

CONSUMER PROTECTION BOARD MEETING MINUTES

May 15, 2024 @ 9:30 am

PRESENT: Aronofsky, Jill
Cooley, Beverly (via Teams)
Daley, Herbert
Ram, Tewari
Hugley, Christopher (telephonically)
Morguess, Joseph (telephonically)
Flynn, Michael
Rubalcaba, Jenny

ABSENT: Dunn, Shenette
Horowitz, Charles
Lewis, Chelsea

ALSO PRESENT: O’Geen, Joseph – Regulated Business Administrator
Custode, W. Gail – Regulated Enforcement Administrator
Javier Navas – Assistant County Attorney
Doug McCrary – Regulated Business Supervisor
Franco, Camila – Board Clerk

Michael Flynn, chair, calls the meeting to order at 9:39 a.m., conducts the roll call, and establishes a quorum.

Panel sign-up sheets and attendance are distributed among members.

CORRESPONDENCE

None.

RESIGNATION AND NEW MEMBERS

Mr. O’Geen announces that there is a new board member as of April 16th, Charles Horowitz, and that his appointment brings the board up to eleven (11) members.

Mr. Flynn encourages Mr. O’Geen to “Keep going”.

The Chair requests a Motion to approve the Board meeting minutes from March 13, 2024. Ms. Beverly Cooley makes the motion, and Mr. Herbert Daley seconds it.

ANNOUNCEMENT

None

ADMINISTRATOR'S REPORT/DIVISION'S REPORT

Quarterly Reports

Mr. O'Geen begins with mentioning that the number of towing/immobilization complaints went up significantly, jumping from 30 in the first quarter to 53 in the second quarter, and that the other complaint types remained about the same. He then points out how web visits went down from 18,000 to 7,700, but that the money returned to consumers went up from \$5,500 to \$9,800 and chauffeur's registration denials that went to hearing went up from 7 to 9, so it was not a bad quarter. The report from the 2nd Quarter of FY 2024 of the Broward County Consumer Protection Program is distributed among members.

Mr. O'Geen adds that the board still needs seven (7) members and asks everyone to let him know if they know anyone interested in joining.

COUNTY ATTORNEY'S REPORT:

Assistant County Attorney Javier Navas starts by proposing the election of a vice chair, as the board is currently without. He then goes on to explain the role to the board as primarily taking the place of Michael Flynn in leading the Quarterly meetings when Mr. Flynn is absent. He wants the board to know that the position is not too burdened with responsibilities if anyone is under that impression, and therefore hesitant to run. Mr. Daley proposes he would like to run for the position, and Mr. Flynn jokes he might be running unopposed. Ms. Jennifer Rubalcaba asks whether the vice chair would need to attend meetings in person, and Mr. Navas clarifies that such would only be the case if Mr. Flynn is absent, and that there are only four meetings a year planned well in advance.

Mr. Navas then informs the board of a change to the Florida Statute, and that they are working on implementing those changes into chapter 22 ½ of the Broward County Code of Ordinances. Mr. Flynn asks what these changes were, and Mr. Navas proceeds to explain House Bill 377, which would allow for a person to work as a chauffeur anywhere in Florida so long as they held a Chauffeur's registration in their county of residence that had not been suspended or revoked in the last five years. Mr. O'Geen adds that there is an exception. Mr. Navas goes on to explain this exception is the need for permits to work in the Broward County ports, which they will still be able to regulate.

OLD BUSINESS: None

NEW BUSINESS:

Mr. Flynn points out Herbert Daley's new position as vice chair as of earlier in the meeting and promises not to miss too many meetings.

BOARD MEMBERS' CONCERN:

Ms. W. Gail Custode asks the board members if they have any questions or concerns regarding the hearings.

Mr. Ram Tewari asks if there are any numbers on appeals of board decisions on Chauffeur denials, which Ms. Custode assures him is rarely the case due to additional fees that apply with the process of appealing. She also mentions that from time to time, appellants will request a copy of the recording or transcripts from the hearing, so to remember they are on the record and should make sure to appropriately address appellants and only ask relevant questions. Javier notes this has only happened once in his four years representing the board. Mr. Flynn adds that there have only been three instances of appellants appealing board decisions in his extensive time on the board.

Mr. Tewari poses another question, asking whether they as board members may submit complaints and excuse themselves from the panel in the case the complaint goes to hearing. Mr. Navas says he will look into it, but that he believes they are excluded from submitting complaints due to their positions as board members.

Mr. Navas circles back to the topic of speaking appropriately during hearings and advises the board to speak as if a member of the press is present and recording everything they are saying. He then shares an anecdote about an experience representing the Health and Sanitary Patrol Board where a news team attended a hearing and recorded it, alluding to the actual probability of such an event.

The discussion is brought back to the legality of a board member to submit a complaint. Mr. Doug McCrary offers to discuss with Mr. Tewari the nature of the complaint and whether the division would even handle the matter. Mr. Navas assures he will still investigate after the meeting.

Ms. Custode takes the opportunity to remind the board of the importance of a backup member at hearings to be able to replace a member on the panel who may have a conflict of interest in a case, as well as in cases of an emergency. She also praises the board for listening to appellants with very emotional testimonies, as well as for remaining objective and keeping the interest of Broward County residents in mind.

Ms. Cooley asks about the logistics of needing an alternate to take over due to a panel member having a conflict of interest in a case. With no official protocol, a discussion is had about the best approach. Ultimately, Mr. Flynn's suggestion that a backup only replaces a panel member for the single case with a conflict of interest is agreed upon.

In regard to board members filing complaints, Mr. Navas confirms there are no restrictions. Mr. Flynn supports this statement by sharing how he has filed complaints himself, and actually encourages the board to do so.

Mr. Flynn brings up the Sunset Review conducted by intergovernmental affairs every few years, specifically the function where board members can leave comments regarding the board. Mr. Flynn shares that he wrote about the constant shortage of board members, as well as the lack of

responsibilities allocated to the board. He believes the board has become a chauffeur-focused board, and that they could be involved in more consumer protection-related processes.

Mr. Joseph Morguess asks about the new online income disclosure form sent by the Florida Commission on Ethics. He points out that he never received notice of the change to online from mailed forms. Mr. O'Geen explains that the email would come from intergovernmental affairs. Mr. Daley and Mr. Flynn both comment that they received an email regarding this online form a few months previous.

NOMINATIONS OF OFFICERS:

Herbert Daley will be the new Vice Chair of the Consumer Protection Board.

With no further business, the meeting is adjourned at 10:16 a.m.

Respectfully submitted,

Camila Franco
Board Clerk