



CODE THREE

A Palm Beach County P.B.A. Official Publication

VOLUME 29, NUMBER 4

PUBLISHED QUARTERLY FOR MEMBERS

DECEMBER 2013

Happy Holidays & Happy New Year
From All of us at the PBA





President's Message

John Kazanjian

First, I want to wish everyone a very happy and healthy New Year.

Recently, I have had the opportunity to visit our State Attorney, Dave Aronberg, for unpleasant reasons. I'm pleased to say the PBA and Dave have a great relationship. One of our deputies from PBSO had been arrested improperly for official misconduct and falsifying a police report. The deputy happened to be working an overtime permit detail at a local night club. I will not get into the details of what happened. We will put the video on the PBA website when appropriate. You will be able to see in the video (which is directly in back of the deputy), the suspect approaching the D/S. You will see in the video that the suspect gets very close to the D/S and the Deputy pushes him back and then takes the suspect down. The video then shows the suspect landing on top of the deputy and the deputy hitting his head on the concrete. The deputy was unable to write the P.C., so the backup deputy did it. The P.C. stated that the suspect came up to the deputy and chest bumped him, not once, but twice. Because the video is directly behind the deputy, there is no way anyone can determine that the suspect did not come in contact with the Deputy.

The investigator and the State Attorney believed that the suspect never touched the Deputy, BUT NO ONE CAN SEE THAT ON THE VIDEO. So, because the report and the P.C. both state that there was a chest bump which is not visible on the video, the deputy was arrested and charged with official misconduct and falsifying a police report.

If the State Attorney does not drop the charges, we will defend this case vigorously to clear the Deputy's name. We will need a lot of support from the membership if this goes to trial. Don't forget that this can happen to any one of us.

Videos and reports must match exactly. Otherwise, Assistant State Attorney, Al Johnson (who is in charge of the Public Corruption Unit), may think law enforcement officers may be covering something up.

You must complete precise reports. Always, assume there is a video filming you performing your law enforcement duties at all times. I know it's very hard to recollect everything that transpired, but you must in order to have an accurate report in case a video "magically materializes."

Be safe and have a Happy New Year.



Officer Of The Month



July 2013

Officers of Month: Jupiter Agent Nathan Baird, Jupiter Detectives Troy Jenne and Danielle Hirsch, and PBSO Detectives Alfredo Araujo and Kevin Umphrey

Nominated by: Jupiter Sgt. Adam Hirsch

From December 2012 to May 2013, numerous firearms that were stolen from police vehicles in Jupiter.

On May 18, 2013, Agent Baird conducted surveillance of a PBSO vehicle and conducted an investigative stop of a suspect that yielded information that this suspect sold a gun stolen from U.S. Marshalls.

Det.'s Hirsch, Araujo, and Umphrey were all called in to assist Agent Baird and Det. Jenne.

Based upon this multi-jurisdictional investigation, and because of the hard work of these five individuals, 23 stolen high capacity firearms were recovered and nine search warrants of residences, vehicles, and cellular telephone were issued.



PBSO Detective Kevin Umphrey, Jupiter Detective Danielle Hirsch, Jupiter Agent Nathan Baird, Jupiter Detective Troy Jenne, and PBSO Detective Alfredo Araujo

August 2013

Officer of Month: MCSO Detective Vance Irick

Nominated by: D/S Willie Weiss

On December 27, 2012, MCSO dispatcher received a 911 call regarding a fire in an occupied structure. The fire was apparently the result of arson.

Det. Irick processed the crime scene and cancelled his vacation to work on the case. Det. Irick created a time line documenting the activities of a suspect's vehicle around the crime scene, working several angles of a "hunch."

Because of the hard work of Det. Irick, the suspect confessed in an interview that he may have thrown a lit cigarette inside the house.



MCSO Detective Vance Irick

Continued on next page

September 2013**Officer of Month:** PBSO Agent Lisa Murray**Nominated by:** Lt. Richard DiBerardino

PBSO Agent Lisa Murray investigated a medical doctor suspected of overprescribing controlled substances and contributing to multiple deaths.

In December, 2011, a patient of Dr. Barry Shultz died from acute methadone toxicity. Through hundreds of hours of medical file review and interviews with patients, pharmacists and experts, Agent Murray determined Shultz was overprescribing controlled substances and was responsible for multiple deaths.

Agent Murray obtained a commitment from the State Attorney's Office to charge Shultz with manslaughter, the first such case of its kind in Palm Beach County.



PBSO Agent
Lisa Murray

October 2013**Officer of Month:** PBSO D/S Ryan Longchamps**Nominated by:** Palm Beach County PBA

Last Spring, near the end of his shift, PBSO D/S Ryan Longchamps ran into a burning house and rescued a trapped man. As fire and black smoke came out of the house's windows, D/S Longchamps heard a man scream and, without fire gear, ran immediately into the burning house and saved the man's life.



PBSO D/S Ryan
Longchamps

November 2013**Officer of Month:** PBSO D/S Heather Kneisley and Sgt. Neil Honkala**Nominated by:** Palm Beach County PBA

On November 18, 2013, in the early evening, D/S Kneisley and Sgt. Honkala were dispatched by 911 regarding a man waving a gun and threatening multiple people in a residence. Upon exiting the residence in pursuit of the male occupant, the suspect challenged the law enforcement officers at the scene and refused all commands to drop his weapon. He pointed his gun directly at D/S Kneisley. D/S Kneisley and Sgt. Honkala both fired at the suspect saving the lives of the civilians involved and each other.



PBSO D/S
Heather Kneisley
and Sgt. Neil
Honkala

December 2013**Officer of Month:** Riviera Beach Officer John Vanderlaan**Nominated by:** Cpl. Jeremy Summers

On August 17, 2013, Officer Vanderlaan backed up Cpl. Summers at a traffic stop. At the stop, the suspect attempted to access his firearm from under the driver's seat when the officers saw a plastic baggie of drugs in plain view. A violent fight ensued in and out of the car. Ultimately Officer Vanderlaan gained control of the suspect, handcuffed him and seized a loaded handgun, 16.5 grams of crack cocaine, a trafficking amount of hydrocodone, marijuana and a large sum of cash.



Riviera Beach
Officer John
Vanderlaan

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Ernie George - Editor

Gail Seldomridge - Assistant Editor

Code Three is dedicated to the advancement of the law enforcement profession through better and stronger community relations. The opinions expressed in this publication are not necessarily the opinions of the Palm Beach County Police Benevolent Association.

Members or readers submitting letters to the editor or articles for publication are requested to adhere to the following: Submit letters or articles to: Palm Beach County PBA, Code Three, 2100 N. Florida Mango Road, West Palm Beach, FL 33409-6400. Letters and articles must be accompanied by the writer's true name and address. The name, but not the address, will be published with the article. All articles submitted for re-publication must be accompanied by a statement giving permission for the Code Three to republish the article. Unsigned letters and articles will not be used. The editor reserves the right to add an editor's comment to any article or letter submitted.

Disclaimer: \$12.00 of your dues per year is used for Political Committee/Committee of Continuous Existence Funds. The PBA opened a Justice PAC and active, individually billed members will contribute \$15.00 out of their dues to this PAC. IF YOU CHOOSE NOT TO GIVE THIS AMOUNT, PLEASE NOTIFY THE PBA IN WRITING.

Welcome New Members!!!

SEPTEMBER, 2013

JANCEL MARTINEZ.....SCHOOL
NEIL STERK.....WPB
MAURICIO VASCONCELOS.....WPB
STEVEN DEPETRO.....WPB
JOSEPH BANGO.....WPB
ADAM WILDER.....PBSO
KELLY RICHTER.....PBSO
MATTHEW SERRA.....MCSO
EDWARD FITZGERALD.....STUART
LASHAWNNA EDWARDS.....PBSO

OCTOBER, 2013

DUSTIN RADFORD.....PBSO
RYAN STRAHAN.....SCHOOL
ANDREW CANO.....PBSO
ANTHONY BLACHOWSKI.....MCSO
ALEX JAMES.....MCSO
EVERETT LERNER.....NPB
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AUTUMN REYKA.....PBSO
JASON MOORE.....PBSO
CHANICE FORD.....PBSO
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OCTOBER, 2013 (continued)

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AARON MARTIN.....PSLPD
TERRY HENKEL.....PSLPD
ROBERT CORONADO.....GRNACRS

DECEMBER, 2013

ANTHONY SCARDIGNO.....MCSO (REIN)
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MELANIA ZINNER.....PBSO
ROBERT CHYLE.....WPB
LATIESHA STEWART.....PBSO
JOSEPH JULIANO.....RETIREE
LEONARD LOIACANO.....SHORES
ADAM MCHONE.....PBG
SHARON LEONARD.....PBSO
KHASHAYAR KHATAMI.....PALM SPR
EMMA HOWARD.....JUPITER
ROBIN BOLANOS.....DELRAY
CRAIG WOOLRIDGE.....NPB

Officer of the Month



HAVE YOU MADE YOUR NOMINATION?

Law Enforcement, Corrections and Civilian Awards

Please submit your nominations for
Law Enforcement Officer of the Month,
Corrections Officer of the Month and
Civilian Employee of the Month to

Gail@pbcpcbpa.org

We want our members to be the first to know...

There's a great new way to stay up-to-date
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Ten Thirty Three

"Probationary" Employment Redux

Submitted by Gary Lippman, General Counsel

My mission with this installment is to dispel some confusion regarding "probationary" bargaining unit employees. Probationary bargaining unit employees are not without remedies for wrongs done to them under collective bargaining agreements, and may not always be the equivalent of employees "at-will" unless the collective bargaining agreement governing the terms of their employment says so. And even if probationary bargaining unit members **contractually** are the equivalent of "at-will" employees, if there is reputational damage relating to the circumstances of their terminations, they may have a "liberty interest" in connection with that termination that is actionable under federal law (i.e., 42 U.S.C. §1983).

At the outset, and while it might appear to be self-evident, bear this in mind: **"probationary" bargaining unit employees are bargaining unit employees.** Sounds simple, because it is. Take a look at the "Recognition" provisions in your Collective Bargaining Agreement. Are "probationary" employees expressly **excluded** from the bargaining unit identified in your Agreement? In some of our collective bargaining agreements the bargaining unit "certified" by the Florida Public Employees Relations Commission ("PERC") and "recognized" by the employer specifically identifies "probationary" employees among others specifically listed as included within the bargaining unit. In most of our collective bargaining agreements' "Recognition" provisions the word **"probationary"** doesn't appear at all, precisely because the bargaining units are comprised of all **"full-time"** employees within the job titles sharing a "community of interest" sufficiently for PERC to group them together in the same bargaining unit. Employees who are **"probationary"** are **included** by virtue of their "full-time" status, therefore, because that's the way PERC defines and applies the word "full-time;" so, it goes without saying, literally, that probationary employees are included in the bargaining unit.

By law, probationary employees can sign PERC cards seeking union representation; probationary employees within PERC-certified bargaining units can vote in PERC representational elections and choose, or not, to be represented by a union; and, probationary employees can vote in collective bargaining agreement ratifications.

"Part-time" employees should not be confused with "probationary" bargaining unit members. "Part-time" employees very, very rarely are included in our PERC-certified bargaining units and, for that reason can't vote in any of the aforementioned matters; with very, very few exceptions. The fact that "part-time" **non**-bargaining unit personnel may be "PBA members" and, for that reason, are entitled to PBA representation and other benefits of their PBA membership, doesn't mean they can vote on anything relating to a bargaining unit's wages, hours, and terms and conditions of employment. The fact that an employer may extend to **non**-bargaining unit part-time personnel the wages and other

terms and conditions of employment negotiated for the bargaining unit members is that particular employer's prerogative; those things are **not** governed by the collective bargaining agreement.

Think about your "probationary" coworkers this way: Could your employer pay them **less** than the negotiated starting wages? (In some of our agreements, starting pay for "probationary" bargaining unit members specifically appears in the agreement). If your employer decided to pay probationary bargaining unit employees less than the negotiated contractual wages, those probationary bargaining unit employees could file a grievance under the collectively bargained grievance and arbitration procedure (or, most likely, the PBA could file a grievance on their behalf), right? Similarly, probationary bargaining unit employees are no less subject to the negotiated "workweek and overtime" provisions, the negotiated "drug and alcohol" provisions, the negotiated "insurance" provisions and benefits, the negotiated "workers' compensation" and duty disability provisions, and probationary bargaining unit employees accrue "seniority," among other negotiated things, during their initial probationary periods of employment.

So, unless "probationary" bargaining unit employees expressly are **excluded** from certain specific collectively bargained terms and conditions of employment, they are **included** within the reach of those negotiated terms. Typically, bargaining unit employees in their **initial** periods of "probationary" employment expressly are excluded from negotiated "take-home vehicle" provisions, and expressly are excluded from utilizing the negotiated grievance and arbitration procedures to challenge their **terminations** from employment; but not necessarily from challenging **discipline** short of termination, unless the express terms of the collective bargaining agreement say so.

Restrictions and/or exclusions from challenging discharges during bargaining unit employees' **initial** periods of "probationary" employment may appear in a "Management Rights" Article, or a "Discipline" Article, or a "Grievance and Arbitration Procedure" Article, or a "Probationary Period" Article, or in all of those provisions. Yet, in even those agreements having repeated and redundant exclusions of "probationary" bargaining unit employees' challenges to their discharge (see e.g., Delray Beach Police Officers and Sergeants Collective Bargaining Agreement), probationary bargaining unit employees are no less able to grieve discipline short of discharge and other alleged violations of their Agreement than their non-probationary bargaining unit coworkers.

Additionally, if a probationary bargaining unit employee is terminated during a probationary period in consequence of a complaint or allegations that are damaging to his or her reputation, the employer may be obligated to offer that public employee a "name-clearing" hearing; which opportunity may be provided **before** the termination (**"pre-deprivation"**) or **after** the termination (**"post-deprivation"**). Frequently, if not most often,

the triggering of a reputational damage claim occurs after an employee's termination; with the publication of an investigation into the public records and/or to background investigators from a prospective employer.

Whenever a PBA member who has been terminated during his or her probationary employment comes to our offices, the best practice is to make a "public records" request (under F.S. 119 and/or 447) for all of the records "reviewed, relied upon, or otherwise considered in making the decision to terminate." You never know what might be produced (which might be actionable) and, after all, the PBA member would benefit considerably from getting "the coming attractions" on what prospective employers will be provided.

"Probationary" periods after **promotions** are an entirely different species of "probation." Many years ago the PBA grieved and arbitrated a probationary sergeant's demotion in consequence of an investigation and discipline for sustained violations. While the employer in that case asserted that the probationary sergeant could be demoted "for any reason or no reason at all" during the post-promotion probationary period, we were able to show an arbitrator that there was not and could not be a waiver of the collectively bargained right to be disciplined only "for cause;" even during the sergeant's **promotional "probationary"** period. Otherwise, a bargaining unit employee with many years of long and loyal service could be terminated arbitrarily and without just cause immediately after a promotion, and have no access to a grievance and arbitration procedure. The arbitrator in our case ordered the probationary sergeant reinstated to his probationary sergeant status, and he remains a non-probationary sergeant to this day.

In any event, when it comes to probationary bargaining unit employees, don't assume they're without any protections simply because they are "probationary." The Palm Beach County PBA very recently lost an appeal before the 4th District Court of Appeal on a case involving the discharge of a probationary bargaining unit employee governed by a collective bargaining agreement that uniquely does not expressly **exclude** "probationary" bargaining unit employees from provisions limiting all bargaining unit employees to discharge only "for cause." In that case, the only express **exclusion** of probationary bargaining unit employees anywhere in the Collective Bargaining Agreement appears in the "take-home vehicles" provisions. (On our motion to compel arbitration, the circuit court judge ruled against us in error, we believe, which is why we appealed. With a one word decision — "Affirmed" — the 4th District Court of Appeal chose to leave that error undisturbed. Ironically, down the hall at the same courthouse a different judge ruled favorably, and properly, on our motion to compel arbitration in a case disputing whether an employee who had been promoted to a position **outside** of any bargaining unit at the time of a four ranks demotion, was entitled to the grievance and arbitration provisions of a collective bargaining agreement his disciplinary demotion dropped him through).

Ultimately, the issue of whether a collective bargaining agreement's provisions are of **application** to a particular employee ("probationary" or non-probationary) potentially is "a dispute over interpretation and **application**" of that agreement; most of which disputes employers and unions expressly have agreed will be resolved by arbitrators, not courts of law. (Take a look at your Agreement's definition of a "grievance" and consider the facts peculiar to the case).

Last, but certainly not least of all, is the issue of certain statutory provisions governing the investigations and interrogations of sworn law enforcement and corrections officers; which issue derives from courts' construing what Florida legislators meant by "full-time" for purposes of Chapter 112, F.S. differently than PERC's construction of "full-time" for purposes of Chapter 447, F.S. As you all know well, as a general proposition, we all can agree: laws establish certain **minimum** "rights," while collective bargaining agreements can and frequently do establish more favorable terms. Think: "Minimum Wage." No PBA member governed by a collective bargaining agreement goes to work for the "minimum wage" established by "law." Think: "Workers' Compensation." The law provides that your injury in the service to your employer actually earns you a pay **cut**; i.e., your work-related injury leaving you unable to work for some period of time gets you **reduced** in your wages for that time to two-thirds of your Average Weekly Wage (appropriately "**AWW**"). Yet, virtually all of the PBA's negotiated collective bargaining agreements provide some period of supplementary pay or eligibility to supplement pay while on Workers' Compensation so as to enable injured bargaining unit employees ("probationary" and non-probationary) to receive 100% of their wages while they're unable to work.

And so it is with Florida State Statute 112's provisions governing investigations and interrogations; which "rights" established by law in their scope and substance may be enhanced by "rights" established by collective bargaining agreements. So, if a **contractual** provision establishes that in the investigation of "all bargaining unit employees, the [employer] shall provide all those rights contained in sections 112.532, 112.533, 112.534, F.S.," then **voila!:** all "bargaining unit employees" now may have all the "rights" that are in the law; not just those personnel specifically identified in the definitions section of the statute (i.e., §112.531, F.S.). Collectively bargained provisions can extend such due process "rights" to non-sworn communications personnel in the same PERC-certified bargaining unit as sworn personnel. Likewise, collectively bargained provisions may provide such "rights" to non-sworn employees in a PERC-certified bargaining unit that has **no** sworn personnel to whom such rights were intended **by law** to apply, only.

Establishing a due process standard no others approximate, Palm Beach County Sheriff Ric Bradshaw specifically agreed **by contract** to provide to his **non-sworn civilian** bargaining unit employees represented by the PBA, all of the same "rights" of application **by law only** to sworn law enforcement and corrections officers under his command. Take a look at the current "Civilian Agreement" on the PBA's website (pbcba.org) between the Palm Beach County Sheriff's Office and the PBA, Article 37, "Rights of Bargaining Unit Members Under Investigation." (And please don't confuse "rights" under Chapter 112, F.S. with "**Garrity rights**;" the latter of which belong to all "public" employees).

Ultimately, what "rights" probationary bargaining unit employees have as "bargaining unit employees" should be determined by the express language of the collective bargaining agreement governing their wages, hours, and terms and conditions of employment. There's no substitute for going through the relevant agreement page by page and, if necessary, for doing a word search on the document if a particular matter is uncertain.

Don't assume that "probationary" = "at-will."



Corrections Corner

Submitted by
Lt. Pete Tartaglione

Quarterly Recognition to the following members:

- ***Lt. Tammy Bussey***
 - Graduating the Southern Price Institute (Kentucky) Class # 130
Receiving straight A's in all her classes and was elected by her
classmates, Historian for Class # 130
- ***Lt. Michael Devoter***
 - Selected to the Host Committee for the ACA Winter Conference in
Tampa, Florida and was selected to the ACA Standards Committee
to Develop and Amend the Adult Detention Facility Standards
- ***Sgt. Kevin McGuckian***
 - Promoted to Sergeant effective 10/12/2013
- ***Welcome back Kathy Dent***

The following have crossed over from Corrections to Law Enforcement effective November 27, 2013:

Robert Butts. Jr.
Jason Gayle
Eduardo Donate
Ryan Maharaj

Zaldy Cortez
Keith Eubanks
Gerald Mitchell
Will Twigg

We wish them all much success in the future!

Random Thoughts

Submitted by Terry Maguire, PBSO PBA Rep

Well, 2013 is now behind us. The economy has improved sufficiently for the PBA & PBSO to agree on COLAs for the remaining two years of the contract, and new employees are rapidly filling our ranks. All looks good, yet I continue to hear griping about many things. I say this as a predicate to reminding all that PBSO is the employing agency and the PBA is the collective bargaining unit for all of us. As such, the PBA concentrates on terms and conditions of employment, which relates to wages, benefits, discipline, and hiring/firing of members. The PBA does not generally get involved in equipment issues, unless it directly impacts you the member. Sometimes the PBA will approve of a change, as a way of letting the Sheriff know he is supported.

I say this as a way of saying (with all due respect), that if you are one of those constantly complaining, stop it! We have a Sheriff who supports us. He provides us not only high level equipment, but listens when we talk! As a dinosaur here, I can remember the days long ago when PBSO bought just enough, or only the lowest bid, no matter what was actually needed. Today, Sheriff Bradshaw is fiscally responsible, but he is even more concerned with his responsibilities to US! Remember that the next time you start complaining about whatever it might be!

PBA Scholarships

The annual Scholarship Applications will be available after January 1, 2014 at the PBA office and on-line at www.pbcnpba.org. We will be accepting applications through April 15th, 2014. Good luck to all applicants!



**A peace of mind in this chaotic world.
Palm Beach County PBA is here for
you!**

PBA HEART FUND DEATH AND DISABILITY PLAN



In an effort to help the families of law enforcement officers who are killed or disabled in the line of duty, Florida Police Benevolent Association (PBA) has established a charitable arm which is called the PBA Heart Fund. Because the PBA Heart Fund is a 501(c)(3) organization, contributions are tax deductible. Monies donated to the Heart Fund are used to provide death benefits to the families of officers killed in-the-line-of-duty and disability benefits to officers who are permanently disabled because of an in-line-of-duty disability.

Aside from individuals who may want to donate with the tax deduction in mind*, political campaigns may dispose of surplus funds (after the campaign is over) by donating some or all of the surplus to the PBA Heart Fund [s. 106.141 (4) (a) 2., Florida Statutes]. And, of course, other entities (e.g. not-for-profit corporations) may also donate to this cause. The address is:

Florida PBA Heart Fund, 300 East Brevard Street, Tallahassee, FL 32301

More information about the Heart Fund may be obtained by calling Florida PBA at 1-800-733-3722.

*Receipt for donations will be provided upon request. ●

Workplace Bullies: How to Identify Them and What to Do About Them

Written by Tequesta McKinney, PBSO Appt. Civilian Rep

In light of the recent events surrounding Richie Incognito and Jonathan Martin, I thought it would be a great idea to revisit bullies in the work environment. The environment of law enforcement and corrections is a great arena for a work place bully. Bullying is something that most people expect to experience in elementary and high school not as adult in a work environment, but it is very wide spread and more prevalent than many of us are aware of. Chances are if you work with others, you will be bullied at some point in your career. In the U.S., where the practice is being studied, an estimated 37% of workers, or about 54 million people, have been bullied at the office, or repeatedly mistreated in a health-harming way. The percentage balloons to 49% of workers, 71.5 million people, when witnesses are included. The problem is, however, unless you're at the receiving end of severe abuse, you're unlikely to realize it.

Workplace bullies often use their words and action to intimidate their victims. A work place bully can be a co-worker or a boss. Workplace Bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms:

- Verbal abuse
- Offensive conduct/behaviors (including nonverbal) which are threatening, humiliating, or intimidating
- Work interference — sabotage — which prevents work from getting done.

It is mistreatment severe enough to compromise a targeted worker's health, jeopardize her or his job and career, and strain relationships with friends and family. It has nothing to do with work itself. It is driven by the bully's personal agenda and actually prevents work from getting done. It begins with one person singling out the target. Before long, the bully easily and swiftly recruits others to gang up on the target, which increases the sense of isolation.

There are times in the work environment when you may perceive that you are being bullied, if you are unsure here is a list of signs that would indicate bullying:

- Your work is never good enough for the boss
- Your boss makes you feel humiliated
- You constantly feel anxious and agitated at work, and dread the start of a new workweek
- Your co-workers have been told to stop socializing with you
- Someone is constantly interfering with tasks you are trying to complete
- You are yelled at in front of others, but punished for yelling back
- Human resources and other bosses say there is "nothing they can do" about the bully's behavior
- You start to think you somehow caused the bullying
- Your requests to transfer positions or office locations are denied

- You feel exhausted on your days off and uninterested in activities you once enjoyed
- You constantly feel stressed about work, even when you're at home
- Your family suggests you "leave work at the office" and your doctor asks about what could be causing your new health problems

Bullying can have very serious effects on your health. Many victims of bullying may exhibit health issues and not recognized that they are caused by the effects of being a target of a bully in the work environment. Workplace bullying can cause extensive health problems for employees including a number of physical and psychological illnesses and injuries. People who are bullied at work may experience stress, anxiety, panic attacks and trouble sleeping. They may have higher blood pressure, ulcers and other stress-related illnesses. There also is some evidence that bullied workers have trouble making decisions, incapacity to work or concentrate a loss of self-esteem and become less productive. Part of this loss of productivity is brought on by a loss of motivation, stress and health complaints, but the other part is comprised of time spent trying to defend themselves, avoiding the bully, networking for support, and planning how to deal with situation. The targets of bullying feel a sense of isolation and may struggle with depression, post-traumatic stress disorder, eating disorders and may even contemplate suicide. A study conducted by researchers at the University of Manitoba found that workplace bullying inflicts more harm on employees than sexual harassment.

There are many avenues to address bullying in the workplace. The main avenue should include established and implemented clear policies and reporting procedures that address bullying. A majority of companies have code of conduct policies, but many of those policies are general and address unethical and financial misconduct. Rarely do companies maintain policies with specific language that adequately defines a range of prohibited behaviors. The next avenue should contain clear and multiple reporting mechanisms in place, leaders must ensure all managers and employees receive training on how to identify, respond and report potential bullying behaviors. Many managers and employees have trouble distinguishing bullying behaviors from workplace violence and unprofessional behaviors, it is critical that training reinforces the many ways bullies target their victims in the workplace. The last avenue is accountability. Accountability makes a firm impression on both parties involved- the bully and the victim. It also sends a clear message that bullying is an unacceptable behavior or practice that is not tolerated in the workplace. The responsibility lies with the agency to provide a safe and secure work environment for its employees. An employee's perception is 100% their reality and the employees' complaints should always be taken seriously and given priority.

Do you have Lazy Money?

Written by Randy Lee, President, Financial Planner of Lee Wealth Solutions



The answer is probably “Yes.” I define Lazy Money as cash, CD’s, IRA’s, money markets and savings accounts sitting in your local bank or credit union making a very small interest rate. While generally pretty liquid, they are most likely making a very small interest rate. More than likely the interest rate is not keeping pace with inflation.

I welcome the opportunity to work with you and determine if your investable assets could be earning better returns than they are presently. Our office is located at:

2074 W. Indiantown Road
Suite 205
Jupiter, FL 33458.

Please contact us at 747-0455 to schedule your free consultation or email us at: Info@LeeWealthSolutions.com.

Should your money be “working for you”? In my opinion, yes, it should. I enjoy helping people put together an overall financial plan or “road-map” which addresses different accounts, interest rates, taxes, Social Security, and potential life changes. When we sit down together, we will take into consideration your personal situation and your goals and objectives. It may be possible for your “lazy money” to get to work for you.



Randy Lee offers Securities through Questar Capital Corporation (QCC), Member FINRA/SIPC. Advisory Services offered through Questar Asset Management (QAM), a Registered Investment Advisor. Lee Wealth Solutions is independent of QCC and QAM. QCC & QAM do not offer tax or legal advice but Randy will work with your qualified professional. Visit our website at: www.LeeWealthSolutions.com

PBA “SUPPORT LAW ENFORCEMENT” TAG SELLING FAST!

You can get your very own Florida PBA “Support Law Enforcement” Tag at your county tag office. You may purchase the plate with random numbers and letters or create a personalized tag for your vehicle(s). Over 95,000 have been purchased so far!

The proceeds of this tag will be deposited into a charitable fund—Florida PBA Heart Fund—for the Association’s members (see page 9). The proceeds benefit many officers and families when tragedy strikes. Monies donated to the Heart Fund are

used to provide death benefits to the families of officers killed in the line-of-duty and disability benefits to officers who are permanently disabled because of an in-line-of-duty injury. The great thing about the contributions made to the Heart Fund, they are tax-deductible! 🍀



Save The Date!

7TH ANNUAL POLICE OFFICERS' BALL

SATURDAY, JUNE 7, 2014

EAU PALM BEACH, RESORT & SPA
100 S. OCEAN BLVD.,
MANALAPAN, FL 33462
(FORMERLY THE RITZ-CARLTON, PALM BEACH)

How to Care for Children with Special Needs Through Estate Planning

Submitted by The Center for Wealth Planning, Inc.

For many people, the basics of estate planning are simple enough, but for those families with loved ones who are disabled or have special needs, the estate planning process is more involved – and definitely more critical.

The latest statistics show that five percent of minor children have some sort of disability, and the burden of caring for these children make estate planning essential. In addition to specialized health care, these children usually need special schooling and intensive therapy, all of which comes at a cost.

Here are some tips for parents facing the need to plan not only for their own financial future, but for that of a special needs child:

1. **Deal with expectations.** Parents need to think about the kind of life they envision for their child. Will the child have a shorter life span? Will he or she be able to work or live independently? The answers to these questions will form the foundation of your plan.
2. **Determine eligibility for public benefits.** In order to meet eligibility requirements for Medicaid and Social Security Supplemental Income programs, a person with special needs or other disabilities cannot have more than \$2,000 in assets. This makes it imperative that a child who could ben-

efit from these services not have any assets titled in his or her own name – meaning they should not be listed as beneficiaries on life insurance policies, retirement accounts or plans, in trusts, wills or pensions.

3. **Consider a special needs trust.** Assets placed in a third-party special needs trust are not counted as assets toward public benefit program eligibility, but these trusts are governed by strict rules so the counsel of a Personal Family Lawyer in establishing this trust is necessary. Parents who are unable to fund a special needs trust with cash while they are still alive can do so through life insurance proceeds after they die.

If you would like to have a talk about protecting your family through estate planning, please call our office to schedule a time to sit down and talk.

The Center for Wealth Planning, Inc
PBA Headquarters
2100 N. Florida Mango Road
West Palm Beach, FL 33409
561-632-0566



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(Your e-mail address will not be given to any other group or organization and you will receive no advertising from outside sources. E-PBA is available to PBA members only. Be sure to add "pbamail@flpba.org" to your approved sender list.)



LAW ENFORCEMENT ASSISTANCE FOUNDATION

The 19th Annual
LEAF Golf Classic

Tournament Information

Monday, April 28, 2014

**Trump International Golf Course
West Palm Beach**

Registration 10:00 am to 11:45 am

Tournament Play (Shotgun Start) Noon

SPECIAL TOURNAMENT ENTRY FEE

\$2,000 per foursome

(Money must be received by 2/15/2014)

REGULAR TOURNAMENT ENTRY FEE

\$2,500 per foursome

(After 2/ 15/ 2014)

Includes: Greens Fees, Cart, Lunch, Beverages, Awards Banquet and
Tournament Gifts

For additional information please contact:

Law Enforcement Assistance Foundation

P.O. Box 17725 · West Palm Beach, FL 33416~7725 • 561-747-6653

Converting Your Assets to an IRA When You Retire

Written by Wealth Management Systems, Inc.
 Courtesy of Julie Hermes Castillo, Financial Advisor
 Morgan Stanley, West Palm Beach, FL • (561) 838-8957
 Website: <http://fa.morganstanleyindividual.com/julie.castillo>

Rolling a 403(b) or 457 plan account into an IRA could be worth consideration for many retirees. Making a switch may provide access to greater investment flexibility, portability and the value of professional management during retirement.

If you're about to retire—or have already recently retired—you have an important decision to make about the money in your 403(b) or 457 plan account: Do you take a lump-sum distribution, or roll it over?

If your plan allows it, rolling over your account into an IRA may prove beneficial to you for a number of reasons.

- **More investment options.** 403(b) and 457 plans generally offer limited investment options. With an IRA, you have access to a greater range of investments, including mutual funds, ETFs, stocks, bonds and cash. This allows you to develop a more precise mixture of investments that best reflects your own personal risk tolerance, investment philosophy and financial goals.
- **Lower fees.** The fees associated with an IRA can be lower than the expenses in your 403(b) or 457 plan. Fees have a direct impact on your returns. With a wider range of investments to choose from, you can include a fee comparison component as part of your decision-making process.
- **Greater flexibility.** Some plans allow only lump-sum distributions, and others may limit the frequency of withdrawals. If you roll the money into an IRA, you can take it out on your own schedule, provided you are at least age 59½.¹
- **More convenience.** If you have worked at different jobs during your career and you roll all your previous employers' plan balances into an IRA, you'll have a single, consolidated account to track. This makes it easier to monitor your investments, rebalance as appropriate, and schedule required minimum distributions.

Tax Benefits

There are a number of tax benefits to consider, as well. A lump-sum distribution could potentially cost you thousands, as the table below illustrates. In this example, a 65-year-old teacher who is retiring with a \$350,000 balance in her 403(b) account would lose more than \$4,200 a year if she opted for a lump-sum distribution rather than a rollover.²

	Lump-Sum Distribution	Rollover
Beginning balance*	\$350,000	\$350,000
Federal tax liability @ 35 %	\$122,500	\$0
Net investable assets	\$227,500	\$350,000
Hypothetical Distribution rate of return	5%	5%
Estimated annual payments, pre-tax	\$17,386	\$26,748
Estimated average annual federal tax	\$1,606	\$6,687
Estimated annual after-tax distribution	\$15,780	\$20,061

*Hypothetical Illustration. Not representative of any specific investment

If you directly roll over to a traditional IRA, you don't need to pay taxes until you start withdrawing money from your account. Note that if you roll over the money from a traditional plan to a Roth IRA, you will have to pay income taxes on the full balance converted in the year you make the conversion. Any withdrawals made after a conversion are tax free once you have attained age 59½ and it's over five (5) years since the conversion date.

If you have after-tax contributions in your employer plan, you may opt to withdraw them without penalty when you roll over your assets. However, if you wish to leave those funds in your retirement account in order to continue tax deferral, you can include them in your rollover. When you begin regular distributions from your IRA, a prorated portion will be deemed nontaxable to reimburse you for the after-tax contributions.

Professional Support

Managing money in retirement can be complex. How should you invest? How much can you withdraw each year? What about your pension? When should you take Social Security? How do you compensate for inflation?

If you roll over your assets into an IRA, you can more easily access the guidance of a financial professional to help you determine a strategy suitable for you. A financial professional can also help you with your estate planning needs. For example, with 403(b) and 457 plans, heirs must take out all the assets after the account holder dies and face a potentially large tax bill. However, beneficiaries of IRAs may be able to stretch distributions out over their lifetimes.

Let me work with you to help make your decisions.

To Contact the PBA Office: (561) 689-3745
Visit Our Website at: www.pbcpcbpa.org

Don't Miss Out on participating in the new construction of the Palm Beach County PBA Memorial... Purchase a Paver in support of this Project!



The Palm Beach County PBA is reaching out for financial support to complete its PBA Memorial. Please see our different sponsorship levels. If you wish to contribute, please choose from the following sponsorship levels:

SPONSORSHIP LEVELS

PBA BENEFACTORS PLAQUE

Sheriff/Chief Sponsorship	\$5,000
Captain	\$3,000
Sergeant	\$2,000
Deputy/Officer	\$1,000

SITE AMENITY SPONSORSHIP

Flag Pole	\$7,500
Memorial Trees (12)	\$900
Benches (4)	\$700
Flower Bed Marker	\$200
Personalized Brick Pavers	\$100 or \$175
<i>(For the Pavers, please fill out the form on the next page)</i>	

Please make donations payable to:

Memo:

Send to:

PBA Charity Fund

PBA Memorial Sidewalk
Palm Beach County PBA
Attention: Gail
2100 N. Florida Mango Rd.
West Palm Beach, FL 33409

PALM BEACH COUNTY PBA MEMORIAL WALKWAY





Rechargeable MagLite \$93.00

Rechargeable Mag Bulbs \$5.00

Tag Emblems / Decals \$5.00

Key Chain \$5.00

Cufflinks \$5.00

Hitch Covers \$10.00

Memorial Bands \$1.00

Lapel Pins \$5.00



Handcuff Key \$7.50

PBC PBA Navy T-Shirt \$8.00

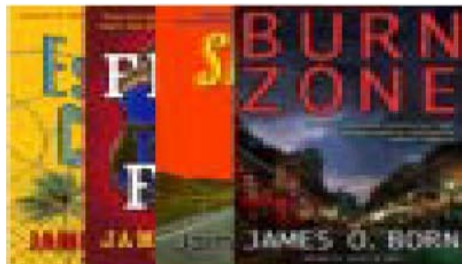
PBC PBA BBall Cap \$12.00

PBC PBA Polo \$30.00

MC PBA BBall Cap \$12.00

MC PBA Polo \$20.00

James O. Born Novel(s) \$20.00





238th MARINE CORPS BIRTHDAY CELEBRATION

On November 10th of every year, all U.S. Marines and Marine veterans celebrate their beloved Corps' birthday. This year, former Marines of the Palm Beach Sheriff's Office and guest Marines celebrated the 238th Marine Corps Birthday at the PBA Hall.



This was the 5th Annual gathering organized by Detective Dave Duplantis. The attendees reflected on the proud legacy, warrior ethos, boot camp stories, and the traditional cake-cutting ceremony.



Before dinner, the Honorable Judge Ted Booras led the attendees in the Pledge of Allegiance.

The first slice of the cake cutting was done by the oldest Marine present, Agent David Pietrafese. Following USMC tradition, David then turned the NCO



Sword over to the youngest Marine present, D/S Michael Calloway. This was done to symbolize the older and experienced Marines passing their knowledge to the new generation of less experienced Marines.

In addition to attending the party, the group was able to raise \$760.00 dollars toward their chosen charity "Wreaths Across America". This organization honors all fallen military men and women who paid the ultimate sacrifice by giving their lives for this great country.

Special thanks for the success of this special day to the Police Benevolent Association and the Laing & Weicholz Law Firm.



Warning to Individuals Traveling Interstate Transporting Firearms

In light of the many changes in firearm laws throughout the United States, the Palm Beach County Sheriff's Office and the Department of Airports has assembled the below information for travelers seeking to legally transport firearms in checked luggage.

1. Comply with all TSA rules as it pertains to traveling with firearms. All firearms must be declared at the ticket counter to the airline, firearms must be unloaded, only in checked bag in TSA approved hard cases with locks, ammunition can be in same locked case in original ammo box or box made for ammunition. Please read complete TSA regulations before travel at: <http://www.tsa.gov/traveler-information/firearms-and-ammunition>
2. Contact your airline before travel with your firearm transport information and location of travel.
3. Check the firearm laws of the State that you are traveling to in order to ascertain if the firearms, ammunition and magazines are legal in that State.

Federal law: Title 18 USC § 926A – The Federal Firearms Owners' Protection Act (FFOPA) of 1986 provides an exemption from local laws where the person traveling with a firearm for a lawful purpose from a state where the possession of the firearm is legal to another state where the possession of that firearm is legal*, providing that during such transportation the firearm is unloaded and not readily accessible to any passenger in the transporting vehicle and if there is no separate compartment in that vehicle, then the ammunition shall be in a locked container other than a glove box or console. **Must also check if the type of firearm and magazine you have is legal in the state you are traveling to! Note: "travel" means uninterrupted travel.*

Remember all the above must be complied with.

IT IS YOUR RESPONSIBILITY TO DO SO.

More information is available at:

www.nraila.org/gun-laws/state-laws.aspx
www.atf.gov www.governor.ny.gov/nysafeact/gun-reform

Workers' Compensation Impairment Benefits, Florida's Heart Bill, Alternate Causes of Action

Submitted by Robert S. Winess, Esq.

I want to bring everybody up to speed on many of the recent developments in the workers' compensation world that affect you, our law enforcement community. There have been three subjects that are attracting a lot of attention in which I feel everyone should be informed about. They are as follows:

IMPAIRMENT (MONETARY) BENEFITS: Injured workers in Florida are entitled to a certain class of money benefits that are payable to the injured employees when that employee reaches something called "Maximum Medical Improvement." That is, if you have been injured or ill from a work related injury, and gone through your course of treatment, "maximum medical improvement" means the date after which further recovery from your injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability. This does not mean that you are no longer entitled to any further medical care. You may still be entitled to additional medical care, however that is a subject for a different article.

Once an injured or ill worker is deemed to be at maximum medical improvement, their workers' compensation doctor must assign something called a permanent impairment rating. Loosely speaking, the permanent impairment rating is a measure of how benign or severe the person's injury is. The rating is assigned in the form of a percentage. Once the impairment rating is assigned, monetary benefits, called impairment benefits are required to be paid to the injured worker/employee. Please note that the payment of impairment benefits is not a settlement of your workers' compensation case. It is strictly benefit that an injured workers entitled to under the Workers' Compensation system. Again, it is not a settlement of your workers' compensation case. Your case remains open after the payment of these monies.

It has come to our attention that many injured employees, both in the traditional sense of injury, and those that suffer conditions covered under Florida's heart bill have never been notified of their entitlement to payment of these impairment benefits by their respective agencies after they have been placed at maximum medical improvement. It is the responsibility of the employing agency to pay these benefits to the injured employee when the agency has been placed on notice that the injured worker has been assigned an impairment rating.

Anyone who has suffered a work-related injury that has been covered under the Workers' Compensation system and has never been paid their impairment benefits for that injury or illness may indeed have a claim to those benefits at this time despite how long ago the injury may have occurred. These are your monetary benefits that you may be entitled to. Why forfeit the benefits you may be entitled to because of somebody else's failure to notify you that the benefit is there for you?

THE HEART/ LUNG BILL: Many of you are familiar with Florida's "Heart Bill" or more accurately Florida's "Heart/ Lung Bill," Florida Statute 112.18. This law provides coverage for

three classes of benefits. They are (1) hypertension (a.k.a. high blood pressure), (2) heart disease (which comes in various forms), and (3) tuberculosis. Although the statute is referred to as the "Heart/ Lung Bill," only tuberculosis is covered with respect to the lungs.

The legislature has been continuously active in trying to repeal the "Heart Bill". Quite simply, municipalities, local government, and any other employing agency of law enforcement officers and correctional officers dislike the bill because it forces them to spend money that they do not wish to spend. However, these are rights and benefits that you are entitled to. If you do not take affirmative measures to secure benefits under the "Heart Bill" you will assuredly meet significant resistance down the road. That is not to say that you will not meet resistance upfront, however the failure to timely address your rights under the "Heart Bill" will complicate your ability to pursue benefits at a future date.

Unlike health insurance benefits which typically terminate upon your separation from employment, absent paying for the coverage that may be extended to you post-separation which is often quite costly, Florida Workers' Compensation benefits follow you despite your employment status. That is, they do not terminate merely because of your separation from employment. This is particularly important to matters regarding cardiac care as heart disease and hypertension are typically lifelong conditions that need to be continuously monitored.

ALTERNATE CAUSES OF ACTION: An issue that we are seeing with respect to coverage for "Heart Bill" cases, and workers' compensation cases generally are third parties, such as nurse case managers, doctors, and clinics notifying injured employees that they do not have rights under the Florida workers' compensation system. These are legal conclusions -not medical determinations and medical providers should not be giving legal advice to injured or sick employees.

We are seeing an increased number of medical facilities and medical providers notifying injured employees that they are not allowed to take certain action (that their hands are tied) such as placing an injured or ill employee on restricted work statuses. The effect of this is that injured employees are required to utilize their sick and vacation time in lieu of being provided workers' compensation lost wage benefits. Aside from the obvious financial considerations, the result is the injured employee risks not returning to work within the specified period of time they are allowed to be out pursuant to their respective collective-bargaining agreement. This can potentially place an injured or ill employee's career risk.

Another situation that we routinely see is medical providers telling a patient/injured worker that the patient requires certain treatment, diagnostic tests, or treatment with various specialists but fails or refuses to document these referrals recommendations. Unless these referrals are in writing it is unlikely the ben-

efit will be provided. That is, the doctors will tell you, as the patient that you need one thing, however fail or refuse to document the verbal referral or recommendation. When pressed as to why they will not make a written record of the recommendation we often hear that they are allegedly "not allowed to do so."

Unfortunately, this situation may be by intentional design. That is, it is no accident that the medical providers verbally state one thing to you, however put something completely different down on paper. If you feel that you have been misled regarding your rights, or been given erroneous information regarding the latitude of work restrictions and/or medical referrals that the doctor can give, I strongly encourage you to speak with legal counsel. You may have been unwittingly pushed away from your Workers' Compensation rights by a design that from my perspective is intentional.

There are measures that can be taken outside of the workers' compensation system in the circuit courts to protect your rights. I strongly suggest that if you feel any of these matters in this article apply to you that you immediately contact counsel in order to protect your rights. There are very short statutes of limitations in the Florida workers' compensation matters, and the legal system generally. Therefore, in order to adequately

protect yourself, I again suggest that you consult with legal counsel.

As always I appreciate the service you provide for our community and thank you for taking the time to read this article.

ROBERT S. WINESS, ESQ.

Robert S. Winess, Esq., of Robert S. Winess, P.A., located in Boca Raton, Florida is a Workers' Compensation attorney who handles not only Florida Workers' Compensation matters, but also routinely handles "Heart Bill" cases. In addition to his Workers' Compensation Practice, Robert Winess works with first responders regarding the sensitive subject of "mental nervous" injuries such as posttraumatic stress disorder and depression as it pertains to first responders. Finally, Robert Winess also practices general civil litigation including claims against employers and insurance companies for Deceptive and Unfair Trade Practices. Robert Winess can be reached at:

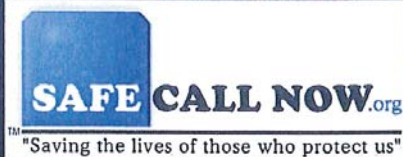
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(561) 347-7165

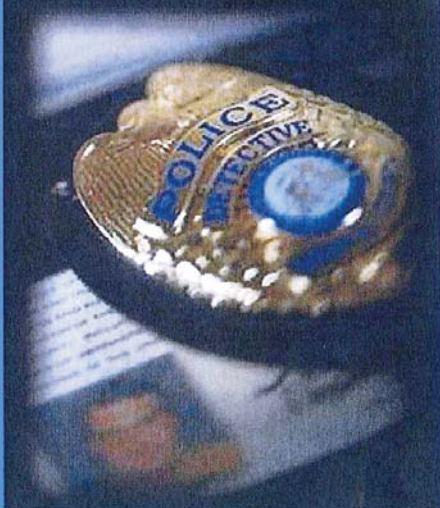
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Safe Call Now is a confidential, comprehensive, 24-hour crisis referral service for public safety employees and all emergency services personnel and their family members nationwide.

206-459-3020

www.safecallnow.org



POLICE LINE DO NOT CROSS

Mission:

Safe Call Now is a confidential, comprehensive, 24-hour crisis referral service for public safety employees, all emergency services personnel and their family members nationwide.

Vision:

Safe Call Now provides education, healthy alternatives and resources to save lives and put families back together.



It takes a special kind of person to protect the lives and property of others. You can't do this job effectively if you don't take care of yourself. It's simple and confidential.

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Warning Signs:

- Excessive Drinking
- Prescription Drug Abuse
- Finances in Turmoil
- In Need of Family Counseling
- Struggling with Addiction
- Marital Issues
- Depression
- Erratic Behavior
- Loss of Interest in Job
- Suicide Attempt
- Alienation
- Changes in Weight / Appetite
- Feelings of Hopelessness
- Unable to Sleep

All communications to Safe Call Now are guaranteed to be confidential nationwide per Revised Code of Washington RCW.43.101.425





As a PBA Member, KNOW AND ASSERT YOUR RIGHTS!

Remember, as a sworn officer, you have the right:

- ✓ to be represented by a PBA **attorney** during any interrogation;
- ✓ to be provided any complaint, all witness statements, and all existing evidence (e.g., audio and video recordings, GPS locator information) for review **with an attorney before** the beginning of any interrogation;
- ✓ to be interrogated at a reasonable hour (e.g., at a time when a PBA **attorney** can be present for the review and interrogation);
- ✓ to refuse a polygraph, and
- ✓ to refuse to respond to questions if an investigator intentionally fails to comply with requested requirements after being advised of his or her violations of those requirements.



As a dues-paying member, a Palm Beach County PBA attorney can be with you every step of the way.

Don't be intimidated out of your RIGHTS!

Don't try to be your own lawyer!

If you are a member in good standing, and you are suspended or fired, Palm Beach County PBA has attorneys to assist you.

Carry the card of confidence...

your PBA Membership Card

Palm Beach County Police Benevolent Association, Inc.

2100 N. Florida Mango Road, West Palm Beach, FL 33409

(561) 689-3745 • www.pbcnpba.org

ATTENTION: RETIREES

Please take notice that pursuant to §95.11(3), Florida Statutes, lawsuits, including “an action founded on negligence,” and “for assault, battery, false arrest, false imprisonment, or any other intentional tort...” must be filed “WITHIN FOUR YEARS” of the incident date.

To the extent that such lawsuits may be brought against you after you retire, you need to consider continuing your membership for four (4) years beyond your retirement.

If you are retired but have returned to law enforcement and are currently paying a “**RETIREE MEMBERSHIP**,” you should be aware that if you are subject to such actions at a time when you no longer are paying the appropriate dues, the PBA cannot provide legal assistance. See Palm Beach County Policy 12-1.

Enjoy the full peace of mind your retirement should mean.

REMINDER

The legal defense policies of the Florida and Palm Beach County PBA have an important provision regarding representation. If a member elects to secure representation by anyone other than the PBA (a private attorney, for example) that member is considered to have waived representation by the PBA. Once this happens, it is the PBA's option whether or not to continue to represent the member in that matter. Please call the PBA office if you have any questions regarding this policy.

STAY UP TO DATE!

Have you gotten married or divorced?

Working for a new agency?

Changed phone numbers or address?

Changed your personal e-mail address?

Please contact Wendy at the PBA Office
(561) 689-3745
to update your information.

The PBA is **NOT** notified of changes made within your department.

817.311 UNLAWFUL USE OF BADGES, ETC.

(1) (817.311 SS) From and after May 9, 1949, any person who shall wear or display a badge, button, insignia or other emblem, or shall use the name of or claim to be a member of any benevolent, fraternal, social, humane, or charitable organization, which organization is entitled to the exclusive use of such name and such badge, button, insignia or emblem either in the identical form or in such near resemblance thereto as to be a colorable imitation thereof, unless such person is entitled so to do under the laws, rules and regulations of such organization, shall be guilty of a misdemeanor of the first degree, punishable as provided in S. 775.082 or S. 775.083.

(2) This section shall be cumulative to any and all laws now in force in the state.

Florida Statutes (1987).

PLEASE NOTE

843.085 Unlawful Use of police badges or other indicia of authority:

(1) Unless appointed by the Governor pursuant to chapter 354, authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit, to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency as now or hereafter defined in S. 943.045, which could deceive a reasonable person into believing that such item is authorized by any of the agencies described above for use by the person displaying or wearing it, or which displays in any manner or combination the word or words “police,” “patrolman,” “agent,” “sheriff,” “deputy,” “trooper,” “highway patrol,” “Wildlife Officer,” “Marine Patrol Officer,” “state attorney,” “public defender,” “marshal,” “constable,” or “bailiff,” which could deceive a reasonable person into believing that such item is authorized by any of the agencies described above for use by the person displaying or wearing it.

(2) To own or operate a motor vehicle marked or identified in any manner or combination by the word or words “police,” (etc.) Or by any lettering, marking, or insignia, or colorable imitation thereof, including but not limited to, stars, badges, or shields, officially used to identify the vehicle as a federal, state, county or municipal law enforcement vehicle or a vehicle used by a criminal justice agency as now or hereafter defined in s. 943.045, which could deceive a reasonable person into believing that such vehicle is authorized by any of the agencies described above for use by the person operating the motor vehicle, unless such vehicle is owned or operated by the appropriate agency and its use is authorized by such agency, or the local law enforcement agency authorizes the use of such vehicle or unless the person is appointed by the Governor pursuant to chapter 354.

(3) To sell, transfer, or give away the authorized badge or colorable imitation thereof, including miniatures of any . . .

(4) NOTHING IN THIS SECTION SHALL PROHIBIT A FRATERNAL, BENEVOLENT, OR LABOR ORGANIZATION OR ASSOCIATION, OR THEIR CHAPTERS OR SUBSIDIARIES, FROM USING THE FOLLOWING WORDS, IN ANY MANNER OR IN ANY COMBINATION, IF THOSE WORDS APPEAR IN THE OFFICIAL NAME OF THE ORGANIZATIONS OR ASSOCIATIONS.

545 vs. 300,000,000 People

Written by Charlie Reese

*Wanna know what happened and who is responsible?
READ, WEEP, AND PRINT AND KEEP!*

This is Charley Reese's final column for the Orlando Sentinel! It should have been on the front page of every newspaper. It's a very interesting column that is completely neutral. Be sure to read the poem and the Tax List at the end.

This is about as clear and easy to understand as it can be. The article below is completely neutral, neither anti-republican or anti-democrat. Charlie Reese, a journalist for 49 years and now a retired reporter for the Orlando Sentinel, hit the nail directly on the head, defining clearly who it is that in the final analysis must assume responsibility for the judgments made that impact each one of us every day. It's a short but good read. Worth the time. Worth remembering!

Politicians are the only people in the world who create problems and then campaign against them.

Have you ever wondered, if both the Democrats and the Republicans are against deficits, WHY do we have deficits?

Have you ever wondered, if all the politicians are against inflation and high taxes, WHY do we have inflation and high taxes?

You and I don't propose a federal budget. The President does.

You and I don't have the Constitutional authority to vote on appropriations. The House of Representatives does.

You and I don't write the tax code, Congress does.

You and I don't set fiscal policy, Congress does.

You and I don't control monetary policy, the Federal Reserve Bank does.

One hundred senators, 435 congressmen, one President, and nine Supreme Court justices equates to 545 human beings out of the 300 million are directly, legally, morally, and individually responsible for the domestic problems that plague this country.

I excluded the members of the Federal Reserve Board because that problem was created by the Congress. In 1913, Congress delegated its Constitutional duty to provide a sound currency to a federally chartered, but private, central bank.

I excluded all the special interests and lobbyists for a sound reason. They have no legal authority. They have no ability to coerce a senator, a congressman, or a President to do one cotton-picking thing. I don't care if they offer a politician \$1 million dollars in cash. The politician has the power to accept or reject it. No matter what the lobbyist promises, it is the legislator's responsibility to determine how he votes.

Those 545 human beings spend much of their energy convincing you that what they did is not their fault. They cooperate in this common con regardless of party.

What separates a politician from a normal human being is an excessive amount of gall. No normal human being would

have the gall of a Speaker, who stood up and criticized the President for creating deficits. The President can only propose a budget. He cannot force the Congress to accept it.

The Constitution, which is the supreme law of the land, gives sole responsibility to the House of Representatives for originating and approving appropriations and taxes. Who is the speaker of the House? John Boehner. He is the leader of the majority party. He and fellow House members, not the President, can approve any budget they want. If the President vetoes it, they can pass it over his veto if they agree to.

It seems inconceivable to me that a nation of 300 million cannot replace 545 people who stand convicted—by present facts—of incompetence and irresponsibility. I can't think of a single domestic problem that is not traceable directly to those 545 people. When you fully grasp the plain truth that 545 people exercise the power of the federal government, then it must follow that what exists is what they want to exist.

If the tax code is unfair, it's because they want it unfair.

If the budget is in the red, it's because they want it in the red.

If the Army & Marines are in Iraq and Afghanistan, it's because they want them in Iraq and Afghanistan.

If they do not receive social security but are on an elite retirement plan not available to the people, it's because they want it that way.

There are no insoluble government problems.

Do not let these 545 people shift the blame to bureaucrats, whom they hire and whose jobs they can abolish; to lobbyists, whose gifts and advice they can reject; to regulators, to whom they give the power to regulate and from whom they can take this power.

Above all, do not let them con you into the belief that there exists disembodied mystical forces like "the economy," "inflation," or "politics" that prevent them from doing what they take an oath to do.

Those 545 people, and they alone, are responsible.

They, and they alone, have the power.

They, and they alone, should be held accountable by the people who are their bosses.

Provided the voters have the gumption to manage their own employees.

We should vote all of them out of office and clean up their mess!

What you do with this article now that you have read it... is up to you.

This might be funny if it weren't so true. Be sure to read all the way to the end:

Tax Him!

Tax his land,
Tax his bed,
Tax the table,
At which he's fed.

Tax his tractor,
Tax his mule,
Teach him taxes
Are the rule.

Tax his work,
Tax his pay,
He works for
peanuts anyway!

Tax his cow,
Tax his goat,
Tax his pants,
Tax his coat.

Tax his ties,
Tax his shirt,
Tax his work,
Tax his dirt.

Tax his tobacco,
Tax his drink,
Tax him if he
Tries to think.

Tax his cigars,
Tax his beers,
If he cries
Tax his tears.

Tax his car,
Tax his gas,
Find other ways
To tax his ass.

Tax all he has
Then let him know
That you won't be done
Till he has no dough.

When he screams and hollers;
Then tax him some more,
Tax him till
He's good and sore.

Then tax his coffin,
Tax his grave,
Tax the sod in
Which he's laid...

Put these words
Upon his tomb,
"Taxes drove me
to my doom."

When he's gone,
Do not relax,
Its time to apply:
The inheritance tax.

Accounts Receivable Tax
Building Permit Tax

CDL license Tax
Cigarette Tax
Corporate Income Tax
Dog License Tax
Excise Taxes
Federal Income Tax
Federal Unemployment Tax (FUTA)
Fishing License Tax
Food License Tax
Fuel Permit Tax
Gasoline Tax (currently 44.75 cents per gallon)
Gross Receipts Tax
Hunting License Tax
Inheritance Tax
Inventory Tax
IRS Interest Charges IRS Penalties (tax on top of tax)
Liquor Tax
Luxury Taxes
Marriage License Tax
Medicare Tax
Personal Property Tax
Property Tax
Real Estate Tax
Service Charge Tax
Social Security Tax
Road Usage Tax
Recreational Vehicle Tax
Sales Tax
School Tax
State Income Tax
State Unemployment Tax (SUTA)
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Telephone Federal Universal Service Fee Tax
Telephone Federal, State and Local Surcharge Taxes
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Vehicle Sales Tax
Watercraft Registration Tax
Well Permit Tax
Workers Compensation Tax

STILL THINK THIS IS FUNNY?

Not one of these taxes existed 100 years ago, and our nation was the most prosperous in the world. We had absolutely no national debt, had the largest middle class in the world, and Mom stayed home to raise the kids.

What in the heck happened? Can you spell "politicians?"

I hope this goes around THE USA at least 545 times!!! YOU can help it get there!!! GO AHEAD... BE AN AMERICAN!!!

PBA Board of Directors Meeting and Holiday Luncheon - Thursday, December 19, 2013





Receive PBA's weekly "Capitol Report" newsletter during the legislative session via E-PBA, PBA's free e-mail service!

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PBSO CHARITY FUND DEDUCTIONS

The Palm Beach County PBA Charity Fund was established in 2004 to assist our members and their children with scholarships to defray the costs of higher education. In addition, the Charity Fund now helps provide charitable assistance to our members and their families who have experienced a life altering tragedy or a catastrophic event.

The PBA Charity Fund, Inc. is a 501(c)(3) organization. Contributions to the fund are fully tax deductible.

If you are a PBSO employee and wish to contribute to the Charity Fund, please visit www.pbcpsba.org for instructions on donating or contact Wendy at the PBA (561) 689-3745.

NOTICE: LEGAL ADVISORY

POLICE SHOOTINGS, IN-CUSTODY DEATHS, OR SERIOUS TRAFFIC ACCIDENTS

WHAT TO DO?

STAY CALM

Have you been ordered to write a statement about an incident that may be investigated?

DON'T FORGET YOUR RIGHTS! CALL PBA AT (561) 371-7200

Do not talk to anyone until you have consulted with a PBA ATTORNEY!

PROTECT YOUR RIGHTS

The following statement should be written as the first sentences on any statement, report, or memorandum an officer is ordered to write when the officer knows or has a reasonable belief that discipline may result:

It is my understanding that this report is made for administrative, internal police department purposes only. This report is made by me after being ordered to do so by lawful supervisory officers. I have not been permitted a reasonable amount of time to confer with a PBA representative or attorney. It is my understanding that by refusing to obey an order to write this immediately, that I can be disciplined for insubordination and that the punishment for insubordination can be up to, and including, termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order.

EMERGENCY CONTACT PROCEDURE

**Please be advised that the emergency number
(561) 371-7200 is for CRITICAL INCIDENTS ONLY!**

Our attorney(s) should **ONLY** be contacted after hours for critical incidents; that is, an officer-involved shooting, an in-custody death, an on-duty vehicle accident with injuries or if Internal Affairs investigators are responding right now to an incident.

If you are attempting to contact a PBA Attorney for any matter that is not a critical incident, please contact the PBA Office (561) 689-3745 during regular business hours 8:30 a.m. - 4:30 p.m. Monday through Friday.



Thank You

Dear Sergeant Lou Penque,

I sincerely appreciate receiving this year's scholarship award. I would also like to extend my thanks to the PBA scholarship committee. This money will help so much when buying school books and I can't explain how grateful I am.

Rachel Cink

Letters
to the
P.B.A.

Thank You

for
your
expression
of
sympathy

Hope you know
how much
your thoughtfulness
is appreciated.

From The Sobott Family



Dear PBA Scholarship Committee,

I wanted to send you a thank you letter for providing me with scholarship funds to continue my education. As a senior, this money will go a long way for books and tuition. As I finish up my education I wanted to thank you for your continued support - not just this year but every year since my freshman year. Your support has made it possible to graduate from Penn State.

Thank You,

Kristopher Rielly

Thank you for
your generous
contribution to my
education. I am
putting it to good
use at UCF.
It is greatly
appreciated!

PBA Scholarship
Committee.

Many thanks!

John McCabe

Thank you for
your generous
donation toward
my education.
I am doing very well
at FGCU and
putting the money
to good use.

PBA Scholarship
Committee.

Although the words
are short and few,
this brings the warmest
thanks to you.

Kristen
McCabe

Edward Fabricant

5658 Huntington Park Court
Boca Raton, FL 33496

December 20, 2013

Mr. John Kazanjian, President
PBA Charity Fund
2100 N. Florida Mango Road
West Palm Beach, FL 33409

Dear Mr. Kazanjian,

On behalf of the members of the George Feuerman PBA Associate Lodge, we hereby present you with our check for \$5,000, which we would appreciate being used for scholarships of children of your officers.

Our best wishes to you and the hardworking police officers of Palm Beach County for a Merry Christmas and a healthy and happy New Year!

Sincerely,

Edward Fabricant

Edward Fabricant, Treasurer
On Behalf of the Members of the George Feuerman PBA Associate Lodge

Thank you for giving me the opportunity to get the Scholarship. The Scholarship helped me buy my books for college.

-Sean Mendelsberg

Thank you

Date: October 20, 2013

To: John Kazanjian (President) and the Members of the Palm Beach P.B.A.,
2100 N. Florida Mango Road
West Palm Beach, Florida 33409

Dear P.B.A. President and Committee,

We would like to say thank you for the generous scholarship we received. The scholarship will assist us on furthering our education at University of Central Florida (Ronneshia), Western Michigan University (Rontavious) and Florida Memorial University (Ronshanay). It is an honor to be recipients for this year's scholarship. The scholarship will assist us in paying for our textbooks, tuitions and other expenses that require us to further our education.

Sincerely,
The Atkins Family
Ronneshia I. Atkins
Rontavious I. Atkins
Ronshanay I. Atkins

Palm Beach County Police Benevolent Association
2100 N. Florida Mango Road
West Palm Beach, Fl. 33409

Dear Scholarship Committee:

I am delighted to have the opportunity to thank you personally for your generosity of awarding me a scholarship. Your support is helping me to fulfill a lifelong desire of going to college.

I am currently majoring in Pharmacy at the University of Florida. Upon graduation, I hope to pursue a career in this field. The scholarship assistance you provided has lightened my financial burden, which allows me to focus more on the important aspect of school, learning.

Thanks to thoughtful and considerate organizations such as yours, I am on my way to achieving my goals. Your benevolence has inspired me to help others and give back to the community. I look forward to one day being able to help students achieve their goals just as you have helped me.

Sincerely

Erin McKay

Erin Felice McKay
120 S.W. 2nd Avenue
South Bay, Fl. 33493

ATKINS' Motto:
"Education is Ongoing"

*Letters
to the
P.B.A.*

Hello my name is Jarred Radford. I would like to say thank you for the PBA scholarship that I received earlier this year. This money really helped me in starting my education at Indian River State College. I am currently pursuing a degree in the Computer Science field. After this semester is finished I will have completed my first year here and your scholarship has really made it possible. I would just like to say thank you one last time for the scholarship and it is much appreciated.

Jarred Radford

Jarred Radford

Hello, my name is Joshua Radford. I just wanted to say thank you for the PBA scholarships I received earlier in the year. This money will help in furthering my education at the University I recently transferred to which is Florida Gulf Coast University. There I will be pursuing a bachelor's degree in the Environmental Science field. I am just now about to complete my first semester here and the money that I received from your scholarship has benefited me tremendously. I just want to say thank you again for the scholarship.

Josh Radford



Letters to the P.B.A.



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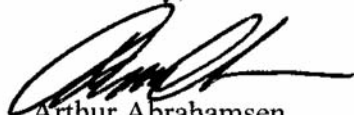
Dear Members:

Together with the Palm Beach PBA and President John Kazanjian, we have arranged a series of retirement seminars that are designed to help members secure and understand the basic financial planning principles that they will need so that they are able to enjoy a well-deserved retirement.

These seminars take place at the Florida Mango Office the 3rd Wednesday of every month. The schedule for the balance of this year and all of next year is enclosed for you to post. If it is inconvenient for your members to come to the PBA Headquarters, we could accommodate them and bring the seminar to your location.

Looking forward to seeing all of you either at the PBA office or your own department's meeting room.

Yours truly,



Arthur Abrahamsen
Registered Rep



Jennifer Baron
Registered Rep

2014 Seminar Dates

Wednesdays at 10:00 a.m.

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February 19	May 21	August 20	No November Seminar
March 19	June 18	September 17	December 17

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With our new partnership with the Palm Beach County Police Benevolent Association, our South Florida representative, Attorney Daniel S. Rakofsky, will be available to meet members at the new PBA building in West Palm Beach by appointment. Dan is a recently retired South Florida police captain who also continues to serve in law enforcement in South Florida as a reserve officer.

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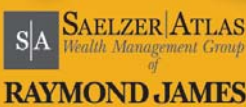
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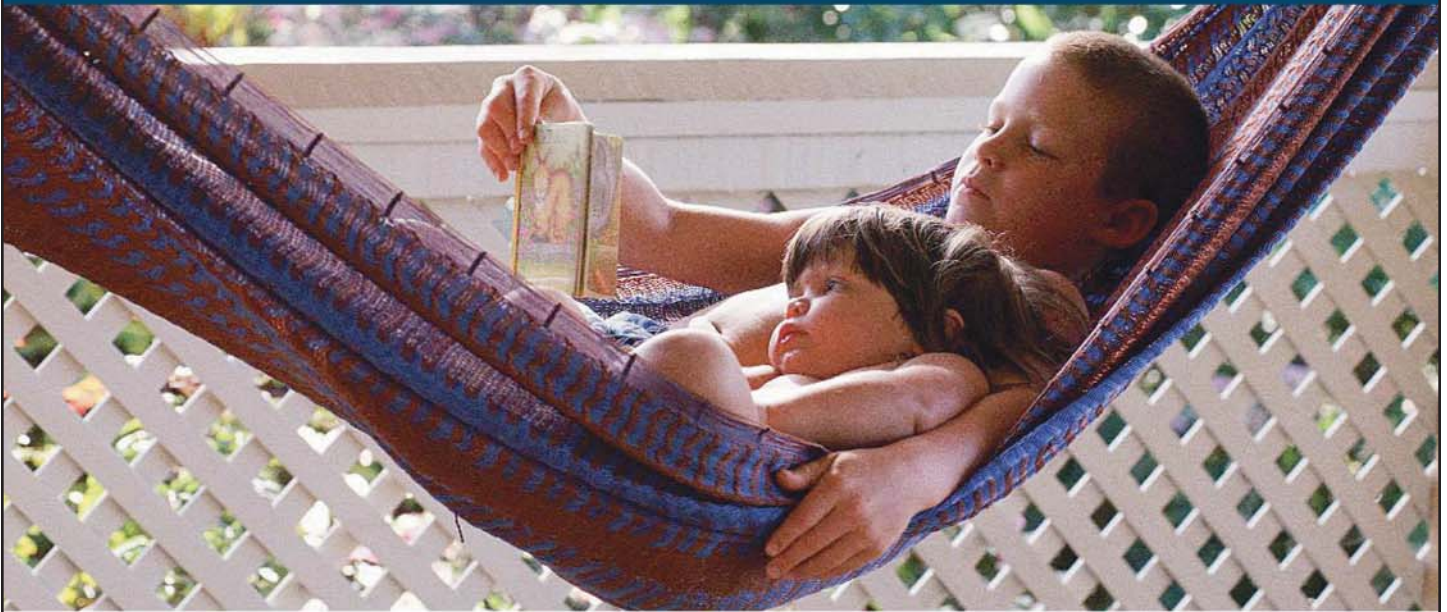
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