

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

Meeting Date: July 10, 2018

Department: Public Safety / Division of Consumer Affairs

Advisory Board: Consumer Affairs Hearing Board (CAHB)

I. EXECUTIVE BRIEF

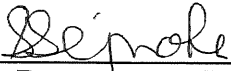

Motion & Title: **Staff recommends motion to approve:** appointment of two (2) nominees to Consumer Affairs Hearing Board (CAHB) for the term of July 10, 2018 to September 30, 2020 as follows:

<u>Seat</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated by</u>
1	Steven Goldberg	Citizen/Resident—Attorney (new)	Comm. Valeche Comm. Burdick Comm. Kerner Comm. Abrams
3	David Shane	Citizen/Resident (new)	Comm. Valeche Comm. Burdick Comm. Kerner Comm. Abrams

Summary: The Consumer Affairs Ordinance was approved by the Board of County Commissioners (BCC) on December 17, 2013, and codified in Chapter 9, Article I of the Palm Beach County Code. The Consumer Affairs Ordinance established a seven (7) member CAHB. The CAHB serves in both an advisory capacity to the County Commissioners and as an Appeals Hearing Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving, home caregiver, adult entertainer, water taxi, and consumer affairs ordinances. Members are selected from various businesses, professions and the general public. A memo was sent to the BCC on May 23, 2018 seeking nominations for the above two (2) at-large seats. The CAHB has seven seats, five are currently filled. The two (2) nominees are both Caucasian males. With the appointments to these seats, the CAHB will have seven seats filled. The CAHB will have a diversity count as follows: Asian: 2 (29%) African American: 1 (14%) and Caucasian: 4 (57%). The gender ratio (male: female) will be 7:0. Countywide (LDC)

Background and Justification: The BCC initially created the CAHB in 1972. The Board carries out the respective requirements of the seven (7) ordinances administered by the Consumer Affairs Division. CAHB representation consists of seven (7) seats, one of whom must be an attorney, licensed to practice in the State of Florida. All appointments are made by the BCC based on experience or interest in the field of consumer affairs. Members of the CAHB serve three (3) year terms with a limit of three (3) consecutive terms.

- Attachments:**
- 1. Memorandum requesting nominations
 - 2. Board/Committee Application, Ethics Acknowledgement, and Resume for S. Goldberg
 - 3. Board/Committee Application, Ethics Acknowledgement, and Resume for D. Shane
 - 4. Current CAHB Membership List
 - 5. Consumer Affairs Ordinance 2013-035

Recommended by:		<u>6/13/18</u>
	Department Director	Date
Legal Sufficiency:		<u>6/19/18</u>
	Assistant County Attorney	Date



Department of Public Safety
Division of Consumer Affairs
50 S. 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/safety/consumeraffairs

**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor


Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

MEMORANDUM

To: Melissa McKinlay, Mayor, and Members of the Board of County Commissioners

From: Rob Shelt, Division Manager
Consumer Affairs 

Date: May 23, 2018

RE: **Consumer Affairs Hearing Board (CAHB) Request for
Nomination of Two (2) At Large Members**

The purpose of this memo is to request a nomination to support the two (2) new members to the CAHB as shown below:

Nominee	Initial Appointment	Term Expiration	Requirement
Steven Goldberg	For Consideration (new)	9/30/2020	Citizen/Resident and Attorney
David Shane	For Consideration (new)	9/30/2020	Citizen/Resident

Attached is a completed application and resume for the interested and qualified individuals. If you wish to endorse the nomination, please sign Section III of the attached application and return it to me by **Friday, June 8, 2018**. Our recommendation for appointment will be placed on the July 10, 2018, Board of County Commissioners meeting.

If you would like to nominate other candidates for soon to be expired or vacant positions, please forward names and contact information to me at your earliest convenience, and I will contact the candidates and work with them to complete the application form.

Pursuant to the Ordinance 2013-035, the CAHB shall consist of seven members. At least one member shall be an attorney, licensed to practice in the State of Florida, and all other appointments shall be made by the Board of County Commissioners on the basis of experience or interest in the field of consumer affairs. All Board members shall be for a term of three years with a limit of three consecutive terms.

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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, Home Caregivers, Adult Entertainer, and Water Taxis.

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 Application and Resume for S. Goldberg
Board/Committee Application and Resume for D. Shane
Composition and Diversity of CAHB
2018 Meeting Schedule

Copy: Stephanie Sejnoha, Public Safety Department Director
Faye Johnson, Assistant County Administrator
Denise Coffman, Assistant County Attorney

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CONSUMER AFFAIRS HEARING BOARD

Meeting Dates



Palm Beach County Consumer Affairs
50 S. MILITARY TRAIL ROOM 2N-123
WEST PALM BEACH, FL 33415

2018

Meetings begin at 9:30 a.m.

Wednesday, January 17

Wednesday, February 21

Wednesday, March 21

Wednesday, April 18

Wednesday, May 16

Wednesday, June 20

Wednesday, July 18

Wednesday, August 15

Wednesday, September 19

Wednesday, October 17

Wednesday, November 21

Wednesday, December 19



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Updated 01/08/2018
R:\Consumer Affairs\CAHearingBoard\CAHBMetingDates2018.docx

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

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

Term of Appointment: 3 Years. From: 7/10/2018 To: 9/30/2020

Seat Requirement: Attorney Seat #: 1

☐ *Reappointment or ☒ New Appointment

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

Completion of term to expire on: _____

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

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Goldberg Steven J.
Last First Middle

Occupation/Affiliation: Attorney
Owner ☐ Employee ☐ Officer ☐

Business Name: Steven J. Goldberg, Attorney

Business Address: 4521 PGA Blvd. #104

City & State: Palm Beach Gardens, FL Zip Code: 33418

Residence Address: 360 Azalea Street

City & State: Palm Beach Gardens, FL Zip Code: 33418

Home Phone: (561) 632-9100 Business Phone: () Ext. _____

Cell Phone: () Fax: ()

Email Address: goldyesq@aol.com

Mailing Address Preference: ☒ Business ☐ Residence

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

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

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.

Contract/Transaction No.	Department/Division	Description of Services	Term
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100
(Attach Additional Sheet(s), if necessary) OR			
NONE <input type="checkbox"/>		NOT APPLICABLE/ (Governmental Entity) <input type="checkbox"/>	

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.palmbeachcountylethics.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 May, 22, 2018
☐ 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: Steven J. Goldberg Printed Name: STEVEN J. GOLDBERG Date: 5/22/18

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

Return this FORM to:
 Palm Beach County Board of County Commissioners
 Rob Shelt, Division of Consumer Affairs
 50 South Military trail, Suite 201
 West Palm Beach, FL 33415

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: July 10, 2018

Commissioner's Signature: _____ Date: _____

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

Revised 02/01/2016

STEVEN J. GOLDBERG, ATTORNEY

4521 PGA Boulevard # 104
Palm Beach Gardens, Florida 33418
Telephone: (561) 632-9100
Email: goldvesu@aol.com

QUALIFICATIONS STATEMENT

Qualifications Summary

Civil practice attorney with 48 years of experience including client representation and litigation in business, marital and probate areas. In continuous good standing; admitted in Massachusetts in 1970 (now inactive); Florida in 1992.

Professional Experience

Self Employed Attorney 1992- present
Steven J. Goldberg, Esquire – General Civil Practice
West Palm Beach, Florida and Lake Worth, Florida
Primary practice including trials in family law (divorce, custody and support, property issues and relocation) and probate disputes. Litigation experience includes probate, guardianship / incapacity, protective services, dependency, juvenile cases; also personal and business litigation including partition of real estate; federal and state government regulation.

Previous Experience

Attorney/Counsel- Solkoff Legal 2009-2010
Delray Beach, Florida
Elder Law estate/ life and Medicaid planning.

Of Counsel- Law Office of Charles F. Kline (deceased April 2008) 2004-2008
Lake Worth, Florida
Practice of law as described above, including management assistance of personnel, seven person office engaged in bankruptcy, immigration, family law, personal injury and civil litigation.

Partner- Litner & Goldberg – Attorneys at Law
Boston, Massachusetts
General Counsel Clients included national computer/communications, trade show and publishing information company, and large northeast regional gasoline/car wash retailing operator. Managed contracts, govt. regulation, major litigation.

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Owner/Manager

Thirsty Time ® Beverage Corporation, Boston

From startup to a million plus sales company including self-obtained federal trademark registration, FDA labeling compliance, contract packaging and marketing to accounts including United States Military Academy, States of Connecticut and Massachusetts, AMC Theatres, and major retailers and food service organizations.

Staff Attorney

U.S. Federal Trade Commission

Bureau of Consumer Protection

Washington, D.C.

Administered and drafted regulations and conducted public hearings for franchise disclosure rules, direct marketing and other national industries.

Legal Assistant, Consumer Protection Division

Massachusetts Department of Attorney General

Boston, Massachusetts

Assisted with operation and implementation of first in nation "Little FTC Act" for statewide enforcement against unlawful consumer related business practices.

Education and Certification

Bar Admissions

Members in good standing continuously and licensed to practice in two States and Federal Courts in Florida and Massachusetts (now inactive).

Juris Doctor Degree

Boston University (Upper 20%)

Bachelor of Science in Business Administration

Boston University

Community Service

Volunteer services including active service as officer/director of condominium association managing contracts and office procedures; Legal Aid Society of Palm Beach County representing indigent clients; Adam Walsh Children's Fund fund-raising; Morse Geriatric Center elderly assistance; Seniors vs. Crime special project of Florida Attorney General, consumer protection assistance primarily for elderly.

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

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Section I (Department): (Please Print)

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

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

Term of Appointment: 3 Years. From: 7/10/2018 To: 9/30/2020

Seat Requirement: resident; at-large member Seat #: 3

☐ *Reappointment or ☒ New Appointment

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

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

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Shane David B
Last First Middle

Occupation/Affiliation: Business Development
Owner ☐ Employee ☒ Officer ☐

Business Name: Steinger, Iscoe & Greene

Business Address: 1645 Palm Beach Lakes Blvd, 9th floor

City & State: West Palm Beach Zip Code: 33401

Residence Address: 423 Waterside Dr

City & State: Hypoluxo, FL Zip Code: 33462

Home Phone: (407) 346-2525 Business Phone: () Ext. _____

Cell Phone: (407) 373-7610 Fax: ()

Email Address: dohane@injurylawyers.com

Mailing Address Preference: ☐ Business ☒ Residence

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

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

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Attachment # 3

ATTACHMENT "A"
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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.

Contract/Transaction No.	Department/Division	Description of Services	Term
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100

(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 03/22/2018
☐ 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: David Shae Date: 3/22/18

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:

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

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: July 10, 2018

Commissioner's Signature: _____ Date: _____

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

Revised 02/01/2016

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ATTACHMENT "A"
 Page 2 of 2

David B. Shane
423 Waterside Drive
Hypoluxo, Florida, 33462
561-346-2525
dshane1786@aol.com

PROFESSIONAL EXPERIENCE

Business Development Director
Steinger, Iscoe and Greene, PA
West Palm Beach, Fl
2016-Present

Business Development Director
Schuler, Halverson, Weisser and Zoeller, PA
West Palm Beach, Fl
2012-2016

Legislative Assistant
Representative David Kerner
87th District, Florida House of Representatives
2012-2016

Deputy Sheriff Reserve Officer
Union County Sheriff's Office
Lake Butler, Fl
2011-2015

Deputy Sheriff
Union County Sheriff's Office
Lake Butler, Fl
2007-2011

Deputy Sheriff
Alachua County Sheriff's Office
Gainesville, Florida
2006-2007

AWARDS

Alachua County Sheriff's Office Deputy of the Month, August 2007.
MADD Northeast Florida Officer of the Year, November 2010.

EDUCATION

Santa Fe College- Institute for Public Safety, Kirkpatrick Center, Gainesville, Florida
Law Enforcement 2006

University of Central Florida, Orlando, Florida
Pre-Law 2002-2005

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**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
CONSUMER AFFAIRS HEARING BOARD**

Attachment # 4

Page 1 of 3

I. AUTHORITY :

Ordinance 2013-035, adopted December 17, 2013.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Board shall consist of seven members. At least one member shall be an attorney, licensed to practice in the State of Florida, and all other appointments shall be made by the Board of County Commissioners on the basis of experience or interest in the field of consumer affairs. All Board members shall be for a term of three years with a limit of three consecutive terms. Terms shall begin on October 1st and end on September 30th. Vacancies occurring during a term shall be filled for the unexpired portion of the term, and shall not count towards a member's term limits. Members shall be residents of Palm Beach County at the time of appointment and while serving on the Board. Members serve without compensation.

EXTENDED COMPOSITION :

IV. MEETINGS :

The Board shall meet on a regular basis to conduct its business and as necessary to conduct administrative hearings.

V. FUNCTIONS :

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

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Public Safety

CONTACT PERSON

Rob Shelt

ADDRESS

50 S Military Tr Ste 201
West Palm Beach FL 33415
Phone # 561-712-6605

* indicates a member having an action pending



CONSUMER AFFAIRS HEARING BOARD

Attachment # 4
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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	* Philip M. Schutzer schutzep@comcast.net 9517 Via Elegante Wellington FL 33411	Member	CA	M	561-855-4335	Attorney	08/19/2014		09/30/2017
NOMINATED BY :									
2	George J. Kinoshita gjkinoshita@yahoo.com 2777 Muskegon Way West Palm Beach FL 33411	Member	AS	M	561-345-4173	Resident of Palm Beach County	07/12/2016	10/01/2016	09/30/2019
NOMINATED BY :									
3	* Michael T. Carter vanguardconstruct@gmail.com 903 43rd St West Palm Beach FL 33407	Member	AA	M	561-313-2571	Resident of Palm Beach County	02/04/2014		09/30/2016
NOMINATED BY :									
4	Manohar L Athaval mathavale@msn.com 8712 S Kendale Cir Lake Worth FL 33467	Member	AS	M	561-304-2533	Resident of Palm Beach County	05/04/2011	05/15/2018	09/30/2020
NOMINATED BY :									

* indicates a member having an action pending

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

5	Frank D. Lewis frank_l55@yahoo.com	Member	CA	M	561-391-1514	Resident of Palm Beach County	04/23/2013	10/01/2015	09/30/2018
	6812 Calle del Paz N Boca Raton FL 33433								

NOMINATED BY :

6	Harold Moldoff hmoldoff@comcast.net	Member	CA	M	561-855-7754	Resident of Palm Beach County	04/23/2013	10/01/2015	09/30/2018
	2797 Muskegon Way West Palm Beach FL 33411 5779								

NOMINATED BY :

7	Courtney Shippey shippeyclw@aol.com	Member	AA	M	561-385-2146	Resident of Palm Beach County	05/15/2018	N/A	09/30/2020
	800Clematis Street West Palm Beach, FL 334111								

NOMINATED BY :

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* indicates a member having an action pending

Consumer Affairs Hearing Board
(Ord. No. 2013-035, § 12, 12-17-13)

Sec. 9-11. - Consumer Affairs Hearing Board.

- (a) The Palm Beach County Consumer Affairs Hearing Board is hereby recreated and reestablished. The Board shall be subject to the uniform policies and procedures established by the Board of County Commissioners for advisory boards as currently set forth in Resolution No. 2013-0193, as may be further amended by action of the Board of County Commissioners.
- (b) The Board shall consist of seven (7) members appointed at-large by the Board of County Commissioners. The members of this Board shall be residents of Palm Beach County at the time of appointment and while serving on the Board. At least one (1) member shall be an attorney, licensed to practice in the State of Florida, and all other appointments shall be made by the Board of County Commissioners on the basis of experience or interest in the field of consumer affairs. All Board appointments shall be for a term of three (3) years, with a limit of three (3) consecutive terms. Terms shall begin on October 1, and end on September 30. Existing member's terms shall end on September 30 of the year in which their term expires. Vacancies occurring during a term shall be filled for the unexpired portion of the term, and shall not count toward a member's term limits. Members serve without compensation. Members shall be governed by the applicable provisions of the State Ethics Code and the applicable provisions of the Palm Beach County Code of Ethics, as may be amended.
- (c) Members shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or a failure to attend more than one-half ($\frac{1}{2}$) of the meetings scheduled during a calendar year. Participation for less than three-fourths ($\frac{3}{4}$) of a meeting shall be the same as a failure to attend a meeting. Members removed pursuant to this paragraph shall not continue to serve on the Board and such removal shall create a vacancy. Vacancies shall be filled in the same manner as the original appointments for the remainder of the vacant term.
- (d) Members shall appoint a chairperson and a vice-chairperson. The chairperson and the vice-chairperson shall be elected by a majority vote of the Board and shall serve for a term of one (1) year. The vice-chairperson shall perform the duties of the chairperson in the absence of the chairperson. In the absence of both the chairperson and the vice-chairperson, the Division director or manager may conduct the meeting or hearing. Meetings and hearings shall be governed by Robert's Rules of Order, and shall be open to the public, duly advertised and otherwise comply with all applicable requirements of Florida's "Sunshine" law as set forth in F.S. Ch. 286. A majority of the members currently appointed shall constitute a quorum and action may be taken by the board upon a vote of a majority of the members present. At any meeting or hearing, the Board may fix and call a meeting or hearing on a future date. The Board shall meet on a regular basis to conduct its business and as necessary to conduct administrative hearings filed by persons appealing the decisions of the Division.
- (e) Any appeal of a decision rendered by the Consumer Affairs Hearing Board regarding a violation of F.S. Ch. 501 shall be directed to the Florida Office of the Attorney General with subsequent judicial review through the district courts of appeal. Adjudications of the Consumer Affairs Hearing Board of substantive violations of this article shall be appealed to the Circuit Court of the Fifteenth Judicial Court by Writ of Certiorari.
- (f) Alternatively, the Division shall have the option to utilize a Special Master to hear matters for appeal, instead of scheduling those appellate matters before the Consumer Affairs Hearing Board. The Division shall establish policies and procedures governing the Special Master process prior to said utilization.

(Ord. No. 2013-035, § 12, 12-17-13)

Sec. 9-12. - Powers of the Consumer Affairs Hearing Board.

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

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Consumer Affairs Hearing Board
(Ord. No. 2013-035, § 12, 12-17-13)

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

(Ord. No. 2013-035, § 13, 12-17-13)

Sec. 9-13. - Consumer Affairs Hearing Board—Proceedings at hearing.

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

(Ord. No. 2013-035, § 14, 12-17-13)

Attachment # 5
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