

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

**Meeting Date: September 1, 2015**

**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:** Reappointment of the following two (2) individuals to the countywide Consumer Affairs Hearing Board for the term from October 1, 2015 to September 30, 2018:

Nominee	Seat #	Requirement	Recommended by:
Frank Lewis	5	Resident of Palm Beach County	Commissioner Burdick Commissioner McKinlay Commissioner Valeche
Harold Moldoff	6	Resident of Palm Beach County	Commissioner Burdick Commissioner McKinlay Commissioner Valeche

**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 the BCC on June 18, 2015 seeking nominations for the above two (2) at-large seats. **Countywide (JB)**

**Background and Policy Issues:** The Board of County Commissioners created the Consumer Affairs Hearing Board in 1972. The Board carries out the requirements of the six ordinances administered by the Consumer Affairs Division. The representation on the Consumer Affairs Board 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 seven seats filled. The Advisory Board will have a diversity count as follows: Asian: 1 (14%) Black: 1 (14%) and White: 5 (72%). The gender ratio (male: female) is 7:0.

**Attachments:**

1. Memorandum to the BCC requesting nominations
2. Advisory Board Nominee Applications, Ethics Acknowledgments and Resumes of each Nominee
3. Current Consumer Affairs Hearing Board Membership List
4. Consumer Affairs Ordinance 2013-035

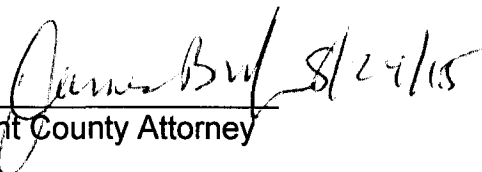
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Recommended by: Stephanie Sepmick 8/14/15  
Department Director Date

Approved by: Stephanie Sepmick 8/14/15  
Assistant County Administrator Date

**II. REVIEW COMMENTS**

Legal Sufficiency:

 8/24/15  
Assistant County Attorney

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



**MEMORANDUM**

Date: June 18, 2015

To: Mayor Shelley Vana,  
and Members of the Board of County Commissioners

From: Eugene Reavis, Manager  
Division of Consumer Affairs

RE: **Consumer Affairs Hearing Board (CAHB) Request for Nomination and Reappointment of Two Incumbent Members**

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



The purpose of this memo is to request a nomination to reappoint two (2) incumbent positions for the members shown below:

Nominee	Initial Appointment	Term Expiration	Requirement
Harold Moldoff	04/23/2013 – Commissioners Burdick, Taylor, Santamaria, and Valeche	09/30/2015	Citizen/Resident
Frank Lewis	04/23/2013 - Commissioners Burdick, Taylor, Santamaria, and Valeche	09/30/2015	Citizen/Resident

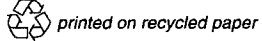
**Palm Beach County  
Board of County  
Commissioners**  
  
Shelley Vana, Mayor  
Mary Lou Berger, Vice Mayor  
  
Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**  
  
Robert Weisman

We are providing an application and background information for the interested and qualified individuals (attached). If you wish to endorse the nomination, please sign and return the attached application by **Friday, July 3, 2015**. Our recommendation for appointment will be placed on the August 18, 2015 Board of County Commissioners meeting.

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.

"An Equal Opportunity  
Affirmative Action Employer"



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:

Board/Committee Applications  
Harold Moldoff – Resume  
Frank Lewis - Resume

c: Vince Bonvento, Asst. County Administrator/Director, Public Safety Director  
Jim Brako, Assistant County Attorney

R:\Consumer Affairs\CAHearingBoard\BCC Nomination to Reappoint Memo ( Moldoff and Lewis) - June 2015.docx

Attachment # 1

Page 2 of 2

**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: 10/01/2015 To: 9/30/2018

Seat Requirement: \_\_\_\_\_ Seat #: 5

\*Reappointment or  New Appointment

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

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

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

**Section II (Applicant):** (Please Print)

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

Name: LEWIS FRANK  
Last First Middle

Occupation/Affiliation: Retired

Owner  Employee  Officer

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

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

City & State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Residence Address: 6812 Calle Del Paz North

City & State BOCA RATON, FL Zip Code: 33433

Home Phone: (561) 391-1514 Business Phone: ( ) Ext. \_\_\_\_\_

Cell Phone: (561) 706-0294 Fax: ( )

Email Address: Frank L55@yahoo.com

Mailing Address Preference:  Business  Residence

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

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

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

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

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

(Attach Additional Sheet(s), if necessary)

OR    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:

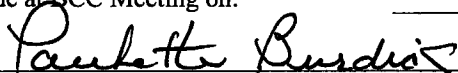
\*Applicant's Signature:  Printed Name: FRANK LEWIS Date: 6/16/15

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:  
{Insert Liaison Name Here}, {Insert Department/Division Here}  
{Insert Address Here}

**Section III (Commissioner, if applicable):**

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

Commissioner's Signature:  Date: 6-25-2015

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

Revised 08/01/2011

Attachment # 2

Page 2 of 13

**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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Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	(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:  Printed Name: FRANK LEWIS Date: 6/16/15

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:  
 {Insert Liaison Name Here}, {Insert Department/Division Here}  
 {Insert Address Here}

**Section III (Commissioner, if applicable):**

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

Commissioner's Signature:  Date: 6/26/15

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public. Revised 08/01/2011

**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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<u>Ex: (R#XX-XXXX/PO XXX)</u>	<u>Parks &amp; Recreation</u>	<u>General Maintenance</u>	<u>10/01/11-09/30/12</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR  YES  NONE

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

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- By watching the training program on the Web, DVD or VHS
- By attending a live presentation given on \_\_\_\_\_, 20\_\_\_\_

**AND**

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

\*Applicant's Signature: Frank Lewis Printed Name: FRANK LEWIS Date: 6/16/15

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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{Insert Liaison Name Here}, {Insert Department/Division Here}  
{Insert Address Here}

**Section III (Commissioner, if applicable):**

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

Commissioner's Signature: John Valerchi Date: 6/30/15

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

Revised 08/01/2011





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

**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.

FRANK LEWIS  
(Clearly Print Your Legal Name)

Frank Lewis  
(Legal Signature)

CONSUMER AFFAIRS  
(Clearly Print the Name of Your Department)

8/4/2015  
(Date)

*Employees: Submit signed form to your Department Head  
Department Heads: Submit signed forms to Records, Human Resources*

**\*This Form is for Employees and Elected Officials Only –  
Advisory Board Members Form can be obtained from  
Advisory Board Liaison\***

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2633 Vista Parkway, West Palm Beach, FL 33411 561.233.0724 FAX: 561.233.0735  
Hotline: 877.766.5920 E-mail: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)  
Website: [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)

Attachment # 2

Page 5 of 13

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

SUMMARY:

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

EDUCATION:

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University of Baltimore  
Bachelor of Science in Business Management

EXPERIENCE:

---

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

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

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

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

Personnel Manager - 1983 - 1985

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

Attachment # 2

Page 6 of 13

Branch Operations Manager - 1978 - 1982  
Richmond, Virginia

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

IBM Corporation - 1969 - 1978

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

Page 2

Attachment # 2

Page 7 of 13

**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: 10/01/2015 To: 9/30/2018

Seat Requirement: \_\_\_\_\_ Seat #: 6

\*Reappointment or  New Appointment

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

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

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

**Section II (Applicant):** (Please Print)

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

Name: MOLDOFF HAROLD \_\_\_\_\_  
Last First Middle

Occupation/Affiliation: RETIRED - RETAIL STORE MANAGEMENT

Owner  Employee  Officer

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

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

City & State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Residence Address: 2797 MUSKOGON WAY

City & State W PALM BEACH Zip Code: 33411

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

Cell Phone: 561) 531-0138 Fax: 561) 318-7780

Email Address: AMOLDOFF@COMCAST.NET

Mailing Address Preference:  Business  Residence

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

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

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

Section II Continued:

**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 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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Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(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: [Signature] Printed Name: HAROLD BROLDOFF Date: 06/17/2015

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:  
{Insert Liaison Name Here}, {Insert Department/Division Here}  
{Insert Address Here}

**Section III (Commissioner, if applicable):**

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

Commissioner's Signature: [Signature] Date: 6-25-2015

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

Revised 08/01/2011

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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- 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: [Handwritten Signature] Printed Name: HAROLD BROLDOFF Date: 06/17/2015

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

**Section III (Commissioner, if applicable):**

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

Commissioner's Signature: Melissa McKinley Date: 4/24/15

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

Revised 08/01/2011

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

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

(Attach Additional Sheet(s), if necessary)

OR  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: [Signature] Printed Name: HAROLD BROLDOFF Date: 06/17/2015

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.

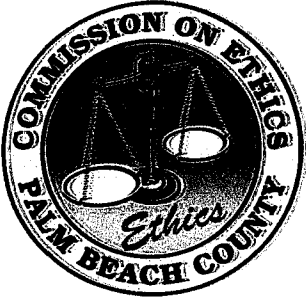
Return this FORM to:  
{Insert Liaison Name Here}, {Insert Department/Division Here}  
{Insert Address Here}

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on:

Commissioner's Signature: [Signature] Date: 6/30/15

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public. Revised 08/01/2011



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

**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.

AROLD MOLDOVE  
(Clearly Print Your Legal Name)

BOARD OF APPEALS  
(Clearly Print the Name of Your Department)

[Handwritten Signature]  
(Legal Signature)

8/6/15  
(Date)

*Employees: Submit signed form to your Department Head  
Department Heads: Submit signed forms to Records, Human Resources*

**\*This Form is for Employees and Elected Officials Only –  
Advisory Board Members Form can be obtained from  
Advisory Board Liaison\***

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2633 Vista Parkway, West Palm Beach, FL 33411 561.233.0724 FAX: 561.233.0735  
Hotline: 877.766.5920 E-mail: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)  
Website: [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)

Attachment # 2

Page 12 of 13



**BIO – VOLUNTEER ACTIVITIES****HAROLD MOLDOFF**

**2011-2012 VOLUNTEER, NEW HAMPSHIRE AARP CONSUMER PROTECTION  
SPEAKERS BUREAU**

**ASSISTED IN FORMAT OF FORMAL PRESENTATIONS OF CONSUMER  
AWARENESS OF FRAUDS AND SCAMS**

**ASSISTED IN DEVELOPMENT OF SPEAKERS BUREAU, CURRENTLY  
AT 15, SPEAKING TO SENIOR GROUPS THROUGHOUT NEW HAMPSHIRE**

**1996-2012 ZONING BOARD OF ADJUSTMENT, RYE BEACH, NH PRECINCT,  
CHAIRMAN FROM 2003-2012**

**1992-2012 ACTIVE VOLUNTEER COUNSELOR WITH S.C.O.R.E. (SERVICE  
CORPS OF RETIRED EXECUTIVES)**

**SERVED AS CHAPTER CHAIR AND MARKETING COORDINATOR FOR  
SIX NEW ENGLAND STATES**

**1992-2011 VOLUNTEER CONSUMER AFFAIRS SPECIALIST WITH NH  
ATTORNEY GENERAL'S OFFICE, CONCORD, NEW HAMPSHIRE**

**ASSISTED IN DEVELOPMENT AND PRESENTATION OF STATEWIDE  
PROGRAMS TO CIVIC AND SENIOR GROUPS ON "HOW TO AVOID  
CONSUMER FRAUD"**

**SIMILAR PROGRAM DIRECTED TO HIGH SCHOOL STUDENTS  
MAKING THEM AWARE OF POTENTIAL PROBLEMS WHEN BUYING  
A USED CAR, CREDIT CARD DEBT AND BUYING ON THE INTERNET**

**AWARDS**

**2004 SBA SCORE COUNSELOR OF THE YEAR**

**2006 NH DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE  
COMMISSION ON AGING – JOSEPH D. VAUGHN**

**2011 CITATION FROM NEW HAMPSHIRE GOVERNOR JOHN LYNCH FOR  
VOLUNTEER SERVICE**

Attachment # 2

Page 13 of 13

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

SEAT #	MEMBER NAME Contact Information	NOMINATED BY	SEAT REQUIREMENT	Initial Appointment Date  Reappointment Date	TERM EXPIRES	CURRENT TERM	ELIGIBLE FOR REAPPOINTMENT	Diversity/Gender
1	<b>Philip M. Schutzer</b> 9517 Via Elegante Wellington, FL 33411 (561) 855-4335 (h) (305) 606-2836 (c) <a href="mailto:schutze:Q@comcast.net">schutze:Q@comcast.net</a>	Commissioner Taylor and Commissioner Burdick	<b>Attorney</b>	08/19/2014	08/19/2017	1	YES	White/Male
2	<b>Martin (Marty) Lipnack</b> 8506 Logia Circle Boynton Beach, FL 33472 (561) 375-6773 (h) (561) 504-5314 (c) (561) 742-3003 (fax) <a href="mailto:milipnack@gmail.com">milipnack@gmail.com</a>	Commissioner Taylor Commissioner Paulette Burdick, and Commissioner Hal Valache	<b>Resident of Palm Beach County</b>	02/04/2014	09/30/2017	1	YES	White/Male
3	<b>Michael Carter</b> 903 43 <sup>rd</sup> Street West Palm Beach, FL 33407 (561) 313-2571 <a href="mailto:vanguardconstruct@gmail.com">vanguardconstruct@gmail.com</a>	Commissioner Paulette Burdick, and Commissioner Hal Valache	<b>Resident of Palm Beach County</b>	02/04/2014	09/30/2017	1	YES	African American/Male
4	<b>Athavale, Manohar (Manny)</b> 8712 S. Kendale Circle Lake Worth, FL 33467 561-304-2533 (h) 561-212-7781 (c) 561-304-2818 (fax) <a href="mailto:mathavale@msn.com">mathavale@msn.com</a>	Mayor Vana and Commissioner Hal Valeche	<b>Resident of Palm Beach County</b>	05/04/2011 02/04/2014	09/30/2017	1	YES	Asian / Male

Attachment # 3

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

5	<b>Lewis, Frank</b> 6812 Calle Del Paz North Boca Raton, FL 33433 (561) 391-1514 (h) (561) 706-0294 (c) <a href="mailto:Frank_L55@yahoo.com">Frank_L55@yahoo.com</a>	Commissioner Burdick, Commissioner Taylor, Commissioner Santamaria, and Commissioner Valeche	<b>Resident of Palm Beach County</b>	04/23/2013	09/30/2015	2	YES	White/Male
6	<b>Moldoff, Harold</b> 2797 Muskegon Way West Palm Beach, FL 33411 (561) 855-7754 (h) (561) 318-7780 (fax) <a href="mailto:hmoldoff@comcast.net">hmoldoff@comcast.net</a>	Commissioner Burdick, Commissioner Taylor, Commissioner Santamaria, and Commissioner Valeche	<b>Resident of Palm Beach County</b>	04/23/2013	09/30/2015	2	YES	White/Male
7	<b>Murphy, Harold</b> 13245 Compton Rd. Loxahatchee, FL 33470 561-662-0025 (c) 561-686-8307 (fax) <a href="mailto:Dirtyh911@aol.com">Dirtyh911@aol.com</a>	Commissioner Taylor	<b>Resident of Palm Beach County</b>	05/18/2010  12/18/2012	  10/07/2017	  1	  YES	  White / Male

New Consumer Affairs Ordinance went into effect on December 19, 2013

Attachment # 3

Page 2 of 2

ORDINANCE NO. 2013- 035

1  
2  
3  
4 AN ORDINANCE OF THE BOARD OF COUNTY  
5 COMMISSIONERS OF PALM BEACH COUNTY,  
6 FLORIDA, REPEALING PALM BEACH COUNTY CODE,  
7 CHAPTER 9, ARTICLE I, CODIFYING ORDINANCE NO.  
8 72-2, AS AMENDED, "THE PALM BEACH COUNTY  
9 CONSUMER AFFAIRS ORDINANCE," RELATING TO  
10 CONSUMER AFFAIRS AND UNFAIR OR DECEPTIVE  
11 TRADE PRACTICES; AND ADOPTING A NEW  
12 CONSUMER AFFAIRS ORDINANCE; PROVIDING FOR  
13 TITLE; PROVIDING FOR DEFINITIONS; PROVIDING  
14 FOR SCOPE OF ORDINANCE; PROVIDING FOR  
15 EXEMPTIONS; PROVIDING FOR OTHER RIGHTS AND  
16 REMEDIES; PROVIDING FOR A CONSUMER AFFAIRS  
17 DIVISION; PROVIDING FOR A DIRECTOR OF  
18 CONSUMER AFFAIRS; PROVIDING FOR POWERS OF  
19 DIRECTOR; PROVIDING FOR COMPLAINTS;  
20 PROVIDING FOR THE PROHIBITION OF UNFAIR OR  
21 DECEPTIVE TRADE PRACTICES; PROVIDING FOR A  
22 CONSUMER AFFAIRS HEARING BOARD; PROVIDING  
23 FOR POWERS OF THE CONSUMER AFFAIRS HEARING  
24 BOARD - PROCEEDINGS AT HEARING; PROVIDING  
25 FOR ASSURANCE OF VOLUNTARY COMPLIANCE;  
26 PROVIDING FOR CEASE AND DESIST ORDER OF  
27 DIRECTORS; PROVIDING FOR ORDER TO SHOW  
28 CAUSE; PROVIDING FOR STATUTES ADOPTED;  
29 PROVIDING FOR ENFORCEMENT AND CIVIL  
30 PENALTIES; PROVIDING FOR REPEAL OF LAWS IN  
31 CONFLICT; PROVIDING FOR SAVINGS CLAUSE;  
32 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
33 INCLUSION IN THE CODE OF LAWS AND  
34 ORDINANCES; PROVIDING FOR CAPTIONS; AND,  
35 PROVIDING FOR AN EFFECTIVE DATE.

36  
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  
12 (b) To represent the interests of consumers before administrative and regulatory  
13 agencies and legislative bodies;  
14  
15 (c) To enforce the provisions of this Ordinance;  
16  
17 (d) To investigate complaints, institute actions and proceedings under this  
18 Ordinance;  
19  
20 (e) To conduct appropriate surveys and inspections to determine whether the  
21 provisions of this Ordinance are being complied with;  
22  
23 (f) To report to the appropriate law enforcement officers any information  
24 concerning violations of any consumer protection law;  
25  
26 (g) To render annual reports to the Board of County Commissioners as to the  
27 number of complaints filed, the nature thereof and the disposition thereof and  
28 other relevant activities of the office and the Board undertaken during the  
29 previous year;  
30  
31 (h) To publicize and disseminate information to the public concerning consumer  
32 affairs and to recommend methods for improvement thereof;  
33  
34 (i) To enlist and encourage public support and the assistance of civic  
35 organizations and the cooperation of business enterprises and organizations in  
36 consumer affairs;  
37  
38 (j) To make periodic reports concerning the status of consumer affairs in Palm  
39 Beach County and the enforcement of the provisions of this Ordinance, and  
40 recommendations concerning consumer protection. Such reports shall be  
41 made to the Consumer Affairs Hearing Board and to the Board of County  
42 Commissioners of Palm Beach County;  
43  
44 (k) To prepare assurances of voluntary compliance as provided for in Section 15  
45 of this Ordinance; and  
46  
47 (l) To assist, develop and conduct programs of consumer education and  
48 information through public hearings, meetings, publications or other materials  
49 prepared for distribution to the consumer.  
50

51 **Section 10. Complaints.**

- 52  
53 (a) Any consumer may make or file a complaint stating the name and address (if  
54 known) of the person alleged to have committed the violation complained of  
55 and the particulars thereof, and such other information as may be required by  
56 the Consumer Affairs Division.  
57  
58 (b) Upon the filing of a complaint, the Director shall review the complaint and  
59 supporting documentation, if any, and assign a staff investigator, if  
60 appropriate. If the staff investigator determines that there are reasonable

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:  
19

- 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;  
32  
33 (e) Representations that goods or services are those of another, if they are not;  
34  
35 (f) Using deceptive representations or designations of geographic origin in  
36 connection with goods or services;  
37  
38 (g) Advertising goods or services intending not to sell them as advertised;  
39  
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;  
45  
46 (j) Disparaging the goods, services, or business of another by false or misleading  
47 representations of fact;  
48  
49 (k) Making false or misleading statements of fact concerning the reasons for the  
50 existence of, or amounts of price reductions;  
51  
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;  
59  
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;



- 1  
2 (o) Offering gifts, prizes, free items, or other gratuities, intending not to provide  
3 them as offered in connection with a sale of goods or services to a consumer;  
4  
5 (p) Making false or misleading statements concerning the existence, terms, or  
6 probability of any rebate, additional goods or services, commission, discount  
7 offered as an inducement for the sale of goods or services;  
8  
9 (q) Using physical force, threat of physical force, or coercion in dealing with  
10 consumers;  
11  
12 (r) Any violation of the Florida Deceptive and Unfair Trade Practices Act,  
13 Section 501.201 et seq., Florida Statutes;  
14  
15 (s) Advertising, representing, or offering for sale an article of food or food  
16 product as "kosher" or having the word "kosher" in any language inscribed  
17 thereon if such food is not in fact kosher as sanctioned by orthodox Hebrew  
18 religious requirements, and,  
19  
20 (t) Selling or exposing for sale in any hotel, restaurant or other place where food  
21 products are sold for consumption on the premises, any meat or meat  
22 preparation, or article of food, or food preparation falsely representing the  
23 same to be kosher or as having been prepared in accordance with the orthodox  
24 Hebrew religious requirements when the meat or meat preparation, article of  
25 food or food preparation is not kosher or not prepared in accordance with  
26 orthodox Hebrew religious requirements, or; or selling or exposing for sale in  
27 such hotel, restaurant or such other place kosher and non-kosher food or food  
28 preparation, the latter having not been prepared in accordance with Jewish  
29 ritual or not sanctioned by the Hebrew orthodox religious requirements and  
30 failing to conspicuously display a sign or other public notice in block letters  
31 at least four inches in height "kosher and non-kosher food served here;" or  
32 displaying within or outside such hotel, restaurant or other place, words or  
33 letters in Hebraic characters or any sign, emblem, insignia symbol or mark in  
34 simulation of same, the display of which might reasonably be calculated to  
35 deceive or lead a reasonable person to believe that a representation is being  
36 made that all food sold or offered for sale on the premises is kosher and  
37 prepared in accordance with the orthodox Hebrew religious requirements if  
38 such is not true of all the food products sold on the premises.  
39

40 **Section 12. Consumer Affairs Hearing Board.**  
41

- 42 (a) The Palm Beach County Consumer Affairs Hearing Board is hereby recreated  
43 and reestablished. The Board shall be subject to the uniform policies and  
44 procedures established by the Board of County Commissioners for Advisory  
45 Boards as currently set forth in Resolution No. 2013-0193, as may be further  
46 amended by action of the Board of County Commissioners.  
47  
48 (b) The Board shall consist of seven (7) members appointed at-large by the Board  
49 of County Commissioners. The members of this Board shall be residents of  
50 Palm Beach County at the time of appointment and while serving on the  
51 Board. At least one (1) member shall be an attorney, licensed to practice in  
52 the State of Florida, and all other appointments shall be made by the Board of  
53 County Commissioners on the basis of experience or interest in the field of  
54 consumer affairs. All Board appointments shall be for a term of three (3)  
55 years, with a limit of three (3) consecutive terms. Terms shall begin on  
56 October 1<sup>st</sup>, and end on September 30<sup>th</sup>. Existing member's terms shall end  
57 on September 30<sup>th</sup> of the year in which their term expires. Vacancies  
58 occurring during a term shall be filled for the unexpired portion of the term,  
59 and shall not count toward a member's term limits. Members serve without  
60 compensation. Members shall be governed by the applicable provisions of  
61 the State Ethics Code and the applicable provisions of the Palm Beach County  
62 Code of Ethics, as may be amended.

- 1  
2 (c) Members shall be automatically removed for lack of attendance. Lack of  
3 attendance is defined as failure to attend three (3) consecutive meetings or a  
4 failure to attend more than one-half of the meetings scheduled during a  
5 calendar year. Participation for less than three-fourths of a meeting shall be  
6 the same as a failure to attend a meeting. Members removed pursuant to this  
7 paragraph shall not continue to serve on the Board and such removal shall  
8 create a vacancy. Vacancies shall be filled in the same manner as the original  
9 appointments for the remainder of the vacant term.  
10  
11 (d) Members shall appoint a chairperson and a vice-chairperson. The chairperson  
12 and the vice-chairperson shall be elected by a majority vote of the Board and  
13 shall serve for a term of one (1) year. The vice-chairperson shall perform the  
14 duties of the chairperson in the absence of the chairperson. In the absence of  
15 both the chairperson and the vice-chairperson, the Division director or  
16 manager may conduct the meeting or hearing. Meetings and hearings shall be  
17 governed by Robert's Rules of Order, and shall be open to the public, duly  
18 advertised and otherwise comply with all applicable requirements of Florida's  
19 "Sunshine" law as set forth in Chapter 286, Florida Statutes. A majority of  
20 the members currently appointed shall constitute a quorum and action may be  
21 taken by the Board upon a vote of a majority of the members present. At any  
22 meeting or hearing, the Board may fix and call a meeting or hearing on a  
23 future date. The Board shall meet on a regular basis to conduct its business  
24 and as necessary to conduct administrative hearings filed by persons  
25 appealing the decisions of the Division.  
26  
27 (e) Any appeal of a decision rendered by the Consumer Affairs Hearing Board  
28 regarding a violation of Chapter 501 Florida Statutes shall be directed to the  
29 Florida Office of the Attorney General with subsequent judicial review  
30 through the District Courts of Appeal. Adjudications of the Consumer Affairs  
31 Hearing Board of substantive violations of this Ordinance shall be appealed to  
32 the Circuit Court of the Fifteenth Judicial Court by Writ of Certiorari.  
33  
34 (f) Alternatively, the Division shall have the option to utilize a Special Master to  
35 hear matters for appeal, instead of scheduling those appellate matters before  
36 the Consumer Affairs Hearing Board. The Division shall establish policies  
37 and procedures governing the Special Master process prior to said utilization.  
38

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

40  
41 The Consumer Affairs Hearing Board shall have the following authority and power:

- 42  
43 (a) To assist, advise, and cooperate with the Board of County Commissioners and  
44 local, state, and federal agencies and officials to protect the interests of the  
45 consumer-public;  
46  
47 (b) To hear appeals by persons aggrieved by actions of the Consumer Affairs  
48 Division not already referred to the state attorney for criminal prosecution;  
49 the Board shall reach a prompt decision on all such appeals and may affirm or  
50 reverse the action or decision appealed from, provided that such decision shall  
51 not be in conflict with the provisions of this Ordinance; and,  
52  
53 (c) To exercise and perform such other functions, powers and duties as may be  
54 deemed necessary or appropriate to protect and promote the welfare of county  
55 consumers.  
56

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

- 58  
59 (a) The Board shall give probative effect to the evidence which would be  
60 admissible to civil proceedings in the courts of this state but in receiving  
61 evidence due regard shall be given to the competent, reliable and technical

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

- 4  
5 (b) The rules of privilege shall be effective to the same extent that they are now  
6 or hereafter may be recognized in civil action. Irrelevant and unduly  
7 repetitious evidence shall be excluded.  
8  
9 (c) At the hearing the parties may present testimony and evidence, and the right  
10 to cross examine witnesses shall be preserved. All testimony and evidence  
11 shall be given under oath or by affirmation.  
12  
13 (d) The Board shall keep a full record of the hearing, which record shall be public  
14 and open to inspection by any person; and upon request by any principal party  
15 to the proceedings the Board shall furnish such party a copy of the hearing  
16 record, at such cost as the Board of County Commissioners deems  
17 appropriate.  
18  
19 (e) The general procedure for the hearing shall be as set forth above, and as well,  
20 each party shall have the following rights:  
21  
22 (1) To call and examine witnesses;  
23 (2) To introduce exhibits;  
24 (3) To cross examine opposing witnesses on any relevant matter  
25 even though the matter was not covered under direct  
26 examination;  
27 (4) To impeach any witness regardless of which party first called  
28 him to testify; and,  
29 (5) To rebut the evidence.  
30

31 **Section 15. Assurance of Voluntary Compliance.**  
32

- 33 (a) In the enforcement of this Ordinance, the Director may accept an Assurance  
34 of Voluntary Compliance with respect to any method, act or practice deemed  
35 to be violative of law from any person who has engaged or was about to  
36 engage in such method, act or practice. Any such assurance shall be a formal  
37 written agreement between the Consumer Affairs Division and the merchant,  
38 approved as to form and legal sufficiency by the County Attorney's Office  
39 and filed with the Clerk of the Circuit Court. Such Assurances of Voluntary  
40 Compliance may be conditioned on a commitment to reimburse consumers or  
41 any other appropriate corrective action such as the voluntary payment by the  
42 merchant of the costs of the investigation by the Consumer Affairs Division.  
43 An Assurance of Voluntary is not evidence of prior violation of this section,  
44 however, unless an Assurance of Voluntary has been rescinded by agreement  
45 of the parties or voided by the court for good cause. Subsequent failure to  
46 comply with the terms of an Assurance of Voluntary shall be deemed prima  
47 facie evidence of a violation of this Ordinance. No such Assurance of  
48 Voluntary shall act as a limitation upon any action or remedy available to a  
49 person aggrieved by a violation of this Ordinance.  
50  
51 (b) Every merchant desiring to negotiate an Assurance of Voluntary Compliance  
52 shall be apprised of his right to have his case heard by the Board in the event  
53 he does not wish to enter into such Assurance of Voluntary Compliance.  
54

55 **Section 16. Cease and Desist Order of Director.**  
56

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

1  
2 (b) Official notice of hearing, which shall be by personal service, certified mail or  
3 posting in a conspicuous place at the merchant's place of business, shall  
4 incorporate and set out the following:  
5

- 6 (1) The name of the complainant;  
7 (2) The alleged charge and approximate date of the commission  
8 of the act;  
9 (3) The section of this Ordinance alleged to be involved;  
10 (4) Notification as to the time and place of the Board hearing which  
11 shall be held not sooner than ten (10) days and not later than  
12 thirty-one (31) days after service of the demand;  
13 (5) Notice to the respondent that he may be represented by counsel,  
14 and that he may bring all original documents and other data  
15 pertinent to the case; and,  
16 (6) That the respondent will be given an opportunity to present  
17 witnesses and evidence he may deem appropriate.  
18

19 **Section 17. Order to Show Cause.**  
20

21 The person against whom a complaint is filed under this Ordinance shall have the right to appear  
22 at the place and time so fixed and show cause why the demand for the Cease and Desist Order  
23 should not be upheld by the Board.  
24

25 **Section 18. Statutes Adopted.**  
26

- 27 (a) All statutes of the state and rules adopted there under defining and  
28 prohibiting false advertising and offenses relating to consumer protection,  
29 trade standards, and weights and measures, defined by state law, are adopted  
30 and incorporated by reference as part of this Ordinance to the same extent  
31 and the same effect as if the provisions of each such statute were set out in  
32 full herein, defining and prohibiting each such offense against the state to be  
33 prohibited by, or an offense in violation of this Ordinance. This shall  
34 include, but is not limited to Part II of Chapter 501, Florida Statutes, and all  
35 rules adopted pursuant to section 501.205, Florida Statutes, Chapter 817,  
36 Florida Statutes, is hereby adopted by reference. It is the intent of this  
37 Ordinance that due consideration and great weight be given to the  
38 interpretations of the Federal Trade Commission and the federal courts  
39 relating to section 5(a)(1) of the Federal Trade Commission Act (15 USC  
40 45(a)(1)), as from time to time amended.  
41  
42 (b) Rules having the force and effect of law as authorized under sections 4, 5,  
43 and 6 of the Fair Packaging and Labeling Act (P.L. 89-755) that supersede  
44 state and local laws which are less stringent than or require information  
45 different from such act, are hereby adopted by reference, as published in the  
46 Federal Register as part of this Ordinance. No person shall distribute or  
47 cause to be distributed, offer for sale, or sell, in this county any packaged  
48 consumer commodity unless in conformity with the Fair Packaging and  
49 Labeling Act and/or the rules which shall be established by the  
50 promulgating authority.  
51

52 **Section 19. Enforcement and Civil Penalties.**  
53

- 54 (a) It shall be the duty and responsibility of all law enforcement officials to  
55 assist in the enforcement of this Ordinance to the extent that it is within their  
56 jurisdiction to do so.  
57  
58 (b) Whenever any person has been issued a civil citation by a staff investigator  
59 and has been found to have engaged in any acts or practices which constitute  
60 a violation of any provision of this Ordinance, the person shall be required  
61 to pay Palm Beach County a civil penalty not to exceed Two Hundred Fifty

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 R. BOCK, CLERK

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

By: Sharon R. Bock  
Deputy Clerk

By: Priscilla A. Taylor  
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Jammy [Signature]  
County Attorney

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