

CONSUMER PROTECTION BOARD MEETING MINUTES

MAY 17th, 2023 9:30 am

PRESENT: Aronofsky, Jill
Clark, Lawrence "Larry"
Daley, Herbert
Flynn, Michael
Hugley, Christopher
Morguess, Joseph
Tewari, Ram
Rubalcaba, Jenny

ABSENT: Moreno, Jean
Green, Ric

ALSO PRESENT: O'Geen, Joseph – Regulated Business Administrator
Custode, W. Gail – Regulated Enforcement Administrator (Teams)
Navas, Javier – Assistant County Attorney
Barrios, Raven – Environmental Specialist
Cabieses, Carlos – Board Clerk

The meeting was called to order at 9:30 a.m. by Michael Flynn, Chair. The Roll Call was conducted, and a quorum was established. The Chair made a Motion to approve the Board meeting minutes from March 15, 2023. The Motion was then seconded by Larry Clark.

Panel sign-up sheet was distributed among members.

CORRESPONDENCE

None.

RESIGNATION AND NEW MEMBERS

Mr. Joseph O'Geen established that there were no new appointments, reappointments, removals, or resignations of board members made this quarter.

ANNOUNCEMENT

None.

ADMINISTRATOR'S REPORT/DIVISION'S REPORT

Quarterly Reports

Mr. O'Geen began by informing the board that the number of complaints went up over the last quarter, namely auto-repair complaints which doubled for unknown reasons. He then stated how web visits went up by 7,000 hits. Lastly, he pointed out that this quarter had more hearings,

including five citation hearings, and that the money returned to customers for the previous quarter was \$63,511.00 according to the Consumer Analyst.

Mr. O'Geen then reminded the board to please respond to any emails from the board clerk asking for volunteers for the hearings, even if it is to clarify they will not be able to attend. These responses, he said, will make it easier to stay on top of whether a hearing can take place or must be cancelled. Lastly, he asked for volunteers that could be back-up for the hearing on May 26th, 2023.

COUNTY ATTORNEY'S REPORT:

Assistant County Attorney, Mr. Javier Navas, started by saying that the Office of the County Attorney has moved forward with the Nuisance Abatement Letter. Currently, it has been sent to intergovernmental for review to make sure it is up to par before sending to the County Commissioners. He then added that he will have the board clerk email the board informing them when it has been forwarded to all County Commissioners.

Mr. Flynn provided an update regarding the research his law students were conducting at Nova Southeastern University. He found that in all their research, they could find only one appellate decision in the state of Florida in an administrative hearing where a clear and convincing burden of proof was required, but that the research is still a work in progress. Mr. Flynn will be sending his findings to Mr. Navas.

OLD BUSINESS: None

NEW BUSINESS:

Ms. Custode, W. Gail opened with the announcement that Regulated Enforcement will be fully staffed starting June 11th, 2023, now that a new administrative assistant will be joining. Additionally, she took a moment to congratulate Mr. Carlos Cabieses for his promotion to Administrative Coordinator. She explained how this addition will allow for the division to be more effective in upholding processes and procedures that may have been on hold when they were tight on staff.

Ms. Custode went on to discuss a new hearing procedure her division is actively working on implementing. She explained how cases being heard at hearings need a more straight-forward record-keeping procedure that details clearly how decisions to uphold or overturn denials are being made for each case. She and Mr. Cabieses, alongside the new administrative assistant, will be working on a form that will act as a template to help facilitate this process. The intention for this procedure is to provide better records on board votes, and to be able to ensure that decisions being made are based on the evidence and information given in trial, rather than subjective reasoning which could be appealed.

A lengthy discussion was had regarding this new procedure.

Chairperson Michael Flynn, namely, had a lot to add. He pointed out the importance of keeping the form broad enough to allow for the qualitative information that is relevant to individual cases. He made notable points on the matter, including the consideration of remorse and time since last offense on whether a decision should be upheld or overturned; as well as the difference between offenses that pose character concerns, such as drug-related crimes, versus offenses that pose behavioral concerns, such as multiple speeding tickets. After the board members expressed any skepticism they had with the new procedure, Ms. Custode and Mr. Navas assured the board they would like to include Mr. Flynn in the drafting process and that all members will get a chance to review the form before implementing it in a hearing.

Additionally, Ms. Custode asked that for future hearings, appellants be addressed formally by name rather than terms of endearment, especially gender-specific ones, so as to avoid unintentionally offending anyone; this would ensure that hearings decisions are not being misinterpreted as discriminatory or biased. She also stressed the importance of being mindful of language when asking about personal or sensitive information to protect the privacy of the appellant.

BOARD MEMBERS' CONCERN:

NOMINATIONS OF OFFICERS:

None.

With no further business, the meeting adjourned at 10:24 a.m.

Respectfully submitted,

Camila Franco
Board Clerk