant to Ordinance 72-2, as amended, shall remain in full force and effect.

**Section 22. Severability.**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the Board of County Commissioners that such holding shall not affect the remainder of this Ordinance.

**Section 23. Inclusion in the Code of Laws and Ordinances.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 24. Captions.**

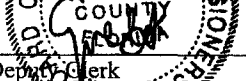
The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

**Section 25. Effective Date.**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

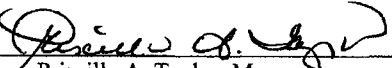
APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach

County, Florida, on this the 17 day of December, 2013.

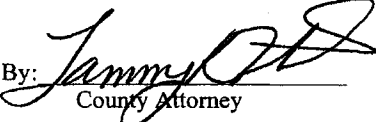
SHARON B. BUCK, CLERK  
By:   
Deputy Clerk



PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By:   
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:   
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 19 day of December, 2013.