



TOWN OF PALM BEACH POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



TOWN OF PALM BEACH

CODE ENFORCEMENT BOARD MINUTES

2:00 P.M. THURSDAY, January 17, 2008

AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD

I. **Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman Timothy Hoffman.

II. **Roll Call:** Present: Timothy Hoffman, Chairman
Richard A. Raffo, Vice-Chairman
Martin I. Klein, Member
Joel P. Koeppel, Member
Larry Ochstein, Member
Catherine M. Duemler, Member
Harris S. Fried, Member
Madelyn Greenberg, Alternate Member
Cynthia Van Buren, Alternate Member

Staff: John Randolph, Town Attorney
Captain Kirk Blouin, Support Services
Sgt. Fred Hess, Code Enforcement
Rob Walton, Lead Code Enforcement Officer
Nick Gerry, Code Enforcement Officer
Bryant Weymer, Code Enforcement Officer
Raychel Houston, Recording Secretary

III. **Approval of the Minutes of December 20, 2007:**

MOTION BY MR. KOEPPEL FOR APPROVAL OF THE DECEMBER 20, 2007 MINUTES
MOTION SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY

IV. **Administration of the Oath to all persons who wish to testify:**

Let the record show that all persons wishing to testify were sworn in at this time by Recording Secretary Raychel Houston.

V. **Comments regarding water violations by Sergeant Hess:**

Sgt. Hess reported there are 32 water restriction violation cases on today's agenda. He remarked it

has been well publicized that the water restrictions changed last Tuesday. A brochure detailing the

new restrictions had been prepared and a copy distributed to each of the Board members. The Police Department was working with residents to make sure everyone was aware of the new restrictions and was initially issuing warnings. Sgt. Hess stated we would continue with the process used at past meetings and asked that anyone present in the audience for a water case meet with Code Enforcement Officer Weymer in the rear of chambers to discuss their water violation.

VI. **Public Hearings:**

- A. Case # 08-2425, 235 Sunrise Ave., C.J.'s Simply Gourmet Catering, Inc.
Violation of Chapter 118, Section 118-146 of the Town of Palm Beach Code of Ordinances, businesses located in a commercially zoned area to obtain a permit to operate a valet service which uses the public right-of-way.

The case was presented by Sgt. Hess who said the defendant had been before the Board previously and had been found in non-compliance for operating a valet stand without a permit. Despite numerous warnings, Sgt. Hess personally observed the defendant operating a valet stand on two separate occasions, one on 12/29/07 which created a complete shutdown of traffic in both directions in the 200 block of Sunrise Ave. and the second on 12/31/07. As of today, they still have not submitted a completed application for a permit. Sgt. Hess recommended a finding of non-compliance as a repeat offender, a fine of \$500.00 for each of the two violations and administrative costs in the amount of \$150.00.

Mr. Klein questioned what other action could be taken against this defendant to engender appropriate respect for the Town Ordinances and whether they could be found to be a nuisance. Mr. Randolph explained this was only within the realm of the Town Council to do so and was not the jurisdiction of the Code Enforcement Board. Mr. Fried believed this was getting into a serious threat to public safety due to the foot traffic in the area. Mr. Koeppel questioned the possibility of a daily fine running for violations and Mr. Randolph said this was something he would need to research.

**MOTION BY MR. KOEPPEL TO FIND THIS DEFENDANT IN NON-COMPLIANCE,
ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE OF
\$500.00 FOR EACH OF THE 2 VIOLATIONS.
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

- B. Case # 08-2426, 2295 S. Ocean Blvd., Harbour House Condominium
Violation of Chapter 42, Section 18-242 of the Town of Palm Beach Code of Ordinances, Building Regulations, building permit required for satellite dish antenna installed on roof.

The facts of this case were presented by Code Enforcement Officer Gerry who said this violation was brought to his attention by a complaint. He advised he had been in contact with the condominium manager but no building permit had been obtained as of today. He recommended a finding of non-compliance, administrative costs of \$150.00 and that the satellite dish either be removed from the building or a permit obtained by January 25, 2008. Julian Butler, the building manager, was present and said the contractor who installed the satellite dish said they had a permit issued for the low voltage cabling which they believed was adequate. They had been in touch with Mr. Taylor from the Building Department and were told they needed to submit engineering drawings with the permit and they were in the process of doing this and it would be completed by the 25th.

Mr. Gerry added as a follow-up that if the violation was not corrected within the specified time frame, he would request a fine of up to \$250.00 a day be considered by the Board at the February meeting.

MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THE DEFENDANT UNTIL 1/25/08 TO COMPLY.

SECONDED BY MR. DUEMLER

MOTION PASSED UNANIMOUSLY

C. Case # 08-2427, 2270 E. Ibis Road, Mark Remson Trust

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, Environment, properties to be maintained in a good condition.

Code Enforcement Officer Gerry presented the facts of the case and said complaints had been received on the property. He noted the violator had now complied but this was a repeat violation which permitted the Board to still hear the case. Mr. Gerry said the violation had not been corrected within the specified time frame of January 15, 2008 but had been corrected prior to the hearing. Mr. Gerry recommended the Board find that the violation had occurred but had been corrected, the violator be assessed administrative costs of \$150.00 and a fine of \$500 be applied as a repeat code violation.

MOTION BY MR. KLEIN TO FIND THIS DEFENDANT IN COMPLIANCE BUT ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND A FINE IN THE AMOUNT OF \$500.00 AS A REPEAT OFFENDER

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

D. Case # 08-2428, 353 Peruvian Ave., Steve and Linda Horn Inc.

Violation of the Town of Palm Beach Code of Ordinances, Chapter 46, Section 46-66 NFPA 101, Life Safety Code, Chapter 9, Section 9.1.2 [Electrical System]

Code Enforcement Officer Gerry presented the facts of the case and said electrical violations, such as exposed wiring, had been found. A re-inspection showed the violations to now be corrected but the violations had not been corrected within the time frame set. Mr. Gerry recommended the Board find the violation had occurred but had been corrected, administrative costs of \$150.00 be assessed and no further fines be imposed.

A representative of Steve and Linda Horn was present and identified himself as Virgil Shalou and said he was there to pay the fine.

MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN COMPLIANCE AND ASSESS ADMINISTRATIVE COSTS OF \$150.00.

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY

E. Case # 08-2429, 120 Jungle Road, Mark Brentlinger and John G. Mitchell Inc.

Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6 of the Town of Palm Beach Code of Ordinances, large projects, consisting of new or remodel construction projects of 9,000 sq. ft. or more under roof to be completed within 27 months.

The case was presented by Code Enforcement Officer Gerry who said the case had been forwarded to Code Enforcement by the Building Department because it had exceeded the allowable time for the project. The building permit was issued on 6/23/05 for 30 months and should have been completed by 12/23/07. The property had been inspected recently and the exterior appeared to be completed and landscaping was being installed. Mr. Gerry recommended the defendant be found in non-compliance, administrative costs of \$150.00 be assessed, and the final inspection to be obtained and the project completed by January 19, 2008. If compliance was not achieved within the time frame, he would ask for a fine of \$250.00 a day to be considered at the next Board meeting.

Ken Lewis, Vice President and General Manager of John Mitchell Inc. was present on behalf of the defendant and noted Mr. Mitchell was also present in the audience. He said they were unaware the project was going over but the house had been occupied just prior to the holidays by an agreement with the Building Department. Mr. Lewis said he was trying to get inspections daily but did not believe it was possible to get their certificate of occupancy by January 19th because of issues with paperwork. He had submitted to the Board (through Lead Code Enforcement Officer Walton) an explanation of what had been going on and why the project had taken so long. He anticipated he could be completed within a week.

**MOTION BY MS. DUEMLER TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL 1/25/08 TO COMPLY
SECONDED BY MR. OCHSTEIN**

There was discussion on the motion. Mr. Fried said the time could have been extended by going to the Town Council. Jeff Taylor, Acting Building Official, was sworn in and said he had spoken to the Chief Building Inspector, Steve Carew, and provided information on some of the outstanding inspections. Mr. Koepfel asked Ms. Duemler to amend the time frame on her motion from 1/25/08 to 1/31/08 to give the defendant more time. Mr. Fried objected to the extension of time in the motion. Mr. Gerry said the Town objected to the additional time and was committed to the one day for compliance with the fine beginning after that date.

**AMENDED MOTION BY MS. DUEMLER TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL 1/31/08 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE:

MS. DUEMLER	YES
MR. OCHSTEIN	YES
MR. RAFFO	YES
MR. KOEPEL	YES
MR. KLEIN	NO
MR. FRIED	NO
MR. HOFFMAN	NO

- F. Case # 08-2430, 150 Australian Avenue, Retriever Asset Holding Corp.
Violation of Chapter 134, Section 134-2174 of the Town of Palm Beach Code of Ordinances, off street parking areas must be of a suitable paved surface and be effectively screened with hedges and Section 134-2179, front, street and street rear yards may not be used for off-street parking.

The case was presented by Code Enforcement Officer Gerry who advised this violation was discovered during a normal patrol. Mr. Gerry advised the defendant was told to either get a

permit for the driveway or remove the driveway from the front yard and re-sod. Mr. Gerry explained some of the history of the property reference the location of the driveway. He recommended a finding of non-compliance, administrative costs of \$150.00 and the defendant either get approval to install the driveway which he did not believe they would be able to do or remove the existing driveway and sod it with grass by January 19, 2008. Mr. Gerry requested a fine of up to \$250.00 a day be considered at the next Board meeting if compliance was not achieved within this time frame. Jeff Taylor, Acting Building Official, advised the driveway permit had been rejected because the defendant had not provided documentation they had the necessary 35% green space requirement in the front yard. Paul Castro, Zoning Administrator, said he had not seen the site plan but the Town does not allow parking in a front set back without a variance.

**MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM ONE DAY TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- G. Case # 08-2431, 434 Seaspray Ave., Christopher Kaufman
Violation of Chapter 18, Section 18-242, Subsection 1 (104.1.1) of the Town of Palm Beach Ordinances, building permit required to construct, install, repair or alter any building or building system.

Sgt. Hess requested this case be postponed until the February 21, 2008 meeting at the request of Christopher Kaufman.

**MOTION BY MR. KLEIN TO RESCHEDULE THE CASE UNTIL 2/21/08
SECONDED BY MR. RAFFO
MOTION PASSED UNANIMOUSLY**

Chairman Hoffman acknowledged the presence of Councilwoman Coniglio in the audience and thanked her for her interest.

- H. Case # 08-2432, Beachfront Vista Property, Nightingale Beach Club Association
Violation of Chapter 134, Section 134-1472 (3) of the Town of Palm Beach Code of Ordinances, no additional walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard.

Ms. Duemler recused herself from this case as she has a conflict of interest since she lives on Nightingale Trail and Mr. Hoffman announced Ms. Greenberg would be the voting member in this case.

Lead Code Enforcement Officer Walton presented the facts of the case. The vegetation required to be trimmed is a section of seagrape vegetation just north of the cabana area only. Mr. Walton said the Town received a complaint in February, 2007 about the beach vista area not being maintained. Jack Maxey, representing the Nightingale Beach Club, declined to trim the vegetation and numerous meetings were scheduled to try and resolve the impasse. A meeting was also scheduled with the DEP (Department of Environmental Protection) representative and he gave the Town verbal approval to proceed. A legal review was also requested from the Town attorney. Mr. Maxey was present on behalf of the Nightingale Beach Club Association. A lengthy discussion followed reference the various issues involved

in this matter and whether permits are required and who can obtain those permits. Mr. Maxey questioned whether the Town ordinance complied with State and Federal laws. Mr. Walton asked that the defendant be found in non-compliance, assessed administrative costs of \$150.00 and be given three (3) days to comply with the Town's ordinances by trimming the vegetation north of the beach cabana. Mr. Maxey said if they were forced to cut the vegetation, they were requesting a letter of indemnification from the Town. Mr. Randolph said no town permit was required to cut and maintain the height at 48". Mr. Walton confirmed that Mr. Taten, the DEP representative, said he would issue a DEP permit if one was required. Mr. Koepfel questioned whether the Board could require the defendant to get a permit and Mr. Randolph advised the Board could require them to come into compliance and if that required a permit, they should get one. If a permit could not be obtained, then a problem would arise with the town's enforcement of its ordinance.

A motion to reschedule the case to next month was withdrawn by Mr. Koepfel.

**MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL 2/16/08 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

Mr. Hoffman reminded Board members to wait until he requested a motion so all discussion could take place.

I. Case # 08-2433, 238 N. Woods Rd., Nancy G. Walker

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, shrubbery and hedges not to extend into the street and sidewalks in a manner to obstruct the passage of vehicles and pedestrians.

Code Enforcement Officer Weymer presented the facts of this case and said he had received a complaint in November about the hedges along N. Woods Rd. A re-inspection on 1/14/08 confirmed the violation still existed even after Ms. Walker advised on 1/09/08 she would take care of the matter. Mr. Weymer asked that the defendant be found in non-compliance, assessed administrative costs in the amount of \$150.00 and be given one (1) day for compliance to be achieved.

**MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THE DEFENDANT ONE DAY TO COMPLY
SECONDED BY MR. RAFFO
MOTION PASSED UNANIMOUSLY**

Sgt. Hess announced we would proceed with the water violation cases presented by Code Enforcement Officer Weymer. The first cases to be presented are the ones with someone present. The first case called was Case # 08-2449, 1071 N. Ocean Blvd., but the defendant had decided not to wait.

Y. Case # 08-2442, 1290 S. Ocean Blvd., Linda J. Saville

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

Bill Souza, the caretaker for the property, was present and addressed the Board. He was sworn in and said he had received three (3) citations. Mr. Souza said he had four bills for re-setting the clocks and he believed the clocks were being tampered with. He had padlocked the clocks so he would be aware if someone tampered with them. The water bills had been reduced from \$2500 a month to \$350 a month. About five months ago he fired a landscaper and believed this individual was jumping the fence and tampering with the clocks. Mr. Weymer recommended the Board use its discretion in looking at the evidence.

**MOTION BY MR. FRIED TO DISMISS THIS CASE
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

Mr. Weymer asked if there were any other property owners present to speak on behalf of a violation and there were none.

The following cases are on today's agenda, however the fine associated with each case has been paid prior to the start of the hearing. The Town recommends acceptance of the payment of the fine and the admission of the charge for the following cases:

Case # 07-2408, # 07-2412, # 07-2424, # 08-2434, # 08-2437, # 08-2438, # 08-2439 and # 08-2441

- M. Case # 07-2408, 243 Ocean Ter., Christopher & Joan Eldin (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION
OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- N. Case # 07-2412, 292 Colonial Ln, Susan M. Leas (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION
OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- P. Case # 07-2424, 1585 N. Lake Way, Joann Gerstein (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. KOEPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION

**OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- Q. Case # 08-2434, 1045 S. Ocean Blvd., Daniel Borislow
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION
OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- T. Case # 08-2437, 1320 N. Lake Way, Thomas M. Shane
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION
OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- U. Case # 08-2438, 1600 S. Ocean Blvd., Ninety 9798 Canada Inc.
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION
OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- V. Case # 08-2439, 258 Wells Road, Robert L. Borchardt
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION
OF THE CHARGE
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

- X. Case # 08-2441, 1295 S. Ocean Blvd., Terry Allen Kramer
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when

lawns and shrubbery may be watered.

MOTION BY MR. KOEPEL TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION OF THE CHARGE

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY

Mr. Weymer stated that in each of the following cases no one has responded either by paying the fine or attending today's hearing. The Town recommends the Board find them in non-compliance, assess an administrative cost in the amount of \$150.00 and payment of the fine(s):

The cases are: #08-2378, #08-2385, #08-2421, #08-2435, #08-2436, #08-2440, #08-2443, #08-2444, #08-2445, #08-2446, #08-2447, #08-2449, #08-2450, #08-2451, #08-2452, #08-2453, #08-2454, #08-2455, #08-2456 and #08-2458.

- J. Case # 07-2378, 180 E. Inlet Dr., Kevin McGann (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

- K. Case # 07-2385, 1640 S. Ocean Blvd., Philip Steinberg (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

- O. Case # 07-2421, 250 Clarke Ave., John Atkinson (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

- R. Case # 08-2435, 211 Miraflores Dr., Kerry A. Levenson
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.

- S. Case # 08-2436, 300 Bahama Lane, D. Dixon Boardman
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.

- W. Case # 08-2440, 277 Pendleton Ave., Danielle A. Hickox
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.

- Z. Case # 08-2443, 124 Onondaga Ave., Dorothy V. DePaola
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.

- AA. Case # 08-2444, 740 N. Lake Way, Donald Glickman
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when

lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

BB. Case # 08-2445, 229 Via Las Brisas, Shirley Fiterman

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

CC. Case # 08-2446, 109 Ocean Ter., Stephen C. Smith

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

DD. Case # 08-2447, 1225 N. Lake Way, Paul Rhodes

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

FF. Case # 08-2449, 1071 N. Ocean Blvd., Janina Radtke Trust

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

- GG. Case # 08-2450, 1090 N. Lake Way, Marvin H. Schur
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.
- MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).**
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.
- HH. Case # 08-2451, 300 N. Lake Way, Kathleen Duross Ford
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.
- MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).**
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.
- II. Case # 08-2452, 235 Garden Road, Lionel P. Greenbaum
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.
- MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).**
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.
- JJ. Case # 08-2453, 269 Queens Lane, James E. Vance
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.
- MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).**
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY.
- KK. Case # 08-2454, 893 S. County Road, Joseph Cain
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when

lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

LL. Case # 08-2455, 2580 S. Ocean Blvd., Palm Beach Stratford

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

MM. Case # 08-2456, 440 Royal Palm Way, Palm Beach Park Centre1 LLC

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

OO. Case # 08-2458, 101 El Vedado Road, Stephen E. Myers

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. RAFFO THAT THESE DEFENDANTS ARE FOUND IN NON-COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF

\$150.00 AND PAYMENT OF THE FINE(S).

SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

Mr. Weymer requested that Case # 08-2448 be dismissed due to proof of new plantings.

EE. Case # 08-2448, 236 Pendleton Ave., Kevin A. Daigh

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE

**SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY**

Mr. Weymer requested the following cases be rescheduled to the 2/21/08 Code Enforcement Board meeting:

Case # 07-2401 and # 08-2457

- L. Case # 07-2401, 225 Jamaica Ln., Scott Vesley (rescheduled from 12/20/07)
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KLEIN TO RE-SCHEDULE THIS CASE UNTIL 2/21/087
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

- NN. Case # 08-2457, 2660 S. Ocean Blvd., Beach Point Condo
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KLEIN TO RE-SCHEDULE THIS CASE UNTIL 2/21/087
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

VII. Old Business/Fine Consideration:

- A. Case # 07-2303, 231 Kenlyn Road, Robert Roddy
Violation of Chapter 42, Section 42-87, exterior surfacing material shall be kept in good repair, swimming pool shall be kept safe and in a good state of repair and Chapter 134, Section 2174, driveways must be constructed of a durable material.

Lead Code Enforcement Officer Walton reviewed this case for the Board. This case is brought back at Mr. Roddy's request who is seeking a reduction of the fine. Mr. Roddy came into compliance on 12/19/07 after being out of compliance for 61 days. His fine totals \$15,250.00. Mr. Roddy was present and spoke about the expense and the difficulty in getting contractors to do the work. Mr. Walton said the Town had no recommendation about the fine reduction. Ms. Duemler remarked on the clutter and debris on the property which could be seen from the property. Mr. Hoffman asked for a motion and Mr. Walton advised there did not have to be one, that if there was no motion, the fine would stand. Mr. Randolph confirmed there did not have to be a motion. After additional discussion, it was decided a motion to allow the fine to stand would be appropriate.

**MOTION BY MR. OCHSTEIN TO ALLOW THE FINE TO STAND
SECONDED BY MR. RAFFO
MOTION PASSED UNANIMOUSLY**

- B. Case # 07-2363, 259 Oleander Ave., Violet Alexander
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, disrepair of property; Chapter 18-241, 104.1, building permits required; Chapter 42, Section 42-86, environment; and Chapter 114, Section 114-32, business tax receipts.

Lead Code Enforcement Officer Walton advised this property was found in violation at the December hearing and the owner given one day to comply. The defendant had complied with Chapter 42, Section 42-86 but was still out of compliance with the remaining three violations as of yesterday. Mr. Walton recommended a fine of \$100.00 a day for each of the three outstanding violations be assessed, starting on 12/22/07. Ms. Alexander was present and was sworn in and said she had come into compliance prior to the last Board meeting. Mr. Walton confirmed there were still existing violations.

MOTION BY MR. KOEPEL TO ORDER A FINE OF \$100.00 A DAY FOR EACH OF THE THREE EXISTING VIOLATIONS, RETROACTIVE TO 12/22/07.
SECONDED BY MR. KLEIN
MOTION PASSED UNANIMOUSLY

- C. Case # 07-2364, 201 Debra Lane, Susan Gammino
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances must be in a good state of repair.

Lead Code Enforcement Officer Walton advised this case had been complied with within the time allowed by the Code Board and no additional action was necessary.

MOTION BY MR. KLEIN TO DISMISS THIS CASE
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY

- D. Case # 07-2367, 113 Kings Road, Benton P. Bohannon
Violation of Chapter 18, Section 18-242, Subsection 1.104.1.1 of the Town of Palm Beach Code of Ordinances, building permits required to construct, install, repair or alter any building or building system.

Lead Code Enforcement Officer Walton advised this case was heard in December and Mr. Bohannon was found in non-compliance and given one day to obtain permits. The permits still have not been obtained and the shed is still standing. The Town recommends a fine of \$250.00 a day, commencing on 12/22/07. Peter Broberg was present on behalf of Mr. Bohannon and said the shed had been constructed without a permit and Mr. Bohannon would take it down. Mr. Broberg said Mr. Bohannon believed he could rebuild his loggia without a permit and had applied for a permit in November which had been returned to him for some additional engineering information which he had turned over to an architect who was working on it. He requested this matter be postponed until February 25th when Mr. Bohannon returns to Palm Beach.

MOTION BY MR. KOEPEL TO GIVE THE DEFENDANT SEVEN (7) DAYS TO TAKE DOWN THE SHED (1/24/08) AND GRANT HIM UNTIL 2/21/08 TO OBTAIN THE PERMIT/INSPECTIONS WITH THE LOGGIA ISSUE.
SECOND BY MR. OCHSTEIN
MOTION OPPOSED

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MR. OCHSTEIN	YES
MR. RAFFO	NO
MS. DUEMLER	NO
MR. KLEIN	NO
MR. FRIED	NO
MR. HOFFMAN	NO

MOTION BY MR. KLEIN TO ASSESS A \$250.00 A DAY FINE, RETROACTIVE TO 12/22/07 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.
SECOND BY MR. FRIED
MOTION OPPOSED

ROLL CALL VOTE:

MR. KLEIN	YES
MR. FRIED	YES
MR. RAFFO	YES
MR. KOEPPPEL	NO
MR. OCHSTEIN	NO
MS. DUEMLER	NO
MR. HOFFMAN	YES

Mr. Hoffman again asked all Board members not to make a motion until all discussion had been concluded. He also asked Sgt. Hess to provide each of the Board members with pictures at the same time so it would be available to all of them for review during the discussion.

XIII. Adjournment:

The meeting was adjourned without benefit of a motion.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>DUEMLER, CATHERINE M.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>CODE ENFORCEMENT BOARD</i>	
MAILING ADDRESS <i>215 NIGHTINGALE TRAIL</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY (<i>TOWN</i>)	
CITY <i>PAWM BEACH,</i>	COUNTY <i>PAWM BEACH</i>	NAME OF POLITICAL SUBDIVISION: <i>PAWM BEACH</i>	
DATE ON WHICH VOTE OCCURRED <i>11/7/08 *</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

* ONGOING CASE - VOTE STILL PENDING

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JUN 25 2008
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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CATHERINE M. DUEMLER, hereby disclose that on 1/17, 20 08:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

VIOATION OF CHAPTER 134, SECTION 134-1472 (3)
OF THE TOWN OF PALM BEACH CODE OF ORDINANCES,
NO ADDITIONAL WALLS, FENCES, HEDGES OR OTHER
STRUCTURES OR GROWTH SHALL BE ERECTED OR
GROWN EASTWARDLY OF OCEAN BLVD TO A HEIGHT
GREATER THAN FOUR (4) FEET ABOVE THE
SURFACE OF THE OCEAN BOULEVARD

Date Filed

June 19, 2008

Signature

Catherine M. Duemler

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME OCHSTEIN, LARRY		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CODE ENFORCEMENT BOARD	
MAILING ADDRESS 130 SUNRISE AVE. #618		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PAWM BEACH	COUNTY PAWM BEACH	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 11/17/08		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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TOWN CLERK

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, HARRY OCHSTEIN, hereby disclose that on July 17, 20 08:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MY SON, DR. BRAD OCHSTEIN IS THE VETERINARIAN ON THE CASE INVOLVING DR. LYNN & SEVERAL VICTIMS

Date Filed

7/17/08

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.