



TOWN OF CUTLER BAY NOTICE OF ADOPTION OF ORDINANCE AMENDING THE TOWN COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Cutler Bay, Florida, sitting in its capacity as the Local Planning Agency, will hold a public hearing on **Wednesday, June 15, 2016 at 7:00 p.m., in the Council Chambers, 10720 Caribbean Boulevard, Cutler Bay, Florida.** The purpose of the public hearing is to consider and make recommendations to the Town Council, regarding the Ordinance described below.

PLEASE NOTE that immediately following the meeting of the Town Local Planning Agency the Town Council will hold a public hearing and first reading of the Ordinance described below:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING A CLIMATE CHANGE ELEMENT TO BE INCLUDED IN THE TOWN GROWTH MANAGEMENT PLAN; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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Persons wishing to appeal any decision made by the Town Council with respect to any matter considered at such hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Any and all interested parties may appear at the above meeting and be heard with respect to the proposed items.

In accordance with the Americans with Disabilities Act of 1990 (ADA), persons needing special accommodations to participate in these proceedings should contact the Town Clerk's Office for assistance at (305) 234-4262, no later than four (4) business days prior to such proceeding.

Jacqueline N. Wilson
Town Clerk

FEDERAL COURT

Defense team in Medicare fraud case accuses Miami feds of 'spying'

BY DAN CHRISTENSEN
FloridaBulldog.org

In a stunning twist in a long-running Medicare fraud case, both the Miami U.S. Attorney's Office and the FBI stand accused of spying on a defendant's lawyer by illegally and secretly obtaining copies of confidential defense documents.

Lawyers say U.S. attorney illegally obtained confidential defense documents

Court papers claim practice is "office wide" and goes back a decade

Government says complaint based on "erroneous accusations, insinuations"

Court papers filed last week by attorneys for Dr. Salo Schapiro contend the

secret practice was not the action of "just one rogue agent or prosecutor." Rather, it was apparently an "office-wide policy" of both the U.S. Attorney's Office and the FBI that's gone on for "at least 10 years."

The unwritten policy involves "surreptitiously copying defense counsel's work product through the government-contracted copy service that the government requires defense counsel to use to obtain the discovery documents" needed to properly prepare for trial, according to court papers that seek either the dismissal of Schapiro's indictment or the disqualification of the entire prosecution team.

Miami attorneys Howard



Cooke

Srebnick and Rossana Artega-Gomez represent Schapiro and filed the motion, which asserts that the U.S. Attorney's Office has for several weeks been investigating itself in the matter.

Miami U.S. District Judge Marcia G. Cooke held an initial hearing Tuesday that was continued until June 8 at 1:30 p.m. The judge, in an order, has asked both parties to respond to this extraordinary question: "What remedies, if any, are available to the court were the court to find that the described conduct in defendant Schapiro's motion is a systemic, consistent and/or pervasive practice of or on behalf of the United States Attorney's Office?"

A spokeswoman for Miami U.S. Attorney Wifredo Ferrer would not be interviewed. However, late Thursday night prosecutors filed court papers confirm-



Howard Srebnick, left; and James Hayes

ing that an internal probe is underway and asserting that defense arguments are "based on erroneous accusations and insinuations."

"Despite the charged language this is not a case about intrusion into the attorney-client relationship, eavesdropping or sneaking into the defense camp," wrote Assistant U.S. Attorney James V. Hayes and Justice Department fraud attorney Lisa H. Miller.

Defense attorney Srebnick did not return a phone call seeking comment.

Specifically, the court papers allege that Fort Lauderdale-based copying service Imaging Universe and President Ignacio E. Montero provided the government with CDs containing duplicates of documents Schapiro's defense team culled from 220 boxes of evidentiary records in preparation for trial. Federal agents had seized those records from the mental-health clinic Biscayne Milieu, where Schapiro worked.

"Covertly cloning defense counsel's work-product to obtain a tactical advantage is nothing short of 'shocking to the universal sense of justice' mandated by the Due Process Clause of the Fifth Amendment," Srebnick and Artega-Gomez wrote. "To the extent that the prosecution team can infer from Dr. Schapiro's selection of discovery documents his thought process, the government has violated his Fifth Amendment right not to be compelled to be a witness against himself. This intrusion into the attorney-client relationship has also violated Dr. Schapiro's Sixth Amendment right to the effective assistance of counsel."

GOVERNMENT RESPONDS

The government's Thursday night response acknowledged that Imaging Universe did supply the FBI with duplicate CDs of what the company had copied for Schapiro's defense team, but said the discs "were never requested by any agent, prosecutor or anyone else on the government's behalf."

Prosecutors Hayes and Miller also stated that they were unaware of the duplicate CDs until an FBI agent disclosed their existence in late April. They said that when they found out they immediately told "Montero to stop and began an internal inquiry."

"To date it has found that there was simply no pervasive practice of receiving or recording defense discovery, and that it was not a widespread or institutionalized practice," says the government's response.

Nova Southeastern University constitutional law professor Robert Jarvis was skeptical of the defense's claims, but said that if the allegations prove true, it could upend hundreds of criminal cases, free untold defendants and potentially result in criminal charges against government officials responsible for violating defendants' rights.

"This opens a huge can of worms," Jarvis said. "It's potentially catastrophic for the government and I would think that the [U.S.] Attorney General would be swooping in on this. There are 95 judicial districts. If it happened in this office, you have to wonder if it's happening in any others."

Schapiro, 70, Sonia Gallimore, 74, both Broward residents, and Marlene Cesar, 64, of Allentown,

Pennsylvania, were indicted on charges of healthcare fraud and conspiracy and making false statements in September 2014. According to the indictment, they and other alleged co-conspirators submitted more than \$55 million in phony Medicare claims through the Miami clinic, Biscayne Milieu, collecting more than \$11 million. Previously, about 25 other owners and employees of the clinic pleaded guilty or were convicted of healthcare fraud.

On Tuesday, attorneys for Gallimore and Cesar filed paperwork seeking dismissal of their charges, claiming that their clients' rights were similarly violated by the alleged scheme.

The defense motion says that between late 2014 and last month, Schapiro's lawyers repeatedly visited an FBI warehouse in Miramar where discovery documents are kept for review. During Artega-Gomez's first visit to the warehouse federal agents told her that if she wanted to copy any documents, she would have to use Imaging Universe, the motion says.

Since the indictment, Imaging Universe has charged Schapiro \$8,200 to produce nine sets of discovery documents to his defense team. The motion identifies those records to include a dozen CDs containing approximately 1,140 PDF files, many with multiple pages.

The motion contends that company president Montero "lied" to Artega-Gomez about the copying process, and instead of making sure that the government did not see the defense's hand-selected files, provided FBI case agent Deanne Lindsey with duplicate copies.

Montero did not respond to a detailed voicemail message seeking comment.

Hayes, the federal prosecutor on Schapiro's case, first informed Srebnick and his associate that agent Lindsey "had been surreptitiously receiving the CDs" on April 22, according to the defense motion.

"Hayes proposed to immediately destroy the CDs," but the lawyers asked instead that he give them to the defense, "which he did," the motion says.

Hayes declined to be interviewed about the matter.

Artega-Gomez phoned Montero on April 25 to ask who had told him to provide copies of the CDs to the government. Montero, the motion says, answered that an "agent" told his office manager to do it. "Mr. Montero then stated that he had been providing to the U.S. Attorney's Office for the past 10 years duplicate copies of the discovery documents selected by defense counsel in other cases."

Montero also forwarded to Schapiro's defense an April 21 email he sent to a healthcare-fraud paralegal in the U.S. Attorney's Office, stating that he'd provided the Justice Department with duplicates of defense records "since 2006." Montero added that both his old company, Xpediacopy, and Imaging Universe had done it.

If so, the alleged government misconduct spanned the administrations of three Miami U.S. Attorneys — Alex Acosta, who served from 2005-2009; Jeffrey Sloman, acting U.S. Attorney from 2009-2010; and Wifredo Ferrer, who took over in May 2010.

Srebnick and Artega-Gomez wrote that they've recently had "multiple conversations" about the matter with Miami federal prosecutors and their supervisors.

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www.floridabulldog.org

AD NOTICE OF RULE DEVELOPMENT WORKSHOP (2) THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Notice of Rule Development Workshop

Policy/Rule No: Policy 1.22

Policy/Rule Title: Exceptional Student Education (ESE) Advisory Council
Purpose and Effect: To amend this policy to align with Policy 1.7: School Board-Established Advisory Committee and Appointment of a School Board Member Representative(s) to Such Committee.

Summary of Statement of Economic Impact and Regulatory Costs: Compliance with the proposed Policy/Rule changes will not have an economic impact on The School Board of Broward County, Florida.

Subject Area to be Addressed: In accordance with Section 120.54(7), Florida Statutes, the School Board of Broward County has initiated the process for revising School Board Policy 1.22. School Board Policy 1.22 guides the ESE Advisory Council in planning for the establishment of the Advisory Council, to include, but not limited to membership, duties and responsibilities of the ESE Advisory Council, and meeting procedures. The purpose of the ESE Advisory Council is to advise the School Board of Broward County on ESE matters for the purpose of improving services for students with disabilities. Pease come and be a part of this important process of revising School Board Policy.

Specific Authority: Authority: F.S. 230.22 (1); F.S. 230.17; F.S. 286.011; F.S. 286.012

Law Implemented: The Federal Advisory Committee Act (or FACA) is a United States federal law (Pub.L. 92-463, 6 October 1972), which governs the behavior of federal advisory committees.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, June 28, 2016, 10:00 a.m.

PLACE: Kathleen C. Wright Administration Building, Board Room, 600 SE 3rd Avenue, Fort Lauderdale, FL.

Two or more School Board Members will be present and participating during the Public Rule Development Workshop.

The School Board of Broward County, Florida prohibits any policy or procedure, which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file discrimination and/or harassment complaint may call the Director, Equal Educational Opportunities/ADA Compliance Department at (754) 321-2150 or Teletype Machine TTY (754) 321-2158. Individuals with disabilities requesting accommodations under the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) may call Equal Educational Opportunities/ADA Compliance Department at (754) 321-2150 or Teletype Machine TTY (754) 321-2158. Telephone conferencing or other telecommunications technology may be used in the conduct of this public meeting to permit absent Board Members to participate in discussions, to be heard by other School Board Members and the public, and to hear discussions taking place during the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT AT NO CHARGE is: the Office of the Chief of Staff, 600 SE 3rd Ave – 10th Floor, Ft. Lauderdale, FL 33301, (754) 321-2650.



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Jacqueline N. Wilson
Town Clerk

Janette L. Davis, MBA, CPA
President

Janette L. Davis, CPA, LLC.
Certified Public Accountant and Business Advisor

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