

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

BOARD APPOINTMENT SUMMARY

Meeting Date: March 22, 2016

Department: Palm Beach County Health Department

Submitted by: County Administration

Advisory Board Name: Environmental Control Hearing Board

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: appointment of the following individual to complete an unexpired term on the Environmental Control Hearing Board (Board) beginning March 22, 2016 and ending January 31, 2017:

| <u>Name</u> | <u>Seat No.</u> | <u>Requirement</u> | <u>Recommended By</u> |
|------------------|-----------------|--------------------|-----------------------|
| Lauren Capriotti | 3 | Citizen-at-Large | Vice Mayor Valeche |

Summary: The Board is composed of five members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. On November 6, 2015 and January 22, 2016, memos were circulated to the Board of County Commissioners regarding the above vacancy. No additional nominations were received. Out of the four seats currently filled, the diversity count is: one African-American female, and three Caucasian males. Ms. Capriotti is a Caucasian female. Countywide (HH)

Background and Justification: Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board. This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. The Hearing Board hears and conducts hearings into the merits of alleged violations to sections promulgated under Chapter 77-616 (Environmental Control Act). Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board.

Attachments:

1. Memos dated November 6, 2015 and January 22, 2016
2. Board Appointment Information Form w/Résumé
3. Current List of Board Members
4. Pages 10 and 11 of Chapter 77-616, Laws of Florida
5. Page 2 of Resolution 92-123

Recommended by:  3-4-16
Deputy County Administrator Date

Legal Sufficiency:  3-7-16
Assistant County Attorney Date



MEMORANDUM

County Administration

P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2030
FAX: (561) 355-3982
www.pbcgov.com

TO: Mayor Shelley Vana and Members of the Board of County Commissioners
FROM: Jon Van Arnam, Deputy County Administrator
DATE: November 6, 2015
RE: Environmental Control Hearing Board

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

Verdenia C. Baker

The Environmental Control Hearing Board (Hearing Board) is comprised of five members: one attorney recommended by the Palm Beach County Bar Association; one medical doctor recommended by the Palm Beach County Medical Society, one engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society and two citizens at-large, not holding elective office. The Hearing Board hears and conducts public hearing into the merits of alleged environmental ordinance violations and to issue injunctive and affirmative relief and impose civil penalties for such violations.

Due to a resignation, there is a vacancy for one of the citizens' at-large seats. While, members serve three year terms, this opening is to fill an unexpired term, which will expire January 31, 2017.

The Hearing Board meets at 9:00 a.m. every 45 days at the Health Department Administrative headquarters at 800 Clematis Street, Room 112, West Palm Beach. The diversity of the four sitting members of the Hearing Board is: one African-American female and three Caucasian males.

If you have a nominee(s) who would be interested in serving, please forward the nominee's contact information and staff will work with them to complete the Application. If you have any questions, please contact Patty Hindle at 355-3229 or me at 355-2740.

"An Equal Opportunity Affirmative Action Employer"

printed on recycled paper



MEMORANDUM

County Administration

P.O. Box 1989

West Palm Beach, FL 33402-1989

(561) 355-2030

FAX: (561) 355-3982

www.pbcgov.com

TO: Mayor Mary Lou Berger and Members of the Board of County Commissioners

FROM: Jon Van Arnam, Deputy County Administrator
County Administration

DATE: January 22, 2016

RE: Environmental Control Hearing Board – 2nd Request

Palm Beach County Board of County Commissioners

Mary Lou Berger, Mayor

Hal R. Valeche, Vice Mayor

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

The Environmental Control Hearing Board (Hearing Board) is comprised of five members: one attorney recommended by the Palm Beach County Bar Association; one medical doctor recommended by the Palm Beach County Medical Society, one engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society and two citizens at-large, not holding elective office. The Hearing Board hears and conducts public hearing into the merits of alleged environmental and child care ordinance violations and to issue injunctive and affirmative relief and impose civil penalties for such violations.

Due to a resignation, there is a vacancy for one of the citizens' at-large seats. While, members serve three year terms, this opening is to fill an unexpired term, which will expire January 31, 2017.

The Hearing Board meets at 9:00 a.m. every 45 days at the Health Department Administrative headquarters at 800 Clematis Street, Room 112, West Palm Beach. The diversity of the four sitting members of the Hearing Board is: one African-American female and three Caucasian males.

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County Administrator

Verdenia C. Baker

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

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Environmental Control Hearing Board Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: N/A Years. From: March 1, 2016 To: See Below

Seat Requirement: Resident of Palm Beach County Seat #: 3

*Reappointment or New Appointment

or to complete the term of Edwin D. Sherman Due to: resignation other

Completion of term to expire on: January 31, 2017

*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: NA

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Capriotti Lauren
Last First Middle

Occupation/Affiliation: Attorney
Owner Employee Officer

Business Name: The iCan Group, LLC

Business Address: 5300 Broken Sound Blvd, Suite 200

City & State: Boca Raton, FL Zip Code: 33487

Residence Address: 2416 S. Wallen Drive

City & State: West Palm Beach, FL Zip Code: 33410

Home Phone: (561) 676-9400 Business Phone: () Ext. _____

Cell Phone: (561) 676-9400 Fax: ()

Email Address: capriottilauren@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>Example: (R#XX-XX/PO XX)</u> | <u>Parks & Recreation</u> | <u>General Maintenance</u> | <u>10/01/00-09/30/2100</u> |
| <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |

(Attach Additional Sheet(s), if necessary)
OR

NONE

NOT APPLICABLE/
(Governmental Entity)

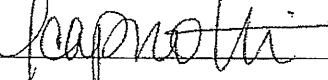
ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

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 on January 29 2016
 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: Lauren Capriotti, Esq. Date: 2/3/2016

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:
 Patty Hindle, Agenda Coordinator, County Administration
 301 N. Olive Avenue, Suite 1101, West Palm Beach, FL 33401
 Telephone: (561) 355-3229/Fax (561) 355-3982/Email: phindle@pbcgov.org

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature:  Date: 2/18/16

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

Revised 02/01/2016

LAUREN CAPRIOTTI, ESQ.

2416 S. Wallen Drive, Palm Beach Gardens, FL 33410
Phone: (561) 676-9400

EDUCATION

Nova Southeastern University, Shepard Broad Law Center, Fort Lauderdale, FL
Juris Doctor, May 2014

- ❖ Top 25% of graduating class
- ❖ Moot Court Society, *Chief Justice, 2013-2014*
- ❖ Moot Court Society, *National Health Law Moot Court Competition, Semi-Finalist, Fall 2013*
- ❖ Moot Court Society, *International IT/Privacy Moot Court Competition, Top 5 Oral Advocate, Fall 2014*
- ❖ National Order of the Barristers, *Member, Awarded to Top 10 Oral Advocates in Graduating Class*
- ❖ Research Assistant for Professor Michael Flynn, *Summer 2012*
- ❖ Torts Teaching Assistant, *Fall 2012*

Florida Atlantic University, College of Arts & Letters, Boca Raton, FL
Bachelor of Arts in Public Communications, Minor: Political Science, December 2009

EXPERIENCE

The iCan Group, LLC, Boca Raton, FL
In-House Counsel, May 2015 - Present

- ❖ Handles all in-house legal transactions with concentration in telecommunications compliance, private mergers and acquisitions, television ventures, human resources issues. Oversees insurance risk management and legal cost containment. Negotiates and drafts vendor contracts and leases. Supervises licensing department and outside counsel in litigation and specialized areas such as intellectual property law.

Kelley, Bernheim & Dolinsky, LLC, Plantation, FL
Mass Torts - Associate Attorney, September 2014 - May 2015

- ❖ Drafted pleadings including complaints, motions, and responses. Attended calendar call and motion calendar for various types of litigation. Prepared highly detailed client demands and medical chronologies for mass tort caseload. Facilitated discovery and client applications through MDL Master Settlement Agreements.

Law Clerk, February 2013 - September 2014

Office of the State Attorney, 17th Judicial Circuit, Broward County, Fort Lauderdale, FL
Legal Intern, Division: Organized Crime and Public Corruption, May 2012 - August 2012

Northwestern Mutual Financial Network, Palm Beach Gardens, FL
Associate Financial Representative, September 2005 - July 2011

- ❖ Earned and maintained 2-15 Life, Health & Variable Annuity License. Managed interoffice production, underwriting, and compliance for two of the top producing Financial Representatives in South Florida. Provided hundreds of clients with a detailed analysis of the company's products and how they fit in with the individual client's needs and goals.

VOLUNTEER

A Second Go, Inc.
General Counsel, May 2015 - Present

- ❖ A Second Go, Inc. was established in 2015 by Leukemia survivor Kelly Sudell to help individuals who have recently been placed in remission transition back to a healthy and active lifestyle. As General Counsel, I incorporated the organization and provide legal advice for all day to day business decisions.



PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
ENVIRONMENTAL CONTROL HEARING BOARD

I. AUTHORITY :

PBC Environmental Control Act, Chapter 77-616, Section 9, Laws of Florida, Ordinance No. 78-5; as amended by Ordinance No. 79-15; amended by Ordinance No. 85-25; as amended by Ordinance No. 87-22. Unified Land Development Code, Section 4.12, amended by Resolution No. R92-123.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Board shall be composed of five (5) members. Membership shall consist of one (1) lawyer, recommended by the PBC Bar Association; one (1) medical doctor, recommended by the PBC Medical Society; one (1) engineer, recommended by the PBC chapter of the Florida Engineering Society; and two (2) citizens at-large. The term of appointments shall be for three (3) years. Appointments to fill any vacancy on the Hearing Board shall be for the remainder of the unexpired term of office. Members shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership of the Board.

EXTENDED COMPOSITION :

IV. MEETINGS :

Every forty-five (45) days at 8:30a.m., 800 Clematis, West Palm Beach, FL

V. FUNCTIONS :

To hear and conduct hearings into the merits of alleged violations to sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ordinance No. 78-5, as amended, and to issue injunctive and affirmative relief for violations; and after due public hearing upholding a violation, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform with either or all of the following requirements: (a) to refrain from committing, creating, maintaining, or permitting the violations; (b) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation; (c) to issue orders imposing civil penalties of up to \$500 for each day of violation; (d) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and (e) to administer oaths to any or all persons who are to testify before the ECHB.

Attachment # 3
Page 1 of 4

* indicates a member having an action pending

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Florida Dept. of Health - Palm Beach Coun

CONTACT PERSON

Precious Woods

ADDRESS

800 Clematis St
West Palm Beach FL 33401
Phone # 561-671-4008

Attachment # 3

Page 2 of 4

* indicates a member having an action pending



ENVIRONMENTAL CONTROL HEARING BOARD

| SEAT ID | CURRENT MEMBER | ROLE TYPE | RACE CODE | GENDER | BUSINESS / HOME PHONE | SEAT REQUIREMENT | APPOINT DATE | REAPPOINT DATE | EXPIRE DATE |
|---------|----------------|-----------|-----------|--------|-----------------------|------------------|--------------|----------------|-------------|
|---------|----------------|-----------|-----------|--------|-----------------------|------------------|--------------|----------------|-------------|

Appointed By : At-Large/Palm Beach County Board of County Commissioners

| | | | | | | | | | |
|---|-----------------|--------|----|---|--------------|----------|------------|--|------------|
| 1 | Alicia M. Phidd | Member | AA | F | 561-900-6893 | Attorney | 01/14/2014 | | 01/13/2017 |
|---|-----------------|--------|----|---|--------------|----------|------------|--|------------|

9605 Capendon Ave Unit 305
Palm Beach Gardens FL 33418

NOMINATED BY : Palm Beach County Bar Association

| | | | | | | | | | |
|---|--------------|--------|----|---|--------------|-----------------------------|------------|--|------------|
| 2 | David Shulan | Member | CA | M | 562-374-9221 | Medical Doctor/ER Physician | 04/21/2015 | | 04/20/2018 |
|---|--------------|--------|----|---|--------------|-----------------------------|------------|--|------------|

12264 Bear River Rd
Boynton Beach FL 33473

NOMINATED BY : Palm Beach County Medical Society

| | | | | | | | | | |
|---|--------|--------|--|--|--|-------------------------------|--|--|------------|
| 3 | Vacant | Member | | | | Resident of Palm Beach County | | | 01/31/2017 |
|---|--------|--------|--|--|--|-------------------------------|--|--|------------|

NOMINATED BY :

| | | | | | | | | | |
|---|----------------------|--------|----|---|--------------|-------------------------------|------------|------------|------------|
| 4 | David L. Freudenberg | Member | CA | M | 561-213-3524 | Resident of Palm Beach County | 05/02/2006 | 02/01/2014 | 01/31/2017 |
|---|----------------------|--------|----|---|--------------|-------------------------------|------------|------------|------------|

3735 Victoria Way
Boca Raton FL 33434

Attachment # 3

NOMINATED BY :

Page 3 of 4

* indicates a member having an action pending

Appointed By : At-Large/Palm Beach County Board of County Commissioners

5 Terrence R. Horan Member CA M 561-840-3667 Engineer
ECS Florida, LLC

02/04/2014

02/03/2017

2000 Avenue "P" Ste 3
West Palm Beach FL 33404

NOMINATED BY : Florida Engineering Society - PBC Chapter

Attachment # 3
Page 4 of 4

* indicates a member having an action pending

Section 8. Exemptions.--The provisions of this act do

1.15/177

not apply to:

1.15/178

(a) Agricultural operations in the growing, harvesting or processing of crops and the raising of fowls or animals.

1.15/179

1.15/178

(b) Use of equipment in the performance of such agricultural operations.

1.15/177

(c) Barbecue equipment or outdoor fireplaces used for noncommercial purpose.

1.15/178

(d) Agricultural land clearing operations or agricultural land grading.

1.15/179

(e) Incinerators and heating equipment in or used in connection with residences used exclusively as dwellings for not more than four (4) families.

1.15/180

1.15/181

(f) Fires set or permitted by any public officer,

1.15/182

board, council or commission when such fire is set or

1.15/183

permission given in the performance of such duty of the

officer for the purpose of weed abatement, the prevention or

1.15/184

elimination of the fire hazard, or the instruction of

1.15/185

employees in the methods of fire fighting which is in the

1.15/186

opinion of such officer necessary, or from fires set pursuant

to permit for purpose of instruction of employees of private

1.15/187

industrial concerns in methods of fire fighting, or for civil

1.15/188

defense instruction.

(g) The use of an orchard or citrus grove heater which

1.15/189

does not produce unconsumed solid carbonaceous matter at a

1.15/190

rate in excess of one (1) gram per minute.

(h) Odors emanating from agricultural operations in

1.15/191

the growing, harvesting or processing of crops or raising of

1.15/192

fowls or animals.

Section 9. Hearing board; organization.--The Board

1.15/193

shall appoint a five (5) member Hearing Board, the members of

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

1 The following resolution is hereby approved and adopted:

2 Section 1. Terms and Length of Service.

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

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

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

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

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

R-92 123

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