

MIAMI BEACH COMMISSION MEETING

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1700 Convention Center Drive  
Miami Beach, Florida  
June 5, 2019  
At or around 8:30 a.m.

RE: PROHIBIT SPECIAL BOARDS BY SIDEWALK CAFES

Excerpt Transcript of Proceedings of  
Commission hearing in above-referenced matter  
transcribed by ELAINE CRANDALL, Registered  
Professional Reporter and Notary Public in and for  
the State of Florida at Large.

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(Thereupon, the following excerpt of proceedings as requested were transcribed.)

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MR. DEUTZMAN: Good morning, everybody; John Deutzman. I'm on the Mayor's Panel for Ocean Drive Security, Safety and Infrastructure. I'm here to speak about an item on the agenda, which is the removal of what are called "Special Boards on the Sidewalk Cafes." And let me tell you why.

I think everybody here can agree that the City cannot be coconspirators in trickery and fraud against our visitors and our residents.

In addition, we can't be part of the demise of the look of our beautiful city and our art deco area; yet we are doing both by consistently allowing these people to operate. And some of these businesses operate on what I call a shyster business model.

As of the end of the half of this fiscal year, the end of April, I detected 103 complaints on Yelp alone about trickery and possible fraud at Ocean Side -- Ocean Drive sidewalk cafes.

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My own observations of 39 businesses there show at least 15, which is 38 percent, with deceptive signage or possible deceptive signage, which includes two-for-one specials, two times one, which doesn't mean anything in English, two times one equals two; 50 percent off; and the 50 percent off sign, by the way, looks like it was designed by the Son of Sam, like, put together with arbitrary letters, and happy hour, generic happy hour around-the-clock, which, on its own, is impossible.

A happy hour, reasonable person, would believe that happy hour you're getting a discount. So it can't be going on all day and all night. That makes no sense.

So what we have here is false advertising in many places; consumer fraud. We've never attacked this properly. We've been good at ramping things up but we still haven't fixed it.

One of the portions of the bait and switch scam is the bait on these signs. They're called special signs. And, also, I don't know how these signs got here in the

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3 first place because I have guidelines here  
4 from 1993, revised in 2000. This is our  
5 golden era, Versace era, shall we say. And  
6 it says very clearly -- this esteemed body of  
7 people, I assume, came up with this: The  
8 tables formed sufficient advertisement; no  
9 additional signs for the sidewalk cafe are  
10 permitted.

11 So somehow we went from this, which  
12 seems reasonable, to like a carnival-like  
13 collection of gimmicks. And the only  
14 difference at a carnival, you kind of know  
15 you're going to get scammed.

16 You really don't have that warning on  
17 Ocean Drive. So I urge you to get rid of  
18 those things.

19 Thank you.

20 (Thereupon, the excerpt of  
21 proceedings requested to be transcribed  
22 concluded.)

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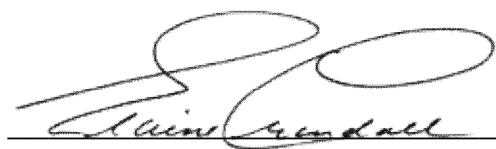
## CERTIFICATE OF REPORTER

STATE OF FLORIDA :  
: SS.  
COUNTY OF MIAMI-DADE :

I, ELAINE CRANDALL, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I transcribe the proceedings requested, and that the foregoing pages, numbered from 1 to 4 inclusive, constitute a true and correct transcription of my shorthand report of the deposition by said witness.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

WITNESS my hand and official seal in the City of Miami, County of Miami-Dade, State of Florida, this 17th day of June, 2019.



ELAINE CRANDALL, R.P.R.