

GALT MILE NEWS

JULY 2012

THE OFFICIAL NEWSLETTER OF THE GMCA



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PRESIDENT'S COUNCIL Season Finale - *Devil in the details*

By Eric Berkowitz

Tackling an overstuffed agenda in the final Galt Mile Presidents Council meeting before the summer hiatus, officials from 22 of the 27 Galt Mile associations heard from a panoply of public officials and local bureaucrats. Along with updates by State and County representatives, reports from member associations about shared operational stumbling blocks and a spot review of the failed 2012 omnibus association bill, a team of municipal officials helped defuse community enmity over enigmatic threats mailed by the City to unit owners and their associations. After apologizing for the ill-conceived correspondences and clarifying the message that was lost in the subsequent flare-up, officials from building services, code compliance, and the City Manager's office attempted to unravel contradictions that clouded vague municipal policies. Going forward, they would work cooperatively with Commissioner Roberts and Association officials to quell confusion and facilitate mutual objectives. Kicking off the proceedings was District 91 Statehouse Representative George Moraitis, who distinguished himself in his 2011 rookie year by shepherding his Omnibus Association Bill to fruition.

Rep. George Moraitis: The Association Bills

Moraitis' star rose within a year of winning the District 91 Statehouse seat vacated by Elyn Bogdanoff when she ran for the District 25 Senate seat formerly occupied by Florida CFO Jeffrey Atwater. Months after his election, Community Advocacy Network (CAN) Executive Director Donna Berger (Managing Partner at Katzman Garfinkel & Berger - KG&B) and Becker & Poliakoff (B&P) lobbyists Peter Dunbar and Travis Moore decided to collaborate on four association bills built around Elyn Bogdanoff's groundbreaking 2010 legislation quashing a \$multi-million mandate to retrofit sprinklers in high rise associations.

1195. Backed by the two legal powerhouses and coordinated statewide support from millions of association members, the bills empowered associations to punish deadbeats, prevent speculators from forcing their neighbors to subsidize their defaults, streamline bulk purchases to diminish a bloated statewide unit inventory and reverse dozens of expensive and counterproductive legislative glitches enacted in previous years. On June 16, 2011, Moraitis was recognized by a grateful coalition of community associations as "Legislator of the Year."

Feeding on the infectious enthusiasm generated by his first-year legislative triumph, Moraitis decided to use the same formula to further empower associations in 2012. Teaming with newly elected Senator Elyn Bogdanoff and buoyed by unprecedented support from millions of condo and co-op owners, his House Bill 319 was poised for success. Drawing on impressive legal clout and a busload of political influence, as his bill whizzed through House Committees, Bogdanoff's Senate counterpart followed suit. In addition to allowing associations to postpone retrofitting their elevators with Phase II Firefighter Service until their next modernization (when the cost becomes negligible), fast tracking impact glass hurricane protection, suspending voting and use rights for delinquent unit owners and deadbeat speculators and providing Cooperative homeowners with statutory rights that previously only benefitted condo owners, the bills corrected glitches affecting the maintenance of association records, Board member certification and association recalls. Suddenly, the music stopped.

When a legal problem dogs an association, a good attorney can give its members a new lease on life. However, when attorneys opt to believe that they are better equipped to make decisions for an association than its members, it's time to reboot the process. A conflict over a statutory provision that spelled out a lender's financial obligation when foreclosing association properties suddenly took center stage in Moraitis' high-flying bill. Called the "Safe Harbor" amendment, it limits what a foreclosing bank must pay in association dues to "12 months of the unit's unpaid assessments or 1 percent of the original mortgage debt, whichever amount is less." This crushingly inequitable statutory guideline has been manipulated by lenders to push hundreds of associations into receivership.

The final legislative configuration teamed Senator Mike Fasano's Senate Bill 530 with Representative George R. Moraitis' House Bill

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COMMISSIONER BRUCE ROBERTS



June 2012 Newsletter

Commission Recess Please note that the Commission will be on recess break from Wednesday, July 11th through Friday, August 17th. During that time, staff will still be here to assist you, however, Commission will not be in session and meetings will not be scheduled.

Some Important Dates to Keep on Your Calendar Include

- Joint Commission And Budget Advisory Board Workshops - Quarterly Meeting Dates - August 27 AND December 10 (the quarterly budget meetings are tentatively set for the dates listed and have been set for the 8th Floor Conference Room and NOT the Chambers due to audio issues for the audience).
- Starlight Musicals (Started June 15 and will run through August 3): 7-10p.m. - Football Field/Holiday Park - please go to <http://www.fortlauderdale.gov/events/starlight/starlight.htm> for the 2012 Entertainment Schedule.
- July 4th Extravaganza: Join the 4th of July Celebration at A1A and Las Olas - starts at 1p.m. with family activities, and ending with fireworks starting at 9p.m. Go to <http://www.fortlauderdale.gov/events/july4/index.htm> for more information regarding this wonderful family event!
- July 10 Commission Meeting (has been changed from July 3rd due to the 4th of July Holiday): City Manager's Proposed Budget will be presented.
- August 20: First Pre-Agenda Meeting AFTER Summer Recess (Imperial Point Hospital)
- August 21: First Commission Meeting AFTER Summer Recess
- September 5 and 18: Public Hearing Dates for FY 2013 Millage and Budget for City of Ft. Lauderdale and Sunrise Key Improvement District.

City Attorney Search After a brilliant career, our current City Attorney, Harry Stewart, has retired. The process in searching for a successor will be conducted in a manner similar to the one we utilized when looking for a new City Manager. A citizen search committee was selected to assist an outside consultant review resumes, conduct interviews and prepare a short list of candidates for examination by the Commission. The consultant selected by the Commission is Bob Murray & Associates. This is the same firm we hired to select our current City Manager and the same firm that conducted the search for the Broward County Attorney. The City Attorney Search Committee had their first meeting on Friday, June 15th where they had member introductions and elected a Chair and Vice Chair. They also discussed the City Commission Resolution, Sunshine Law Overview and Rules and Procedures, as well as the schedule for regular upcoming meetings. I will keep you up to date on the Committee's search for a new City Attorney.

Sun Trolley Update Our numbers are finally going up on the Galt route. TMA staff did a complete readjustment of this route in July 2011. Without a marketing budget, this increase can be attributed to our very loyal riders spreading the word. Our Community Bus agreements were approved by the City Commission on June 5, 2012, and delivered to Broward County Transit in time for inclusion on the June 26 County Commission meeting. This is a \$93,000 positive impact to our annual budget.

Hurricane Season has started - now is a good time to remind everyone to make sure you are ready. I know that I am repeating this article; however, it is very important for residents to prepare. Though only a few may lose power, we cannot forget the damage that even a tropical storm can do. Part of this preparation should include creating a disaster plan and assembling a disaster supply kit. The kit should include at least three days' worth of water (one gallon, per person, per day) and non-perishable food for each person in your family. Other essential supplies you should have readily available include: a can opener, flashlights, a battery-operated radio, batteries, cash, pet supplies, medications, extra eyeglasses, contact lenses and supplies for people with special needs. For a complete list of emergency supplies and other preparedness tips, visit the City hurricane website at <http://www.fortlauderdale.gov/hurricane/index.htm>.

Fort Lauderdale: Our City, Our Vision You are invited to join us imagining the Fort Lauderdale of the future! The City has embarked on a very exciting visioning process and your participation is key to our success. We welcome all ideas - big and small. There will be many ways to participate over the next few months. Our visioning team is available to assist. You can contact them at 954.828.5289 or neighborsupport@fortlauderdale.gov to schedule a presentation and help your group get engaged! Visit the new interactive website to share your big ideas, vote on what you like, and chat with your neighbors: ourvisionftl.com

Townhall Meeting As part of the Community Visioning Process, Telephone Town Hall Meetings have been planned for the residents and each Commissioner. The live Telephone Town Hall Meeting is part of Fort Lauderdale - Our City, Our Vision, a citywide initiative to develop a vision for Fort Lauderdale. Neighbor participation is critical to the success of the initiative to ensure the vision reflects input from the entire community. The public input gathered will help identify priorities and generate a shared vision that will provide direction for future policy and decision-making. City residents with listed home phone numbers will receive a phone call prior to the start of the Telephone Town Hall Meeting. Those that are available and wish to participate can stay on the line to ask a question or listen to the discussion. A recorded message with directions on joining the call will be left for residents that do not answer. Alternatively, residents can also call the toll free number (855) 269-4484 from their home or cell phone to participate. Moving forward, the City will continue to coordinate opportunities to engage residents and encourage public participation in the visioning process.

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In response, cash-strapped associations hired specialized collection attorneys to challenge lenders who exploited safe harbor protections in order to stiff associations and force their unit owners to pay the bank's ignored obligation. Using a variety of unorthodox tactics, some lawyers proved in court that the bank's claim to title was faulty or fraudulent, enabling the judge to award title to the association. Since a client association's very survival was often at stake, others flirted with extortion and blackmail by hinting that the local bank branch would be shunned by its unit owner customers if word leaked out that the lender cheated their association, forcing its unit owners to subsidize the lender's unpaid dues.

Becker & Poliakoff, despite a deep roster of association clients, also represents Bank of America, HUD and other "A" list mortgage lenders. Rationalizing a need to "protect associations from themselves" and exhorting that angry banks may hit back, firm attorneys insisted that Moraitis add language to his bill confirming that associations were not entitled to one cent more from lenders than delimited by the safe harbor provision. Executive Director Yeline Goin of CALL (Community Association Leadership Lobby), B&P's advocacy stepchild, warned that deep-pocketed banks would countersue or threaten to choke financing in the association market (a threat repeatedly leveled by the lending industry to intimidate lawmakers). Despite their obvious conflict of interest, B&P arguments resonated with Moraitis, a real estate attorney who feared being blamed for threatened lender reprisals. Not surprisingly, it wasn't nearly as popular with the vast pool of association supporters who asked "Why is a pro-bank provision in an association bill?" Ironically, their question became the bill's epitaph.

Ignoring its negative impact on his credibility and hoping to win points for sticking to his guns, Moraitis stubbornly refused to sever the controversial provision from his bill.

The results of a CAN poll released in the February 2012 edition of the Florida Community Association Journal suggested that 82% of the bill's association supporters perceived the provision as a favor to B&P's lender clients. Since the bill had already survived a full House vote and Bogdanoff's sister bill (Senate Bill 680) enjoyed good support in the Senate, bill proponents surmised that it could weather a deep split in support if they nervously stood by Moraitis and his allied "legal muscle" while momentum propelled it across the finish line.

They ignored a factor that was staring them

in the face since day one of the session. Florida Senators were not about to risk alienating voters they might need to survive a redistricting process they could no longer manipulate. After flipping through dozens of angry emails from his hometown Space Coast constituents on the final day of the legislative session, Senate President Mike Haridopolos decided that Moraitis' safe harbor provision was political cyanide. Following a 60-second conscience-testing epiphany, Haridopolos drop kicked the bill off the Senate calendar, consigning it to the Tallahassee cornfield.

Having recounted his legislation's disappointing implosion, Moraitis promised the Galt Mile audience to revive the failed bill in the upcoming 2013 legislative session. After admitting that dropping the divisive safe harbor language could have salvaged the bill's positive provisions (and chalked up another impressive "first term" win), Moraitis shifted focus to his efforts on behalf of Port Everglades.

Moraitis Protects the Port

When the Panama Canal is reconfigured to accommodate super-sized transports, tankers and cruise ships in about two years, plummeting shipping costs will significantly shift newly ramped up international patterns of commerce. Port Everglades will have to compete with other East Coast and Gulf ports for an impending trade windfall that could deliver a steroidal jerk to the State and local economic recovery. Moraitis pointed out that while tourism continues to play a major role in the regional economy, it has been nosed out by the Marine Industry. "Port improvements enhance both of these economic engines," exclaimed Moraitis.

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Port Everglades Undergoes Infrastructure Enhancements

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Finale...Continued

In preparation for the projected August, 2014 completion of the canal's expansion, ports in Savannah, New Orleans, Norfolk, Baltimore, Miami, the Port of South Louisiana (tonnage king of U.S. ports) and Port Everglades are racing to adapt their facilities for berthing and offloading oceangoing monsters carrying two to three times the cargo of the largest vessels currently able to navigate the canal. Despite a gubernatorial death grip on the State budget, Representative Moraitis was instrumental in lining up state funding for the construction of a turning notch, deepening and widening the port channel and development of an Intermodal Container Transfer Facility. Moraitis stated "These improvements will bring \$billions in new revenues and tens of thousands of new jobs to Broward County and the State." He's right. It will.

Commenting on the port's new leadership, Moraitis acknowledged "I'm pleased with the Broward Commission's appointment of Steven M. Cernak as new Port Director." Cernak, who doubled revenues while serving as Director of the Port of Galveston before recently taking the reins from retiring Port Everglades Director Richard Allen, just completed similar structural improvements in Galveston, where he deepened the channel from 40 to 45 feet. In Port Everglades Cernak plans to enlarge the channel to the 50-foot depth required for Post Panamax shipping (nomenclature for ships that are 25% longer and 50% wider than the largest vessels able to pass through the canal). Instead of continuing to divert cruise ships to Miami when port facilities are overloaded, Moraitis described a \$54 million renovation project for four cruise terminals that Cernak is building in partnership with the Carnival Corporation.

While collaborating on the association bills, Moraitis and Bogdanoff also teamed to promote legislation needed by the Broward Commission to enable local projects. Keeping a promise to the Galt Mile Community Association, Moraitis safeguarded vulnerable state funds appropriated to renourish our shrinking beach. He also described his funding efforts for other Broward infrastructure projects, including the Fort Lauderdale-Hollywood International Airport expansion. Before issuing a reminder about his upcoming Statehouse campaign, the incumbent candidate detailed plans to "continue building local economic infrastructure, bring more jobs to Broward, improve educational opportunities and fight for better access to healthcare right here at home."

Chip LaMarca's Staffers

The meeting segued to Broward Commissioner Chip LaMarca's representatives, Commission aide D. Ryan Saunders and recently hired District Director John David Newstreet. After introducing himself and describing his previous service to Senators Mel Martinez, George LeMieux and Ocala Congressman Cliff Stearns, Newstreet invited attendees to contact him with any County concerns. LaMarca's staffers recognized Plaza South resident Terry Claire, who the Commissioner appointed to the Broward County Library Advisory Board given her leading role in repeatedly rescuing the Galt Ocean Mile Library from the County budget axe. After promising that LaMarca will keep the local library's doors open, Saunders shot off a reminder about the key role played by his boss in reviving the threatened Beach Renourishment project.

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Bruce Roberts and the City Team

Galt Mile President Pio Ieraci introduced District 1 City Commissioner Bruce Roberts, who opened by enumerating a litany of municipal issues impacting the Galt Mile community. Referring to the new panhandling ordinance, Roberts asserted "It doesn't target homeless people; it targets illegal activity, whether or not the perpetrator is homeless." The ordinance outlaws aggressive panhandling when a request for money is couched in an implied threat. Roberts also clarified that the law recognizes that being homeless doesn't entitle people to treat public parks like their private property. In addition to establishing a set of citywide panhandling prohibitions, it bars any soliciting in the downtown Business District - mirroring a 1993 ordinance that shields the Fort Lauderdale beach from panhandlers.

Thanking Commodore resident José "Chepo" Vega for his ongoing efforts to maintain the Galt Ocean Mile neighborhood in a "Disney-like manner," Roberts lamented the recent explosion of "Utility Graffiti" on the street and sidewalks. He imparted plans to arrange a meeting with Damage Prevention Liaison Sergio J. Clavijo of Sunshine State One-Call, contractors responsible for the admittedly improper markings, the utilities they work for and Galt Mile officials.

Prehistoric Open Permits

Accompanied by a team of City officials with ties to the Building Division, Roberts addressed two festering neighborhood hot potatoes. With the help of Fort Lauderdale Building Services Manager Terry Burgess, Roberts sought to explain why Galt Mile associations and unit owners received letters threatening financial retribution for unresolved construction permits opened in their names. With few exceptions, construction performed in Fort Lauderdale requires a permit issued by the building department. Along with defining a project's scope and verifying contractor credentials, the permit forms a basis for follow-up City inspections to insure that the work was properly completed. When the project passes a final inspection, the permit is closed, precluding further work without a new permit. Unfortunately, contractors don't always complete the process, leaving the permit in limbo.

When City Manager Lee Feldman streamlined the City's organizational table, folding 16 bloated bureaucracies into 9 more manageable departments, staffers uncovered a truckload of construction cases that were inadequately closed out. Closer scrutiny revealed hundreds of open permits, in many cases going back decades. Since most property owners know little about regulatory documentation required for construction projects, they were understandably flustered by an official municipal correspondence threatening penalties for jobs performed years earlier. Correcting these oversights isn't simply an exercise in overzealous record keeping protocols; unresolved permits discovered during a title search become impediments to selling (or buying) a property.

Targeted unit owners were suddenly required to locate contractors who were no longer in business or had shuffled off their mortal coils. Building managers and board members were confounded by letters describing repairs to equipment that had been discarded years earlier. The Galt Mile Advisory Board requested that Commissioner Roberts investigate this dilemma. A few months later, he was applauded for informing association officials that the City would only actively pursue open permits going back to 2007.

At the Presidents Council meeting, when Roberts repeated his take on the City's open permit policy, Building Services Manager Terry Burgess added that all permits had to be closed for properties being sold - notwithstanding when they were originally issued. Troubled by seemingly contradictory messages, association officials requested clarification. Admonishing that open permits serve as serious obstacles to selling a property, Burgess tried to surgically excise the discrepancy by proclaiming "While all open permits have to be closed, we are only actively pursuing those going back to 2007."

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It didn't work. However, before audience grumbling could coalesce into complaints, Burgess diplomatically invited those burdened with much earlier permits to contact him, promising to fast track closure. Every association official in the audience scrambled for a pen and paper as Burgess said "You can reach me at 954-828-5913." His email address at the Building Services Division is TBurgess@fortlauderdale.gov. For those association officials who knew little about Burgess, his decisive remedy helped validate his recent ascendancy to the top spot in Building Services.

Hatchling History

Roberts jumped on the second hot button issue. In Mid-April of 2007, Galt Mile associations received official notices from the Building Services Department that threatened financial penalties for not extinguishing lighting on parking decks, patio decks and other association areas. Several association managers called Building Services and asked if they could turn off the lights listed in the notice. Building Services told them that doing so would elicit a violation notice; that they were required by law to light these areas. Armed with letters and tapes proving that a City Department was planning to violate beachfront associations for leaving their lights on and/or turning them off, the neighborhood association voted to leave the lights on and commence an action against the City. First, they would contact Building Services and give them an opportunity to explain their seemingly schizophrenic behavior.

Code Compliance Officer Al Lovingshimer, City liaison to the Florida Fish and Wildlife Conservation Commission, apologized for the misunderstanding and explained about a virtually unknown City ordinance passed to enable sea turtle survival. A few days later, officials from several City departments asked to address the neighborhood association and further explain the dilemma. At the subsequent May 7, 2007 Presidents Council meeting, former Building Department Community Inspections Manager Catherine McCaffrey (currently an Assistant Parks and Recreation Director) apologized to attendees for the ill-advised violation notices and introduced Facilities Manager Tom Terrell from Public Works and Environmental Services' Kris McFadden to explain the threat posed by artificial lighting to nesting sea turtles and their hatchlings. After detailing the evolutionary basis for marine turtle "Disorientation Events," Broward County Natural Resource Specialist Lou Fisher answered questions about how people and sea turtles perceive light differently. City officials and the neighborhood association agreed to explore a resolution to the lighting dilemma.

In subsequent meetings, Lovingshimer and Galt Mile officials negotiated a process that balanced the needs of sea turtles with those of local residents and their associations. By respecting the security concerns of unit owners and the financial constraints of their associations, the mutually conceived plan cured 90% of the Galt Mile code violations by the following November. Taken by cancer a few weeks later, Lovingshimer was posthumously named "2007 Code Enforcement Officer of the Year" by former Building Department Director Valerie Bohlander on November 20, 2007.

An open channel between the Galt Mile Association and code compliance successfully addressed turtle-safe lighting issues over the next three years. As a rule, when a violation was reported, the compliance officer would work with the association to cure the infraction inexpensively and in a manner that didn't compromise resident safety. If a violation involved a major fixture, such as a parking deck lamp, the officer would recommend an inexpensive shield to temporarily deflect light from the beach. When the fixture approached the end of its useful life and was budgeted for replacement, the association would incorporate a turtle-safe substitute into its lighting plan. By blending short and long term solutions, associations achieved compliance without incrementally burdening budgets or creating a gauntlet of dangerous tripping hazards.

In late 2010, personnel changes in City government left a vacuum in city policy that crippled the process. With no guidance from the City, when newly elected board members and/or new managers who were oblivious to the ordinance evaluated their associations' lighting needs, they applied for and received City approval for lighting elements that once again endangered sea turtles. As compliance unraveled over the next year, no attempt was made by the City to revive the process they unilaterally slammed shut a year earlier. Soon after the Turtle Nesting Season began in March, associations began receiving threats from code compliance reminiscent of those that sparked the 2007 conflict. The adage that "those who forget history are doomed to repeat it" assumed a special significance as resident resentment over the belligerent violation notices exploded overnight.

Code Officers Clear the Air

Fortunately, one code compliance officer who originally participated in the 2007 negotiation realized that the communication lapse would rekindle the acrimony that blistered the neighborhood five years earlier. After an April 25th conference with Galt Mile representatives he worked with during the 2007 negotiations - Compliance Officer Mario Sotolongo reached out to Building Services Manager Terry Burgess. At the May 17th Advisory Board meeting, Galt Mile officials and District 1 Commissioner Bruce Roberts explored defusing a growing community rancor fueled by the mailed threats. Having witnessed how quickly this misstep deteriorated into a neighborhood polemic five years ago, Roberts suggested a comprehensive vetting of this issue at the upcoming June 4th Presidents Council meeting.

To help address this conflict, Commissioner Roberts and Building Department head Burgess asked veteran Building Official Chris Augustin and code officer Sotolongo (who currently serves with fellow officer Dick Eaton as City liaison to the Florida Fish and Wildlife Conservation Commission) to join them at the neighborhood caucus. Also invited was Greg Brewton, the longtime Guru of Planning and Zoning before his elevation to Director of the Department of Sustainable Development, parent agency to the Building Services and Code Enforcement Divisions. Since Department heads take their marching orders from City Manager Lee Feldman's office, Assistant City Manager Suzanne Torriente filled out the city delegation. Tempering an impressive set of management skills with common sense, Torriente works with Brewton to insure that his Department and its Divisions constructively implement and execute City policy.

Given his reputation for amicably settling scores of potentially volatile Galt Mile turtle lighting violations, Burgess introduced Mario Sotolongo. The code officer apologized for the confusion resulting from the violation notices. After reviewing the purpose for the turtle-safe lighting ordinance, Sotolongo surprised a skeptical audience when he exclaimed "We will never achieve compliance with this law." The room muted as Sotolongo continued "We need to find a balance that's fair to you while providing for the survival of sea turtles. Correcting lighting violations doesn't have to be expensive and should never sacrifice



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personal safety." After inviting notice recipients to contact him, he offered his assurance that "By working together we can always find a solution that works for everyone." For association representatives that failed to record his contact info, Sotolongo's telephone number is 954-828-6326 and can be reached by email at MSotolongo@fortlauderdale.gov. Following his conciliatory missive, Sotolongo opened the floor to questions.

In a knee-jerk initial spate of jeers and complaints, members contemptuous of the City's 2007 decision to darken A1A without enhancing a local police presence blamed the city for the concomitant spike in crime along the beach. Several members complained about safety and security dilemmas created by the ordinance. Others vented about a poorly balanced policy that pits residents against sea turtles. When Assistant City Manager Suzanne Torriente and Commissioner Roberts intimated their intention to revive a framework that will enable code officers to work constructively with each association to address compliance issues, the rancor abated.

Several audience members asked why areas roughly 30 feet wide were being cordoned off around every turtle nest on the beach, observing that 2 or 3 such nests rendered the beach impassable, even at low tide. GMCA President Pio Ieraci described a letter he received from Beach Raker, the Pompano vendor responsible for daily beach maintenance along the Galt Mile shoreline. At several coastal sites where adjacent turtle nests were each encircled by a 30-foot exclusion zone, the All-Terrain Vehicle (ATV) used to pull the sand rake was forced to drive through the surf in order to pass the otherwise blockaded beach.

Ieraci contacted Natural Resource Specialist Lou Fisher of the Broward County Environmental Protection and Growth Management Departments, inquiring why the restricted zones were expanded to 30 feet. A Marine Biologist who spearheads the County's Sea Turtle Program, Fisher agreed that the buffer zones were excessive. Since the sole purpose for erecting warning signs and roping off nest areas is to deter curious beachgoers from disturbing the nest, handling the eggs and/or interacting with the hatchlings, only one in five nests will be measured for the large buffers going forward. 80% of the interdicted zones will be sized more closely to the nest, eliminating the obstacle to beach maintenance while providing beachgoers and turtle watchers unfettered access to the unrestricted beach area.

Notwithstanding their beef with the City, most Galt Mile residents are innately protective of their sea turtles. One night last July, when some kids began digging at nests between Regency Tower and Playa del Mar, residents from both buildings yelled from balconies high above that they were calling the police. One idiot began raining down chicken bones, olive pits and assorted detritus presumably filched from her garbage. Within minutes, the nests were surrounded by unit owners who were soon joined by the Galt Mile Security patrol.

Although Presidents Council meetings are ordinarily adjourned at 9 PM, the atypically congested agenda for this seasonal finale ran past 11 PM. Following the palliative outreach by our municipal officials, President Don Larson and Manager Lisa Edwards of Coral Ridge Towers North gave a progress report about employee benefits. Larson volunteered to investigate the perks and pitfalls of treating this shared expense collectively to exploit a bulk discount. Unfortunately, time constraints precluded scheduled presentations by several local vendors.

Summer Assignment

With the parties now on the same page, Roberts' next challenge is morphing good intentions into a palpable policy. On June 12, Roberts' Commission Assistant Robbi Uptegrove began scheduling the first of several meetings with City, State and association officials to address Utility Graffiti, revive a non-contentious turtle-safe lighting process and flesh out the procedural outline for closing open permits.

continued on page 12

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If the July 24th "Utility Graffiti" conference engineered by Uptegrove is even moderately successful, its impact will ripple across the state since hundreds of other Florida communities are equally chafed by contractors who fail to remove markings that blight their streets and sidewalks. If we work throughout the summer, by autumn we may also have viable processes for permit closure and turtle-safe lighting compliance. Having set the table for comparably controversial forums, both Roberts and Uptegrove know that the Devil is in the Details. •

Bruce...Continued

Each City Commissioner will host a Telephone Town Hall Meeting in the coming months. Extensive public outreach to neighborhood and business associations, churches, students, advisory boards and others will also be conducted through the use of "meetings in a box" and a citywide Neighbor Summit planned for the fall. I am scheduled to be the host on Monday, August 1, 2012, 6:30p.m.

Go Solar! is part of a Department of Energy (DOE) initiative, which strives to make solar energy cost-competitive with other forms of energy by the end of the decade. Broward County is one of only 22 governments in the nation to receive funding for the SunShot program. Several state and local organizations are also participating in the program, including Florida Power & Light, Broward County School Board, Broward League of Cities, Broward County Board of Rules and Appeals, State Office of Energy, and Florida Solar Energy Center. The Go SOLAR! Broward Rooftop Solar Challenge aims to reduce the installation costs of solar energy systems; contribute toward the widespread, large-scale adoption of this renewable energy technology; and restore the U.S. leadership in the global clean energy race. One of the goals is to streamline the permitting processes, making available best management practices for zoning codes, connecting solar power to the electric grid, and increasing access to financing. Broward County and other municipalities participating in Go SOLAR! will clear a path for rapid expansion of solar energy and serve as models for other communities in the state of Florida and across the nation. Broward County will present a general overview of the program in preparation of a July 10, 2012 agenda item requesting approval of an inter-local agreement for building permit-related services to be performed by the Broward County Permitting, Licensing and Consumer Protection Division.

Free Prescription Discount Card Your city government in collaboration with the National League of Cities brings this prescription discount card to you. Nine out of 10 pharmacies nationwide participate in this program, including many in your city. You can save an average of 23% off the regular retail price of prescription drugs. You and your family may use your discount card anytime your prescription is not covered by insurance. There are no restrictions and no limits on how many times you may use your card. As part of this program, you will also be eligible for higher discounts on select medications. To get program information, locate a pharmacy, look up a drug price, or access health resources visit www.caremark.com/nic or call toll-free 1-888-620-1749. This IS NOT an insurance card.

Highlighting Your Neighborhood As a reminder, a few months ago I mentioned that we would like to highlight events occurring in your neighborhood in each publication so that we could share it with other neighborhoods in District 1. I know there are special things going on that others would love to hear about! Examples would be awards and recognitions for area residents, businesses, community involvement, birthday celebrations of 99+, etc. Please email Robbi if you would like to share!

City Charter Amendments As a result of the work done by our Charter Review Board, and after receiving community input, your Commission has agreed to place the following proposed Fort Lauderdale Charter issues on the November 6, 2012 General Election ballot:

Municipal Elections Should the Charter of the City of Fort Lauderdale, Florida, be amended to eliminate municipal primary elections and to provide for municipal elections in conjunction with the general election in November 2018 and every four years thereafter, to provide for the mayor and commissioners elected in 2015 to serve until their successors are elected and qualified in the November 2018 election, and to provide for four-year terms for the mayor and commissioners beginning in 2018?

Sale of Surplus City-owned Property Should the Charter of the City of Fort Lauderdale, Florida, be amended to provide for the sale of surplus city-owned real property

Continued on page 13

PUBLISHER/ADVERTISING

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

EDITOR

Eric Peter Berkowitz

PRINTER

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for affordable housing or economic development purposes without the necessity of establishing a minimum acceptable value or competitive bidding? Such sale shall be approved by a unanimous vote of the City Commission.

Herbal Incense/Bath Salts The Commission has asked the City Attorney to draft an ordinance to ban the sale and distribution of these potentially dangerous mind-altering substances to the greatest extent possible.

Office Contact Robbi Uptegrove – 954-828-5033;
email: ruptegrove@fortlauderdale.gov.

Commentary

"Record-worthy for its volume of content, Commissioner Bruce Roberts' late June 2012 Newsletter offers something for everyone. Two items warrant a closer look. The Commissioner stated that the Community Bus agreements approved by the City Commission on June 5, 2012 had a "\$93,000 positive impact to our annual budget". This holds special significance for Galt Mile residents. Also, the Bath Salts and Herbal Incense mentioned by Roberts are not Amway products. They form the backbone of a Smuti-billion worldwide street drug industry that has legally flourished for almost a decade.

Galt Ocean Mile Sun Trolley Stages a Comeback
As the economic downturn tightened its grip on Florida's fiscal neck in 2007, Tallahassee passed a tax reform package forcing local governments to muzzle tax and spend habits fueled by annual property tax windfalls that were suddenly eviscerated by the recession. While mandated to roll back their impending FY 2008 property tax assessments to FY 2006 levels, local governments were forced to cut taxes by an additional 3% to 9%, depending on their tax performance over the prior 5 years and measured against a statewide average. In short, cities and counties that most burdened their taxpayers were charged with providing commensurately greater relief.

In 2008, the Broward County Commission was charged with finding \$100 million in budget cuts to accommodate the statutory tax reduction. Placed on the block were any local bus venues wherein utilization didn't justify continued operation. Fort Lauderdale's community bus service – the Sun Trolley – is a project jointly sponsored by the Downtown Fort Lauderdale Transportation Management Association (DFLTMA) and Broward County Transit (BCT). Among the bus lines threatened with extinction was the Sun Trolley's Galt Mile route.

Unfortunately, the entire service suffered near-terminal neglect when entrusted to former Sun Trolley Executive Director Les Hollingsworth, who spent a good deal more time solidifying his own future than that of the community bus service. When invited to address neighborhood associations and civic groups, Hollingsworth confidently offered assurances that working together would salvage their besieged bus service. Evidently, making rounds to neighborhoods while repeating this mantra tested the limits of his management skills. Although the Galt Route met the County's contractual survival standard and despite his promise to affect its rescue, Hollingsworth instead expressed his heartfelt regrets before submitting a surreptitiously drafted termination notice! By the time that the DFLTMA Board realized that their Sun Trolley Executive Director was burning time, Hollingsworth's obscure management vision brought the project to the brink of disaster.

When Hollingsworth was finally pink-slipped, DFLTMA Executive Director Chris Wren stepped in as the Sun Trolley's Interim Director. Within months of Hollingsworth's long-overdue dismissal, District 1 Commissioner Bruce Roberts and Wren met with GMCA officials Pio Ieraci and Eric Berkowitz to discuss funeral arrangements for the condemned Galt Mile route. Ieraci, Berkowitz and Roberts convinced Wren to issue a temporary reprieve, and agreed to broker a series of meetings intended to identify new revenue sources. The concept was simple. Instead of carrying vacationers from Port Everglades and beachfront hotels to the usual touchy-feely tourist traps, if the routes were tailored to service the needs of local residents, it would not only boost ridership, but jump-start business for en route vendors stung by the economic downturn.

On September 15, 2009, the City signed a 3-year County contract with two one-year extensions to operate the Sun Trolley. Guided by constituent input aggressively solicited by Sun Trolley Managing Director Patricia Zeiler, Wren restructured the Sun Trolley to better connect shoppers, patients and other consumers with customer-needy vendors and service providers. By adding Holy Cross Hospital to the Galt Mile route, elderly or disabled residents from beachfront communities who "walked the pool" every morning could hop the Trolley to their regular afternoon Physical Therapy session. Extending the Galt Ocean Mile route south to the Galleria provided local residents with cheap and easy transportation to a world-class shopping venue and brought desperately needed new business to Macy's, Neiman Marcus, Dillard's and scores of smaller stores hoping to buttress a faltering customer base.

Continued on page 16

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<p>15 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p> <p>13th Annual Intl Mango Festival Brunch Fairchild Tropical Garden's Garden House 11 a.m. Tix.: 305-667-1651, ext. 3344</p>	<p>16</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.</p>	<p>17 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268</p> <p>Moonlight, Sea Turtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. For Dates.: 954-713-0930</p>	<p>18 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p> <p>Moonlight, Sea Turtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. For Dates.: 954-713-0930</p>
<p>22 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p> <p>Repticon: Reptile Expo The Box Expo Center (2231 Palm Beach Lakes Blvd.) Info.: 863-268-4273</p>	<p>23 The Fab Faux Parker Playhouse Tix.: parkerplayhouse.com</p>	<p>24 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268</p> <p>Moonlight, Sea Turtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. For Dates.: 954-713-0930</p>	<p>25 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>
<p>29 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>30</p>	<p>31 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268</p>	<p>1 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>
<p>5 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p> <p>Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985</p>	<p>6</p>	<p>7 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268</p>	<p>8 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>
<p>12 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166</p>	<p>13</p>	<p>14 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268</p>	<p>15 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p>

ADDITIONAL EVENTS

JULY 19 - 29: Cirque du Soleil Dralion, BankAtlantic Center, Tix.: www.ticketmaster.com
 JULY 19: Wine-Tasting Event, Museum of Art Las Olas, 6 p.m., Info.: www.moaff.org
 JULY 21: Saturday Nite Alive, ATA from Bubba Gumps north to the Ritz Carlton Hotel, 7 to 11 p.m., Info.: 954-564-8300
 JULY 24: Bugfest-By-The-Sea, Lauderdale-by-the-Sea (locations vary), Info.: 954-640-4209
 JULY 27: Symphony of the Americas Summerfest Concert, Broward Center for the Performing Arts, Tix.: 954-462-0222
 JULY 28 or 29: Orchid Culture, Including Basic Repotting & Mounting Demonstrations, Bonnett House, Reservations.: 954-703-2606
 AUGUST 4 - 5: West Palm Beach Antiques Festival, Americraft Expo Center - South Florida Fairgrounds, Info.: 941-697-7475

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UPCOMING EVENTS IN OUR AREA

<p>19 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards</p> <p>Moonlight, Sea Turtles, & You Museum of Discovery & Science 9 p.m. to 1 a.m. For Dates.: 954-713-0930</p>	<p>20 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Starlight Musicals Valerie Tyson Band (Rhythm & Blues) Holiday Park 7 to 10 p.m. Info.: 954-828-5363</p>	<p>21 Wet-N-Wild Weekend (Through 7/22) Flamingo Gardens 9:30 a.m. to 4:30 p.m. Info.: 954-473-2955</p> <p>Ft Lauderdale Antiques Collectors Faire (Through 7/22) War Memorial Auditorium For Dates.: 954-563-6747</p>
<p>26 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards</p> <p>Jon Bon Jovi and the Kings of Suburbia Hard Rock Live, 8 p.m. Tix.: 800-745-3000</p>	<p>27 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092</p> <p>Starlight Musicals Brat Pack (80's Rock & Dance) Holiday Park 7 to 10 p.m. Info.: 954-828-5363</p>	<p>28 An Evening with John Waters: This Filthy World Parker Playhouse, 7 p.m. Tix.: 954-462-0222</p> <p>Buckler's 6th Annual Craft Fair (Through 7/29) War Memorial Auditorium For Dates.: 386-860-0092</p>
<p>2 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards</p>	<p>3 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Starlight Musicals Brass Evolution (Show band) Holiday Park 7 to 10 p.m. Info.: 954-828-5363</p>	<p>4 Hillsboro Lighthouse Tour Sands Harbor Hotel, Pompano 8:45 a.m. to 2:30 p.m. Info.: 954-942-2102</p> <p>North Beach Art Walk A1A, 32nd AND 33rd Streets 7 to 11 p.m.</p>
<p>9 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards</p> <p>Def Leppard and Poison BankAtlantic Center Tix.: 954-835-7000</p>	<p>10 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p>	<p>11 South Florida Bike Expo (Through 8/12) Bank Atlantic Center Info.: 954-835-7000</p> <p>Beach Sweep Cleanup Bank Atlantic Center Info.: 954-977-2806</p>
<p>16 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards</p>	<p>17 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.</p> <p>Monster Jam (Through 8/18) BankAtlantic Center Tix.: 800-745-3000</p>	<p>18</p> <p>Bud Light Lime Volleyball Tournament (Through 8/19) 10 a.m. to 7 p.m. Info.: 954-294-7705</p>

August 24 - 25
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August 25
Ft Lauderdale Bus Loop
300 SW 2nd Street, Ft Lauderdale, 6 to 11 p.m.
Info.: 954-260-6194

August 31
Miami Fall Home Design And Remodeling Show
Miami Beach Convention Center
Info.: 305-667-9299

September 8
Beach Sweep Cleanup
9 a.m. to 12 p.m.
Info. and Locations: 954-474-1835



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ADDITIONAL EVENTS

First Saturday of every Month: Beach Cleanup, Commercial Blvd & the Beach LBTS, 9 to 9:30 a.m., Info.: www.lbts.com
 Second Saturday of every Month: Beach Sweep, 9 a.m. to 12 p.m., Info.: 954-474-1835
 Wednesdays: Yoga in the Garden, Bonnett House, 8 to 9 a.m., Info.: 954-563-5393 ext. 137
 Tuesdays and Thursdays: Yoga with Ali Hecht, Esplanade Park, 6:30 p.m., Info.: 954-732-0517
 Mondays and Wednesdays: Cardio Mix with Josh Hecht, Esplanade Park, 6:30 p.m., Info.: 954-732-0517
 Sundays: Tour-the River Ghost Tour, Stranahan House & Water Taxi, 7:30 p.m., Tix.: 954-524-4736

Bank of America.



The new strategy included seamless connections between existing routes, enabling Galt Mile shoppers to also access the Harbor Shops, Las Olas Boulevard and a host of other shopping destinations. As an ancillary benefit, this new connectivity boosted recreational utilization as well, as an increasing number of Galt Mile and North Beach (the Palms, etc.) condo dwellers realized that a Trolley ride to the Fort Lauderdale beach area or Las Olas Blvd was fast, cheap and free of parking problems. The healthy jump in ridership incentivized further expansion by the DFLTMA.

On January 18, 2012, Capital Planning Manager Barney McCoy of Broward County Transit (BCT) notified the County's 18 partner municipalities about the availability of additional funds for the Community Bus Service program. BCT raised these resources by tapping County Gas Tax funds, for which each participating municipality operates as a "pass-through" agency to its bus operators. Funds allocated to each municipality are, in turn, budgeted to their respective Community Bus Services.

Nearing the end of its three-year pact, the City wanted to get its fiscal ducks in a row before their planned consideration of signing the first one-year contract extension (from October 1, 2012 to September 30, 2013) at the June 5th City Commission meeting. In February 2012, Fort Lauderdale City staff submitted funding applications for almost \$93,000 on behalf of the Sun Trolley's parent agency, the Downtown Fort Lauderdale Transportation Management Association (DFLTMA).

Of the additional \$92,109 subsequently approved for the remainder of FY 2011-12, \$2,484 would offset a Las Olas Beach route deficit, \$27,945 would fund an additional trolley run for the Convention Connection route and a whopping \$61,680 was earmarked to provide the Galt Ocean Mile route with new Saturday and Sunday service. District 1 Commissioner Bruce Roberts sits on the DFLTMA Board of Directors (with fellow City Commissioner Romney Rogers).

Unfortunately, the \$61,680 scotched from Broward's Gas Tax monies fell short of the projected cost of adding weekend service to the Galt Ocean Mile Sun Trolley route. To remedy the shortfall, City staffers drafted an amendment to the Interlocal Agreement (ILA) between the City of Fort Lauderdale and Broward County that extended the contract. The Amendment housed a request for an incremental appropriation of \$19,918.08. Since no additional Gas Tax monies were available for the balance of fiscal year 2012, the request targeted Federal Transit Administration (FTA) grant funding to plug the anticipated deficit created by the Galt Mile route's weekend expansion. Specifically, the Broward County FTA Grant that currently funds the Convention Connection bus route. Since Wren's systemic reconfiguration interconnected the two routes, County FTA grant regulations allow Convention Connection funds to be used for the Galt Ocean Mile route. Wren, Roberts and the Galt Mile chalked up a win!

The Designer Drug Dogma

A second item in Roberts' newsletter explores the controversial availability of street drugs sold as Herbal Incense or Bath Salts. In a June 5th City Commission Agenda Report, the problem is described as follows: "Herbal Incense products are presently being sold legally to minors and young adults, in convenience stores in gas stations in our city. These substances are unregulated and contain unknown chemical compounds, which pose a potential threat to the health and welfare of the individuals consuming these products. There are several documented incidents that have drawn a concern to members of the community. Presently these substances are incapable of being tested to determine if the compounds contained therein are of an illegal nature. The Police Department is proposing an ordinance banning the sale and distribution of Herbal Incense products containing synthetic cannabinoids."

The City is not alone in moving to quash the sale of these products. The Broward County Commission is crafting legislation to ban "bath salts and synthetic cannabinoid herbal incense that mimic illegal drugs." At the federal level, after surviving a Senate vote on June 26th, the "Synthetic Drug Abuse Prevention Act of 2012", which bans these randomly formulated drugs nationwide was sent to the White House for President Obama's signature. Drafted by Senator Rob Portman (R-Ohio), the Act amends S. 3187 (Food and Drug Administration Safety and Innovation Act), a larger Senate FDA reauthorization bill.

Since they meet no discernible standard for chemical composition, pharmaceutical effect or manufacturing protocols, the products characterized as Herbal Incense and Bath Salts are better described as a broad range of designer pot, poisons and placebos unified primarily by their packaging and shared marketing outlets. While packaged like their therapeutic namesakes, the Bath Salts targeted by Federal, State and local law enforcement agencies are an assortment of narcotics reputed to be responsible for a Texas man chewing into his house-mate's dog, a man who broke into a Pennsylvania Monastery and stabbed a priest and a Washington man who shot his wife and suffocated his 5-year old son before blowing his brains across the room.

The crystalline forms of psychoactive chemicals that are packaged to emulate bath salts are commonly MDPV and mephedrone (a synthetic stimulant of the amphetamine and cathinone classes). Since they are often manufactured by enterprising sociopaths with little or no background in chemistry, it is equally possible for users to experience a drug high, a temporary or permanent psychotic break or an immeasurably painful death. Synthesized in 1929 and first sold as a street drug in 2003, mephedrone carved an online niche as a designer drug in 2007

and by 2010, was widely abused throughout Europe, virulently so in the United Kingdom.

One of a family of drugs derived from the khat shrub (widely chewed in Africa to produce a stimulant effect), Mephedrone was first declared illegal by Israel in 2008, followed by Sweden later that year. Within two years it was controlled in many European countries and in December 2010, the EU ruled it illegal. Although unscheduled in the United States, its status as an analogue of methcathinone (an illegal drug) empowers the DEA to unilaterally enforce controls under the Federal Analog Act, but only if provably sold for human consumption (good luck with that). On September 7, 2011, the DEA announced its intention to temporarily criminalize mephedrone, MDVP and methylone (a synthetic stimulant) pending receipt of authoritative medical feedback from the Department of Health and Human Services.

MDVP (Methylenedioxypropylvaleron) acts as a norepinephrine-dopamine reuptake inhibitor (NDRI) that primarily melds stimulant effects with mild entactogenic qualities (eliciting delusions of empathy), albeit with no reported FDA-approved medical use. First developed in 1969, it remained obscure until 2004, when it was launched as a "designer" stimulant under the street names Vanilla Sky, Ivory Wave, Blizzard, Cloud 9, MDPK, MTV, Magic, Maddie, Black Rob, Super Coke, PV and Peeve. The DEA's 2011 short-term ban on synthetic stimulants includes MDVP.

Instead of functioning as vehicles for aroma therapy or environmental enhancements for exotic dinners, the commonly ingested items marketed as Herbal Incense are a wide range of chemically-laced substances that resemble marijuana. The danger threatened by more potent variants often depends on which of the chemicals available in the manufacturer's garage were added to an ever-changing recipe. Brand names like K2 and Spice have evolved into generic trademarks (like "Kleenex" for hand tissues) for a litany of synthetic cannabinoids. Along with Tetrahydrocannabinol (THC) — the principal psychoactive ingredient in the cannabis plant — mobile drug labs cycle through cannabicyclohexanol, JWH-018, JWH-073, HU-210, and scores of other synthetic variants in an ongoing shell game with drug authorities and forensic laboratories. A March 1, 2011 volley fired by the DEA placed 5 popular synthetic cannabinoids on Schedule I of the Controlled Substances Act, temporarily criminalizing their unlicensed possession.

Although often unsubstantiated, media accounts describing the effect of these drugs bespeak Stephen King on steroids. Anecdotal evidence of cannibalistic and violently suicidal symptomatology prompted Federal, state and local politicians to shield their respective jurisdictions with largely ineffective knee-jerk prohibitions. The desperate futility of the war on drugs is exponentially dwarfed by these dogmatic designer concoctions. Regulating against chemical formulas that can be reconfigured overnight has been likened to catching air with a butterfly net.

The "Synthetic Drug Abuse Prevention Act of 2012" had to be divested of 15 synthetic drugs that were named in the original legislation in order to survive a Senate gauntlet. Senate Judiciary Committee Chair Patrick Leahy (D-Vt.) refused to ignore a conference of House and Senate lawmakers who agreed to criminalize only 2 of the 17 synthetic drugs first targeted in the bill. Leahy and the conferees were uncomfortable with banning substances based on DEA anecdotes instead of science. Three other Senate bills that address designer drugs, S. 605 (the Dangerous Synthetic Drug Control Act of 2011), introduced by inform Charles Grassley (R-Iowa); S. 409 (the Combating Dangerous Stimulants Act of 2011), introduced by Senator Chuck Schumer (D-N.Y.) and S. 839 (the Combating Designer Drugs Act of 2011), introduced by Senator Amy Klobuchar (D-Minn.) have fallen prey to three obstacles.

Most lawmakers oppose bans drafted in a manner that precludes beneficial medical research of the controlled substances. Having observed pot-smoking teenagers serving the same 25-year prison terms meted out to highly placed members of drug cartels, others object to exigent federal penalties that usurp judicial sentencing discretion (Kentucky Senator Rand Paul (R-Ky.) identified this as one of his reasons for slapping all 4 drug bills with a Senatorial hold, which he removed when a mandatory 20-year sentencing provision was eliminated). Thirdly, pharmaceutical companies that handsomely fund legislative campaigns and reward nearly every cooperative DEA bureaucrat with a post-retirement parachute own developmental rights to certain close analogs of these drugs. If a bill's over-generalized prohibitions even remotely threaten these patents, it doesn't stand a chance in hell of seeing daylight.

Boca Raton-based attorney Thomas Wright, whose practice is rife with clients that manufacture Herbal Incense (Siegel Siegel & Wright recently added a compliance and testing division to assist clients), yet excludes those who make Bath Salts, cautions against lumping them together. Exclaiming that "bath salts and incense are two different beasts," Wright distinguishes between the dangers of smoking bogus pot and ingesting "synthetic meth or synthetic PCP." Characterizing the Smultibillion fake weed industry as "insanely profitable," laws that have no impact on demand will simply serve to drive production underground. Wright also believes that the less profitable Bath Salts market will self-destruct, anticipating that retailers will ultimately shun products associated with cannibalism and suicide. Unfortunately, Wright's optimistic supposition is fatally flawed. Many of these vendors would eat their own children to boost the weekly take by a few Shundred. — [editor]•

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