



GALT MILE NEWS

DECEMBER 2009

THE OFFICIAL NEWSLETTER OF THE GMCA



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PUBLISHER

Second Studio, LLC
954-292-6553
2ndstudios@gmail.com

EDITOR

Eric Peter Berkowitz

ADVERTISING

954-292-6553
galtnews@yahoo.com

PRINTER

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Healthcare Update & MEDICARE DEADLINES

By Eric Berkowitz

Federal Health Care Legislation Progress

In its quest for a health care Holy Grail, Washington DC is narrowing the gap among plans currently under Congressional consideration. By a vote of 220 Yeas vs. 215 Nays, the House of Representatives squeezed through H.R. 3962, the Affordable Health Care for America Act, on November 7, 2009. Spun off the abandoned H.R. 3200 in October, the bill's passage partially addresses President Obama's stated objective for the two houses to pass separate bills by the end of the year.

This House product is the result of two major concessions negotiated to promote inclusion of contingent groups that previously represented ideological stumbling blocks, "blue dog" Democrats and moderate Republicans. In late July, Democrat leaders cut a deal with conservative rank-and-file rebels to release the legislation from committee captivity. To ransom the hostage bill, they reduced the federal subsidies designed to help lower-income families afford insurance, exempted additional businesses from a requirement to offer insurance to their workers and changed the terms of a government insurance option.

To win support adequate for passage, they agreed to toughen restrictions on abortion funding, as demanded by an anti-abortion coalition of lawmakers backed by the U.S. Conference of Catholic Bishops. Before voting on the bill, the House passed an amendment to the pending legislation that prohibits federal funds for abortion services in the public option and in the insurance "exchange" created by the legislation.

Before the Senate agrees to pass health care legislation, they must also merge several bills currently being vetted. Prior to Senate Health Committee Chair Edward Kennedy's replacement by Tom Harkin, Democrat Chris Dodd and ranking Republican Mike Enzi approved a bill in July. The Senate Finance Committee Democrat Chair Max Baucus and ranking Republican Charles Grassley approved its bill on October 13th. Before delivering a Senate Bill to the White House, the Senate's Democrat Majority Leader Harry Reid and Democratic Whip Dick Durbin must first merge the various products while retaining enough of each bill's offerings to marshal momentum adequate for passage. The single greatest political obstacle facing the Senate leadership are issues related to the Public Plan (a government sponsored health insurance plan) as provided for in the House bill.

Allowing the government to compete with private insurers is anathematic to the Senate. Along with Republicans and whatever Joe Lieberman is, many Democrats are palpably uncomfortable with the prospect of establishing another taxpayer funded corporation, anticipating its potential evolution into an entitlement program. If they can't find a politically palatable version of the

Public Plan, Reid and Durbin may have to place it on the chopping block.

To circumvent this obstacle, the Democratic leadership is considering what's known as the "trigger option". A supporter of Health Care legislation, Republican Senator Olympia Snowe of Maine exclaimed that if premiums keep escalating and local health insurance markets remain in the grip of a few big companies over the next few years, she would support a government plan. Democrat moderates such as Senator Mary Landrieu of Louisiana agree, having stated "If the private market fails to reform, there would be a fallback position. It should be triggered by choice and affordability, not by political whim."

This federal "fooz ball" tournament won't impact anyone's health care decisions until the final changes proposed in these bills are enacted and approved by the White House sometime in the next year - or two. Notwithstanding, Medicare recipients are faced with more immediate concerns.

Medicare Prescription Drug Benefit Open Enrollment Period

The annual open enrollment period for the Medicare prescription drug benefit is underway and will continue from November 15 until December 31, 2009. During this period, those currently enrolled in a Medicare prescription drug plan have an opportunity to switch plans, or they can remain in their current plan - unless it is discontinued.

Many plans have made important changes to their benefits for the upcoming year, including changes to monthly premiums, deductibles, the drugs that are covered or included on the plan formulary, the costs of drugs (co-pays), coverage in the "donut hole" (a painful gap between basic and catastrophic coverage limits) and other policies that impact access to particular drugs. Many plans have altered requirements for prior authorization, step therapy and quantity limits. If you are satisfied with your current Medicare drug coverage, you need not do anything. However, since new plans with different options are now available in Broward and Miami-Dade, Galt Mile residents should re-evaluate their current plans, taking into account factors such as coverage policies, monthly premiums and their specific drug needs.

Several free resources, both online and over the telephone, are available to assist you in choosing a Medicare prescription drug plan or comparing your plan with others available in Broward County. They include:

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- **Medicare Website Tools** Available on the Medicare website (www.medicare.gov), are two important on-line tools and advice about skirting the infamous "Donut Hole" coverage gap, including:
 - * **Medicare Options Compare and Medicare Prescription Drug Plan Finder** The Plan Finder will allow you to identify plans in Broward or Miami-Dade and to compare your plan with others available to you. Importantly, the Plan Finder will identify which plans cover the drugs you take and includes features that provide you with an estimate of your out of pocket expenses for each plan you review, including the costs of specific drugs. Information on estimated monthly mail order drug costs compared to retail drug costs is also available. The Plan Finder also rates the plans based on a number of different factors.
 - * **Formulary Finder** The Formulary Finder enables you to identify plans in your state that cover the drugs you need.
 - * **Lower Your Costs During the Coverage Gap** This section of the site provides tips on how you can lower your out-of-pocket costs, including through assistance programs.
- **www.MyMedicareMatters.org** Sponsored by the The National Council on Aging (NCOA), the Access to Benefits Coalition (ABC) and AstraZeneca, this web-based decision-making tool offers information about Medicare Drug Plans, staying healthy and Medicare coverage basics. A section called "Review 2010 Choices" focuses on why those currently enrolled in a Medicare prescription drug plan should consider changing plans, when it is appropriate to do so and how to pick a new plan. For those initially seeking a plan, "Start with 7 Simple Steps" explains eligibility, how to evaluate current drug coverage, cost, and how to pick a plan. The site provides links to Medicare's Prescription Drug Plan Finder and instructions for using the Plan Finder tool.
- **Medicare Hotline, 1-800-Medicare** Call Medicare's toll-free hotline, 1-800-MEDICARE (1-800-633-4227) 24 hours a day, 7 days a week

Blue Dog Democrats Barter Amendments In House Healthcare Bill.



for English and Spanish-speaking customer service representatives prepared to answer questions about the Original Medicare Plan and approved health plans currently available. TTY users please call 1-877-486-2048.

- **Medicare & You 2010** Information about the Medicare program, including the prescription drug benefit, can be found in the 2010 edition of the Medicare & You handbook, which was mailed to all Medicare beneficiaries in October, 2009. Since the handbook is traditionally misplaced in Medicare households, it is also available online at

<http://www.medicare.gov/publications/pubs/pdf/10050.pdf>. The handbook includes tips on selecting a plan and an

overview of plan options. Those already enrolled in a Medicare drug plan should have received an Annual Notice of Change that describes changes in the benefits offered by your current plan.

- **State Health Insurance Assistance Program (SHIP)** SHIP is a national program that offers one-on-one counseling and assistance via telephone and face-to-face interactive sessions to people with Medicare and their families. For Galt Mile residents, the Florida Department of Elder Affairs provides administrative and management support for the SHIP program. The eleven Area Agencies on Aging serve as partners with the Area Volunteer Coordinators in developing and overseeing the program and arranging for training of SHINE (Serving Health Insurance Needs of Elders) volunteers. The Elder Helpline toll-free number (1-800-963-5337) provides access to counseling statewide. For Snowbirds – to find SHIP offices in other states, go to www.shiptalk.org.
- **MAPRx** Medicare Access for Patients Rx (MAPRx) is a coalition of patient, family caregiver and health professional organizations committed to safeguarding the well-being of patients with chronic diseases and disabilities under Medicare Prescription Drug Coverage. MAPRx member organizations collaborate with

national and state policymakers to ensure that beneficiaries can access medication therapies they need and deserve. The MAPRx website, www.maprx.info, provides helpful information and answers to questions. It also includes a list of useful Florida resources for additional assistance.

Additional Financial Help is Available

Extra Help in paying for Medicare prescription drug costs is available for those with limited incomes, including through the Social Security Administration and via many other little-known public and private sources.

Social Security Under the Medicare Prescription Drug benefit, you may be eligible for Extra Help to pay for all or most of the premiums, annual deductible and co-payments. Continued on page 9

You automatically qualify for Extra Help if you receive Supplemental Security Income (SSI) and have Medicare; receive Medicaid and have Medicare; OR your state pays your Medicare premiums. You also may qualify and can apply for Extra Help through the Social Security Administration (SSA), www.ssa.gov. People with Medicare may qualify for Extra Help if:

- Annual income is limited to \$16,245 for an individual or \$21,855 for a married couple living together. If you support other in-residence family members, have earnings from work, or live in Alaska or Hawaii, the income limits increase.
- Resources (bank accounts, stocks, bonds, etc.) must be limited to \$12,510 for an individual or \$25,010 for a married couple living together. A house, a car, a \$1,500 burial allowance (for singles) or a \$3,000 burial allowance (for couples) are all excluded from consideration.

If your income or assets exceed the stated limits, you should still apply for Extra Help. The Social Security Administration considers other deductions that enhance eligibility. To quickly and easily determine your eligibility for Extra Help, call Social Security at 1-800-772-1213 (TTY 1-800-325-0778) to apply over the phone or to request that an application be mailed to you, visit the SSA website (www.ssa.gov) or your local Social Security office.

BenefitsCheckup.org Another online tool sponsored by the National Council on Aging, www.benefitscheckup.org will allow you to search for private and public programs that can help you pay for prescription drugs and other health care costs.

Pharmaceutical Assistance Programs Many pharmaceutical manufacturers have organized assistance programs for people, including those enrolled or eligible for the Medicare Drug benefit.

- **Medicare Pharmaceutical Assistance Program Site** Visit <http://www.medicare.gov/pap/index.asp>, to search manufacturer assistance programs sorted alphabetically by drug name.
- **TogetherRxAccess.com** This coalition of 18 pharmaceutical manufacturers along with medical supplies and equipment manufacturers provides assistance for drugs used by people without drug coverage. Visit www.TogetherRxAccess.com.
- **Partnership for Prescription Assistance** Another coalition of pharmaceutical companies, providers and charitable organizations, the Partnership for Prescription Assistance (www.PPARx.org) offers a single point of access to more than 475 public and private patient assistance programs, including nearly 200 offered by pharmaceutical companies. Eligible participants receive free or reduced-cost prescription medicines.
- **State Pharmaceutical Assistance Programs** At least 21 states offer assistance with paying drug plan premiums and/or other drug costs. Unfortunately, Florida isn't among them. Inasmuch, I included this info primarily for snowbirds and snowflakes. To learn if your "other" state has a program, visit <http://www.medicare.gov/spap.asp>.

Please Note: Assistance programs have eligibility requirements. Some apply income/resource limits, some are specific to people without any form of drug coverage and others are unavailable to those who are eligible for Medicare. Verify a program's access requirements first! Warning: There are other companies that offer to connect consumers to these same programs for a fee - some of which use or mimic their names and logos without permission. The programs listed will help you find assistance free of charge. You will never be asked for money!

To easily access all the web sites discussed in this article, go to the GMCA web site (www.galtmile.com) and click "Healthcare Update and Medicare Deadline" headline in the center column of the home page. The ensuing article provides links to free and discounted prescription drug benefit sites. •

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RENT

By Eric Berkowitz

NEW TENANT PROTECTION LAW IMPACTS ASSOCIATIONS

If you've been preoccupied with a hunt for cross-dressing Nazi operatives in the Obama Administration, rumors that rookie Supreme Court Justice Sonia Sotomayor endorsed wholesale castration to socially re-engineer Western Culture, and allegations that federal health care initiatives are a collaborative product of East German Stasi expatriates, Chilean DINA deportees and former SAVAK agents, perhaps you are unaware of the newly passed "Protecting Tenants at Foreclosure Act of 2009". The Federal Deposit Insurance Corporation (FDIC) did a respectable job of nutshelling the new law, describing its impact as follows:

- All tenants must receive a 90-day notice before being evicted as the result of a foreclosure.
- With some exceptions, the law requires that in the event of foreclosure, existing leases for renters are honored to the end of the term of their lease.
- The stated exceptions are for tenants without a lease, tenants with a lease terminable at will under state law, or where the owner acquiring the property will occupy it as a primary residence. In these cases, the tenants must receive a minimum of 90 days notice to vacate the property.
- This law does not affect the requirements of any state or local law that provides longer time periods or other additional protections for tenants.
- The new law does not require any agency to issue implementing regulations; these protections apply to foreclosures after May 20, 2009.
- FDIC examiners will monitor and enforce compliance with the requirements of this law in the same manner as other consumer protection laws and regulations.

Characterizing tenants as "innocent victims of the foreclosure crisis," Senators John Kerry, Kirsten Gillibrand, Harry Reid, Christopher Dodd, Edward Kennedy, Barbara Boxer, Jeff

Merkley and Richard Durbin sponsored an amendment to a mammoth housing bill, the "Help Families Save Their Homes Act of 2009" (S. 896). They filed Senate Amendment 1036 (S. Amdt. 1036), the "Protecting Tenants at Foreclosure Act" to legally insulate hard-working tenants living in foreclosed properties from consequential dispossession. The Tenant's Rights amendment survived a May 6, 2009 Senate Vote of 57 yeas, 39 nays and 3 not voting. Later that day, the parent Housing Bill overwhelmingly passed through the Senate by a vote of 91 yeas, 5 nays and 3 not voting. On May 19, 2009, the House of Representatives also voted the bill favorably, with 367 yeas, 54 nays and 12 not voting. It was signed into law the next day by President Obama and designated Public Law 111-22.

The new Act effectively inserts a tenant-friendly "non-disturbance clause", common in commercial leases, into a residential context inclusive of condo and co-op rentals. The recessionary real estate environment has nurtured a variety of exploitive landlord/tenant relationships. Speculators actively dodging foreclosure measures have packed unrented units with friends and relatives, hoping to cloak incriminating paper trails and derail foreclosure proceedings while inequitably forcing neighbors to financially absorb their defaulted obligations. Conversely, many rental units are legally leased to legitimate tenants. The new law aspires to discriminate between warrantable tenancies and speculator smokescreens.

The law is applicable only to "bona fide" leases and tenants. The act states that a lease or tenancy shall be considered bona fide only if:

1. the mortgagor under the contract is not the tenant;
2. the lease or tenancy was the result of an arms-length transaction; or

Continued on page 11

3. the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or moderated by any federal, state or local subsidy.

In other words, the law protects any person who entered into an arms-length, market value lease prior to a served notice of foreclosure, provided that the tenant is neither the mortgagor nor a relative/friend/accomplice of the served titleholder/landlord. Bogus tenancies and/or rental agreements are ineligible for any protections described in the act. The law is scheduled to sunset on December 31, 2012.

When confronted by "bona fide" tenants, new owners that intend to occupy units as primary residences can plan on moving in 90 days after serving notices to vacate, despite the terms of any existing leases. If titleholders do not intend to occupy the units, they must honor the full terms of any existing leases, provided that the tenants continue to make timely rental payments. In a recent Community Advocacy Network (CAN) alert, Association Attorney Donna Berger considered how the changes could affect associations.

One association impact of the new law inures to "nuisance" tenants that interfere with association operations and/or repeatedly violate association rules despite having been properly warned and legally noticed. When a foreclosing association or bank previously issued a post-sale writ of possession to an abusive tenant, the troublemaker had to make tracks posthaste and the dilemma was discharged. Under the new law, a minimum notice of 90 days is prerequisite to an eviction. How much longer it could take after that depends upon the length and legitimacy of the lease and whether the new titleholder plans to move in.

Most foreclosing associations will gladly continue to collect a market-value rental income from "bona fide" tenants. However, Berger admonishes that new untested laws traditionally breed abuse. If the tenant claims that the rent was fully pre-paid in cash to the former owner/landlord and therefore seeks exemption from further payments, Donna argues that such arrangements are not representative of an arms-length transaction – especially in the current economic climate – thereby denuding the tenant of the act's protections. Oral agreements also lack credibility as arms-length contracts. If a "bona fide" rental arrangement is governed by a renewable monthly lease or a lease with three months or less remaining prior to expiration, a properly noticed tenant can be ousted after 90 days.

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Bogus FHA Website Scams Galt Mile Residents

By Eric Berkowitz

Senior AmeriFirst Underwriter Theresa Schultz forwarded an email with an importance designation of "High" to Broward Coalition President Charlotte Greenberg on October 28, 2009. Given her fiduciary responsibilities, Terri is recipient of official informational bulletins from the Federal Housing Administration (FHA) and the U.S. Department of Housing and Urban Development (HUD). The message was originally from Congressional Liaison Cheryl Marken of HUD's Miami Field Office.

Addressed to "HUD Partners and Elected Officials," Marken's email states: "HUD's Web team has confirmed that the site www.fhamodification.com is NOT a HUD site. The site has good information (all copied from legitimate HUD sites), but when you click on 'contact us' we do not know who 'us' is. The proper HUD authorities are investigating this matter, and

I do not know if anything can be done other than preventing unauthorized entities from using HUD's seal, but it is important that you know this site is out there and not affiliated with HUD or FHA." The message closes with a warning, "FORE-WARN your friends, family or neighbors of this recent HUD warning to stay away from company listed."

Of the three Galt Mile residents who recently sent emails to the Galt Mile Community Association asking about the fraudulent website simply entitled "FHA Modification", only one had already divulged personal data. She was referred to the Federal Trade Commission (FTC) to hopefully limit the damage wrought by these identity thieves. The web is ablaze with sites similar to www.fhamodification.com. Impressively bedecked with HUD and FHA logos, the site would pass even informed scrutiny as an official government offering. In fact, it is a "phishing" website.

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VICE MAYOR BRUCE ROBERTS'S thanksgiving **NEWSLETTER**

"District 1 Commissioner and Vice Mayor Bruce Roberts carved his public persona from a passionate commitment to public safety. The City's former Police Chief pursued that objective throughout a lengthy career in law enforcement. He opens and closes his November 2009 Newsletter with reference to another municipal force preoccupied with Public Safety, Fort Lauderdale's Department of Fire-Rescue. He characterizes the new Fire Station located at Executive Airport as a "state-of-the art fire-rescue and training facility" that houses the City's new Emergency Operations Center (EOC). The Newsletter's parting shot recruits participation in the Department's Annual Thanksgiving Food Drive, enumerating the City's Fire Stations that serve as collection locations for non-perishable foodstuffs.

Roberts considers the municipal impact of three events - one that has long been identified with Fort Lauderdale and two new opportunities that will likely provide some relief to the local economy. Although it suffered a 30% drop in attendance compared to last year, the jury is still out as to whether the besieged local marine industry considers the recent 50th Annual International Boat Show to be a positive or negative industry indicator. The upcoming Pro Bowl and Super Bowl events scheduled for Land Shark Stadium in Miami, however, are pure fiscal gravy.

Ordinarily held in Hawaii, it is impossible to know how much Fort Lauderdale will siphon from the \$28 million that the Pro Bowl historically dumps into the surrounding local economy, which is squarely centered in Miami. A one-time occurrence, Hawaii has successfully negotiated a recapture of the event for next year and thereafter. Following on the heels of the Pro Bowl appetizer, the Super Bowl is the world's largest special event. While Miami will accrue the lion's share of the expected \$350 million injection into the local economy, Fort Lauderdale and other nearby communities will enjoy this serendipitous fiscal shot-in-the-arm. On January 30th, one day before the Pro Bowl, Fort Lauderdale residents with or without tickets can watch team preparations at an open practice at Lockhart Stadium (1350 N.W. 55th Street). This unprecedented alignment of the two events is expected to enhance the local economic benefit exponentially. Greater Fort Lauderdale Convention & Visitors Bureau President Nicki Grossman stated that the Pro Bowl "could mean an additional \$150 million for local businesses on top of the impact from the Super Bowl." From her lips to God's ears... read on... - [editor]"

FROM THE DESK OF VICE MAYOR BRUCE G. ROBERTS

Within the last few months, I have taken several tours of the Executive Airport to view the facilities, operations and the new Fire Department. It is the newest public safety building recently opened on the grounds of the airport. The station serves the Executive Airport and the surrounding community, and includes an engine company, EMS unit, aircraft rescue and firefighting apparatus, the fire-rescue training bureau and the City's new Emergency Operations Center (EOC). The new station replaces former Stations 53 and 88, which were combined to create this state-of-the art fire-rescue and training facility. The Fort Lauderdale Executive Airport serves over 200,000 aircraft operations per year, one of the busiest General Aviation airports in the country and the 61st busiest airport overall. Over 700 aircraft, including 115 jets and 37 helicopters, make Executive Airport their year-round home. It also contains a 24-hour FAA Air Traffic Control Tower, an Instrument Landing System, U.S. Customs & Border protection service, Police Substation and 24-hour contract security, hotel, conference and restaurant facilities on the grounds or within one mile, over 1.3 million square feet of office and warehouse space in the Airport's Industrial Airpark, and another 5 million square feet in the surrounding Uptown Business sector.

The 50th Annual International Boat Show was held October 29 through November 2, 2009. Total attendance was estimated at about 100,000, down from about 140,000 last year, according to Show Management, which produces the show. Sales figures were not immediately available, but the number of vendors was forecast to be down about 17 percent. Despite the drop in foot traffic, the show's organizers and


many vendors said the increased level of interest in new boats brightened the forecast for an industry that suffered major blows during the global economic downturn. The boat show, which is the largest in the world, serves as a bellwether for the year ahead for the maritime industries. The marine industries contribute an estimated \$18 billion to Florida's economy annually and over \$13 billion to Fort Lauderdale/Broward County. The economic impact of the boat show was estimated at \$500 million.

At the October 6, 2010 City Commission conference meeting, the City Commission gave tentative approval of a recommendation to declare portions of January and February 2010 an extraordinary special event for the Pro Bowl and Super Bowl, given the huge economic impact and prestige associated with the events. The City's economic well-being is substantially dependent upon tourism and greatly enhanced by attracting visitors to special events. The Super Bowl, the world's largest special event, is a major economic catalyst that will benefit the populace as a whole in the City of Fort Lauderdale as well as surrounding communities and charities.

Continued on page 22



Vice Mayor
Bruce Roberts



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Scam...Continued

In the field of computer security, phishing is the criminally fraudulent process of attempting to acquire sensitive information such as usernames, passwords, account numbers, Social Security Numbers and credit card details by masquerading as a trustworthy entity in an electronic communication. While most phishing expeditions are promulgated to access existing accounts, others seek to elicit names, addresses, telephone numbers, names of family members and identifying information useful for initiating new accounts. Ordinarily, an email is used as the hook, baited with an anxious admonition to confirm mottled bank account or credit card data, claim some mysterious refund, address an account threatened with suspension or verify a recent nondescript charge or withdrawal.

The "mark" is sent to a web site impeccably designed to mimic a credible and trustworthy institution, where logins, passwords, account numbers, email addresses, etc. are cheerfully harvested by crooks that will either sell the data or simply bang away at the newly accessible accounts. Although the websites of banks and Online Payment Services are traditionally simulated, the scam is metamorphic, adapting to take advantage of opportunities indigenous to the economic climate. As such, many recent rip-offs were socially engineered to exploit lucrative real estate and mortgage lending opportunities.

After acquiring email lists either stolen and brokered on the black market or purchased from mostly questionable commercial data purveyors such as First Data Solutions or 1st Source Information Specialists, Inc., the scammers usually cast a wide net, randomly hooking a few victims. If a customized list enumerates clients of a particular financial institution, the more targeted variation of the scam is known as "spear phishing". After TD Ameritrade announced in September 2007 that their database of 6.3 million customer email addresses, account numbers, dates of birth, telephone numbers, Social Security numbers and trading activity was hacked, the thieves decided that the stolen information would be geometrically more valuable if packaged with user names and passwords. They launched a follow-up spear fishing attack. To help violated customers contend with the resulting blizzard of baited spam (junk emails), the company purchased \$6 million of spam-blocking software from Trend Micro Internet Security.

When an attack is directed at certain high profile business targets such as senior executives and major stockholders, the term coined for such ambitious enterprise is "whaling". A Survey conducted by leading information technology firm "Gartner Research" found that during the 12 months prior to August 2007, 3.6 million people in the United States lost \$3.2 billion to phishing assaults.

Continued on page 15

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Scam...Continued

By inserting links to an often imperceptibly misspelled URL or subdomain, bogus websites imitative of those managed by HUD, Fannie Mae, FHA and a wide variety of mortgage banks are soaking additional \$billions from unsuspecting on-line targets. The current economic turbulence has nurtured a battery of predatory mortgage bottom feeders, foreclosure frauds and other recovery-related scams conducive to phishing. When mimicked institutions that actively monitor the internet discover a fake internet presence, they simultaneously alert customers (potential victims) and report the suspected website to the authorities. Unfortunately, the international nature of these crimes undermines implementation of a concerted effective response to violators. Almost half the thefts in 2006 were committed by groups operating through the St. Petersburg-based "Russian Business Network", a legally bulletproof web host for sites specializing in child pornography, patent piracy and other variants of cybercrime.

In March, HUD found a site that bilked \$millions from unwitting mortgage clients, <http://bailout.hud.gov.us/>. To demonstrate the international nature of this criminal enterprise (as officially classified by the FBI in 2004), the Domain name

was registered in Germany and the site was hosted in California. Newspapers and local governments nationwide issued releases warning readers and constituents against potential victimization. On March 30, 2009, the Federal Trade Commission (FTC) won a Stipulated Preliminary Injunction, freezing the site's assets.

Since then, the FTC has been closing similar sites at a healthy pace. As evidenced by the recent HUD warning, the phishing business is adequately lucrative to outlast these disjointed deterrent strategies. For a few hundred dollars, rudimentary familiarity with HTML (Hypertext Markup Language - the main coding language on the internet) and lust for a quick buck, any slime ball can set up a phishing bear trap. Since rooting them out is only useful for limiting the prospective damage, it is imperative that people never respond to online requests for personal information. To avoid victimization, first install good virus protection software. Some downloadable freeware versions are adequate for this purpose and most internet service providers offer free online or email protection (including Comcast and AT&T). If an email or an instant message stirs concern about any of your accounts, call the bank or credit card issuer and make an inquiry. Protecting yourself is seldom that simple. DO IT!•

“On Tuesday, November 10, 2009, at approximately 9:18 am, a guest staying at The Galleon was caught up in the undertow, swallowed a large amount of water, and nearly drowned.”



RIP CURRENTS STALK **SEASONAL VISITORS**

By Eric Berkowitz

On November 11, 2009, Galleon General Manager Marcy Kravit notified the Galt Mile Community Association about a near-drowning that occurred the previous day. After consulting with Galleon Board President Donna Oppert, she decided to safeguard the privacy of those individuals involved in the incident by withholding any identifying information. In her correspondence, she states:

“On Tuesday, November 10, 2009, at approximately 9:18 am, a guest staying at The Galleon was caught up in the undertow, swallowed a large amount of water and nearly drowned. The victim was saved by a fellow Galleon resident and another swimmer nearby. Those individuals were recognized for their heroic efforts. The Fort Lauderdale Police and EMS arrived on the scene and treated the swimmer. The Fort Lauderdale officers and paramedics that had arrived in record time were extremely professional and proficient in handling the situation. They had a tough time convincing the individual to be treated and transported to a nearby hospital for further observation. Rip currents can pull swimmers away from the shore line and can sweep even the strongest swimmer out to sea.”

A survey conducted last year polled South Florida residents about the greatest source of danger at the beach. While sharks and jellyfish took the top spots, with ultraviolet radiation (too much sun) grabbing an honorable mention, respondents snubbed the single greatest cause of death at the beach. Rip currents kill hundreds of people in the U.S. each year – mostly Floridians – and thousands worldwide. 8 out of 10 beach fatalities result from rip currents. They are also precedent to more than 80% of the 70,000 rescues performed annually by surf beach lifeguards.

The Galleon incident was one in a seemingly endless procession of local drowning deaths and close calls ascribed to rip currents. Last March, 41 year-old Kevin Booser was swimming near 1735 N. Atlantic Blvd. off Fort Lauderdale Beach when caught by a rip current just after 11:45 a.m. After the visitor from Hershey, Pa. was dragged ashore by friends and lifeguards, paramedics transported him to Broward General Medical Center, where he was pronounced dead. In April, 73 year-old Washington D.C. Attorney Charles Schulze noticed two children struggling with the rough surf near South Ocean Boulevard off Pompano Beach. After charging in and guiding Joshua (9) and Benjamin Anderson (12) of Penfield, N.Y. around a rip current, he succumbed. Despite CPR revival efforts by Pompano lifeguards that scrambled from several blocks away, the “hero” septuagenarian was pronounced dead at Holy Cross Hospital. One month later, a visiting Dutch couple was rescued from rip currents in Lauderdale-By-The-Sea, one of five similar near-fatal LB-TS incidents within 24 hours. Lauderdale-By-The-Sea averages 5 rip current drowning deaths every year.

Continued on page 17



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Rip Currents...Continued

Closer to home, Southpoint visitor Emile Buzhager (62), Plaza East unit owner David Czelusniak (61), and long-time resident Joseph Boghos of Regency Tower (79) were among Galt Mile rip current fatalities during the past few weeks. I knew Joe well. He founded Joseph's Middle East Bakery, Inc. in Lawrence, MA, the largest supplier of pita bread on the East Coast. He used to love handing out pita bread to hundreds of grateful beachgoers. Another favorite pastime was swimming in the ocean. Although a brilliant former technician at MIT's Lincoln Laboratories, Joe didn't know the simple technique to escape a rip current, and paid with his life. Were it not for spontaneous Samaritan heroics of the type exhibited at The Galleon, the morbid list would be further bloated by a score of victims from almost every local beachfront association. And the beat goes on...

Marine Land Mines

Rip currents proliferate at "surf" beaches around the world, such as those lining the Atlantic and Pacific coasts, the Great Lakes, and the Gulf of Mexico. Often mischaracterized as undertows and rip tides, these currents can last from a few minutes to a few hours, although adjacent groins or jetties can extend rip currents for days. Close to the beach, rip currents are narrow (30-60 feet wide) and gradually widen as they extend offshore. The velocity of the water can be as high as 5 MPH (8 KPH), substantially exceeding sprint capabilities of the fastest Olympic swimmers.

As waves travel from deep to shallow water, they break near the shoreline into two component currents, a longshore current that travels along the shoreline and rip current that travels back to the open ocean. From the perspective of beachgoers, these currents are largely benign until obstructed by natural or man-made obstacles such as depressions, groins, jetties and sandbars. The resulting deflection concentrates (strengthens) the flow in certain areas

while dissipating (weakening) it in others. The interaction of this strong and weak wave activity creates circulation cells that vary in size and strength according to the configuration of the obstruction. Longshore currents that smash into a groin or jetty will aggressively deflect seaward as rip currents. However, the rip currents reputed internationally as killers result primarily from wave interaction with sandbars and channels.

When high winds push waves over a near-shore sandbar, gravity strains to pull the water back out to sea. A series of wind-propelled waves – and the sandbar – serve to obstruct the accumulated water from naturally evacuating. Eventually, the tons of trapped water will start to flow sideways along the shore, forming a longshore current. If you've ever gone swimming and suddenly found yourself inexplicably far afield from your blanket on the beach, you've had a first-hand experience with a longshore current. Longshore currents are also major players in the tidal erosion that carries our beach sand south, creating the need for intermittent renourishments.

Eventually, the pressure creates a break in the sandbar, through which the longshore currents can barrel out to sea. As this pent-up water funnels through the break, it develops incredible strength. SHAZZAM – this is the rip current worthy of Post Office wall notoriety. As a channel is opened in the sandbar, the surrounding water becomes visibly murky due to "sediment mixing". Rip currents can also be identified by the uninterrupted seaward movement of objects or foam on the ocean surface. Wave heights appear lower and choppy in rip currents than in the surrounding water. A beachfront marked by several parallel offshore streams of bubbly foam is indicative of multiple breaks in the underlying sandbar – each one fomenting a rip current.

Continued on page 20

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TUE

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<p>13 2009 Pompano Beach Holiday Boat Parade 6 p.m. Intracoastal Waterway Info.: 954-941-2940</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>14 Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p> <p>Holiday Fantasy of Lights (Through 1/2) Tradewinds Park</p>	<p>15</p>	<p>16</p> <div data-bbox="1409 390 1588 642" data-label="Image"> </div>
<p>20</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>21</p> <p>Santa on the Beach/Candy Giveaway Fort Lauderdale Beach Park (1100 Seabreeze Blvd) 12:45 p.m.</p>	<p>22</p> <p>Fort Lauderdale City Commission Meeting City Hall 6 p.m.</p>	<p>23</p> <p>Phantom of the Opera (Through 1/17) Broward for the Performing Arts Tix.: www.browardcenter.org</p>
<p>27</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>28</p>	<p>29</p> <p>Radio City Christmas Spectacular starring the Rockettes BankAtlantic Center Tix.: www.ticketmaster.com</p>	<p>30</p> <p>11th Annual Ocean Dance 2009 Hollywood Beach 954-921-3274</p>
<p>3 Quadrantid Meteor Shower</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p>	<p>4 GMCA President's Council Meeting TBA 7:30 to 9 p.m.</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Cardinal Gibbons High School, Media Room 6 p.m. Info.: 954-828-5033</p>	<p>5</p> <p>2010 FedEx Orange Bowl Land Shark Stadium 8 p.m. Info.: www.orangebowl.org</p>	<p>6</p>
<p>10</p> <p>Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>11</p>	<p>12</p>	<p>13</p> <div data-bbox="688 1581 1547 1885" data-label="Image"> </div>

**FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT
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ONE SOURCE FOR COMMUNITY HAPPENINGS

THU

FRI

SAT

17 BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

18 Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.
Info.: 954-776-5092

19

G.M.C.A. Advisory Board Meeting
Nick's Italian Restaurant
11 a.m.

My Mother is Italian, My Father's Jewish
& I'm Home for the Holidays
(Through 12/20)
Broward Center
Info.: www.browardcenter.org

Santa Visits Wray Home with Holiday Music
(Through 12/20)
Flamingo Gardens
Info.: www.flamingogardens.org

24

25 Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.
Info.: 954-776-5092

26 Resolution 5K Run
Hugh Taylor Birch State Park
7 a.m.
Info.: www.gflrc.org

Kosher Comedy Tour
Broward for the Performing Arts
Tix.: www.browardcenter.org

31

New Year's Eve Downtown Countdown
SW 2nd St.
Info.: 954-828-5363

1

International Gem & Jewelry Show
(Through 1/3)
War Memorial
Info.: 301-294-1640

2

Las Olas Art Fair - Part 1
(Through 1/3)
Las Olas Blvd.
10 a.m. to 5 p.m.
Info.: 954-472-3755

7

BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

8

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

9

Scottish Festival & Highland Games
Ft Lauderdale Stadium
8 a.m. to 8 p.m.
Info.: 954-577-9010

11th Annual OceanDance 2010
(Through 1/8)
Hollywood Beach
Info.: 954-921-3274

Ft Lauderdale Collector Car Auction
(Through 1/10)
War Memorial
Info.: 561-533-7945

Boca Fest
(Through 1/10)
The Shops at Boca Center
10 a.m. to 5 p.m.
Info.: 954-472-3755

14

G.M.C.A. Advisory Board Meeting
Nick's Italian Restaurant
11 a.m.

15

Jazz on the Square
The Village Grille
Commercial Blvd. & A1A
7 p.m.

16

BINGO
Southpoint's North Lounge
(3400 Galt Ocean Dr)
7 p.m.
\$5/person for 3 boards

2nd on 2nd Thursdays Block Party
200 Block SW 2nd Street
5 to 9 p.m.
Info.: 954-468-1541

Fort Lauderdale Orchid Show
(Through 1/17)
War Memorial
Info.: 954-563-3548

Downtown Delray Beach Festival of the Arts
(Through 1/17)
1111 East Atlantic Avenue, Delray
10 a.m. to 5 p.m.
Info.: 954-472-3755

UPCOMING EVENTS IN OUR AREA

January 20 - 24
Capitol Steps
Broward Center of the Performing Arts
Tix.: www.browardcenter.org

January 22 - 24
4th Annual International Chocolate Festival
Featuring Coffee and Tea
Fairchild Tropical Botanic Garden, 9:30 to 4:30 p.m.
Info.: www.fairchildgarden.org

January 30 - 31
Florida Sportsman Fishing & Boat Show
War Memorial Auditorium
Info.: 954-828-5380

January 30 - 31
Fort Lauderdale National Art Festival
Huizenga Plaza and Las Olas Blvd., 10 a.m. to 5 p.m.
Info.: www.moaflnsu.org

February 11
2nd on 2nd Thursdays Block Party
200 Block SW 2nd Street, 5 to 9 p.m.
Info.: 954-468-1541

February 13 - 14
South Florida Depression Glass Show
Emma Lou Olsen Civic Center, Pompano Beach
Info.: 305-884-0335

February 14
Valentine's Concert with Jon Secada
Fairchild Tropical Botanic Garden
Info & Tix.: 305-663-8058

March 6 - 7
Las Olas Art Fair - Part II
Las Olas Blvd between SE 6th Ave and SE 11th Ave
Info.: 954-472-3755



The Key to Survival

Despite the best efforts of lifeguards, unheralded Samaritans and other first responders to rescue dozens of ensnared local residents and visitors each year, the obituaries continue to mount – mostly for fatally unprepared visitors. These events occur with such alarming regularity that they rarely rate more than a paragraph in the local police blotter (the Galleon incident went unnoticed). They are like marine ghost stories, occasionally woven into discussions at seaside bars and dramatically revised around oceanfront condominium swimming pools. Ironically, a little knowledge could have prevented the vast majority of these tragedies. Had the hapless victims resisted their initial instinct to swim back to shore against the current, most could have survived.

Most new Galt Mile residents are armed with little more than a hand-waving knowledge of rip currents. Many are as inadequately prepared for a confrontation as their guests and visitors. As deadly as rip currents are, they are eminently survivable – if you stay calm and know exactly what to do. Inshore rip currents are highly localized events, ranging in width from 30 to 60 feet. To escape, either tread water or float while allowing the rip current to carry you out (they tend to dissipate just outside the breaking surf). Once free of its grip, either wait for help or swim around the rip current and back to shore.

By swimming or floating parallel to the beach for 15 to 20 yards before returning to shore, anyone can easily circumvent these deadly marine artifacts. Unfortunately, since most people that become caught in a rip current are unaware of the circumstances surrounding their predicament, they panic and try in vain to swim against the current. Rip currents do not pull people under water, only away from the shore. Drowning deaths occur when victims overcome by exhaustion are no longer able to remain afloat.

Since the City of Fort Lauderdale is fiscally incapable of providing lifeguard oversight along its entire shoreline, the Galt Mile Community Association Advisory Board considered some pro-active alternatives. The Florida Department of Environmental Protection designed a Uniform Beach Warning Flag system to alert swimmers about water conditions at the beach. Some of the flag symbols are intuitive (green flag: low hazard, calm conditions; yellow flag: medium hazard, moderate surf and/or currents; red flag: high hazard, rough conditions, strong surf and/or currents (rip currents). Others require some interpretation – purple flag means marine pests are present (i.e. jellyfish) and a double red flag (red over red) means get out of the water NOW - and stay out.

Goal: One Year – No Obits

Upon investigating the prospective implementation of this warning system along the Galt Mile by individual beachfront Associations, objections were raised by several of the associations' insurance carriers. In effect, placing warning flags on Association property heightens the Association's liability, potentially increasing premium costs.

Alternatively, some associations have posted rip current admonitions on bulletin boards, web sites and association newsletters. Since these venues primarily target residents and tenants, the benefit is somewhat limited. In her letter, Ms. Kravit correctly advocates reaching those most vulnerable to a catastrophic misjudgment, stating, "It is important to educate seasonal residents and out of town guests that are beach goers entering into hazardous waters." Not surprisingly, visiting guests comprise South Florida's single largest victim pool.

Most associations tailored handouts for guests and visitors that outline the Association's rules. In 2007, the Galt Mile Community Association recommended that information dedicated to surviving rip currents be incorporated into those handouts. Unfortunately, some association boards declined, again citing insurance concerns.

To sidestep any prospective liability, instead of distributing survivability information on official association documents, some associations have deployed rip current content created by the National Weather Service (NWS). Available in English and Spanish, their posters and flyers are



A set of monthly time-exposure images from Agate Beach, Ore. – some of the first time-exposure photographs that launched the rip current studies – shows how dynamic rip currents and sand bar systems can be, changing dramatically from one month to the next. Rips are most common in spring and early summer. (Photo courtesy of Rob Holman)

extremely simplistic with accompanying graphics that are easily interpretable by children and teenagers with nanosecond attention spans. Available on the NWS website are several free printable variations of this material (<http://www.ripcurrents.noaa.gov/signs-brochures.shtml>).

To help penetrate the cynical indifference that visiting vacationers tend to reserve for native customs, local regulations and condo rules, when security or office personnel pass out the flyer, they should take 20 seconds to read aloud the few lines that describe how to escape a rip current and additionally ask short-stay visitors if they have any questions. Twenty seconds in exchange for one less obituary – not a bad Holiday trade-off. Almost every Galt Mile resident who has lived here for more than a few years has a friend, neighbor or family member who was either threatened or killed by rip currents. If every association treats this danger with the respect it deserves, we may finally rack up our first year ever without an avoidable drowning death. Have a wonderful – and SAFE – Holiday Season.

For additional information about rip currents, go to the GMCA web site (www.galtmile.com) and click the headline "Rip Grabs Galleon Guest" in the center column of the home page. Scroll through article to a full set of rip current links. FYI:

Governor Charlie Crist has declared that June 6 - 12, 2010 is rip tide awareness week in the state of Florida. •



Happy Holidays

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ASSOCIATION**

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Roberts...Continued

- For the first time in history, the NFL Super Bowl headquarters and media center will both be located in Fort Lauderdale.
- For the first time in history, the Pro Bowl will be held at the same venue as the Super Bowl.
- For the first time in 30 years, the Pro Bowl will be played in the continental United States.

This event will provide an excellent opportunity to focus attention on Greater Fort Lauderdale's sporting venue, which is a desired amenity to many businesses and residents. The economic impact of the most recent Super Bowl was pegged at \$350 million. The impact of the last Pro Bowl was reportedly \$28 million. The average Super Bowl attendee spends four nights in a hotel. Of the attendees, 85% are from another state, 70-90% arrive by plane and the average fan spends \$1,500 - \$2,000 during his/her stay.

Thanksgiving is right around the corner and the Fort Lauderdale Fire Rescue's 37th Annual Thanksgiving Food Drive is underway. The City of Fort Lauderdale Fire-Rescue Department and the Firefighters Benevolent Association invite you to donate non-perishable food and share the spirit of Thanksgiving with Fort Lauderdale families in need. Now through Saturday, November 21st, non-perishable food may be donated at any Fort Lauderdale Fire-Rescue Station from 8 a.m. to 7 p.m., seven days a week. Donations are also being accepted at the Firefighters Benevolent Hall and Fort Lauderdale City Hall during regular office hours. Stations: Station 2 - 528 N.W. 2nd Street, Station 3 - 2801 S.W. 4th Ave., Station 13 - 2871 E. Sunrise Blvd., Station 16 - 533 N.E. 22nd St. in Wilton Manors, Station 35 - 1841 E. Commercial Blvd., Station 46 - 1121 N.W. 9th Avenue, Station 47 - 1000 S.W. 27th Avenue, Station 53 - 2200 Executive Airport Way and Station 54 - 3200 N.E. 32nd Street. •

Rent...Continued

"Bona fide" or not, if a tenant fails to pay the rental obligation, the association/landlord will have to navigate an often onerous eviction process, replete with questionably recoverable legal fees. Berger recommends that associations notify their attorneys immediately after foreclosing a tenanted unit, whether or not the tenant is in default. If payments aren't received as required in the lease and the tenant slips into default, the attorney must be prepared to initiate the removal process by issuing the appropriate default notice. A rapid response will lighten the burden on the other association members since they must ultimately compensate for the defaulted association income.

Berger focuses on a tactic useful for functionally abbreviating or eliminating altogether the 3-month waiting period, a potential sales deterrent. The law allows new owners to immediately serve any tenant with the 90-day notice upon taking title, whether or not they intend to occupy the unit. If the new owner subsequently sells the unit to a purchaser that intends to occupy the unit, the buyer will not have to wait 90 days to move in - only the balance of time remaining from the original 90-day notice. The seller's actual intentions with regard to occupying the unit become legally irrelevant. For example, if the resale closing is scheduled on the 90th day of the initial notice, the purchaser can move in immediately.

The act moves the law a bit closer to a feudal English real property system known as Attornment, wherein a new landlord had to obtain consent of a tenant prior to the alienation of land. Given the reciprocal relationship between landlords and tenants, it was considered unreasonable to subject a tenant to a new landlord without approval. Abolished in 1705, Attornment also extended to lifelong lessees. As currently utilized, the term refers to an acknowledged landlord-tenant relationship. •



Senators Kerry and Dodd
Discuss the Tenant Rights
Amendment



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