

*The voice of local law enforcement*



# Florida Cop

Official Publication of the

SPRING 2019

# Florida's Top Cop

Attorney General Ashley Moody walks the walk  
to back state's law enforcement officers





Geoffrey Bichler



Paolo Longo



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## The view from the Top Cop

Florida Attorney General Ashley Moody provides exclusive perspective on her work to support law enforcement officers in Palm Beach County and throughout the state. The new AG has made it a priority to Back The Blue and create other programs that will give officers the tools and training they have been asking for. Moody relates additional thoughts about how this is the job she has been preparing for her entire career.

## What's happening

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# CODE THREE

## THE PRESIDENT'S MESSAGE

# Best wishes for our members



**JOHN  
KAZANJIAN**

A very touching surprise greeted me at the Kaitlin A. Kazanjian Scholarship Golf Tournament on March 23. The PBA staff rolled out a birthday cake. It was my birthday. Not going to tell you how old I am. Just know that even though it was a big cake, it might not have had enough room for all the candles.

(By the way, thanks so much to Wendy Coleman, our special events coordinator, for baking the cake.)

I know you're not supposed to divulge your birthday wishes after you blow out the candles, but I have some I'd like to share here.

Our 16th annual golf outing was our best ever. Moving the event to the PGA National Resort raised it to a level I never imagined. The success of the day put a smile on the face of the outing's namesake, and we raised more money to support our Palm Beach County PBA scholarship fund.

Our scholarship committee, under the guidance of PBCPBA administrator Angela Twomey, began processing applications for this year's awards. That group has a daunting task ahead to choose from students who are studying everything from pre-med, engineering and criminology to nursing, journalism and marine science. They are attending every major university in the state and beyond, including such schools as Duke, the U.S. Naval Academy and the New York Conservatory for the Dramatic Arts.

We went to Tallahassee every week of the 2019 legislative session to lobby for bills that will have a significant impact on our members. First and foremost, we finally got texting while driving legislation passed that upgrades distracted driving to a primary offense. It makes so much sense. I have seen drivers texting, talking on their phones and putting on makeup. I once even saw somebody who had an open book on the steering wheel. We didn't get everything we wanted in this bill, but it's a good first step. This is going to save lives.

I am also very proud of PBA Vice President Rick McAfee and Treasurer Lou Penque for the bill they proposed to make the use of DNA evidence more formidable in arresting and detaining offenders. The governor readily signed this law, which will assist greatly in homicide investigations and keep repeat and violent offenders off the streets.

My wish would have been to get more movement on the bill to improve our COLA. We just got the results of the study that was commissioned on COLA, and our first goal will be to stop the bleeding and keep it at 2 percent. This is going to be more of a marathon than a sprint, but we are monitoring the bill and I feel like we will get more movement in the next session.

The wish that keeps on giving comes with every election. We had municipal elections in March in Palm Beach and Martin counties, and of the 17 candidates we endorsed, 15 were elect-



ed. We backed four mayors and three city commissioners who won, and we believe this is going to help many of our units with their contract negotiations. We continue to focus on building these relationships because it's a proven fact that you get more done that way.

When you find an elected official who doesn't work well with your unit, you have to take that individual out. We've done that through elections. That's why we spend so much time on endorsements. We tell our board and our members to get involved with local politics because, like it or not, that's where successful contracts with the salaries and benefits we deserve start.

We have several contract negotiations working with many cities and towns. One of the most important coming up is with the Martin County Sheriff's Office. We need to get Martin County up to speed with the other sheriff's departments. Martin County is losing many deputies who are coming down south because of the pay and benefits. We don't want the Martin County Sheriff's Office to become a training ground where deputies leave after two or three years. Then they have to hire somebody else and train them. And then they leave. That doesn't promote successful public safety.

My final wish is for all members to join me in remembering those we have lost in the line of duty during the month of May, when so many law enforcement memorials are held, including National Police Week in Washington, D.C. We will never forget these officers, and we will always be there for their families.

Thank you all for your service, and please be safe.

*Kaz*

JOHN KAZANJIAN  
PBCPBA PRESIDENT

# PALM BEACH COUNTY PBA

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Kathy, Office Assistant

Shannon, Office Assistant

Wendy Coleman, Special Events Coordinator

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Several of our members have incorrect information on file with the PBA office. Please check with your fellow officers to see if they receive the magazine and if not, please email [Angela@pbcpsba.org](mailto:Angela@pbcpsba.org) to update your information.



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Jay Donde, Alt.





# The new city administration



LOU  
PENQUE  
TREASURER

With the new city administration in place, let's just say that we have gotten off to a less than cordial beginning. Apparently, a rumor was spread that the West Palm Beach representatives and I wanted to endorse Paula Ryan and not Mayor Keith James.

The person who spread this rumor falsely asserted that PBA President John Kazanjian unilaterally overruled us and was solely responsible for James receiving the PBA endorsement. As a result, it appears that James wishes to deal solely

with Kaz.

Let me assure you that the rumor is false. The decision to endorse James was decided by a vote. I'm sure the person who started this rumor is a self-aggrandizing individual who needs to make up stories to feel important. Needless to say, the West Palm Beach representatives have an uphill battle to restore their relationship with this mayor.

Immediately after James' election, rumors surfaced that he was going to fire the police chief and appoint Frank Adderley as the new chief. A meeting was held with Kaz and the mayor, who assured Kaz that this was false. The West Palm Beach representatives were accidentally invited to the meeting and the mayor did eventually meet with them, but only after a very awkward encounter.

As of this writing, Sarah Mooney is still the chief of police and I hope she is allowed to remain in that position for the remainder of her career. Mooney is a great police chief doing a great job for the citizens of West Palm Beach and the men and women inside the West Palm Beach Police Department.

Let me move on to some issues from our last members' meeting. It was suggested that we hire a professional negotiator to do our next contract in West Palm Beach. Currently, we have four professional negotiators in this office, who negotiate almost every contract in Palm Beach County and several in Martin County. They negotiate for civilian employees, sworn law enforcement and corrections. They have negotiated some of the best contracts in the state.

Negotiations have been tough since the 2008 downturn, but I believe we have held our own. To date, we have gotten back every benefit we lost in 2008, except for longevity.

Let's start with pay. Since 2015, those of you in the step plan received a 25 percent raise, and topped-out members received a 17 percent raise. Police officers currently top out at \$87,209. That does not put us at No. 1, but we are in the top 5 for the cities in our comparison study.

In our previous 2017-2020 contract, our three major goals were:

1. Pay raise
2. Get the pension multiplier back to 3 percent
3. Longevity pay

The one major obstacle we had was actually created in 2011, when the pension board lowered the assumption rate from 8.25 percent to 8 percent. This reduction automatically low-

ered our multiplier to 2.68 percent. In order to fix this problem, we had to change our special pension act with the state.

We had the foresight to do this during the 2015 state legislative session. We drafted language and went through the process to change our special act. The new language allowed us to dissociate the assumption rate from the pension multiplier.

Then, we had to come up with some sort of pension cost-saving solution for the city to reduce their increasing pension costs, in order to free up some monies they could use for our increased benefits.

In meeting with the city manager, we suggested they take out a pension obligation bond (POB). This was going to save the city money in pension costs to help fund additional benefits for members. The city agreed and took out a \$60 million POB to help pay off some of the pension's unfunded liability. It was a risky move that could have backfired but so far, it has been successful, saving the city approximately \$1 million a year.

Once negotiations began, we believed we had the votes on the commission to get the longevity pay reinstated for everyone. Unfortunately, during negotiations in 2016, the pension board once again lowered the assumption rate on the advice of the actuary. The pension board decided to lower the assumption rate from 8 percent to 7.5 percent over four years. The total cost to the city will be just over \$3 million by Sept. 30. This pretty much killed the longevity deal.

We were successful and able to negotiate with the city to get our pension multiplier back up to 3 percent, from 2.68 percent. This benefit costs the city \$500,000 annually.

We were also successful in pay raises. Maintaining our step plan to guarantee the 5 percent raise annually is paramount. We also added 7 percent for topped-out members.

We still have our Chapter 185 monies and receive 100 percent into our share accounts. If you decide to make this a 30-year career, you get a nice chunk of change. At retirement that account should yield at least \$30,000 annually in interest alone. Many members use the interest to supplement their income. It's a great benefit many agencies do not have.

There are lots of moving parts to contract negotiations. I assure you that the PBA has the best negotiators money can buy and they will continue to do their best for you.

Remember, at the end of every negotiation, you decide whether to accept or decline a contract. We negotiate for the majority, not the individual. As with every contract, everyone deserves more money and benefits.

In case you forgot, this is a right-to-work state so it is essentially collective begging, not collective bargaining. You have to be prepared with solutions and ideas. You have to know the budget and how much money is available.

All meetings and negotiations are open to the public. I encourage you to attend and get engaged, be informed. Don't rely on rumors. Believe half of what you see and nothing of what you hear.

# I want my lawyer



RICK  
KING

"I asked for a representative and the employer told me no!"

"My supervisor said that I needed to write out what happened!"

"What is the representative allowed to do anyway?"

"(Insert lawyer name), you are a representative and as such, you may only ask clarifying questions. Do you understand?"

These are questions that the lawyers at the PBA are constantly asked. So, what's the law? How should

you — and how will we — respond?

Your right to representation by a union representative or an attorney arises when you reasonably believe that discipline could result from questioning by your employer. This right arises from the case *National Labor Relations Board v. J. Weingarten Inc.*, 95 S. Ct. 959 (1975).

In *Weingarten*, a store loss prevention officer was conducting surveillance on an employee, Mrs. Collins, who was suspected of theft from the cash register. After two days, the loss prevention officer found no evidence of wrongdoing and reported that finding to the store manager.

The manager then told the loss prevention officer that a fellow lobby employee of Collins had just reported that Collins had purchased a box of chicken that sold for \$2.98 but put only \$1 in the cash register. Collins was summoned to an interview with the loss prevention officer and the store manager. Several times during the interview, Collins requested a union representative but was denied.

I won't bore you with the rest of the case, but suffice to say that poor Mrs. Collins didn't steal anything! After she left the office, she reported the interrogation to her union and they filed an unfair labor practice.

Under Florida law, employees have the right to act in concert for mutual aid and protection. (447.03, FSS) The denial of this right has a reasonable tendency to interfere with, restrain and coerce employees in violation of FSS. 447.501.

When are you entitled to representation? You are entitled to a representative during any investigative interview where you reasonably believe discipline may result. Remember: The employer isn't required to tell you that! You have to ask for your rights.

There are some cases that suggest that rights are triggered when the employer provides a Garrity warning, but don't count on that. (See Sheriff of Cook County, 31 PER 1199, Ill.Gen.Coun.2015.)

An investigatory interview is one in which a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct. If an employee has a reasonable belief that discipline or discharge may result from what he or she says, the employee has the right to request union representation.

By the way, if you ask for a representative and are denied the request but the supervisor continues to ask questions, this is an unfair labor practice and the employee has a right to refuse to answer. The employee cannot be disciplined for such refusal but is required to sit there until the supervisor terminates the interview. Leaving before this happens may constitute punishable insubordination.

Let's say you get a representative — what can he or she do? Many of my clients have heard the investigators tell me during the opening colloquy, "Mr. King, you are here as a representative and as such, you may ask clarifying questions but may not interfere with the investigation." I always say "OK."

Here is the law. Turning back to *Weingarten*, the court in that case gave direction to the union representative. The court said:

*A single employee confronted by an employer investigat-*

*ing whether certain conduct deserves discipline may be too fearful or inarticulate to relate accurately the incident being investigated, or too ignorant to raise extenuating factors. A knowledgeable union representative could assist the employer by eliciting favorable facts, and save the employer production time by getting to the bottom of the incident occasioning the interview. Certainly, his presence need not transform the interview into an adversary contest. (Weingarten at 966.)*

The Supreme Court's *Weingarten* opinion does not paint a picture of a passive role for a union representative at an investigatory interview. The use of terms such as "assist," "assistance," "clarify," "eliciting favorable facts," "getting to the bottom of the incident," "raise extenuating factors" and "suggest" indicate the court's belief that a union representative must have the opportunity to be more than a witness to the interview process.

From its numerous uses of active verbs in describing the role of a union representative during an investigatory interview, it is clear that the Supreme Court in *Weingarten* envisioned that role as including "the ability to ask questions, bring out additional facts, counsel the employee under investigation and provide information concerning past employment practices." King County, Decision 4299 (PECB, 1993).

There is a reason why this is important:

*The action of an employee in seeking to have the assistance of his union representative at a confrontation with his employer clearly falls within the literal wording that '(E)mmployees shall have the right...to engage in...concerted activities for the purpose of...mutual aid or protection.' Mobil Oil Corp. v. NLRB, 482 F2d 842, 847 (7th Cir, 1973). This is true even though the employee alone may have an immediate stake in the outcome; he seeks 'aid or protection' against a perceived threat to his employment security. The union representative whose participation he seeks is, however, safeguarding not only the particular employee's interest, but also the interests of the entire bargaining unit by exercising vigilance to make certain that the employer does not initiate or continue a practice of imposing punishment unjustly. The representative's presence is an assurance to other employees in the bargaining unit that they, too, can obtain his aid and protection if called upon to attend a like interview. (Weingarten at 965.)*

What can your representative do? The cases and language of the courts put the union representative's role somewhere between mandatory silence and adversarial confrontation. Clearly, the representative may do more than silently observe the interview.

The National Labor Relations Board, along with court precedence, has recognized that union representatives may take the following actions:

- Inquire into the purpose of the interview.
- Speak privately with the employee prior to the interview.
- Interrupt when necessary to clarify a question.
- Object to confusing or intimidating tactics, or advise the employee against answering questions that are reasonably perceived to be abusive, misleading, badgering, confusing or harassing.
- Provide additional information to management.

The purpose of having a union representative is to assist both the member and agency in resolving issues of discipline. The union and the agency share a community of interest in a fair and honest process in investigating misconduct. Both sides need a fair process to insure the integrity of the profession.



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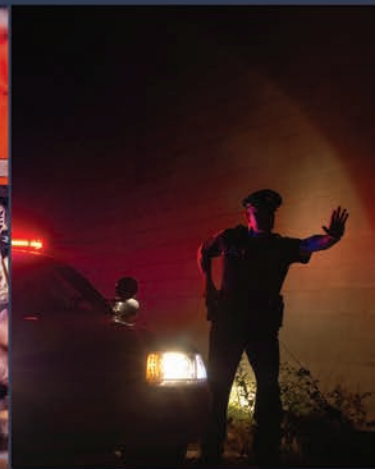
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# Board of Directors Meeting Attendance - Tuesday, March 19, 2019

## BOARD OF DIRECTORS

John Kazanjian.....X  
 Ernest W. George.....X  
 Rick McAfee.....X  
 Lou Penque .....X  
 Kevin Igo.....X  
 Greg Allen .....X  
 Larry Fagan .....X  
 Rick King .....X  
 Angela Barbosa .....X  
 Brennan Keeler .....X

### Boynton Beach

Cory Herny.....X  
 Daniel Dugger .....EXCUSED  
 Rayner De Los Rios.....X  
 Jermaine Jones .....EXCUSED

### Delray Beach

Meer Deen.....X  
 Edward McCabe.....X  
 Vincent Gray .....EXCUSED  
 Gary Ferreri .....EXCUSED  
 Aaron Siegel, Alt. ....X  
 Brian Cambell, Alt.....X

### FAU

William Hernandez .....ABSENT/  
 UNEXCUSED  
 Miguel Cardona, Alt.....EXCUSED

### Highland Beach

Rick Wentz.....EXCUSED  
 David Scherer, Jr. Alt.....EXCUSED

### Juno Beach

Michael Graham .....X  
 Jorge Carvajal, Appt'd Alt.....X

### Jupiter

Scott Kimbark .....EXCUSED  
 Jonathan Gentile.....EXCUSED  
 Salvatore Martino .....X  
 Paul Gundlach, Alt. ....X  
 Jason Alexandre, Alt.....X

### Jupiter Island

Matthew Potsko, Appt'd .....EXCUSED

### Lake Clarke Shores

John Connacher.....X  
 Antonio Gerena, Alt. ....X

### Lantana

Shawn Johnson .....X  
 Troy Schaaf, Alt. ....X

### Manalapan

Palm Beach County PBA

### MCSO - Law Enforcement

Karl Nelson.....X

Jon Hanton .....EXCUSED  
 Bradley Spencer .....X  
 Michael McMahan.....X  
 Kenneth Youngblood.....X  
 William Weiss, Alt. ....X  
 James Holloran, Alt. ....EXCUSED  
 Andrew Porcelli, Appt.....EXCUSED

### MCSO - Corrections

Michael Trimble.....X  
 Samuel Haidy .....X  
 Dean Mihalko .....ABSENT/UNEXCUSED  
 Edward Burke.....EXCUSED  
 William Evans .....X  
 Lawrence Lutrin, Alt. ....X  
 Thomas Randazzo, Alt.....EXCUSED

### Martin County Tax Collector

George Sterner .....X

### North Palm Beach

Joseph Yungk.....X  
 Kevin Coppin, Appt'd Alt. ....EXCUSED

### Ocean Ridge

Jimmy Pilon.....ABSENT/UNEXCUSED  
 Mario Galluscio, Alt. ....EXCUSED

### School Police (Palm Beach County)

Kevin O'Sullivan .....EXCUSED  
 James Wilkerson, Jr. ....X  
 Alexander Lopez .....EXCUSED  
 Michael Lynch, Appt. ....X

### PBSO - Law Enforcement

Daniel Glisson.....X  
 Michael Kletzky .....EXCUSED  
 Carlos Ugalde .....X  
 Michael Kennedy.....EXCUSED  
 Layford "Brandon" West.....EXCUSED  
 Marlow "Butch" Altonen, Alt.....X  
 Kevin Lindardos, Alt. ....X  
 William Gale, Appt.....X  
 John Kazanjian, II, Appt. ....X  
 Alex Nunes, Appt. ....X  
 Jason Johnson, Appt. ....X  
 Cory Gray, Appt.....X  
 Ruben Cruz, Appt. ....X  
 Michael Sasson, Appt. ....X  
 John McGuire, Appt. ....X  
 Anthony Johnson, Appt.....EXCUSED  
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 Dan Burrows, Appt. ....X  
 Chris Caris, Appt.....X

### PBSO - Corrections

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 William Pinto .....X  
 Melvin Cribbs.....X  
 Thomas Jordan .....X  
 Cheryl Melvin, Alt..ABSENT/UNEXCUSED

Gwendolyn Wattley, Alt. ....ABSENT/  
 UNEXCUSED  
 Robert Tozzi, Appt. ....ABSENT/  
 UNEXCUSED  
 Daniel Russell, Appt. ....EXCUSED

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 John Costello.....X  
 Kristen Kazanjian .....X  
 Amy Cisco.....X  
 Heriberto Aviles .....X  
 Abby Bernstein, Alt. ....X  
 Janet Zink, Alt.....X  
 Tequesta McKinney James, Appt. ....EXCUSED  
 Kayai Graham, Appt. ....X  
 Ray Griffith, Appt. ....X

### Palm Beach Gardens

Randy Buntin .....EXCUSED  
 Peter Reynolds .....X  
 Brian Tiyaloglu.....X  
 Christopher Baez .....EXCUSED  
 Brian Nauss, Alt. ....X  
 Dorian Hawkins, Alt. ....EXCUSED

### Palm Beach Shores

Blasé Pfefferkorn.....X  
 Darrell Russian, Alt. Appt. ....EXCUSED

### Palm Springs

Louis Collura, Alt..ABSENT/UNEXCUSED  
 Khashayar Khatami, Alt.....ABSENT/  
 UNEXCUSED

### Riviera Beach

Jeremy Summers.....X  
 Nir Mordechay .....EXCUSED  
 Michael Brown.....X  
 Kenneth Jones, Alt. ....X

### South Palm Beach

Jason LaForte .....X  
 Adam Farrish, Alt. ....X

### Stuart

David Duran, Appt'd.....EXCUSED  
 Christopher Ruediger, Appt'd Alt.....EXCUSED

### Tequesta

Aaron Johnson .....EXCUSED  
 Raymond Korkowski, Alt. ....X

### West Palm Beach

Dennis Hardiman .....X  
 Joseph Herb.....EXCUSED  
 Michael Ferrera.....X  
 Charles Branch .....X  
 James Louis .....X  
 Christopher Nebbeling, Alt.....X  
 Jay Donde, Alt. ....X



# Welcome New PBCPBA Members

## FEBRUARY 2019

NAME	AGENCY
TAYLOR MOLINARO	PALM BEACH
YANKO ABREU	WEST PALM BEACH
GREGORY MULLEN	JUNO BEACH
DONNA HORGAN	PALM BEACH COUNTY SHERIFF'S OFFICE
JOSE DELGADO	MARTIN COUNTY SHERIFF'S OFFICE
KATLYN LUSCAVICH	PALM BEACH GARDENS
MEGAN HARRELSON	PALM BEACH COUNTY SHERIFF'S OFFICE

## MARCH 2019

NAME	AGENCY
DALLAS RICHARDSON	DELRAY BEACH
JENIFFER DRANGUET	P.B. COUNTY SCHOOL POLICE
SAMANTHA LESNIAK	MANALAPAN
NICHOLAS LORDI	WEST PALM BEACH
MICHAEL KOERNER	PALM BEACH
PETER SANTELLI	PALM BEACH
CHAD AUBREY	P.B. COUNTY SCHOOL POLICE
FERNANDO SUAREZ	WEST PALM BEACH
ANTHONY ESPINOSA	P.B. COUNTY SCHOOL POLICE
BRETT BENEDIX	MARTIN COUNTY SHERIFF'S OFFICE
MARCEL WALLACE	MARTIN COUNTY SHERIFF'S OFFICE
KIMBERLY STEWART	PALM BEACH COUNTY SHERIFF'S OFFICE
MIGUEL BONANO	RIVIERA BEACH
COREY TATE JR.	RIVIERA BEACH
EDWIGE TOUSSAINT	MANALAPAN
MAYROBIN SALINAS	PALM SPRINGS
TANYA HURT	PALM BEACH COUNTY SHERIFF'S OFFICE
TARA GLEDHILL	PALM BEACH COUNTY SHERIFF'S OFFICE
FRANCINE DAVIS	PALM BEACH COUNTY SHERIFF'S OFFICE
JONATHAN BENKOSKI	P.B. COUNTY SCHOOL POLICE
ANTHONY CALAMITA	P.B. COUNTY SCHOOL POLICE
VIVIAN SKUZA	P.B. COUNTY SCHOOL POLICE

## APRIL 2019

NAME	AGENCY
RANDY GODINEZ	FAU
SUMMER CAUDIO	P.B. COUNTY SCHOOL POLICE
EDWARD WAGNER	P.B. COUNTY SCHOOL POLICE
ROBERT KATZ	P.B. COUNTY SCHOOL POLICE
MATTHEW KROL	P.B. COUNTY SCHOOL POLICE
RUSSELL TROP	P.B. COUNTY SCHOOL POLICE
RICKEY ROBINSON	FAU
MICHELLE PETRICONE	FAU
ROBERT KAROLAK	MARTIN COUNTY SHERIFF'S OFFICE
MADISON LAMM	PALM BEACH COUNTY SHERIFF'S OFFICE
KRISTIE PETRAVICH	WEST PALM BEACH

DAYHANNA RUBIO  
GEDEON BRENOVIL  
WILLIAM BUTZBACH  
SHELDON KEEL  
TIMOTHY MANGEL  
LEQUANDRA BECKFORD  
TIFANI LIMING  
JAMESLOO CHARLES  
CHAD HOUSEHOLDER  
DANIEL BUSSEK  
SHALAMAR BROWN  
RANDY DEJESUS  
LAURA DESHALTO  
ARNESHIA LINDSEY  
ADAM OLIVENCIA  
YORAUE SLAUGHTER  
JAVIER CARMENATE  
ZACHARY HABER  
BRADLEY MOBLEY  
DEVIN WALLACE  
NEIDIS ACUNA  
JAMI COX  
JILDA CUNNINGHAM  
TAMMY DEACY  
ASHLEY ESPIR  
VERONICA GORDON  
JAZIAH HAWKINS  
STACEY LONGHINI  
THERESA MOSLEY  
MICHELLE TORRES  
AMY VERHOFF  
MELISA YOUNG  
NERELYS ACOSTA  
DAVIS MALVINNI  
KERRIAN BARNABY  
JOSEPH BONACCORSI  
JADESIS FRAME  
AISHA HART  
TANESHIA JOHNSON  
KAY RENTROP  
JONATHAN RETZSCH  
ANTHONY SPENCER  
MELISSA SUAREZ  
JASMINE THOMPSON  
TIARA WELCH  
OSCAR HERRERA

[illegible]

## Honoring Retired Members

NAME	AGENCY	RETIREMENT DATE
JOHN NESTERUK	PBSO	NOV. 27, 2018
KRISTINE BRACK	PBSO	DEC. 15, 2018
MICHAEL BAIR	PBSO	DEC. 31, 2018
FELIX NEWKIRK	SLCSO	JAN. 1, 2019
JOHNATHAN EVANS	PALM BEACH GARDENS	MARCH 1, 2019
SCOTT GREGORY	DELRAY BEACH	MARCH 6, 2019
ALPHONSO BRAT	WEST PALM BEACH	MARCH 27, 2019
ERIC BETHEL	PBSO	MARCH 29, 2019
JEFFREY GOLDMAN	DELRAY BEACH	APRIL 5, 2019
FRANK BETTINESCHI	MCSO	APRIL 10, 2019
THOMAS GITTO	PALM BEACH GARDENS	APRIL 17, 2019
PHILIP DOREMAN	DELRAY BEACH	APRIL 19, 2019

## Remembering Members who have passed

NAME	AGENCY	DATE OF PASSING
MARK MCDONALD	PBSO	DEC. 30, 2018
DONALD HOPKINS		MARCH 8, 2019
THOMASVASSALOTTI	PBSO	MARCH 30, 2019

# PBA's legislative efforts produce positive results for 2019 session

Palm Beach County PBA and Florida PBA President John Kazanjian led so many expeditions to the State House during the 2019 legislative session that the PBA nearly had more presence than the legislators. The lobbying conducted during individual meetings with state representatives, state senators and even Governor DeSantis, as well as overall advocating through the halls of the State House, led to enacting legislation that shows increasing support for law enforcement officers, the job they do and the risks they face.

At the top of the agenda was the “Texting While Driving” legislation that came through on May 2, the second-to-last day of the session. After more than three years of effort, the Florida Legislature finally reached an agreement on how to enforce a texting while driving ban.

Senator Wilton Simpson, Representative Jackie Toledo and Representative Emily Slosberg sponsored the legislation. The bills upgrade the current law governing texting while driving by moving the traffic offense from a secondary to a primary.

Specifically, the new language will make the following changes to the current law:

- Texting while driving will become a primary offense.
- Officers cannot search a phone without a warrant.
- A ban on distracted driving will apply in school and work zones.
- Ethnic/racial background information will be collected on both the officer and driver.

According to Florida PBA Executive Director Matt Puckett, the differences in opinion over implementing a texting or distracted while driving ban simmered all session. The compromise on the school and work zones for a full distracted while driving ban happened after both bills were heard on the respective floors of each chamber.

The ethnic/racial information for both the officer and driver was included at the request of the Legislative Black Caucus, also after both bills reached the floors of each chamber.

“Certain questions will linger on about this upgrade to the law, but the bottom line for every special interest involved is that Florida will crack down on the dangerous driving habits flooding our roadways,” Puckett explained. “Our position was more about full distracted while driving, but we understand the concerns from a civil libertarian point of view.”

The new law puts officers in a position to need a search warrant to be able to search a driver's phone to see if texting was being done while driving. Most officers probably won't do that because it requires going before a judge, but the law does account for other actions that constitute distracted driving. The PBA's posture is to see what experiences will occur and perhaps revisit the law for upgrades during next year's session.

“The bottom line is that this is a huge first step and it's time for Florida to crack down on this,” Puckett added. “Distracted driving is real problem leading to countless deaths and acci-

dents. The new law addresses the most dangerous parts of our roadways, so there are a lot of positives. It's more than a ceremonial or feel-good act. It's very meaningful.”

Another success that is more than ceremonial came in the form of raises being approved for Florida probation officers. This followed the path of Florida state troopers, who have received substantive raises the past two years. But state corrections officers did not receive any increases, which remains an important issue for the Florida PBA.

“Corrections has some financial hurdles to clear,” Puckett reported. “The legislature told us they would love to do something, but what we were asking for wouldn't make a dent. Next year will hopefully be a better year for corrections officers to get their increase.”

The legislation the PBA touted as helping officers on the job most substantively is the DNA bill proposed by Palm Beach County PBA Treasurer Lou Penque and Vice President Rick McAfee (see story on page 21). Puckett characterized the bill as a giant step in speeding up the apprehension of suspects by taking advantage of the modern technology used in DNA collection and analysis.

“This bill had very little debate and it made sense,” Puckett noted. “It didn't get a lot of fanfare, and we wanted it that way because we didn't want the legislators to think too much about it and move it along. The technology was so advanced, but the law wasn't.”

Another plus for law enforcement was the enactment of the 2018 constitutional amendment that increases the guaranteed death benefit for first responders and members of the military and Florida National Guard who suffer an accidental death in the line of duty or are killed by an intentional act in the line of duty. The amendment increases the benefit and also provides educational benefits to children of those lost in the line of duty by paying for tuition to a Florida state university.

Florida PBA lobbying efforts also continued to address the status of cost-of-living adjustments (COLA) for those in the Florida Retirement System. The PBA received the results of the constitutionally required study commissioned to determine the cost of increasing COLA. The results showed that the cost of maintaining the 2 percent floor for COLA is approximately \$113 million.

“Of that, \$24 million will be borne by the state. The remaining needs to be covered by local and county government,” Puckett detailed. “We are going to reach out to sheriffs and county commissioners we are aligned with and ask them, ‘What does this mean to you and your particular agency? Is this something you can afford and support?’ We are going to build a coalition of support along with our allies in firefighting. The next step is to get buy-in and make it become a priority.”



## Important dates, news, events and information for PBCPBA members

### SAVE THE DATE

**JUNE**  
**7-8**

**June 7-8 2019**  
**12th Annual Police**  
**Officers' Ball**



The weekend event held at the PGA National Resort & Spa attracts dignitaries from across the U.S. and recognizes the PBCPBA Officers of the Year.

### SCHOLARSHIP REPORT

As of April 16, the PBCPBA had received more than 125 applications for scholarships, which will be awarded sometime in June. Of those, 48 are first-time applicants. In total, 11 agencies in Palm Beach and Martin counties are represented by the applicants.

#### Some of the universities and colleges the applicants are attending include:

- Stetson University
- Piedmont College (Georgia)
- State University of New York Maritime College
- George Mason University
- Palm Beach Atlantic University
- Florida A&M
- Florida Atlantic University
- Purdue University
- Alvernia University (Pennsylvania)
- Duke University
- Clemson University
- Lynn University (Boca Raton)
- Florida International University
- New York Conservatory for Dramatic Arts
- U.S. Naval Academy
- Tennessee State University

#### Areas of study include:

- Marine science
- Nursing
- Journalism
- Criminology
- Theater
- Education
- Pre-med
- Psychology
- Engineering

#### Finally...

Grade-point averages range from 3.0 to 5.0 and applicants have logged more than 1,700 hours of community service.

### IMPORTANT NOTICE

If you have been the target of an investigation, it is imperative that you notify the PBA of the outcome immediately because any possible appeal of the outcome has very strict timelines.

## PBA

### FACT OR FICTION?

Setting the record straight on questions members have raised

**Fiction:** You can't join the PBA until you've been working at the agency for one year.

**Fact:** You can join the PBA on day one, even if you're on probation.

**Fiction:** You can't join the PBA if you're not in the bargaining unit.

**Fact:** Anyone can join the PBA. You can join the PBA even if you're part time, command staff or a civilian not covered by a collective bargaining agreement. If you are not in the bargaining unit, we cannot take your disciplinary case to arbitration, but we will still represent you during internal affairs investigations or critical incidents.

**Fiction:** There is a long waiting period to reinstate your membership and rejoin the PBA.

**Fact:** Although executive board approval is required to reinstate your membership, it usually takes only one week and your membership date will be retroactive to the date you submitted your application for reinstatement.

*For your continued Support,  
the PBA thanks you!*



*Thank-You Notes* **TO THE PBA**

**CHRISTY FOX**

Dear Schn-

A very belated Thank You so much for your support and endorsement of my Campaign. I am grateful every day for the work and service of our first responders and planned to fight for you every day as well. I am disappointed by the outcome of my election, but enjoyed every minute of the last year, especially having the opportunity to learn so much about our community. Thank you for taking a chance on me. Best,  
Christy

# News from your Reps

## Reports from Palm Beach County and Martin County units

### Delray Beach



The Delray Beach Police Department welcomes new Police Chief Javaro Sims and Assistant Chiefs Gene Sapino and Rachel Saunders.

In addition, Officers Hannes Schoeferle and Leo McCabe were promoted to sergeant. Sergeants Rodney Stevenson and Jeffrey Rasor were promoted to lieutenant. Lieutenants Russ Mager and David Weatherspoon were promoted to captain. We welcome our new command staff and wish them all the best of luck.

Days after Chief Sims was sworn in, he heard that officers

want to have beards. With the stroke of a pen and a general order change, sworn personnel are now allowed to grow beards and facial hair with few stipulations.

### Lake Clarke Shores

Like many agencies across the country, the Lake Clarke Shores Police Department has seen an increase in the opioid epidemic and overdose-related calls for service.

Too many lives have been lost due to overdose-related deaths, and as a response to this epidemic, the department was determined to equip all patrol officers with the lifesaving drug Narcan.

Patrol officers are primarily the first to arrive on scene and wait for Narcan to be administered. During this wait time, officers administer CPR and perform lifesaving measures to help prevent overdose-related deaths. In these incidents, every second is crucial to save a life.

Beginning in May 2018, and after months of research and many grant applications, the Lake Clarke Shores Police Department was finally approved for a \$12,500 grant through the "HEROS" program funded by the Florida Department of Health.



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This funding included \$11,000 to purchase Narcan and an additional \$1,500 to provide training for each patrol officer and command staff member in the use of Narcan.

This funding is not only saving lives but has saved the taxpayers of Lake Clarke Shores more than \$12,500. During a nine-day period recently, officers responded to four opioid overdoses where fire rescue administered Narcan after CPR was started. The patients survived in three of those cases.

Chief Wes Smith stated, "It was a very long and difficult application process carried out by Officer Connacher, as he kept being told 'no' over and over but stuck with it. Now we carry Narcan and our officers are able to save lives."

### Martin County Sheriff's Office

Remember a few county commission meetings ago? Sheriff Snyder gave a passionate speech requesting funds for the office, talked about his men and women and the work that they do and even mentioned bargaining units and contract disparities between public safety personnel. All in all, it was one of the best presentations he's made. It was awesome, and he was right.

The Martin County Sheriff's Office PBA collective bargaining units have now had two meetings in which ideas have been exchanged relating to work conditions, pay, benefits and general care for members. The meetings have been very professional and the exchange of ideas has been clear. However, at this point there have been no terms we have tentatively agreed to.

The PBA bargaining team will be putting forward proposed articles and pay plans with the hope of gaining ground on other public safety contracts in the county. We will be asking the sheriff to petition for heavier than normal funding requests to try to reach parity with the other county public safety brothers and sisters.

To be fair, it may not be realistic to finally reach parity with those other contracts within just one contract. In fact, the fiscal year 2020-2021 is a new contract season for county public safety employees, members who will be seeking improvements to their pay and benefits. This could potentially create further disparity between the sheriff's office and the rest of the county.

As a matter of discussion, one may ask why this year is different. Many have heard that the offer for steps turned on for all three years of the next contract is on the table. For starters, for years now, previous and current administrations have used steps or half-steps as bargaining tools. I think that PBCPBA President John Kazanjian would agree: What is the sense of having a pay plan that does not actually exist?

We have been asked constantly about when we will get a step. It is the PBA's contention that the step plan should never be "turned off" for those who are still advancing through the pay plan. It is not good business and is not good for morale. Being offered to "leave it on" is not much of an offer because it should already be on. Or maybe we could all simply move to the head of the line for topped-out pay for all, like when a lieutenant gets promoted. But that is not realistic, either. The reason that there is a step plan is because members become more valuable and seasoned in this profession the longer that they remain on the job.

What we do need to implement if we are going to remain competitive in this job market is a cost-of-living adjustment (COLA). A COLA of a few percent during the entire contract period is a good start. We should also be discussing specialty pay or assignment pay stipends and career or master deputy programs. These initiatives have been pushed back for too long.

The PBA is prepared to stand side-by-side with Sheriff Snyder to help get this done, and we encourage him to ask the county for the funds to make it happen. We have no doubt that the sheriff wants to provide his team with the best equipment, pro-

tections, pay and benefits. We encourage each of our members to thank the sheriff for his support. Only together can we pursue these initiatives and funding requests.

### PBSO Civilians

This contract period brings several new and enthusiastic civilian representatives. You can find out who these representatives are by looking on the PBA website. They are volunteering their time to assist members with work and contract-related issues.

The key word is "volunteering." PBA representatives volunteer their time and energy to serve members' needs. There is no more dedicated group than PBA representatives. During the several years that civilians have been represented by the PBA, employment security and working conditions have improved because of your representatives' efforts.

### Riviera Beach

The Riviera Beach PD is gearing up for our contract negotiations in 2020. We currently have an interim police chief and city manager. Once the permanent city manager is in place – sometime in next couple of months – the bargaining members will head to the table to negotiate a new contract.

### Stuart

Contract reopeners are underway and city budget discussions will begin at the end of June. Look for announcements and be ready to attend these meetings. A united presence and direct involvement in the process will ensure the best possible outcome for union members.

The Paypoint HR Compensation and Classification study is in progress. We will keep you updated as information becomes available. Stay safe out there. Train like you operate and operate like you train.

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# She's Got Your Back

Ashley Moody brings the experience, exuberance and expectations that Florida law enforcement officers need from their attorney general to be safe and successful



■ BY MITCHELL KRUGEL

Walking the top cop's beat brings the new attorney general more than 250 miles from her Tallahassee headquarters for this April morning call. She walks into the Largo Police Department squad room, approaches Officer Jonathon DePierre, extends her hand and greets him with, "I'm Ashley Moody." DePierre responds with an astounded look that seems to say, "I can't believe it's the attorney general. She must have more important things to do."

General Moody does not have better things to do than this when it comes to pursuing one of her highest priorities as attorney general. Her gesture on this April 26 morning might seem like one small step, but it's a giant leap for Florida law enforcement. She has come to Largo to honor DePierre for leading the rescue of a drowning woman who drove her car into a lake by giving him a Back The Blue award.

Back The Blue is the AG's program to highlight individuals and organizations taking extraordinary steps to forge positive relationships between law enforcement and the communities they serve. But it also is a definitive and welcome expression of the way General Moody is approaching her job and walking the walk she talked about during her campaign. Back The Blue



is the heart and soul of the top cop's mantra that the state and the country is only as strong as the commitment to women and men and the integrity of the institutions that enforce the rule of law.

"The attorney general is known as the top cop and I use that term very humbly," General Moody declared to Florida Cops



nearly a year ago, when she left the bench in Hillsborough County to run for the office. She has held law enforcement in such high regard her whole life and backing the blue will be unconditional and nonnegotiable every day that Moody walks this beat.

"I have a lot of respect and admiration for what they do, and if I can be part of making their lives and jobs easier, it would be an honor," the AG continues. "As the daughter and granddaughter of judges and the wife of a law enforcement officer, support for the rule of law and the men and women of law enforcement is a way of life for me. So to have the support of those I will work with during the next four years is personally meaningful."

On the campaign path, General Moody repeatedly noted how she has been preparing for this job her whole professional life, which includes working as a prosecutor in addition to becoming the youngest judge in the state. About 20 minutes after being sworn in on Jan. 8, she catapulted from walking the walk to hitting the ground running with the Back The Blue program, a statewide crusade to take on the opioid epidemic and relentless advocacy for the safety of citizens and those who protect them.

Quite simply, Moody has already achieved much of what the Florida PBA had anticipated when endorsing her for attorney general in the 2018 general election. In approximately five months on the job, Moody has opened her door, consulted with the PBA and put law enforcement in key positions to support them and further the rule of law.

"She knows what we are going through," Palm Beach County and Florida PBA President John Kazanjian praises. "Being the top law enforcement officer in the state, she's right on. She's not a politician. She's not telling you what you want to hear. She's not blowing us off. That's what we like about her. She's law enforcement true and blue."

### Well prepared

Search for the video of the Florida Sheriffs Association Law Enforcement Memorial ceremony on April 29 and check out General Moody's remarks. Contrary to the way law enforcement officers feel about many elected officials, she precipitates belief. And sincerity. And trust.

"She says she's not a politician, and when she speaks, you can hear the depth of knowledge she has on every issue," confirms Florida PBA Executive Director Matt Puckett.

Statements from Moody that every law enforcement officer should know include:

"I never thought I would be doing this."

And...

"My entire career has prepared me for this."

Read between those lines to confirm that Florida's top cop brings the intensity and focus to make what she is working on



**"Support for the rule of law and the men and women of law enforcement is a way of life for me."**

today the most important item on the agenda. Until tomorrow.

General Moody lives for law and order. Always has.

For example, it wasn't enough for her to add her juris doctorate to bachelor's and master's degrees in accounting, all earned at the University of Florida. So Moody added a Master's in International Law from Stetson.

When she became a federal prosecutor, the AG was commended by the DEA for prosecutorial excellence and outstanding initiative in drug law enforcement. Perhaps more significantly, she was recognized by the Florida Department of Law Enforcement for her lead of "Operation Round-Up," a targeted prosecution of violent and repeat offenders.

And when being sworn into Circuit Court Judge of the 13th Judicial Circuit in Hillsborough County in 2006 as the youngest judge in the state at 31, Moody didn't just sit there. She founded the Attorney Ad Litem program, recruiting volunteer attorneys to stand in the place of parents who did not appear in court with their children. She also developed a mentoring program for at-risk children within the juvenile delinquency system.

That way of life led to her meeting her lifelong partner, Justin, a DEA agent who previously served with the Largo Police Department. Her 19-year-old son Brandon appears to be following in the family footsteps of service, having recently joined the U.S. Army.

"Her background is second to none, and I think her belief in law enforcement and criminal justice is unparalleled," Puckett adds. "She's no-nonsense, but the big thing is that the job does not seem too big for her. She has staked a claim on the issues she wants to accomplish, and she's blocking and tackling per-

CONTINUED ON PAGE 18



Attorney General Moody (center) with (from left) Florida PBA Vice President for Services Jim Baiardi, Palm Beach County and Florida PBA President John Kazanjian, Dade County PBA President Steadman Stahl and Florida PBA Senior Vice President Mick McHale at the Governor's Inaugural Ball.



Ashley Moody with (from left) PBCPBA Vice President Rick McAfee, President John Kazanjian, Sergeant-at-Arms Greg Allen, attorney Rick King and Executive Director Ernie George during the announcement of the PBA endorsing her for attorney general.

fectly with those issues.”

### It's her calling

When the Florida PBA considered endorsing Moody for attorney general, Nick Marolda, president of the West Central PBA chapter, provided the background check. Marolda met Moody when he was working with a DEA task force in Tampa, and she handled a couple of narcotics cases.

He acknowledged Moody's propensity for being meticulous and how impressed he was with her professionalism. He told the PBA that Moody checked all the boxes and that she wouldn't have a big learning curve when taking the job.

But Marolda also explained that you had to see Moody to believe her.

“When she gets up to speak, she gets your attention because she is smart, she is sharp and she knows what she is saying,” Marolda extols. “She’s seen a lot. law enforcement-related, she’s up to speed. I think all our men and women will respect her and that will be important to having a good relationship with the attorney general.”

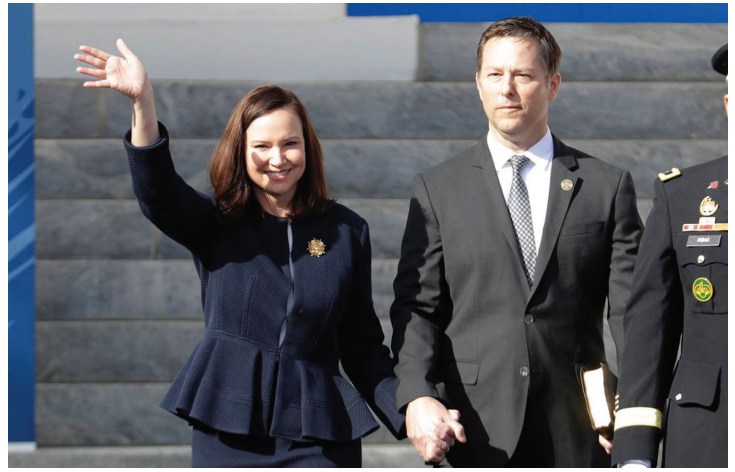
One of those officers who has unconditional respect for Moody is Sun Coast PBA Charter President George Lofton. In fact, she used the AG's proxy to appoint Lofton to the state's 19-member Criminal Justice Standards and Training Commission (CJSTC). But long before that, he had seen what prepared Moody for this position.

“She’s incredibly smart, and if you spend 15 minutes talking to her, that’s incredibly evident,” Lofton reports. “Her work ethic is incredible, and she’s fair. That resounds to us in the law enforcement community. This is not a job to her. It’s a calling.”

### Backing the blue

If the Back The Blue program is any indication, then General Moody has your back in a way Florida law enforcement has rarely known from such a high-ranking government leader. The first Back The Blue award she presented went to a 10-year-old boy from Winter Springs, who announced that he would run a mile for every officer lost in the line of duty in the U.S. in 2018 and 2019.

Prior to DePierre, Back The Blue recognition went to a state trooper who pushed a citizen out of the way of an out-of-control vehicle only to suffer critical injuries. She also recognized a chief from the tiny town of Altha for supporting his community after the destruction of Hurricane Michael, and a Hillsborough County Sheriff's Office lieutenant who is using his experiences



Ashely Moody and her husband, Justin, a DEA agent, at the 2019 Inauguration on Jan. 8.

growing up in a tough Tampa neighborhood to counsel youth struggling with anger management and drug abuse.

General Moody would like to honor at least two Back The Blue recipients each month. She has made it a priority to shine the light on law enforcement's extraordinary efforts to offset so much of the public and media attention that seems to focus on officers' poor conduct.

“We are making sure we’re reminding communities of the selfless, noble service bridging the gap of trust between law enforcement and the community,” the AG comments.

Sounds like a prepared statement or a line out of a press release, right? Know that this is Moody speaking from the heart during a telephone conversation to relate what she's been up to during her first few months on the job.

When you get Moody talking about cops, it's hard to get her to stop. She is dialed in.

“There are so many remarkable people who have dedicated their lives to selfless service, individuals who have done amazing things to make sure we remember this amazing profession,” Moody continues. “We have to prop up one of the most important professions to a free society.”

### Not all talk

General Moody has relentlessly walked the back-the-blue talk during her first five months on the job. It's more than tapping Lofton as her personal appointment to the CJSTC. It's more than her open-door policy with the PBA. It's more than the she's-got-your-back feeling Moody exudes when meeting with you and looking you straight in the eye, as Kaz says he has repeatedly experienced.

“What's cool about her is that if she doesn't know something, she picks up the phone and says, ‘Give me a police officer's perspective,’” Marolda specifies. “She will ask, ‘What do you think of this? Am I seeing this the wrong way?’ That's what I appreciate. She gets all the information from different aspects.”

Moody has made communication with the law enforcement community another priority. She is getting out of the office to meet with law enforcement leadership, including sheriffs, chiefs, the PBA and other organizations across the state. It's not to talk, but to listen.

She wants to hear about the issues that are important to the safety of Florida law enforcement and the protection of Florida and Floridians. She wants to know what is important to the morale of the officers in the ranks and what her office can do to bring attention to that.

It's all part of the attorney general's practice of making sure lawmakers know that when they are fashioning legislation, they are considering the day-to-day needs of law enforcement.



**“I have a lot of respect and admiration for what they do, and if I can be part of making their lives and jobs easier, it would be an honor.”**



"Every discussion I have, every position I take is done in discussion with the real stakeholders, who are jumping out of a patrol car and throwing themselves in harm's way to protect our people," General Moody emphasizes. "I think law enforcement officers want someone who is going to make sure that when decisions are made in Tallahassee, we take into consideration how those decisions are going to affect the safety of officers and the ability to do their jobs."

#### Getting to work

If politicians politick and public servants serve, the fervor with which General Moody has pursued the greatest threat to society and law enforcement defines her as the latter. In her first week in office, Moody appointed an 18-member opioid abuse working group headed by Seminole County Sheriff Dennis Lemma. Governor DeSantis subsequently appointed Moody chair of the statewide task force battling the opioid epidemic.

The ongoing response helped lead to one of the biggest drug busts ever in the state on May 1. Dozens of people were arrested as part of an investigation into crystal meth and fentanyl trafficking operations in Brevard County. In total, agents seized more than \$100,000 in cash, \$81,000 worth of methamphetamine, \$100,000 worth of fentanyl and 75 firearms in addition to heroin and pills.

This is evidence that shows law enforcement can count on Moody to get things done. She put some additional bite into attacking opioid abuse by advocating passage of a prescription drug monitoring program during the recently completed state legislative session. She is bringing her prosecutorial, criminal justice and law enforcement background together to be an AG with teeth, according to Puckett.

She is not making promises. She is not making threats. She is making plans to help law enforcement beat this crisis.

**"There are so many remarkable people who have dedicated their lives to selfless service, individuals who have done amazing things to make sure we remember this amazing profession."**



"We will go after drug traffickers as part of the strategy to end this crisis," General Moody charges. "We will also make sure we have additional resources for recovery and battling addiction by properly educating. Some things are working around the state. We have seen a 40 percent decline in opioid-related deaths in Palm Beach County. We have to extrapolate that out to the state and learn from that."

During his earliest interactions with Moody, Marolda learned there is no downtime with her. He says she has walked the walk as AG by hitting the ground running and will make sure law enforcement officers and everybody else have the tools and training to accomplish their missions.

So lace 'em up tighter, officers, and try to keep up.

"She has an incredible work ethic and I think the next four years will be very productive and very successful," Lofton contends. "Once Florida as a whole gets to know her work ethic and integrity, we will be very pleased with the job she is doing for a very long time."



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# Unfair Play

## PBA wins monumental case for unit rep against Martin County Tax Collector's Office

■ BY MITCHELL KRUGEL

During the last two months of 2018, Palm Beach County attorneys Angela Barbosa and Brennan Keeler momentarily held their breath whenever the office fax machine began beeping with an incoming call. In September 2018, they had completed arguing an Unfair Labor Practice (ULP) against Martin County Tax Collector's (MCTC) on behalf of PBA Unit Rep Joy Warren. They knew that the odds of winning a ULP are slightly better than winning the Florida Mega Millions jackpot.

Astoundingly, even in this day of email and other high-speed digital communication options, the Florida Public Employee Relations Committee (PERC) still faxes its findings to attorneys involved in the case. It seemed every time a fax came in, it was the menu from the café near the PBCPBA office.

Finally, on Dec. 28, the fax machine ripped with the ruling from PERC Hearing Officer Gregg Morton.

"Our fax machine prints at like one page per minute," Barbosa recalled. "Here comes the first page, and it's from PERC. We're trying to read it one page at a time. It took three pages before we realized which way the decision was leaning. Finally, we get to the last page and see the notice that the MCTC was wrong. This case was huge. We were told the chances of winning were maybe 25 percent."

In December 2017, Warren, who was instrumental in unionizing the employees, was suspended and then terminated right before the final session of her unit's collective bargaining negotiations. The contract was all set to be ratified.

Martin County Tax Collector Ruth Pietruszewski and her staff contended that Warren had violated policy by issuing a replacement driver's license. In 25 years on the job, Warren had never been hit with even a single disciplinary action, and she was terminated despite undisputed evidence that her actions "were specifically approved by and with the knowledge of her supervisor," according to Morton's finding.

Warren was terminated even though another MCTC employee who stole \$35,000 from taxpayers and was ultimately convicted of multiple felonies was allowed to resign. Warren was terminated because – plain and simple – she was the PBA unit rep, she brought the PBA in as its collective bargaining agent and Pietruszewski was PO'd about that.

"They were clearly targeting her, and we saw what they were trying to do," declared Keeler. "Despite the fact that our odds of winning were very low, we had to file it because of the nature of the employer's actions."

As Morton's recommended order ruled that Warren was targeted for her union activities and that her union activities were a substantial and motivating factor in the decision to terminate her, PERC awarded her all back pay and benefits. Additionally, MCTC was ordered to pay all attorneys' fees and costs.

The victory might also provide benefits to all PBCPBA members, and really any employee who might be similarly victimized.

"This case is huge. It had a big risk, but we had to take it because we couldn't afford to have our union members being mistreated without any recourse," Barbosa commented. "It's not every day that an employee wins a ULP 100 percent with pay and attorneys'

fees. This decision wasn't a split the baby. It's a very strong message that they were wrong and they need to pay for that."

The task of finding that the reasons for Warren's termination were pretextual – a purpose or motive alleged or an appearance assumed in order to cloak the real intention or state of affairs – was daunting to say the least. Keeler and Barbosa would spread out their reams of documentation to the point where PBCPBA Executive Director Ernie George would see them at work and quip, "How is your Supreme Court case going?"

They made dozens of public record requests. They compiled hours of discovery to find evidence. They interviewed every witness they could find, including eight from the Martin County Division of Motor Vehicles. When they put the bits and pieces together and filed a kickass post-hearing brief that emphasized the story in the way it needed to be told, the MCTC's charges just didn't seem to hold up.

When it came time for the hearing, Barbosa and Keeler figured the proceedings would be done in Martin County, with Morton plugging into the teleconference from the PERC office in Tallahassee. When they arrived, they found only associates for the Martin County attorneys on hand. The county's legal team had traveled to Tallahassee to try and get an edge by appearing in person.

That's where the MCTC arguments began to unravel.

"One of the witnesses they brought with them needed to take a recess in the middle of testimony, and the hearing officer could see that something was up," Keeler described. "After the first day was over, their strategy definitely worked against them. Our witnesses proved to be credible and their witnesses weren't believable."

In the hearing officer's recommended order, some of Morton's conclusions included:

- The decision to terminate Warren was directly related to Warren's protected concerted activity and her efforts at bringing in the PBA.
- The nature of the investigations that led to both Warren's suspension and termination provided further evidence of MCTC's improper motive.
- Having examined all of the evidence and testimony, Warren was treated more severely based on her affiliation with the PBA and in an effort to discourage other employees from supporting the PBA.

In the Order on Merits of Unfair Labor Practice charge, PERC further ruled ample evidence demonstrated that MCTC's disciplinary decisions regarding Warren were motivated by non-permissible reasons. And that MCTC retaliated against Warren for engaging in protected activities.

But her courage to go through the ULP and stand up for union rights can easily be defined as heroic as any service by any member.

"We gave them the message that they were wrong so they don't mistreat other members," Barbosa confirmed. "This is a case we can cite and use with other agencies should they try the same type of harassment."



# All in the DNA

## Palm Beach County PBA leaders lead effort to pass bill that will make DNA evidence more powerful

Palm Beach County PBA Vice President Rick McAfee and Treasurer Lou Penque were comparing notes and experiences from working homicide cases during their respective careers one day about a year ago. Penque had been a homicide detective for West Palm Beach and McAfee supervises homicide detectives for PBSO.

They discovered a common problem. If an investigator collected DNA evidence from a crime scene that could lead to the identification of a suspect, that information could only be used to issue a warrant to obtain a DNA sample from that suspect to further the case.

In the meantime, the suspect could be released onto the street while investigators waited for the results of the DNA test. And the suspect would have to be apprehended again if the DNA sample hit. That was according to Florida Statute 943.325, which, in effect, could allow a violent offender back on the streets.

"This was just me and Mac talking about trying to find a solution to a problem," Penque relates.

The solution proposed a bill amending the statute to allow a match between casework evidence DNA samples from a criminal investigation and DNA samples from a state or federal DNA database of certain offenders to be used to find probable cause for the issuance of a warrant for arrest. During the recently completed Florida legislative session, the bill passed the State House by a 114-0 vote. It passed the State Senate by a 39-0 vote. The amendment is scheduled to take effect on July 1.

"This was Lou's idea from seeing these cases over the years," McAfee notes. "With today's science with DNA, we thought, 'Why don't we change this?'"

Essentially, the change in the law gives police officers the resource to treat DNA like a fingerprint. The Combined DNA Index System (CODIS) blends forensic science and computer technology into a tool for linking violent crimes, much like matching a fingerprint.

CODIS was designed to compare a target DNA record against the DNA records contained in the national database. Based on a match, police from

multiple jurisdictions can coordinate their respective investigations and share the leads they developed independently. Matches made between the Forensic and Offender Indexes provide investigators with the identity of suspected perpetrators.

Because an arrest warrant can be issued based on that match, it can eliminate the dangerous situation that comes with having to pick up a criminal who would have been released. Also, keeping the perpetrator off the street thwarts opportunities to commit more crimes.

"I think it's more about public safety and protecting the public," Penque reasons. "The better we can get these people off the street, the better it is for the public."

The Florida legislature certainly realized this by stating in the statute, "DNA databases are important tools in criminal investigations, in the exclusion of individuals who are the subject of criminal investigations or prosecutions and in detecting recidivist acts." As a result, when Florida PBA Executive Director Matt Puckett looked for sponsors of the bill, he was able to get Senator Jason Pizzo from Miami and Representative Chris Latvala from Clearwater to quickly jump on board.

The impetus for the bill stemmed from a case in West Palm Beach in 2018. Penque recounts that somebody had attacked a female jogger with a knife. Police were able to retrieve his jacket and generate a DNA hit, but a warrant had to be issued just to take a DNA sample from the suspect for verification. He was released and had to be picked up again to gather the DNA sample that eventually matched.

Being able to respond faster to DNA

evidence and make use of the latest technology will not only make an impact on cases like the one in West Palm. Cases that have been dormant for years can be jumpstarted with a CODIS hit.

"A lot of these criminals are transient, so if we get a hit for a different crime in a different state, we can issue an arrest warrant with that other jurisdiction," McAfee explains. "For sexual assaults, battery, homicides and other crimes, DNA technology is evolving so cold cases can be solved constantly. The better it is, the better we can get criminals off the street and the better it is for the public."

A sense of how substantive the amendment to Florida Statute 943.325 comes with Penque's observation that the response from most officers he has talked to indicates that they thought using DNA evidence to show probable cause and issue arrest warrants was already in play. Ironically, Florida is one of the first states – if not the first – to make this move.

"I think a lot of people thought it was already the norm because of how DNA technology and science is constantly changing," Penque adds. "All we are doing is taking a step out of the process and making it easier to use DNA evidence to generate an arrest warrant. There's no cost to it, and it's making the job of public safety easier."





# Best Day Ever

## Unprecedented support and participation take golf outing to new level



**T**he move to a championship venue no doubt escalated enthusiasm for the 16th annual Kaitlin A. Kazanjian Scholarship Golf Tournament. The occasion that attracts Palm Beach County PBA family and friends like a combination of Thanksgiving, Christmas and a Fourth of July barbecue also upped the ante for 2019. And, of course, the opportunity to raise money for PBCPBA charities again enticed hundreds of participants and supporters to make this year's outing the best ever.

So much anticipation and excitement surrounded the event that they couldn't wait to get started. At 5:30 a.m. on March 23, PBA staff was already in action, setting up for an unprecedented day of tee-to-green-to-19th-hole revelry. By 7 a.m., players rolled in ready to further the legend of this glorious event.

"I was standing there when the golf carts started heading out for play to begin. The sun was shining and everybody seemed to be so happy out there," PBCPBA Special Events Coordinator Wendy Coleman described. "Everybody seemed really excited about playing a new course. We went around to check in on golfers and everybody said they were having the best time."

The Kaitlin A. Kazanjian Scholarship Golf Tournament has become more than a spectacular day on the links. It was more spectacular than ever this year with the move to PGA National in West Palm Beach, the same venue the PGA Tour stars played the week before in the Honda Classic. There was so much demand that the 144 spots for players are not enough, so there is consideration to add a second of PGA National's five courses to the event to accommodate those who want to participate.

Beyond the golf, the event featured pomp and circumstance to offer a fitting tribute to the beloved Kaitlin, who continues to inspire people 16 years after she was lost in that tragic auto crash. The Palm Beach Sheriff's Office honor guard posted colors against a sunrise so brilliant that it must have been Kaitlin giving a thumbs-up for everybody to go out and enjoy a memorable day.

A detail of PBSO cadets also posted in various locations throughout the day to lend a helping hand. These recruits do volunteer work as part of their academy training, and they offered to devote that to support a cause that draws participants from as far away as Boston and New Jersey.



One of those Jersey boys is NJ State PBA Past President Mike Modano. He now winters in Palm Beach County and keeps coming to the Kaitlin golf tournament because of its unique atmosphere.

"They do an excellent job," Modano noted. "It's impressive and rewarding playing because there are so many families there, and especially families of cops. I talked to a lot of guys who came from a distance to participate, and you can tell it's well supported by the local people and the merchants."

The local merchants were welcomed into the new venue with a sponsor area set up to meet with members to talk about their products and services and further show their support for the PBA. They also donated a load of prizes for the raffle at the end of the day.

## And the winners are...





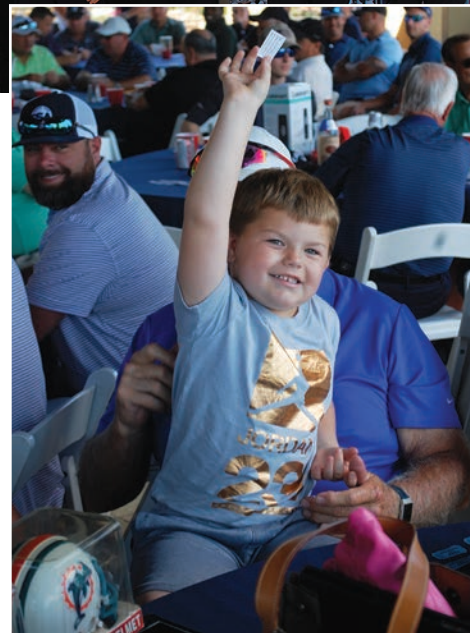
A flat-screen TV was the big prize, and bicycles, fishing rods and Fitbits were also awarded. But the most anticipated prize might have been the autographed Miami Dolphins mini helmets. Tyson George, grandson of PBCPBA Executive Director Ernie George, hoped to win one of those helmets, and he celebrated like scoring a touchdown when his ticket number was called.

"You should have seen his face light up," Coleman recalled. "It was like a dream come true."

Everybody who attended was certainly a winner on this day. Of course, the event offered a little friendly competition and resulted in some foursomes recording the best scores.

The first-place group included Palm Beach County Sheriff Ric Bradshaw, his wife Dorothy, Martin Gareau and Rusty Lamm. A group led by Dr. Martin Rubenstein which included John Powers, Scott Mustapick and Dean Stokes took second place. Third place went to Mike Arena, Moses Abdelnour, Gino Monica and Bobby Monica.

By the end of the day, the 16th annual Kaitlin A. Kazanjian Scholarship Golf Tournament had given way to a wedding scheduled to take place afterward. It was a truly a day of blessed events at PGA National.



Tyson George celebrates winning an autographed Dolphins mini helmet in the raffle.

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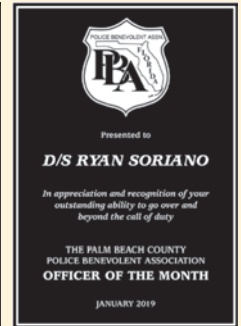
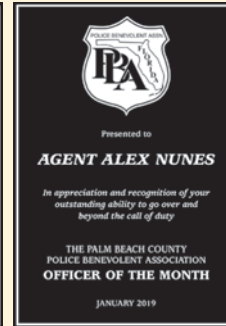
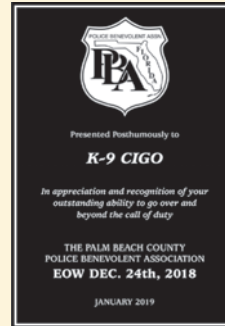
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# Palm Beach County PBA Officer of the Month Honorees

January 2019

**PBSO Deputy Sheriff Ryan Soriano**  
**PBSO Deputy Sheriff Alexander Nunes**  
Nominated by PBSO Sergeant Kevin Linardos



On Christmas Eve, agents from the PBSO's Tactical Unit were hunting down two dangerous men wanted for attempted murder. K-9 Deputy Sheriff Ryan Soriano and his partner, K-9 Cigo, responded to assist. As the agents closed in on the suspects in a mall parking lot, one of the suspects started to run. Soriano and Cigo realized that a murder suspect was on the loose, posing a threat to the agents as well as the immediate public. Soriano released Cigo, who began chasing down the suspect. As Cigo closed in, one of the suspects, Giovany Ramos-Alvarez, pulled out a




concealed handgun and shot Cigo. As Alvarez leveled the gun toward the deputies and was about to shoot again, Soriano and Agent Alex Nunes shot the suspect, ending the threat. The agents were able to secure the suspects and immediately began administering lifesaving measures to both Cigo and the injured suspect. Cigo died from the gunshot wound, but the agents were able to save the life of the man who had just tried to kill them. Soriano, Cigo and Nunes protected the lives of the citizens of Palm Beach County, with Cigo paying the ultimate price.

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# Palm Beach County PBA Officer of the Month Honorees

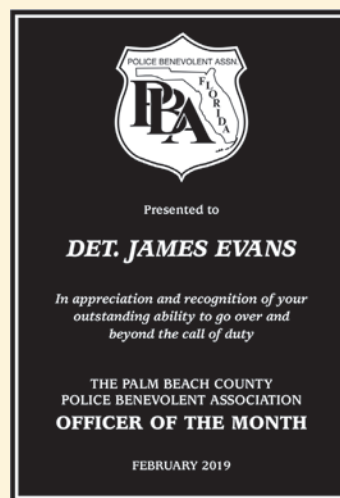
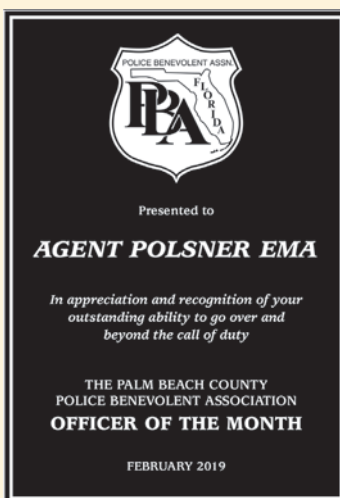
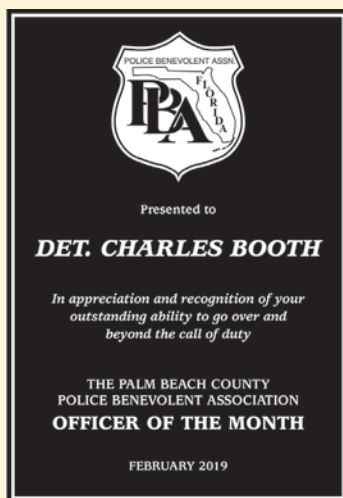
February 2019

**PBSO Deputy Sheriff James Evans**

**PBSO Detective Charles Booth**

**PBSO Agent Polsner Ema**

Nominated by PBSO Sergeant John McGuire



After the July 2018 murder of a Royal Palm Beach resident in which two suspects fired more than 30 rounds at the victim, this team began searching for the culprits. Through investigative techniques and surveil-

lance, they unearthed a large-scale drug trafficking operation and fraud scheme. Their outstanding work resulted in the seizure of 8.5 kilos of heroin, counterfeit credit cards, cocaine and \$26,700 in cash.



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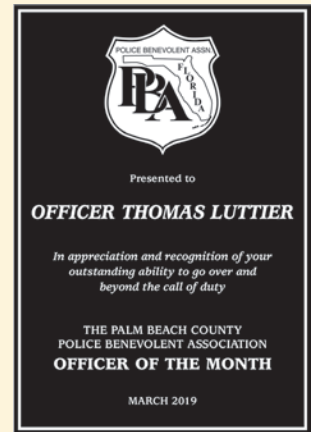
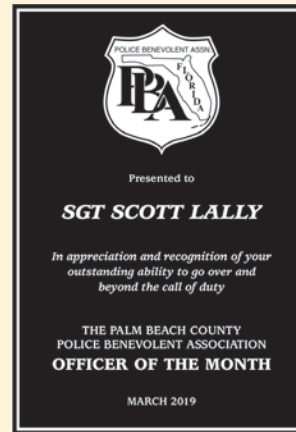
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# Palm Beach County PBA Officer of the Month Honorees

March 2019

## West Palm Beach Officer Thomas Luttier West Palm Beach Sergeant Scott Lally

Nominated by West Palm Beach Detective Charles Branch



After receiving a ShotSpotter alert for six gunshots, Officer Thomas Luttier and Sergeant Scott Lally were dispatched to the area to look for witnesses and/or a victim. As they were driving in the area, a male suspect drew a gun from his pocket and fired toward the officers. Luttier and Lally returned fire as the suspect fled northbound through the residential neighborhood. An exchange of gunfire ensued with bullets peppering the

marked patrol cars, including a bullet through Luttier's driver's side door. A perimeter was established to search for the shooter. After several hours, the manhunt ended when K-9 Kane apprehended the suspect — a nine-time convicted felon — hiding in a thicket of bushes in the backyard of a residence with a loaded 9mm handgun.

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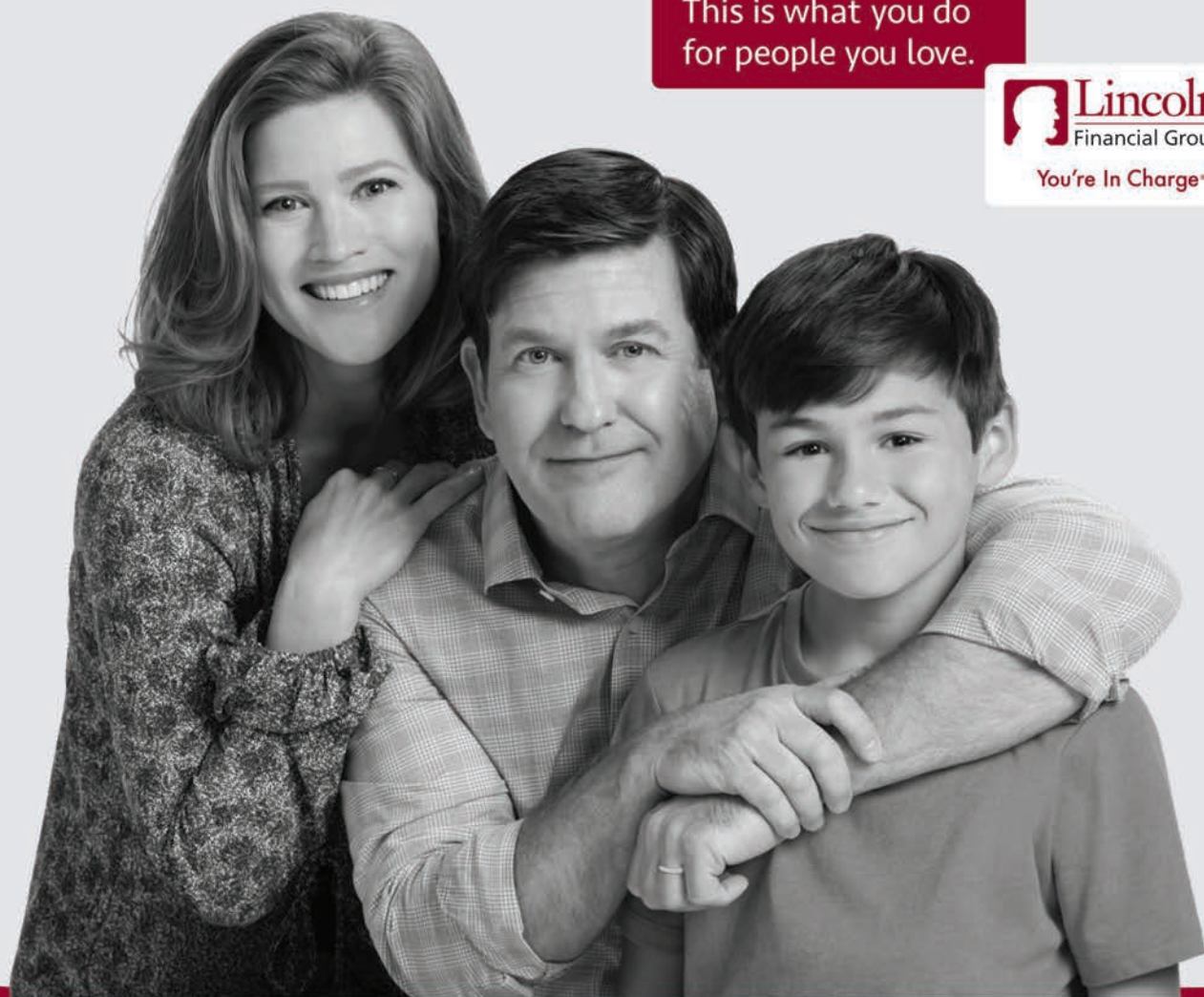
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# Third Time's a Charm

**Daniel Kerr saves 'the best' for last as he brings a lifetime of experience to Jupiter PD**

In 2009, when then-Jupiter Police Chief Frank Kitzerow reached out to his longtime colleague Daniel Kerr to come on as deputy chief, Kerr had already completed a lifetime of police work.

Having spent his childhood "riding along" with his Maryland State Trooper father, Kerr officially joined the force in 1972 with the Fairfax County (Virginia) Police Department. After 20 years, Kerr retired as a major before taking a job as police chief in Vienna, Virginia.

For years, Kerr had wanted to relocate to Florida and in 1997, he finally got the opportunity, becoming chief in Winter Springs. He served in that role for 12 years before again retiring the badge.

When Kerr received the call from Kitzerow, he was working as the director of police, fire and rescue training at Seminole State College of Florida in Sanford. "The chief and his entire staff had retired and there were a lot of young officers, and [Kitzerow] said he'd like me to help mentor them, so I came on as deputy chief," Kerr briefs.

Then, in July 2018, when Kitzerow took a job as the Palm Beach County School Board police chief, Jupiter's city manager appointed Kerr to take over — his third chief position. "Quite frankly, it's in my blood," he admits. "I love being involved in the community and helping to make things safe."

Chief Kerr's community outreach experience dates back to his early days in Fairfax, where the police department maintained a citizen advisory group in each district station. He took that concept with him to Vienna and Winter Springs, the latter of which saw a crime reduction of 40 percent, even though the population grew by a quarter under Kerr's tenure.

"It had a tremendous impact in reducing crime there, and it's still one of the lower crime rates in the area," Kerr notes. "We get with all the community directors, and really anyone that wants to come out, and they give us input about things they have concerns about, whether it's criminal activity or anything they feel is impacting their quality of life. We work on that together, trying to come to positive resolutions to issues that come up."

Naturally, Kerr brought the concept to Jupiter, where some of those issues, he explains, include people asking for more stop signs and trying to get people to close their garage doors and lock their cars to reduce the opportunity for crimes to be committed.

"Even though that sounds pretty routine, they're all things that really impact the community, especially one where people feel safe and let their guard down every once in a while," Kerr confirms. "Last year, crime went down 16.9 percent. That doesn't sound like a huge percentage, but that's still 220 fewer crimes in the community. Basically, it works."

Following another wave of retirements in Jupiter, Kerr took



## Getting to know Jupiter Chief

*Daniel Kerr*

- Originally from Cumberland, Maryland
- His father served as a Maryland State Trooper
- Joined the Virginia PD in Fairfax County in 1972
- Appointed Jupiter chief on June 29, 2018
- Jupiter PD is Kerr's third time serving as chief of police (previously in Vienna, Virginia, and Winter Springs, Florida)
- Education: Bachelor's in criminal justice from American University in Washington D.C.; master's in public administration from the University of Phoenix; graduate of the 161st session of the FBI National Academy in Quantico, Virginia





his community-building skills and brought them inside the department, with a focus on recruitment. "It's really about not settling and looking for the best because they're out there," he states, listing his top qualities as integrity, a good background and being a good communicator. "You have to want to interact with people because that's 90 percent of what you do as a police officer. Then, once you get somebody really good, you have to have the best field training officers, and help them assimilate into the job, understand what their role is and how to interact and solve problems."

Interacting and solving problems isn't just for individual officers, however. Jupiter and its surrounding law enforcement agencies share information, training, technology and resources — all county dispatchers even operate from the same location, which provides provide countless dividends that make all those communities safer.

"One of the strongest things in our part of Palm Beach County is our relationship with our neighboring communities," Kerr emphasizes, noting that all chiefs meet monthly to discuss problems that might be happening across the county. "You have these invisible lines between towns but when we work together, it's like a force multiplier."

And whether it's a suspect barricaded or a hostage situation, the departments' SWAT and traffic units are all ready to work together to mediate any situation. Periodic mutual aid training, like a recent active shooter scenario, ensures such cohesiveness. "If something like that happens, you're going to have multiple jurisdictions responding," Kerr references. "So, knowing each other's training helps dramatically."

As the town gears up with more and more growth and redevelopment, Kerr reports that his goal is to keep the quality of officers he has — something that he acknowledges requires some



work. "You want to get the best for your officers, and my officers are among the best," he boasts. "Our community recognizes it, I certainly realize it. And you want them to be right there in line with everybody else. That's why we're doing everything we can to get them the best training and equipment, but we also want them to get paid what they should, with benefits."

With a lot of work still left to do in Jupiter, it's probably premature to wonder if Kerr has plans to be police chief in a fourth location. But considering how he feels about his county, his department and his officers, it seems like the third time's a charm.

"We have such an outstanding group of people working together, which makes it an enjoyable place to work," he relates. "I think with the number of years I have in now, having worked in some great organizations, I'm looking at this one as the best."



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# She puts the fun in PBA fundraising

Wendy Coleman loves a good party.

Actually, Wendy Coleman loves planning a good party. And she's pretty good at it, which any members who participated in the Angel Run, Oldies Night at the Cars for Dreams Museum or the Kaitlin Kazanjian Memorial Golf Tournament during the past few months have experienced.

Coleman rejoined the Palm Beach County PBA this year as its special events coordinator. She was the one at all the events with the can-do attitude and unflappable presence who supplied the creative touch to add another layer of fun to the fundraising prowess of these PBA events.

"Any time you can mesh raising money for a good cause with good, old-fashioned fun, everybody has a good time," submits Coleman, who previously worked as the PBCPBA membership secretary from 2012 to 2015. "We want to make it so people who come to any of these events want to come back every year. We want them to enjoy the camaraderie and know it's all going to a great cause."

Coleman has forged an impeccable career in event planning since graduating from Florida State University with a degree in food and nutrition science in 2001. A Jupiter native, she moved to New York following college to be the food service director for an assisted living facility in Queens.

After handling menu and event planning in New York for a few years, Coleman moved to Las Vegas. As a food and beverage manager for the Las Vegas Convention and Visitors Authority, she planned events for trade shows, including parties for companies that would come in to exhibit.

She moved back to Florida in 2006, and continued to plan events for various companies. Her path then led to the PBCPBA, where her passion for bringing the fun to the fundraising really ignited. At the same time, she provided a reassuring resource to members as the membership secretary, and that led to developing a passion for the union.

"The camaraderie within the PBA is like a family," Coleman describes, echoing a sentiment so many staff members share. "Being with everybody in the office and being more involved makes me happy. It's the family vibe. You are surrounded by people who genuinely care about you. That's what we provide for our members. We genuinely care about them."

Coleman met her husband, Kevin, a senior loan officer for the SWBC Mortgage Corporation and long-time sponsor of the PBCPBA, through mutual friends. It was through Kevin's relationship with the family of PBA President John Kazanjian that Wendy was first introduced to the PBA. When they had daughter Kinsley, now 4, Wendy decided to be a full-time mom.

Now that Kinsley and 3-year-old sister Kiersyn are older, Wendy has been able to come back to the PBA and tend to one of the union's most illustrious aspects with its fundraising events.

"Planning their events every year really grew my passion for it," she explains. "Even when I stayed home with my children, I wanted to be involved. Now that the kids are a little bit older, I was able to revisit coming back and hit those events head on."

What members can expect from what Coleman puts into an event is a relentless attention to detail and effort above and beyond the call of duty. She spearheaded moving the golf tourna-



The Coleman family with a couple of special friends. From left, Kevin, Kiersyn, Kinsley and Wendy.

ment to the PGA National Resort this year, and to make sure it would be the best one ever, she showed up before the sun came up to help the PGA staff prepare for the day.

Coleman also helped initiate a new touch to the golf event by creating a sponsors area. Businesses that support the PBA were able to hang out and explain the special services they offer to members and law enforcement.

She has become known for trying new little things to see what works. Another one of those touches will be seen at the Palm Beach County PBA Police Officers' Ball the weekend of June 7-8. For the clam bake on June 7, she is bringing in a photo booth where guests can get their pictures taken holding unique props. The fun photo will give members another keepsake to remember the event.

"We're all here to do the best job we can and to provide services for our members, and with my job planning these events, I get to help offer a fun time for our members and our staff," Coleman confirms. "All the events enable us to raise money for our charity fund, much of which goes to our members' children for college scholarships. That's why I like it so much. And who doesn't love a good party?"



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# Personalized investment advice via self-directed brokerage accounts



**STEPHEN OSTROFSKY, CFP**

The pursuit of personalized investment advice can sometimes be difficult for many Florida Retirement System (FRS) Investment Plan and PBSO Deferred Compensation Plan investors. Self-directed brokerage accounts (SDBAs), available in both of the abovementioned retirement plans, have generally gone unnoticed by many PBSO deputy sheriffs and employees.

In January 2014, the FRS announced an SDBA option for FRS Investment Plan investors to provide greater investment options, including fee-based investment advisory services.

The following investment options are available through the SDBA option:

- Stocks listed on a Securities Exchange Commission (SEC) regulated national exchange;
- exchange-traded funds (except leveraged exchange-traded funds);
- mutual funds (except any of the Investment Plan's primary investment funds); and
- fixed income products.

The FRS warned: "The SDBA is for experienced investors who want the flexibility to invest in a variety of options beyond those available in the FRS Investment Plan's primary investment funds.

It is not suitable for all members."

While SDBAs provide greater investment choice, this might seem to compound the complexities of investing for retirement. However, with the assistance of a financial professional, this greater investment flexibility can result in retirement planning outcomes that are more consistent with your investment objectives and risk tolerances.

SDBAs provide investors with access to investment advisory services which provide continuous and ongoing investment management. Known as a fiduciary relationship, this advisory relationship governs and mandates that financial advisers place their clients' "best interests" first.

The Employee Retirement Income Security Act of 1974 (ERISA), sections 3(21) and 3(38), provides that a fiduciary is an adviser who offers investment advice for a fee with respect to any investments of a pension plan. A fiduciary duty is owed to each pension plan participant by the investment adviser under ERISA rules, if they exercise any authority or control over the management of the pension plan assets in return for a management fee.

As a fiduciary, the investment adviser is responsible to:

- Understand pension laws and plan provisions;
- diversify assets based on specific risk/return profile;
- prepare investment policy statement;

CONTINUED ON PAGE 33



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# Early detection can lead to 'heart bill' claims



GEOFF  
BICHLER

Sadly, heart bill protections remain largely misunderstood among Florida first responders.

As I sit down to write this article, the Florida Senate unanimously passed a bill that will cover cancer as a work-related injury for firefighters and force employers and workers' compensation insurance carriers to cover the full cost of cancer treatment and offer disability pay and death benefits for beneficiaries.

This comes on the heels of another major legislative victory last year, when Florida passed one of the first post-traumatic stress disorder (PTSD) bills in the nation to protect first responders. With all this good legislation passing I am reminded that no matter how well intentioned, legislation is meaningless unless those affected understand their rights and have the ability to enforce those rights.

When the Florida Heart/Lung Bill was amended to include law enforcement and corrections officers in 2002, there was an expectation that benefits would flow freely to the officers suffering from work-related injuries. These expectations were unrealistic and never materialized. Misinformation, obfuscation and aggressive defense tactics have resulted in confusion among officers and continue to severely affect coverage. It is time for this to end.

The full economic impact of the heart bill would be difficult to overstate if it were universally recognized and implemented as intended. What first responders should understand is that employers are required to provide medical care and lost wages for all conditions of heart disease and hypertension.

Doctor visits, surgical procedures, medication and hospital costs all become the responsibility of the employer under the heart bill, and yet we see countless officers and other first responders running these expenses through group health policies and making copayments for treatments and medications that should be the responsibility of the employer. Imagine the potential impact on health insurance premiums if employers were required to pay all these claims — as intended by law — under the Florida Workers' Compensation Act.

When I speak to people in the law enforcement community, there is nearly universal lament over the rising costs of health in-

surance. Why is there not more of an understanding that by eliminating hypertension and heart disease from the group health equation and putting them where they belong — under workers' compensation — premiums would drop substantially for the benefit of all law enforcement officers and their families?

Health insurance after retirement is one of the largest expenses that officers and their families face. Simply moving hypertension and heart disease claims over to workers' compensation could save first responders hundreds of dollars every month, thousands of dollars a year and ensure that these massive medical costs are covered for life.

Our firm will continue to push for full coverage for law enforcement and corrections officers with hypertension or heart disease and ensure that the desired impact of the heart bill is achieved.

We will continue to educate officers regarding the appropriate steps to initiate a claim under the heart bill, how and when to file a notice of injury with an employer and secure a copy of needed medical records to support a claim.

If you have hypertension or heart disease, you should contact our office to help you perfect a claim and possibly reduce your health insurance costs.

*Geoffrey Bichler, Esq., is a 28-year practitioner representing injured workers and a founding partner of Bichler & Longo PLLC. He has been a longtime advocate of Florida first responders, lobbying/advocating for presumption statutes. He can be reached at 407-599-3777 or [geoff@bichlerlaw.com](mailto:geoff@bichlerlaw.com).*

## OSTROFSKY CONTINUED FROM PAGE 32

- select money managers and document due diligence;
- control and account for investment expenses;
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- avoid conflicts of interest and prohibited transactions.

A financial adviser can provide personalized investment advisory services to retirement plan investors through SDBAs. Investment policy statements can help determine the appropriate investment allocations for your retirement plan based on your risk tolerances and investment time horizon.

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# Understanding loans on your 457(b): Deferred compensation plans



STEVE  
OLSON

One advantage of employer retirement plans as opposed to IRAs is that some plans permit loans on your retirement assets while you're actively employed, which may prevent you from incurring a 10 percent penalty — plus ordinary income taxes — on distributions out of retirement programs if you get into a cash crunch.

These plan loans are subject to a few requirements:

- The maximum loan must not exceed the lesser of 50 percent of the vested account balance, or \$50,000
- Loan amortization cannot exceed five years
- The payment must be made at least on a quarterly basis, but is usually paid by the participant semimonthly through payroll deductions
- You must pay interest on the loan; these rates are usually set at the prime rate, plus 1 or 2 percent

If you're married, your spouse typically must also consent to the loan. If the loan is renegotiated during its term, it is considered a new loan. This will usually cause additional problems with either the \$50,000 maximum limit or the five-year repayment period requirement. Because of this, many plans prohibit multiple loans at the same time.

When these rules aren't followed or payments aren't made, the outstanding principal and any unpaid interest on the loan will be deemed a distribution to the borrower and taxed as ordinary income in the year during which the rule(s) is broken. Participants below the age of 59.5 will also be subject to a 10 percent early withdrawal penalty in 401(k) plans but not in 457(b) plans, which are never subject to the 10 percent early withdrawal penalty.

Depending on the financial circumstances, a strategic default sometimes makes sense and can be an effective way of "taking a distribution" that would not otherwise be permitted without meeting one of the hardship criteria.

Note: This is not a credit default. It is a default on the loan from the plan (to you) and is a tax event only, with no credit reporting.

Possible advantages of borrowing from your 457(b):

- Compared to traditional lenders, applying for a plan loan is remarkably quick and easy. Applications can usually be completed online by filling out a form. Once your loan is approved, you will usually have the funds deposited directly into your bank account within days.
- Lower interest rates and paying yourself back can be attractive when in a cash flow crunch, particularly if you're carrying heavy amounts of credit card debt at high interest rates.
- You're paying yourself back the interest, instead of a bank or financial institution.

Possible disadvantages of borrowing from a 457(b) plan:

- Market movement is a key factor when receiving and adding funds back to your account to pay back your loan. The market goes up and down — it's cyclical — which, unfortunately, and depending on the timing of when you take out the loan, can work against your long-term goals.

Example: Jane takes out a loan when the market is low. When Jane is ready to pay off her loan, the market is much higher and she is forced to buy investments at the higher price — the opposite of the traditional fundamental investing principal of buying low and selling high. This can severely damage her retirement plan and cost her much more than the value of the loan itself. Jane also missed

out on market gains. The reverse is also true but it's a dangerous gamble, particularly with something as important as your retirement savings.

Example: Jeff takes a \$30,000 loan from his 457(b) plan at age 40 and repays the loan when he is 44. The investments inside Jeff's 401k plan return 7 percent for each of the next four years. Jeff's missed opportunity cost for not having his \$30,000 invested in his 401k plan would be approximately \$9,300.

- Time value growth of your money is lost. The impact of this is much more significant earlier in your career than later. For example:

Age	Loan amount	Missed growth
30-year-old participant	\$50,000	\$39,769
50-year-old participant	\$50,000	\$8,532

\*Assumes retirement at age 60 and loan fully paid back in five years, an 8 percent average annual rate of return on 457(b) investments and 4 percent interest on the 457(b) loan.

Now, imagine doing this several times over the course of your career — the damage could be substantial!

## When should you consider borrowing from your 457(b) plan?

Borrowing from your 457(b) plan typically can be avoided with proactive financial planning and budgeting. However, every once in a while, life throws a few curveballs all at once, which, when we don't have an adequate emergency fund, can cause debt accumulation at high interest rates. Depending on the circumstances, and when careful planning is done, a loan against your 457(b) can be a wise solution. We encourage you to have a financial plan in place that incorporates not only cash flow planning and debt restructuring but can accurately project your after-tax (net) income in retirement to determine if the loan itself will impact your ability to have a sustainable retirement. Only then can you make an informed decision about whether it might be more prudent to take out a consolidation loan or use home equity at low interest rates; we also might be able to offer a viable alternative.

## Establish a plan

Financial planning is not all about your retirement income. Don't wait until just before your retirement to meet with a fiduciary — a professional who is legally, morally and ethically obligated to act in your best interests and not "sell" you financial products that are self-serving.

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*Steve Olson, founder and managing member of Atlantic Wealth Partners, has more than a decade of experience in focused tax planning, legal strategy interpretation, investment management and advisory services to wealthy individuals and families throughout Florida. Steve is an alumnus of Old Dominion University and the University of South Florida, where he studied finance and criminology.*





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# A Man on a Mission

Steve Zengel goes the extra mile to honor fallen officers with Los Caidos cigars



Steve Zengel, right, owner of Los Caidos cigars, shares his unique brand of cigars with friends.

BY MITCHELL KRUGEL

Raising awareness of law enforcement officers who have given their lives in the line of duty started with Steve Zengel lighting up a good cigar. Raising money to help families of officers lost in the line of duty led to Steve Zengel riding his motorcycle across the country.

Zengel is an avid motorcycle rider, cigar aficionado and devoted philanthropist and entrepreneur who has set out to sell enough cigars and ride enough miles to raise \$1 million for families of fallen law enforcement officers and firefighters by donating \$1 from every cigar sold. It's a mission that will take Zengel out on the road this summer by hosting a series of charity motorcycle rides throughout the country.

To learn more, please see the ad on pages 38-39 or visit [www.loscaidos.us](http://www.loscaidos.us) or [www.lifeofaridetime.org](http://www.lifeofaridetime.org).

"We set out to make the world a better place, one cigar at a time," Zengel relates, with the smooth tone of one of his cigars that seems to throw an arm around anybody he talks to.

He started his cigar business in March 2012 with one humidor and nine boxes of cigars in a shop one block in from the boardwalk in the New Jersey shore town of Seaside Heights. After reinvesting every penny back into the business that summer, he expanded to more than 200 cigar offerings and the business was on fire. Until Hurricane Sandy ravaged Seaside Heights and wiped out his entire business.

Not to be derailed, Zengel took a job as a high school assistant principal until he could find a new home for his shop. He

reopened in Wall, New Jersey in August 2013 and hired a retired police officer from Wall, who told him about two officers from the area recently lost in the line of duty.

One was brutally murdered while sitting in his patrol car. The other was struck by a vehicle while searching for a suspect alleged to be armed and dangerous alongside an interstate highway.

Learning about the financial stresses on families of fallen officers, Zengel wanted to help.

"All I really wanted to do was help police officers from the local community who were coming into the shop and asking for support, usually in the form of donations to fundraising events they were hosting," Zengel explains. "These families needed tens of thousands of dollars, and I was giving a few hundred. I felt a strong sense that there was more I could be doing, but I wasn't sure of exactly what or how."

To pursue a mission of offering more than a couple hundred bucks to families, Zengel enlisted advice from a local Jersey Mike's franchisee, who inspired him to raise donations exponentially by shutting everything down and building a national brand focused on one core product and philanthropy.

In 2015, he closed the cigar shop, resigned his position as assistant principal and launched the cigar brand Los Caidos, which is Spanish for "The Fallen." And after witnessing the am-



bush that took the lives of five officers in Dallas in July 2016, Zengel hopped on his Harley-Davidson two months later. In what became known as the first “Life of a Ridetime,” he rode from Jersey to Los Angeles and back – 12-to-15-hour days on the bike covering 7,700 miles – all to show support for police officers and raise money for the family members of fallen police officers.

“I had the chance to meet a lot of people, and it was very emotional,” Zengel recalls. “Having done that, I am now keenly aware of how many officers get killed in the line of duty each year and the great need for supporting the family members. Before that, it was on a more personal level, giving money or donating cigars to guys I knew who came through the shop asking for support. The ride totally heightened my awareness that this is a national issue.”

The miles Zengel has traveled and the hurdles he has cleared to pursue this mission exemplify his passion for honoring the caídos. The cigars sold out soon after that first Life of a Ridetime in 2016 because of their premium crafting. They are made by Aganorsa Leaf, which is located in Nicaragua and is the winner of Halfwheel.com’s Factory of the Year Award in 2015 and 2016.

“People loved the cigars,” Zengel shares. “They’re medium-bodied, full of flavor and made by a top manufacturer in the industry.”

Los Caidos cigars meet the challenge of being mild enough for the person who seldom smokes cigars but wants to partake in the special ceremony of honoring the fallen, yet bold enough for the everyday cigar smoker. Zengel has packaged them in a 12-count box of 11 cigars and one empty space, reserved for the “End of Watch” cigar to commemorate the fallen officer.

He upped that to a 22-count box with an empty chamber in the middle, which will be released to brick-and-mortar retailers starting this May. He has added a 49-count box that can help PBA units with their own fundraisers. These boxes are available at 50 percent of retail cost, so if a unit buys a box, increases the cost of the event by \$10 per person and gives each event attendee a ticket for a cigar, that unit can realize a built-in revenue stream of \$245 per box. The greater the number of event attendees, the more funds raised for the local unit.

Zengel has already made a \$2,500 donation to the NJ State PBA, a \$1,000 donation to a law enforcement labor union in Philadelphia, and a \$1,000 donation to a fire department labor union local in Long Branch, New Jersey. And much more will be raised when Life of a Ridetime hits the road this spring and summer. Instead of going cross-country, this time Zengel will be making Saturday rides out of local Harley-Davidson dealerships.

The tour began on May 4 in Dallas, and it will run through West Palm Beach the weekend of June 7-8. On June 7, there will be a special ceremonial Los Caidos Light-Up event (a two-minute moment during which those who participate give tributes to those they are remembering and riding for) at the Smoke Inn smoke shop in Boynton Beach. All riders will meet the following Saturday morning at Smoke Inn’s West Palm Beach location. Life of a Ridetime will also run through Miami the weekend of Oct. 25-26, with an event at Neptune Cigars on Friday night and the ride on Saturday out of Peterson’s Harley-Davidson of Miami-North.

“To get to \$1 million by giving \$1 back on every cigar sold, we have to sell a million cigars, and that could take a while,” Zengel declares. “So we are making the rides to accelerate the fundraising. It all comes down to one thing: personal freedoms. The freedom to smoke a cigar and the freedom to get on a Harley-Davidson and ride with other freedom-loving adventure-seekers while honoring those who have given their lives in the protection of those freedoms for all of us.”



Steve Zengel has once again embarked on his “Life of a Ridetime” this spring and summer as part of his mission to raise \$1 million for families of fallen police officers and firefighters.

That’s all part of the tribute Zengel has put at the forefront of his business and his life. When he will reach the \$1 million goal is not certain. But after all Zengel has been through to get this far, you know he is determined.

“We’ve scheduled 18 rides so far, and I know we are looking to add Atlanta during their Cigar Week on Sept. 21, and Los Angeles, New Orleans and San Francisco sometime in November and early December,” he reports. “So it could be this year. If not, there’s always next year. I do think it will be sooner than later. I’m going to work my ass off to make sure of it.”

That certainly sounds like a man on a mission.

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# 2019

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### *Life of a Ridetime*

**04  
MAY**

#### **DALLAS**

LONGHORN HARLEY-DAVIDSON®  
RENEGADE CIGARS

**01  
JUN**

#### **MEMPHIS**

BUMPUS HARLEY-DAVIDSON® OF COLLIERVILLE  
TBD\*

**08  
JUN**

#### **CENTRAL FLORIDA**

SMOKE INN™ - WEST PALM BEACH, FL  
771 VILLAGE BLVD. STE #201 WEST PALM BEACH, FL 33409

**15  
JUN**

#### **DETROIT**

MOTOWN HARLEY-DAVIDSON®  
TBD\*

**22  
JUN**

#### **CHICAGO**

CHI-TOWN HARLEY-DAVIDSON®  
TBD\*

**29  
JUN**

#### **LAS VEGAS**

RED ROCK HARLEY-DAVIDSON®  
LOS CAIDOS®

**06  
JUL**

#### **PITTSBURGH**

THREE RIVERS HARLEY-DAVIDSON®  
MARSHALL'S CIGARS

**20  
JUL**

#### **INDIANAPOLIS**

HARLEY-DAVIDSON® OF INDIANAPOLIS  
TBD\*

**27  
JUL**

#### **PHILADELPHIA**

F.O.P. LODGE #5  
LOS CAIDOS®

**10  
AUG**

#### **CHARLOTTE**

HARLEY-DAVIDSON® OF CHARLOTTE  
TBD\*

**24  
AUG**

#### **NEW JERSEY**

HARLEY-DAVIDSON® OF OCEAN COUNTY  
HERITAGE PREMIUM CIGARS/LOS CAIDOS®

**07  
SEP**

#### **PHOENIX**

HARLEY-DAVIDSON® OF SCOTTSDALE  
SKALLYWAG CIGARS

**28  
SEP**

#### **OKLAHOMA CITY**

HARLEY-DAVIDSON® WORLD  
BURN by Rocky Patel

**05  
OCT**

#### **JACKSONVILLE**

ADAMEC HARLEY-DAVIDSON® OF JACKSONVILLE  
TBD\*

**12  
OCT**

#### **SAN DIEGO**

CORONADO BEACH HARLEY-DAVIDSON®  
HOFFER'S CIGAR BAR

**19  
OCT**

#### **HOUSTON**

HARLEY-DAVIDSON® OF THE WOODLANDS  
TBD\*

**26  
OCT**

#### **MIAMI**

PETERSON'S HARLEY-DAVIDSON® OF MIAMI  
NEPTUNE CIGARS

**16  
NOV**

#### **SAN ANTONIO**

COWBOY'S ALAMO CITY HARLEY-DAVIDSON®  
TBD\*

**\* STILL LOOKING FOR RETAIL CIGAR SHOP PARTNERS**

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