

B | Local & Business

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**'MIRACLE PIG'
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PALM BEACH COUNTY RIDE-HAILING SERVICES

County approves ride-hailing rules

Firms such as Uber, Lyft will be responsible for background checks.

By **Elliott Kleinberg**
Palm Beach Post Staff Writer

WEST PALM BEACH — After dozens of hours of debate over the better part of a year-and-a-half — complete with pleas, scorn, dire warnings and assurances — Palm Beach County commissioners Tuesday finally set rules for Uber and Lyft and similar app-based ride operations.

The ride companies have said

the rules are enough to guarantee they will operate safely. But taxi firms said the rules don't go far enough to protect the public and give the ride services an unfair advantage.

In the new rules, passed on a 5-1 vote, both Uber-style outfits and taxis would be responsible for conducting their own background checks or hiring the county to do the more comprehensive and costly fingerprint-based "Level II" checks for them.

In a separate 6-0 vote, the commission approved a new set of fees and fines that includes a 50 percent discount in fees for drivers

MORE COVERAGE

Read past Post stories on the ride service Uber opening in Palm Beach County at MyPalmBeachPost.com/Uber

who get those "Level II" checks. Commissioner Melissa McKinlay was absent because of illness. Commissioner Paulette Burdick was the "no" vote on the rules package, saying, "We are lowering our standards. We are compromising consumer safety."

Burdick noted recent news stories from California showing Uber cleared numerous drivers

there despite their having criminal backgrounds, including convictions for violent crimes.

"It goes back to the quality of their background checks vs. the only true measure of finding dangerous people, and that's with fingerprints," Burdick said.

"I just want to make sure we don't litigate the same discussion we've had for the past year," said Commissioner Hal Valeche, who has advocated limited rules on Uber and others in lieu of letting the free market govern them.

Palm Beach County set a temporary operating agreement for app-based ride services in Sep-

tember 2014. A year later, the county opted not to set its own permanent rules and continued its temporary agreement, hoping that the Florida Legislature would enact uniform regulations for the entire state. In mid-March, the Legislature adjourned without passing any bills regulating app-based ride services. With the county's temporary agreement set to expire April 30, the issue came back to commissioners.

"I call it weeping, wailing and gnashing of teeth," Mayor Mary Lou Berger quipped Tuesday,

Ride-hailing continued on B5

WEST PALM BEACH THE BRISTOL



An artist's rendering shows The Bristol condo in West Palm Beach. The May 13 groundbreaking will be a milestone for a project that was once mired in litigation and opposition from neighbors. CONTRIBUTED

County's priciest condo to break ground May 13

Project has achieved nearly \$200 million in pre-sales, builder says.

By **Alexandra Clough**
Palm Beach Post Staff Writer

The Bristol condo in West Palm Beach is moving closer to becoming a reality.

The priciest condominium ever planned for Palm Beach County will hold its groundbreaking on May 13.

Al Adelson, a partner with developer Flagler Investors LLC, said Tuesday that The Bristol has achieved nearly \$200 million in pre-sales.

In addition, five of its six penthouses now have been sold.

Penthouses range from \$14 million to \$18 million.

The sales bring the ultra-luxury condo along the Intracoastal Waterway to about 39 percent pre-sold, up from 17 percent in February.

"Do you know how much money \$200 million is?" Adelson said. "It's a tremendous show of faith by multiple people in our project and in our concept."

The groundbreaking is a milestone for a project that once was mired in litigation and opposition from neighbors objecting to the size and mass of the 25-story building.

Last year, developers settled a lawsuit with a citizens group for \$1.1 million.

The Bristol counts 69 units, ranging from 3,700 square feet to 14,000 square feet, according to the condo's website. Some units are being combined to form larger apartments.

The average size of a unit at The Bristol is about 4,500 square feet and costs \$10 million.

Twenty-four units have been purchased by independent buyers, Adelson said.

These are not affiliated with four units individually purchased by partners in the project, said

POST ON GROWTH

Adelson, who confirmed rumors that the project's partners have purchased units in the property.

This includes Adelson, who said he bought a unit on a lower floor. The total square footage acquired by the owners is 20,000 square feet.

Excluding units bought by developers, about 138,000 of 300,000 square feet is under contract, Adelson said.

The \$250 million condo is being built on the former Chapel by the Lake site at 1100 S. Flagler Drive.

Some real estate agents say that a few Palm Beach prospects who have toured the condo's sales center at 440 Royal Palm Way on

Bristol continued on B10

BOYNTON BEACH OFFICER FIRED

City fires officer caught in sting

He offered \$20 to an undercover deputy for sex, police say.

By **Alexandra Seltzer**
Palm Beach Post Staff Writer

A 32-year-old Boynton Beach police officer was fired this month after he was caught offering an undercover Palm Beach County sheriff's deputy \$20 for oral sex, according to police.

After he was placed into cuffs during an Oct. 17 prostitution sting, Vintyre Finney, a Boynton police officer for nearly eight years, told PBSO deputies that he was a cop, the incident was a "mistake" and he was "joking," according to police documents.

That strategy appeared to work — for the time being — after PBSO Sgt. Oscar Cardenas decided Finney should be let go and that the situation would be best handled internally.

But Finney was placed on administrative leave with pay two days later and the State Attorney's Office filed a charge of soliciting another to commit prostitution against him

on Jan. 8.

He was fired on April 11.

"The decision to terminate someone's employment is difficult for all involved, but when it becomes apparent that an employee is either unwilling or incapable of maintaining agency standards, it's a decision that must be made," acting Boynton Beach Police Chief Kelly Harris said in a statement.

Chief Jeffrey Katz is out of town at the FBI National Academy.

"Our standards are not negotiable and our mission to serve as 'selfless stewards of the public trust' is a line which cannot be crossed by any individual without significant consequence," Katz wrote in a statement on his Facebook page. "The least of us defines the rest of us" is something I preach continually and we WILL serve in a way that reflects the honor and nobility of the positions of trust we hold with a public that deserves nothing less than our very best. Period."

Boynton police received video of the sting in the 1800 block of South Dixie Highway on Oct. 27. Detective Brad Lettner wrote in a

Officer continued on B5

WEST PALM BEACH HOMICIDE

Teen fatally shot on city's north end

Incident marks West Palm's first reported homicide of the year.

By **Lulu Ramadan**
Palm Beach Post Staff Writer

A teen was shot to death on a street corner in West Palm Beach early Tuesday — nearly five months since the last homicide in the city.

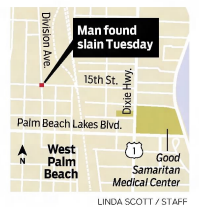
Ledarius Fitzgerald, 18, was found dead on Division Avenue at 15th Street in the city's north end just after 5:15 a.m., city police reported.

The shooter fled the scene. No arrests have been made as of Tuesday evening.

It was the first homicide of 2016 in West Palm Beach — which had the most murders of any municipality in Palm Beach County last year, a Palm Beach Post homicide database reveals.

The city had 22 reported homicides in 2015, a majority of which happened in drive-by shootings.

A neighbor, who declined to



MORE ONLINE

For more stories on Palm Beach crime, go to the Lights and Sirens blog at crime.blog.PalmBeachPost.com/

give his name, heard several gunshots ring out early Tuesday before police sirens. He said he was used to the sound, as several shootings have happened in

Homicide continued on B5

PALM BEACH GARDENS MURDER ARREST

Police: Man killed wife, hid crime by setting fire

By **Julius Whigham I**
Palm Beach Post Staff Writer

PALM BEACH GARDENS — A week after a woman's body was found at the scene of a Palm Beach Gardens apartment fire, her husband has been accused of brutally beating her and intentionally setting the fire to cover up the crime.

City police arrested David Arthur, 50, late Tuesday night on charges related to the April 12



Arthur

death of his wife, 57-year-old Kathleen Dunleavy.

Arthur is facing charges of first-degree murder and first-degree arson.

Dunleavy's body was found after firefighters extinguished a blaze at an apartment in the 8700 block of 40th Terrace North, south of

Northlake Boulevard and west of Interstate 95.

According to police, it was discovered that Dunleavy had been brutally beaten and the fire was set at the rear of the residence in an attempt to hide the crime.

Through investigative leads, police investigators identified Arthur as a suspect.

He was apprehended locally by the Florida Department of Law Enforcement, with the assistance of

Palm Beach Gardens police officers.

Neighbors in the residential community said Tuesday they knew Dunleavy but declined to comment further.

The murder is the first in Palm Beach Gardens this year and one of 26 total in Palm Beach County in 2015, according to a Palm Beach Post database.

Arthur was taken to the Palm Beach County Jail late Tuesday and is expected to make his first

appearance before a Palm Beach County judge this morning.

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Frank Cerabino's column will return Friday.

Officer

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memo to Katz. At the scene, Finney pulled up to the undercover deputy and she asked him what he was looking for. Finney asked if a "dub" would be enough, which means \$20, and asked for oral sex, according to the arrest report. The undercover deputy said yes and told him to meet her in the back.

Meanwhile, the sheriff's sergeant who decided Finney should be let go admitted he did so to investigators. He thought Finney should be released because of his service to the community, the "unfair media portrayal" he and his family would receive, the pattern of professional courtesy

given to various professions and the discretion allowed in misdemeanor cases, according to sheriff's documents. "He doesn't know," Vana — nodding to Lowell — told Uber's Fernandez. She suggested Uber more stringently point out its rules to drivers. Fernandez agreed. Vana and Commissioner Steven Abrams called for allowing unaccompanied minors to ride in app-based vehicles for hire.

"If a parent wants to put their child in a car, that's OK with me," Vana said. "But in the end, drivers need to know what the policy is and that they're expected to follow it."

Abrams said, "I'd much rather send my kid with a certified Uber driver than somebody's friend's older brother."

The board didn't act on the issue. Neil Schiller, a lawyer representing Yellow Cab of Palm Beach County, told commissioners, "I've heard so many times about 'issue fatigue,' and this is our sixth or seventh or eighth meeting and I know you're tired of this."

He said insurance still is an issue "until Tallahassee decides to take it up." And he said that, as the industry evolves, all rules will "have to continue to be tweaked."

Cesar and Lyft public policy manager Tim Alborg both said drivers agree to rules which say, among other things, that account holders must be 18 and that drivers are barred

beyond repair. Finney was a trainee at the time, according to records.

Finney's attorney, John Howe, told City Manager Lori LaVerriere there is an extended version of the prostitution video. However, LaVerriere never received it the time Finney was fired.

"Since neither you nor your attorney presented your version of the event to me, nor did you provide me with other information which would constitute a defense or mitigation, or would refute or explain the facts which gave rise to the charges or the reasons for the information ... to consider," LaVerriere wrote in Finney's termination letter.

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An Uber supporter listens to the County Commission discuss rules for Uber and other ride-hailing companies on Tuesday. ELLIOT KLEINBERG / THE PALM BEACH POST

Ride-hailing

continued from B1

referring to the stretch of attempted rulemaking.

The county's long effort to codify checks for both taxis/limos and app-based ride firms was intended "to make sure the person behind the wheel was in fact that person and (had) no felony convictions," Brock Rosayn, president of Metro Taxi of Palm Beach County and a member of the county's Vehicle for Hire Advisory Board, told the panel Tuesday. "What is the logic in lowering the safety standards, commissioners?"

Commissioners have worried about teens using the app-based rides. On Tuesday, when Uber driver David Lowell of Boca Raton came up to praise the service, Commissioner Shelley Vana got him to admit he didn't know he's not supposed to pick up minors. Vana then brought Uber public policy associate Cesar Fernandez back to the lectern and gave him the look.

"Really?" Vana said. Cesar and Lyft public policy manager Tim Alborg both said drivers agree to rules which say, among other things, that account holders must be 18 and that drivers are barred

from picking up unaccompanied minors. "He doesn't know," Vana — nodding to Lowell — told Uber's Fernandez. She suggested Uber more stringently point out its rules to drivers. Fernandez agreed. Vana and Commissioner Steven Abrams called for allowing unaccompanied minors to ride in app-based vehicles for hire.

"If a parent wants to put their child in a car, that's OK with me," Vana said. "But in the end, drivers need to know what the policy is and that they're expected to follow it."

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RULE HIGHLIGHTS

- Ordinance would apply to towns and cities as well as unincorporated areas. Each municipality could opt out by writing its own rule.
- Industry would be divided into taxi and non-taxi operations; latter would include both Uber-style firms and limousines and sedans.
- County's Division of Community Affairs would conduct audits of company records twice a year.
- Taxis and limos must be identified by either a decal issued by the county DCA or by "trade dress," a distinctive display that identifies its use.
- Vehicle age limits would be removed, but all vehicles would have to be inspected regularly by a mechanic certified by the National Institute for Automotive Service Excellence.
- Taxis and vehicles that transport disabled people for non-medical trips must go to the DCA and be visually inspected to ensure they are being operated and are equipped both safely and as the company has indicated.
- All insurance would have to conform to Florida law. Drivers must have an ID badge issued by the DCA or have an acceptable digital or smartphone app.
- For all drivers, employers must conduct background checks or hire the county to do fingerprint-based "Level III" checks. Those who do the latter would get a 50 percent discount on counties' fees.
- Requirement for a firm to have a physical office in Palm Beach County would be eliminated.

ALSO TUESDAY

- **Trespass:** Approved, on a second and final vote, new rules that allow for banning people from county parks and recreational areas for a year or more for various violations.
- **Housing:** Approved its required Local Housing Assistance Plan for the next three years, as required by the State Housing Initiatives Partnership (SHIP). The plan's goals are to preserve and increase available affordable housing.
- **Burn house:** Approved a \$51,593 settlement for a West Palm Beach man whose home was damaged in March 2013 when it was struck by a Palm Tran bus. Bock Clerk of Courts Sharon Bock had planned to present her annual financial report but postponed it.

BOCA RATON

Woman pours gas on ex-boyfriend

Police say she wanted revenge for sex recording.

By Julius Whigham II
Palm Beach Post Staff Writer

Believing that her ex-boyfriend recorded a sexual encounter he had with her and sold it, a 49-year-old woman exacted revenge Sunday night by slashing the man's tires and pouring gasoline on him, Boca Raton police said.

Police arrested April White, of Miami Gardens, on charges of ag-

grated assault with a deadly weapon, domestic battery and criminal mischief.

The alleged incident happened shortly before 9:30 p.m. Sunday in the parking lot of a Publix supermarket at 1001 South Federal Highway.

According to an arrest report, White's 45-year-old accuser told officers she came to that location to question him about a sex tape. The man denied that he ever made such a recording.

White allegedly told the man she had evidence of the recording on her cellphone and he requested to

see it. The man walked with White to her car, but she was unable to produce the video, police said.

When the man walked away, White allegedly threw a bottle filled with gasoline. The cap was open and the bottle's contents spilled onto the man's clothing, police said.

White allegedly then ran to the man's car and slashed his left rear tire. She left the scene, but was identified when her ex-picked her out of a photo lineup.

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Homicide

continued from B1

the area in the past month. "The first time you hear gunshots, it's startling," he said. "But after a while, stop noticing. It starts to sound normal."

Just three blocks north of Tuesday's fatal shooting, a man, a woman and a teenage boy were shot and wounded April 7. They all survived their injuries.

One week prior and just two blocks northwest at a neighborhood store, a young man was fidgeting with a gun in his pocket and it accidentally went off, hitting a customer, police say.

The 2-square-mile residential area just blocks off Clematis Street and CityPlace is no stranger to gun violence.

Ten people were killed and 28 wounded in that area last summer as a result of feuding groups called cliques — less structured than gangs, city police said in 2015.

Two-thirds of the victims



West Palm Beach police work the scene of the shooting on Division Avenue early Tuesday where Ledarius Fitzgerald, 18, was found dead. LANNIS WATERS / THE PALM BEACH POST

were 25 years old or younger, as was Tuesday's victim.

Fitzgerald, of West Palm Beach, had just been released from county jail about three weeks before his death after

-serving two months for a petit theft conviction, court records show.

Police didn't say whether his death may have been related to last year's clique

violence, but the shooting did happen on the same street corner as a previous fatal shooting in May 2015.

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