

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

ROBERT W. OTTO, PH.D. LMFT,)	
individually and on behalf of his patients,)	
JULIE H. HAMILTON, PH.D., LMFT,)	
individually and on behalf of her patients,)	Civil Action No.: <u>9:18-cv-80771-RLR</u>
)	
Plaintiffs,)	INJUNCTIVE RELIEF SOUGHT
v.)	
)	
CITY OF BOCA RATON, FLORIDA,)	
and COUNTY OF PALM BEACH,)	
FLORIDA,)	
)	
Defendants)	

**PLAINTIFF ROBERT W. OTTO, PH.D., LMFT’S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO THE PRELIMINARY INJUNCTION
INTERROGATORIES OF DEFENDANT PALM BEACH COUNTY**

Pursuant to Fed. R. Civ. P. 26 and 33, and Local Rule 26.1, Plaintiff Robert W. Otto, Ph.D., LMFT (“Otto”), by and through counsel, hereby provides the following First Supplemental responses and objections to Defendant County of Palm Beach’s Preliminary Injunction Interrogatories. Otto hereby reserves all objections to the relevance, use or admissibility of any of these Interrogatories and responses. Subject to the foregoing, Otto objects and otherwise responds as follows:

22. Identify by first and last initial and age only all clients whom were minors (under age 18) when they initially engaged your counseling services that are or were experiencing unwanted same-sex attractions and wanted to reduce or eliminate the unwanted desire within the last ten years.

OBJECTION: To the extent the Interrogatory purports to request information about Otto’s minor clients after the enactment of the Ordinance in suit, Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only

vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance. Otto will therefore respond to the Interrogatory as if limited to the nine (9) years prior to the enactment of the Ordinance.

Otto further objects to this Interrogatory on the grounds that it seeks information protected by the psychotherapist-patient privilege and that it asks him to divulge too much identifying information in relation to these clients. Otto construes this Interrogatory to only request the number and ages of clients seeking help for unwanted same-sex attractions.

RESPONSE: In the nine (9) years prior to the enactment of the Ordinance, Otto had the following minor clients who sought help with unwanted same-sex attractions:

Doe 1 (age 14)
Doe 2 (age 14)
Doe 3 (age 16)
Doe 4 (age 16)

As to Objections:

/s/ Horatio G. Mihet
Horatio G. Mihet (FL Bar 026581)
Roger K. Gannam (FL Bar 240450)
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
Phone: (407) 875-1776
Email: court@lc.org

Attorneys for Plaintiffs

VERIFICATION

I, Robert W. Otto, Ph.D., LMFT, declare under penalty of perjury under the laws of the United States of America that the foregoing interrogatory responses are true and correct.

/s/ Robert W. Otto
Robert W. Otto, Ph.D., LMFT

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August 2018, a true and correct copy of the foregoing was served on all counsel of record via electronic mail, including:

Rachel Fahey

Primary Email: rfahey@pbcgov.org

Secondary Email: dfishel@pbcgov.org

Kim Phan, Esquire

Primary Email: kphan@pbcgov.org

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PALM BEACH COUNTY ATTORNEY OFFICE

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WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

Attorneys for Defendant City of Boca Raton, Florida

/s/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs

Consent-to-Treat and Financial Agreement

Upon initiating therapy services, it is important for you to be aware of the following information:

CONFIDENTIALITY: Statements that are made by a client to a psychotherapist are generally confidential; however, there are some exceptions which may lead to a waiver of the psychotherapist-client privilege and disclosure of otherwise confidential information. The exceptions include:

1. If you threaten to harm yourself;
2. If you make a serious threat to harm a readily ascertainable third party;
3. If you disclose instances of child abuse, elder abuse, or dependent adult abuse. Abuse includes but is not limited to physical abuse, sexual abuse, or neglect. For further information on what constitutes abuse or neglect please refer to Florida state law;
4. If you tender your mental condition in a lawsuit or criminal proceeding;
5. If the therapist is required by a court order to disclose your records;
6. If there is an action which alleges that there is a breach of duties running between psychotherapist and client; and
7. If each individual involved in the therapy sessions gives written permission to disclose information to a specific party.

Hamilton 005

I understand that my therapist may consult with other professionals, who are also required to maintain confidentiality, to ensure the provision of effective treatment services. I understand that this consultation will not compromise my identify or confidentiality.

Initial _____

EMERGENCIES: Due to the nature of this practice, 24-hour emergency access is not available. In the case of emergencies, please call 911.

Initial _____

NO GUARANTEE OF SUCCESS: Because there are many variables in psychotherapy, there is no guarantee that by pursuing psychotherapy the client will be happier, and no particular treatment can be guaranteed to be effective. Therapy also requires the active participation of the client, and that the client be truthful with the psychotherapist.

Initial _____

NATURE OF PSYCHOTHERAPY: Sometimes the psychotherapeutic process can bring up uncomfortable feelings such as anxiety, sadness, anger, and so on; please be aware that this is a normal response to talking about unresolved life experiences.

Initial _____

LENGTH OF SESSION AND FINANCIAL INFORMATION: Therapy sessions last approximately 50 minutes. The fee for therapy is \$100.00 per session, payable at the end of each session.

CANCELLATION POLICY: If you need to cancel or reschedule an appointment, please allow for 24 hours notice. Cancellations made less than 24 hours ahead of the appointment time will be charged the session fee.

Initial _____

TELEPHONE THERAPY: Psychotherapy is typically in the form of regularly scheduled, face-to-face, individual sessions. For that reason, office-based counseling is generally recommended.

However, some clients are unable to find a suitable therapist in their geographical area, and therefore they decide to conduct at least some therapy in the form of telephone consultations.

It is important for the client to recognize the following: that there is some controversy regarding the use of telephone therapy, including concerns that confidentiality cannot be guaranteed when communicating by phone or internet; that the therapist is unable to assess the client's demeanor by telephone; that telephone consultations are educational, but may not be as effective as face-to-face sessions; and that supplementary, face-to-face therapy or transfer to another psychotherapist may be necessary if the client should experience severe emotional disturbance, such as anxiety or depression.

In addition, this therapist is licensed in the state of Florida. If telephone therapy is provided to clients outside of the state of Florida, it is important to note that some states do not allow the delivery of services across state lines. For clients living in states that prohibit telephone therapy across state lines, this therapist will be unable to provide services.

Initial _____

MERGER AGREEMENT: All prior negotiations and representations are subsumed in this document and merged herein.

Initial _____

I understand that I am responsible for any all and indebtedness incurred as a result of services rendered. I understand that I have a right to terminate services at any time. I agree to hold harmless my therapist from any claim for damages of any nature arising out of, or allegedly due to, any therapy, counseling or service rendered. I accept full responsibility for any decision I make regarding my life. I have read the above information carefully, understand its contents, and agree, under these conditions, to receive therapy and services for myself and/or anyone herein designated.

Print Name: _____

Signature: _____

Date: _____

Hamilton 006



Payment Agreement

Responsibilities:

- Payment is due at the time service is rendered. Please pay by cash, check or credit card. If paying by check, please make check payable to SDG Counseling, LLC.
- Sessions are 50 minutes. The session fee is \$150 per session in the office. House calls and court appearances are billed at a different rate.
- There will be a \$35 fee for any returned check.
- For reasons of confidentiality, we do not make appointment reminder calls. You are responsible for keeping your appointment.
- Cancellations of a session must be made at least 24 hours prior to the scheduled time or you will be charged for the missed session.
- An invoice may be sent to your home for any outstanding balance

Credit Card Information:

- Many of my clients prefer to keep a credit card number on file for ease of payment for future sessions or phone sessions.
- If you would like to provide you with this service and convenience please indicate your permission below in the appropriate box. Your information will be kept in a locked cabinet.

Yes, I give my permission to SDG Counseling, LLC to retain my credit card information.

No, I do not give permission to SDG Counseling , LLC to retain my credit card information.

I certify that he/she has read the above information carefully, understands its contents, and agree to comply with the terms of payment as provided above.

Signed: _____

Date: _____

Signed: _____

Date: _____



Acknowledgement of Notice of Privacy Practices

"I hereby acknowledge that I have received a copy of this practice's NOTICE OF PRIVACY PRACTICES. I understand that if I have questions or complaints regarding my privacy rights that I may contact the person listed. I further understand that the practice will offer me updates to the NOTICE OF PRIVACY PRACTICES should it be amended, modified, or changed in any way."

Signed: _____

Date: _____

Printed: _____

Signed: _____

Date: _____

Printed: _____

Notice of Policies and Practices to Protect the Privacy of Your Health Information

THIS NOTICE PERTAINS TO THE PRACTICE OF: SDG COUNSELING, LLC, 4400 N. FEDERAL HIGHWAY, SUITE 210, BOCA RATON, FL 33431

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

THIS NOTICE AND ALL OF THESE RIGHTS MAY NOT APPLY TO YOU IN SOME CIRCUMSTANCES WHICH ARE NOT COVERED BY FEDERAL HIPAA REGULATIONS. YOU MAY BE PROTECTED UNDER OTHER FEDERAL AND STATE LAWS.

Uses and Disclosures for Treatment, Payment, and Health Care Operations

We may use or disclose your protected health information (PHI), for treatment, payment, and health care operations purposes with your consent. To help clarify these terms, here are some definitions:

- ~ "PHI" refers to information in your health record that could identify you.
- ~ "Treatment, Payment, and Health Care Operations"
 - o Treatment is when we provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when we consult with another health care provider, such as your family physician or another psychologist.
 - o Payment is when we obtain reimbursement for your healthcare. Examples of payment are when we disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.
 - o Health Care Operations are activities that relate to the performance and operations of our practice. Examples of health care operations are quality assessment and improvement activities, business-related matters such as audits and administrative services, and case management and care coordination.
- ~ "Use" applies only to activities within our [office, clinic, practice group, etc.] such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- ~ "Disclosure" applies to activities outside of our [office, practice group, etc.], such as releasing, transferring, or providing access to information about you to other parties.

Uses and Disclosures Requiring Authorization

We may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An "authorization" is written permission above and beyond the general consent that permits only specific disclosures. In those instances when we are asked for information for purposes outside of treatment, payment and health care operations, we will obtain an authorization from you before releasing this information.

We would also need to obtain an authorization before releasing your "psychotherapy notes." "Psychotherapy notes" have a very limited definition under HIPAA rules, and would be notes made about analyses of conversations during a private, group, joint, or family counseling session, which would be kept separate from the rest of your medical record. It is our office practice not to keep "Psychotherapy notes" under this definition. Your diagnosis and relevant treatment information, symptom complaints and information about progress are maintained in "Progress Notes" which document your care.

You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) we have relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

Uses and Disclosures with Neither Consent nor Authorization:

We may use or disclose PHI without your consent or authorization in the following circumstances:

Child Abuse: If we know, or have reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver or other person responsible for the child's welfare, the law requires that we report such knowledge or suspicion to the Florida Department of Child and Family Services.

Adult and Domestic Abuse: If we know, or have cause to suspect, that a vulnerable adult (disabled or elderly) has been or is being abused, neglected, or exploited, we are required by law to immediately report such knowledge or suspicion to the Central Abuse Hotline.

Health Oversight: If a complaint is filed against us with the Florida Department of Health, the Department has the authority to subpoena confidential mental health information from us relevant to that complaint.

Government: We may disclose the PHI information of military personnel and veterans to government benefit programs relating to eligibility and enrollment.

Impaired Professionals: We may disclose information pertaining to the safety to practice to the Florida Department of Health for health care professionals if we have reasonable reason to believe public safety is endangered or where there would be a statutory duty to report.

Judicial or Administrative Proceedings: If you are involved in a court proceeding and a request is made for information about your diagnosis or treatment and the records thereof, such information is privileged under state law, and we will not release information without the written authorization of you or your legal representative, or a subpoena of which you have been properly notified and you have failed to inform us that you are opposing the subpoena or a court order. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. You will be informed in advance if this is the case.

Serious Threat to Health or Safety: When you present a clear and immediate probability of physical harm to yourself, to other individuals, or to society, we may communicate relevant information concerning this to the potential victim, appropriate family member, or law enforcement or other appropriate authorities.

Worker's Compensation: If you file a worker's compensation claim, we must, upon request of your employer, the insurance carrier, and authorized qualified rehabilitation provider, or the attorney for the employer or insurance carrier furnish your relevant records to those persons.

Litigation: If you have a pending personal injury claim such as auto accident, malpractice claim or other situation in which you are eligible to collect damages, your entire records may be subject to disclosure by subpoena or court order and are subject to full disclosure to the payor of any claims we file for services on your behalf. You may object, in writing, to a subpoena for such records. In the case of an Independent Medical Examination which is being conducted on behalf of a third party, any information is subject to disclosure to that third party. However, you may have additional rights under State law.

Forensic Evaluation at the request of your attorney: In most circumstances, such evaluations, if arranged for and paid for through your attorney's office retain a special status of attorney-client privilege until such information is disclosed by your attorney or used for legal purposes. Such evaluations are not protected by rights established under HIPAA.

Law Enforcement: We may disclose health information for law enforcement purposes and special governmental functions only as required by Federal, State or Local law.

Business Associates: We have Business Associates with whom we may share your Protected Health Information. Examples included Business Associates who provide coverage while we are out of town, answering services as necessary, shared clerical functions with Business Associates with whom we may share offices with, collection agencies or collection attorneys, or technicians who may need to service equipment where necessary information is stored. We enter into agreements with such associates such that they are also obligated to respect the privacy of your Protected Health Information.

Communication with Family: If a family member or close friend calls for scheduling, payment, or changing appointments and in our best judgment we do not believe you would object, we may communicate minimal necessary information to facilitate scheduling, payments and appointments. With your signed consent, if family members, other relatives, close personal friend, or any other person you identify as participating in your care, minimal necessary health information relevant to that person's involvement in your care or in payment for such care if you do not object or in an emergency. Unless you notify us otherwise, we may leave messages on your home or cell phone if you utilize and answering machine, voice mail, or text message, or email regarding contacting our office regarding scheduling or regarding personal or third party payment.

Marketing: We may Contact you to provide you with appointment reminders, with information about other health-related benefits or services that may be of interest to you.

Health Research: We may use Personal Health Information to conduct or participate in research studies based upon clinical and health records. In such cases any PHI shall be removed. For example, we may collect outcome data or group treatment

approaches or we may use data from your record to conduct a study or test patterns in head injury. Of course, we will not conduct any experimental research without a separate informed consent.

Correctional Institution: If you are an inmate of a correctional institution, we may disclose to the institution or agents there of your PHI necessary for your health and health and safety of other individuals.

Patient's Rights and Psychologist/Counselor's Duties:

Patient's Rights:

- ~ Right to Request Restrictions: You have the right to request restrictions on certain uses and disclosures of Protected Health Information about you. However, we are not required to agree to a restriction you request.
- ~ Right to Receive Confidential Communications by Alternative Means and at Alternative Locations: You have the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, you may not want a family member to know that you are in counseling. Upon your request, we will send your bills to another address.)
- ~ Right to Inspect and Copy: You have the right to inspect or obtain a copy (or both) of PHI in our mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. On your request, we will discuss with you the details of the request process.
- ~ Right to Amend: You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. We may deny your request. On your request, we will discuss with you the details of the amendment process.
- ~ Right to an Accounting: You generally have the right to receive an accounting of disclosures of PHI regarding you. On your request, we will discuss with you the details of the accounting process.
- ~ Right to a Paper Copy: You have the right to obtain a paper copy of the notice from us upon request, even if you have agreed to receive the notice electronically.

We reserve the right to bill you for professional time involved in explaining or reviewing these procedures with you.

Psychologist/Counselor's Duties:

- ~ We are required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI.
- ~ We reserve the right to change the privacy policies and practices described in the notice. Unless we notify you of such changes, however, we are required to abide by the terms currently in effect.

If we revise our policies and procedures, we will notify active clients by mail. Returning clients will be notified upon their first visit following a change in policy and procedures. Clients may request a written copy at any time by mailing such a request to SDG Counseling, LLC, 4400 N. Federal Highway, Suite 210, Boca Raton, FL 33431.

Questions and Complaints:

If you are a client of SDG Counseling, LLC and have questions about this notice, disagree with a decision we make about access to your records, believe that your privacy rights have been violated and wish to file a complaint or have other concerns about your privacy rights, you may contact Dr. Otto at 561-703-9444. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services.

You have specific rights under the Privacy Rule. We will not retaliate against you for exercising your right to file a complaint.



Therapy Agreement

I, _____, have applied for counseling, testing, or other services at SDG Counseling, LLC for myself and the following persons for whom I am legally responsible.

- I am responsible for any and all indebtedness incurred as a result of services rendered to me or those under my guardianship by this therapy or testing.
- I understand that if, during the course of treatment, the counselor determines that a threat of physical harm (including child or elder abuse) to the client or to another person is imminent, the appropriate individuals and authorities will be notified. By law, the appropriate authorities by be notified in accordance with the following Florida statutes: F.S. 39.201, F.S. 39.202, F.S. 39.204, F.S. 490.0147, and F.S. 491.0147.
- I further agree to indemnify and hold harmless SDG Counseling, LLC, its agents, servants, and employees from any claim for damages, or any nature arising out of, or allegedly due to, any activity related thereto. I accept full responsibility for any decisions make regarding my life.

I certify that he/she has read the above information carefully, understands its contents, and agree to receive services for myself and/or anyone herein designated as provided above.

Signed: _____

Date: _____

Signed: _____

Date: _____



**INFORMED CONSENT FOR COUNSELING REGARDING
UNWANTED SAME-SEX ATTRACTIONS AND BEHAVIORS**

For those clients struggling with sexual attractions or feelings that are inconsistent with their religious beliefs or that the client does not believe are true statements of how that person believes himself or herself to be, we offer counseling to assist those clients in understanding causes of such feelings or attractions and help them work toward their goal of making their attractions and feelings consistent with their beliefs. It is critical to understand that you, as the client, set the goals and objectives of counseling. Your therapist is only here to assist you in working toward the goals you set and does not participate in the decision of what a client's goals should be.

It is important for all clients to understand that there is never a guarantee of success with any form of mental health counseling, and that no marriage and family therapist can promise certain outcomes will be obtained by the client. This is also true with counseling for those individuals seeking to change, reduce, or eliminate unwanted same-sex attractions or feelings. It is also important to understand that your marriage and family therapist does not take a position on the goals or objectives you have with your counseling. It is our task to assist all clients in the goals that the client sets, and that your therapist will work with you to identify and understand what underlying issues may be causing you anxiety, distress, discomfort, fear, confusion, or any other uncomfortable feelings you may be having.

Though your therapist cannot guarantee a successful outcome, many clients who identify their goal as seeking to change their unwanted attractions or feelings do experience benefit from the counseling we provide. Many clients can and do succeed in reducing their attractions towards members of the same sex and reducing anxiety and confusion that arises from such feelings. For those clients whose anxiety, distress, or confusion arises from the inconsistency between their religious beliefs and their sexual attractions, feelings, or behaviors, counseling can and does provide benefit to those clients and allows them to conform their attractions and behaviors to their values, beliefs, and faith.

As with many other form of counseling, the therapeutic process can evoke stressful feelings or emotions that are difficult to deal with during the process. Change is never quick or easy, for any anxiety or distress that a client is feeling. The same is true of unwanted sexual or romantic feelings and attractions. Your therapist wants you to know that you are in control of your counseling at all times, and if your goals or objectives change at any point during the counseling, you should inform your therapist immediately.

Your therapist also wants you to know that there are some mental health professionals and others who suggest you should not have the goal of reducing or eliminating your unwanted feelings or attractions, and that some people believe that such counseling is unlikely to assist you. As noted above, your therapist disagrees with such conclusions and has personally

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COUNSELING, LLC

counseled many people who experienced successful change. While your therapist cannot guarantee that for you, you should be informed of the various viewpoints concerning this form of counseling prior to making your decision to choose and pursue such counseling.

Consent Statement: I have read this document, have had an opportunity to discuss its content with my therapist, agree to its terms, and have received a copy. This authorization constitutes informed consent for my decision to address issues related to unwanted attractions or feelings in a manner that is consistent with my goals for counseling, including my values and moral beliefs.

Patient Signature

Birth Date

Date

(If a minor)

Parent or Legal Guardian's Signature

Date

Therapist's Signature

Date

Code of Ethics

PREAMBLE

The Board of Directors of the American Association for Marriage and Family Therapy (AAMFT) hereby promulgates, pursuant to Article 2, Section 2.01.3 of the Association's Bylaws, the Revised AAMFT Code of Ethics, effective January 1, 2015.

Honoring Public Trust

The AAMFT strives to honor the public trust in marriage and family therapists by setting standards for ethical practice as described in this Code. The ethical standards define professional expectations and are enforced by the AAMFT Ethics Committee.

Commitment to Service, Advocacy and Public Participation

Marriage and family therapists are defined by an enduring dedication to professional and ethical excellence, as well as the commitment to service, advocacy, and public participation. The areas of service, advocacy, and public participation are recognized as responsibilities to the profession equal in importance to all other aspects. Marriage and family therapists embody these aspirations by participating in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little or no financial return. Additionally, marriage and family therapists are concerned with developing laws and regulations pertaining to marriage and family therapy that serve the public interest, and with altering such laws and regulations that are not in the public interest. Marriage and family therapists also encourage public participation in the design and delivery of professional services and in the regulation of practitioners. Professional competence in these areas is essential to the character of the field, and to the well-being of clients and their communities.

Seeking Consultation

The absence of an explicit reference to a specific behavior or situation in the Code does not mean that the behavior is ethical or unethical. The standards are not exhaustive. Marriage and family therapists who are uncertain about the ethics of a particular course of action are encouraged to seek counsel from consultants, attorneys, supervisors, colleagues, or other appropriate authorities.

Ethical Decision-Making

Both law and ethics govern the practice of marriage and family therapy. When making decisions regarding professional behavior, marriage and family therapists must consider the AAMFT Code of Ethics and

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Code of Ethics
applicable laws and regulations. If the AAMFT Code of Ethics prescribes a standard higher than that required by law, marriage and family therapists must meet the higher standard of the AAMFT Code of Ethics. Marriage and family therapists comply with the mandates of law, but make known their commitment to the AAMFT Code of Ethics and take steps to resolve the conflict in a responsible manner. The AAMFT supports legal mandates for reporting of alleged unethical conduct.

Marriage and family therapists remain accountable to the AAMFT Code of Ethics when acting as members or employees of organizations. If the mandates of an organization with which a marriage and family therapist is affiliated, through employment, contract or otherwise, conflict with the AAMFT Code of Ethics, marriage and family therapists make known to the organization their commitment to the AAMFT Code of Ethics and take reasonable steps to resolve the conflict in a way that allows the fullest adherence to the Code of Ethics.

Binding Expectations

The AAMFT Code of Ethics is binding on members of AAMFT in all membership categories, all AAMFT Approved Supervisors and all applicants for membership or the Approved Supervisor designation. AAMFT members have an obligation to be familiar with the AAMFT Code of Ethics and its application to their professional services. Lack of awareness or misunderstanding of an ethical standard is not a defense to a charge of unethical conduct.

Resolving Complaints

The process for filing, investigating, and resolving complaints of unethical conduct is described in the current AAMFT Procedures for Handling Ethical Matters. Persons accused are considered innocent by the Ethics Committee until proven guilty, except as otherwise provided, and are entitled to due process. If an AAMFT member resigns in anticipation of, or during the course of, an ethics investigation, the Ethics Committee will complete its investigation. Any publication of action taken by the Association will include the fact that the member attempted to resign during the investigation.

Aspirational Core Values

The following core values speak generally to the membership of AAMFT as a professional association, yet they also inform all the varieties of practice and service in which marriage and family therapists engage. These core values are aspirational in nature, and are distinct from ethical standards. These values are intended to provide an aspirational framework within which marriage and family therapists may pursue the highest goals of practice.

The core values of AAMFT embody:

1. Acceptance, appreciation, and inclusion of a diverse membership.
2. Distinctiveness and excellence in training of marriage and family therapists and those desiring to advance their skills, knowledge and expertise in systemic and relational therapies.
3. Responsiveness and excellence in service to members.
4. Diversity, equity and excellence in clinical practice, research, education and administration.
5. Integrity evidenced by a high threshold of ethical and honest behavior within Association governance and by members.
6. Innovation and the advancement of knowledge of systemic and relational therapies.

Ethical Standards

Ethical standards, by contrast, are rules of practice upon which the marriage and family therapist is obliged and judged. The introductory paragraph to each standard in the AAMFT Code of Ethics is an aspirational/explanatory orientation to the enforceable standards that follow.

STANDARD I

RESPONSIBILITY TO CLIENTS

Marriage and family therapists advance the welfare of families and individuals and make reasonable efforts to find the appropriate balance between conflicting goals within the family system.

1.1 Non-Discrimination.

Marriage and family therapists provide professional assistance to persons without discrimination on the basis of race, age, ethnicity, socioeconomic status, disability, gender, health status, religion, national origin, sexual orientation, gender identity or relationship status.

1.2 Informed Consent.

Marriage and family therapists obtain appropriate informed consent to therapy or related procedures and use language that is reasonably understandable to clients. When persons, due to age or mental status, are legally incapable of giving informed consent, marriage and family therapists obtain informed permission from a legally authorized person, if such substitute consent is legally permissible. The content of informed consent may vary depending upon the client and treatment plan; however, informed consent generally necessitates that the client: (a) has the capacity to consent; (b) has been adequately informed of significant information concerning treatment processes and procedures; (c) has been adequately informed of potential risks and benefits of treatments for which generally recognized standards do not yet exist; (d) has freely and without undue influence expressed consent; and (e) has provided consent that is appropriately documented.

1.3 Multiple Relationships.

Marriage and family therapists are aware of their influential positions with respect to clients, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid conditions and multiple relationships with clients that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business or close personal relationships with a client or the client's immediate family. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists document the appropriate precautions taken.

1.4 Sexual Intimacy with Current Clients and Others.

Sexual intimacy with current clients or with known members of the client's family system is prohibited.

1.5 Sexual Intimacy with Former Clients and Others.

Sexual intimacy with former clients or with known members of the client's family system is prohibited.

1.6 Reports of Unethical Conduct.

Marriage and family therapists comply with applicable laws regarding the reporting of alleged unethical conduct.

1.7 Abuse of the Therapeutic Relationship.

Marriage and family therapists do not abuse their power in therapeutic relationships.

1.8 Client Autonomy in Decision Making.

Marriage and family therapists respect the rights of clients to make decisions and help them to understand the consequences of these decisions. Therapists clearly advise clients that clients have the responsibility to make decisions regarding relationships such as cohabitation, marriage, divorce, separation, reconciliation, custody, and visitation.

1.9 Relationship Beneficial to Client.

Marriage and family therapists continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

1.10 Referrals.

Marriage and family therapists respectfully assist persons in obtaining appropriate therapeutic services if the therapist is unable or unwilling to provide professional help.

1.11 Non-Abandonment.

Marriage and family therapists do not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of treatment.

1.12 Written Consent to Record.

Marriage and family therapists obtain written informed consent from clients before recording any images or audio or permitting third-party observation.

1.13 Relationships with Third Parties.

Marriage and family therapists, upon agreeing to provide services to a person or entity at the request of a third party, clarify, to the extent feasible and at the outset of the service, the nature of the relationship with each party and the limits of confidentiality.

STANDARD II

CONFIDENTIALITY

Marriage and family therapists have unique confidentiality concerns because the client in a therapeutic relationship may be more than one person. Therapists respect and guard the confidences of each individual client.

2.1 Disclosing Limits of Confidentiality.

Marriage and family therapists disclose to clients and other interested parties at the outset of services the nature of confidentiality and possible limitations of the clients' right to confidentiality. Therapists review with clients the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. Circumstances may necessitate repeated disclosures.

2.2 Written Authorization to Release Client Information.

Marriage and family therapists do not disclose client confidences except by written authorization or waiver, or where mandated or permitted by law. Verbal authorization will not be sufficient except in emergency

situations, unless prohibited by law. When providing couple, family or group treatment, the therapist does not disclose information outside the treatment context without a written authorization from each individual competent to execute a waiver. In the context of couple, family or group treatment, the therapist may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

2.3 Client Access to Records.

Marriage and family therapists provide clients with reasonable access to records concerning the clients. When providing couple, family, or group treatment, the therapist does not provide access to records without a written authorization from each individual competent to execute a waiver. Marriage and family therapists limit client's access to their records only in exceptional circumstances when they are concerned, based on compelling evidence, that such access could cause serious harm to the client. The client's request and the rationale for withholding some or all of the record should be documented in the client's file. Marriage and family therapists take steps to protect the confidentiality of other individuals identified in client records.

2.4 Confidentiality in Non-Clinical Activities.

Marriage and family therapists use client and/or clinical materials in teaching, writing, consulting, research, and public presentations only if a written waiver has been obtained in accordance with Standard 2.2, or when appropriate steps have been taken to protect client identity and confidentiality.

2.5 Protection of Records.

Marriage and family therapists store, safeguard, and dispose of client records in ways that maintain confidentiality and in accord with applicable laws and professional standards.

2.6 Preparation for Practice Changes.

In preparation for moving a practice, closing a practice, or death, marriage and family therapists arrange for the storage, transfer, or disposal of client records in conformance with applicable laws and in ways that maintain confidentiality and safeguard the welfare of clients.

2.7 Confidentiality in Consultations.

Marriage and family therapists, when consulting with colleagues or referral sources, do not share confidential information that could reasonably lead to the identification of a client, research participant, supervisee, or other person with whom they have a confidential relationship unless they have obtained the prior written consent of the client, research participant, supervisee, or other person with whom they have a confidential relationship. Information may be shared only to the extent necessary to achieve the purposes of the consultation.

STANDARD III

PROFESSIONAL COMPETENCE AND INTEGRITY

Marriage and family therapists maintain high standards of professional competence and integrity.

3.1 Maintenance of Competency.

Marriage and family therapists pursue knowledge of new developments and maintain their competence in marriage and family therapy through education, training, and/or supervised experience.

3.2 Knowledge of Regulatory Standards.

Marriage and family therapists pursue appropriate consultation and training to ensure adequate knowledge of and adherence to applicable laws, ethics, and professional standards.

3.3 Seek Assistance.

Marriage and family therapists seek appropriate professional assistance for issues that may impair work performance or clinical judgment.

3.4 Conflicts of Interest.

Marriage and family therapists do not provide services that create a conflict of interest that may impair work performance or clinical judgment.

3.5 Maintenance of Records.

Marriage and family therapists maintain accurate and adequate clinical and financial records in accordance with applicable law.

3.6 Development of New Skills.

While developing new skills in specialty areas, marriage and family therapists take steps to ensure the competence of their work and to protect clients from possible harm. Marriage and family therapists practice in specialty areas new to them only after appropriate education, training, and/or supervised experience.

3.7 Harassment.

Marriage and family therapists do not engage in sexual or other forms of harassment of clients, students, trainees, supervisees, employees, colleagues, or research subjects.

3.8 Exploitation.

Marriage and family therapists do not engage in the exploitation of clients, students, trainees, supervisees, employees, colleagues, or research subjects.

3.9 Gifts.

Marriage and family therapists attend to cultural norms when considering whether to accept gifts from or give gifts to clients. Marriage and family therapists consider the potential effects that receiving or giving gifts may have on clients and on the integrity and efficacy of the therapeutic relationship.

3.10 Scope of Competence.

Marriage and family therapists do not diagnose, treat, or advise on problems outside the recognized boundaries of their competencies.

3.11 Public Statements.

Marriage and family therapists, because of their ability to influence and alter the lives of others, exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

3.12 Professional Misconduct.

Marriage and family therapists may be in violation of this Code and subject to termination of membership or other appropriate action if they: (a) are convicted of any felony; (b) are convicted of a misdemeanor related to

their qualifications or functions; (c) engage in conduct which could lead to conviction of a felony, or a misdemeanor related to their qualifications or functions; (d) are expelled from or disciplined by other professional organizations; (e) have their licenses or certificates suspended or revoked or are otherwise disciplined by regulatory bodies; (f) continue to practice marriage and family therapy while no longer competent to do so because they are impaired by physical or mental causes or the abuse of alcohol or other substances; or (g) fail to cooperate with the Association at any point from the inception of an ethical complaint through the completion of all proceedings regarding that complaint.

STANDARD IV

RESPONSIBILITY TO STUDENTS AND SUPERVISEES

Marriage and family therapists do not exploit the trust and dependency of students and supervisees.

4.1 Exploitation.

Marriage and family therapists who are in a supervisory role are aware of their influential positions with respect to students and supervisees, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid conditions and multiple relationships that could impair professional objectivity or increase the risk of exploitation. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists take appropriate precautions.

4.2 Therapy with Students or Supervisees.

Marriage and family therapists do not provide therapy to current students or supervisees.

4.3 Sexual Intimacy with Students or Supervisees.

Marriage and family therapists do not engage in sexual intimacy with students or supervisees during the evaluative or training relationship between the therapist and student or supervisee.

4.4 Oversight of Supervisee Competence.

Marriage and family therapists do not permit students or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

4.5 Oversight of Supervisee Professionalism.

Marriage and family therapists take reasonable measures to ensure that services provided by supervisees are professional.

4.6 Existing Relationship with Students or Supervisees

Marriage and family therapists are aware of their influential positions with respect to supervisees, and they avoid exploiting the trust and dependency of such persons. Supervisors, therefore, make every effort to avoid conditions and multiple relationships with supervisees that could impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, business or close personal relationships with supervisees or the supervisee's immediate family. When the risk of impairment or exploitation exists due to conditions or multiple roles, supervisors document the appropriate precautions taken.

4.7 Confidentiality with Supervisees.

Marriage and family therapists do not disclose supervisee confidences except by written authorization or waiver, or when mandated or permitted by law. In educational or training settings where there are multiple supervisors, disclosures are permitted only to other professional colleagues, administrators, or employers who share responsibility for training of the supervisee. Verbal authorization will not be sufficient except in emergency situations, unless prohibited by law.

4.8 Payment for Supervision.

Marriage and family therapists providing clinical supervision shall not enter into financial arrangements with supervisees through deceptive or exploitative practices, nor shall marriage and family therapists providing clinical supervision exert undue influence over supervisees when establishing supervision fees. Marriage and family therapists shall also not engage in other exploitative practices of supervisees.

STANDARD V RESEARCH AND PUBLICATION

Marriage and family therapists respect the dignity and protect the welfare of research participants, and are aware of applicable laws, regulations, and professional standards governing the conduct of research.

5.1 Institutional Approval.

When institutional approval is required, marriage and family therapists submit accurate information about their research proposals and obtain appropriate approval prior to conducting the research.

5. 2 Protection of Research Participants.

Marriage and family therapists are responsible for making careful examinations of ethical acceptability in planning research. To the extent that services to research participants may be compromised by participation in research, marriage and family therapists seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of research participants.

5. 3 Informed Consent to Research.

Marriage and family therapists inform participants about the purpose of the research, expected length, and research procedures. They also inform participants of the aspects of the research that might reasonably be expected to influence willingness to participate such as potential risks, discomforts, or adverse effects. Marriage and family therapists are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services, or have impairments which limit understanding and/or communication, or when participants are children. Marriage and family therapists inform participants about any potential research benefits, the limits of confidentiality, and whom to contact concerning questions about the research and their rights as research participants.

5.4 Right to Decline or Withdraw Participation.

Marriage and family therapists respect each participant's freedom to decline participation in or to withdraw from a research study at any time. This obligation requires special thought and consideration when investigators or other members of the research team are in positions of authority or influence over participants. Marriage and family therapists, therefore, make every effort to avoid multiple relationships with research participants that could impair professional judgment or increase the risk of exploitation. When offering inducements for research participation, marriage and family therapists make reasonable efforts to

avoid offering inappropriate or excessive inducements when such inducements are likely to coerce participation.

5.5 Confidentiality of Research Data.

Information obtained about a research participant during the course of an investigation is confidential unless there is a waiver previously obtained in writing. When the possibility exists that others, including family members, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

5.6 Publication.

Marriage and family therapists do not fabricate research results. Marriage and family therapists disclose potential conflicts of interest and take authorship credit only for work they have performed or to which they have contributed. Publication credits accurately reflect the relative contributions of the individual involved.

5.7 Authorship of Student Work.

Marriage and family therapists do not accept or require authorship credit for a publication based from student's research, unless the marriage and family therapist made a substantial contribution beyond being a faculty advisor or research committee member. Co-authorship on student research should be determined in accordance with principles of fairness and justice.

5.8 Plagiarism.

Marriage and family therapists who are the authors of books or other materials that are published or distributed do not plagiarize or fail to cite persons to whom credit for original ideas or work is due.

5.9 Accuracy in Publication.

Marriage and family therapists who are authors of books or other materials published or distributed by an organization take reasonable precautions to ensure that the published materials are accurate and factual.

STANDARD VI

TECHNOLOGY-ASSISTED PROFESSIONAL SERVICES

Therapy, supervision, and other professional services engaged in by marriage and family therapists take place over an increasing number of technological platforms. There are great benefits and responsibilities inherent in both the traditional therapeutic and supervision contexts, as well as in the utilization of technologically-assisted professional services. This standard addresses basic ethical requirements of offering therapy, supervision, and related professional services using electronic means.

6.1 Technology Assisted Services.

Prior to commencing therapy or supervision services through electronic means (including but not limited to phone and Internet), marriage and family therapists ensure that they are compliant with all relevant laws for the delivery of such services. Additionally, marriage and family therapists must: (a) determine that technologically-assisted services or supervision are appropriate for clients or supervisees, considering professional, intellectual, emotional, and physical needs; (b) inform clients or supervisees of the potential risks and benefits associated with technologically-assisted services; (c) ensure the security of their

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communication medium; and (d) only commence electronic therapy or supervision after appropriate education, training, or supervised experience using the relevant technology.

6.2 Consent to Treat or Supervise.

Clients and supervisees, whether contracting for services as individuals, dyads, families, or groups, must be made aware of the risks and responsibilities associated with technology-assisted services. Therapists are to advise clients and supervisees in writing of these risks, and of both the therapist's and clients'/supervisees' responsibilities for minimizing such risks.

6.3 Confidentiality and Professional Responsibilities.

It is the therapist's or supervisor's responsibility to choose technological platforms that adhere to standards of best practices related to confidentiality and quality of services, and that meet applicable laws. Clients and supervisees are to be made aware in writing of the limitations and protections offered by the therapist's or supervisor's technology.

6.4 Technology and Documentation.

Therapists and supervisors are to ensure that all documentation containing identifying or otherwise sensitive information which is electronically stored and/or transferred is done using technology that adhere to standards of best practices related to confidentiality and quality of services, and that meet applicable laws. Clients and supervisees are to be made aware in writing of the limitations and protections offered by the therapist's or supervisor's technology.

6.5 Location of Services and Practice.

Therapists and supervisors follow all applicable laws regarding location of practice and services, and do not use technologically-assisted means for practicing outside of their allowed jurisdictions.

6.6 Training and Use of Current Technology.

Marriage and family therapists ensure that they are well trained and competent in the use of all chosen technology-assisted professional services. Careful choices of audio, video, and other options are made in order to optimize quality and security of services, and to adhere to standards of best practices for technology-assisted services. Furthermore, such choices of technology are to be suitably advanced and current so as to best serve the professional needs of clients and supervisees.

STANDARD VII

PROFESSIONAL EVALUATIONS

Marriage and family therapists aspire to the highest of standards in providing testimony in various contexts within the legal system.

7.1 Performance of Forensic Services.

Marriage and family therapists may perform forensic services which may include interviews, consultations, evaluations, reports, and assessments both formal and informal, in keeping with applicable laws and competencies.

7.2 Testimony in Legal Proceedings

Marriage and family therapists who provide expert or fact witness testimony in legal proceedings avoid misleading judgments, base conclusions and opinions on appropriate data, and avoid inaccuracies insofar as possible. When offering testimony, as marriage and family therapy experts, they shall strive to be accurate, objective, fair, and independent.

7.3 Competence.

Marriage and family therapists demonstrate competence via education and experience in providing testimony in legal systems.

7.4 Informed Consent.

Marriage and family therapists provide written notice and make reasonable efforts to obtain written consents of persons who are the subject(s) of evaluations and inform clients about the evaluation process, use of information and recommendations, financial arrangements, and the role of the therapist within the legal system.

7.5 Avoiding Conflicts.

Clear distinctions are made between therapy and evaluations. Marriage and family therapists avoid conflict in roles in legal proceedings wherever possible and disclose potential conflicts. As therapy begins, marriage and family therapists clarify roles and the extent of confidentiality when legal systems are involved.

7.6 Avoiding Dual Roles.

Marriage and family therapists avoid providing therapy to clients for whom the therapist has provided a forensic evaluation and avoid providing evaluations for those who are clients, unless otherwise mandated by legal systems.

7.7 Separation of Custody Evaluation from Therapy.

Marriage and family therapists avoid conflicts of interest in treating minors or adults involved in custody or visitation actions by not performing evaluations for custody, residence, or visitation of the minor. Marriage and family therapists who treat minors may provide the court or mental health professional performing the evaluation with information about the minor from the marriage and family therapist's perspective as a treating marriage and family therapist, so long as the marriage and family therapist obtains appropriate consents to release information.

7.8 Professional Opinions.

Marriage and family therapists who provide forensic evaluations avoid offering professional opinions about persons they have not directly interviewed. Marriage and family therapists declare the limits of their competencies and information.

7.9 Changes in Service.

Clients are informed if changes in the role of provision of services of marriage and family therapy occur and/or are mandated by a legal system.

7.10 Familiarity with Rules.

Marriage and family therapists who provide forensic evaluations are familiar with judicial and/or administrative rules prescribing their roles.

STANDARD VIII

FINANCIAL ARRANGEMENTS

Marriage and family therapists make financial arrangements with clients, third-party payors, and supervisees that are reasonably understandable and conform to accepted professional practices.

8.1 Financial Integrity.

Marriage and family therapists do not offer or accept kickbacks, rebates, bonuses, or other remuneration for referrals. Fee-for-service arrangements are not prohibited.

8.2 Disclosure of Financial Policies.

Prior to entering into the therapeutic or supervisory relationship, marriage and family therapists clearly disclose and explain to clients and supervisees: (a) all financial arrangements and fees related to professional services, including charges for canceled or missed appointments; (b) the use of collection agencies or legal measures for nonpayment; and (c) the procedure for obtaining payment from the client, to the extent allowed by law, if payment is denied by the third-party payor. Once services have begun, therapists provide reasonable notice of any changes in fees or other charges.

8.3 Notice of Payment Recovery Procedures.

Marriage and family therapists give reasonable notice to clients with unpaid balances of their intent to seek collection by agency or legal recourse. When such action is taken, therapists will not disclose clinical information.

8.4 Truthful Representation of Services.

Marriage and family therapists represent facts truthfully to clients, third-party payors, and supervisees regarding services rendered.

8.5 Bartering.

Marriage and family therapists ordinarily refrain from accepting goods and services from clients in return for services rendered. Bartering for professional services may be conducted only if: (a) the supervisee or client requests it; (b) the relationship is not exploitative; (c) the professional relationship is not distorted; and (d) a clear written contract is established.

8.6 Withholding Records for Non-Payment.

Marriage and family therapists may not withhold records under their immediate control that are requested and needed for a client's treatment solely because payment has not been received for past services, except as otherwise provided by law.

STANDARD IX

ADVERTISING

Marriage and family therapists engage in appropriate informational activities, including those that enable the public, referral sources, or others to choose professional services on an informed basis.

9.1 Accurate Professional Representation.

Marriage and family therapists accurately represent their competencies, education, training, and experience relevant to their practice of marriage and family therapy in accordance with applicable law.

9.2 Promotional Materials.

Marriage and family therapists ensure that advertisements and publications in any media are true, accurate, and in accordance with applicable law.

9.3 Professional Affiliations.

Marriage and family therapists do not hold themselves out as being partners or associates of a firm if they are not.

9.4 Professional Identification.

Marriage and family therapists do not use any professional identification (such as a business card, office sign, letterhead, Internet, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading, or deceptive.

9.5 Educational Credentials.

Marriage and family therapists claim degrees for their clinical services only if those degrees demonstrate training and education in marriage and family therapy or related fields.

9.6 Employee or Supervisee Qualifications.

Marriage and family therapists make certain that the qualifications of their employees and supervisees are represented in a manner that is true, accurate, and in accordance with applicable law.

9.7 Specialization.

Marriage and family therapists represent themselves as providing specialized services only after taking reasonable steps to ensure the competence of their work and to protect clients, supervisees, and others from harm.

9.8 Correction of Misinformation.

Marriage and family therapists correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

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Legal and Ethics Consultations

Your membership in AAMFT allows you access to various member benefits, including consultations with AAMFT's legal and ethics staff. All members of AAMFT are eligible to receive Ethical Advisory Opinions. Members in the following AAMFT membership categories are eligible for Legal Consultations: Pre-Allied Mental Health Professional Members, Allied Mental Professional Members, Pre-Clinical Fellow, and Clinical Fellow.

Ethics Complaint Process

The AAMFT Ethics Committee has the ability to investigate complaints against AAMFT members for alleged violations of the AAMFT Code of Ethics.



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From: [Helene Hvizd](#)
To: "julie@drjuliehamilton.com"; [Todd J. Bonlarron](#)
Cc: [Erin Taylor](#)
Subject: RE: Amended Conversion Therapy Ban Ordinance
Date: Wednesday, December 13, 2017 10:46:07 AM

My pleasure!

From: julie@drjuliehamilton.com [mailto:julie@drjuliehamilton.com]
Sent: Wednesday, December 13, 2017 10:44 AM
To: Helene Hvizd <HHvizd@pbcgov.org>; Todd J. Bonlarron <TBonlarr@pbcgov.org>
Cc: Erin Taylor <ETaylor2@pbcgov.org>
Subject: RE: Amended Conversion Therapy Ban Ordinance

OK - thank you for the clarification!

----- Original Message -----
Subject: Amended Conversion Therapy Ban Ordinance
From: Helene Hvizd <HHvizd@pbcgov.org>
Date: Wed, December 13, 2017 8:35 am
To: "julie@drjuliehamilton.com" <julie@drjuliehamilton.com>, "Todd J. Bonlarron" <TBonlarr@pbcgov.org>
Cc: Erin Taylor <ETaylor2@pbcgov.org>

Good morning, Dr. Hamilton,

Following the December 5, 2017, BCC meeting, my office received comments and suggestions from those in favor of the ordinance and from those opposed. The amended ordinance being presented to the BCC at its December 19, 2017, meeting (attached) addresses Commissioners' concerns and is the best draft ordinance my office could fashion taking all suggestions from all interested parties into account. This draft ordinance will not be amended again by my office prior to the December 19, 2017, BCC meeting.

At this point, you will not be circumventing any channels by communicating directly with the County Commissioners, as are those who favor the ordinance.

Thank you,

Helene

From: julie@drjuliehamilton.com [mailto:julie@drjuliehamilton.com]
Sent: Wednesday, December 13, 2017 9:23 AM
To: Helene Hvizd <HHvizd@pbcgov.org>; Todd J. Bonlarron <TBonlarr@pbcgov.org>
Cc: Erin Taylor <ETaylor2@pbcgov.org>
Subject: RE: Tightening the ordinance

Dear Helene and Todd,

Commissioner Bernard suggested that "we should bring the parties together and address it to make sure that it (the ordinance) is narrowly tailored". (see video at 1:44) This followed Commissioner Abrams concerns about the broad language of the ordinance that would ban simple counseling (speech). When I asked Todd about both parties coming together to refine the language, Todd said that your office would be doing that and that I could send my suggestions to your office. I understand that you have already circulated a revised version, but is your office considering the suggestions that I sent to you? It seems that if I send my suggestions directly to the Commissioners, as you have suggested below, it would be circumventing the proper channels, since it is your office that revised the petition and makes the recommendations to the Commissioners. Is your office considering the suggestions and would your office be willing to incorporate those suggestions in the final version? Commissioner Bernard stated in the BCC Meeting that we would still have time to work out a better draft. There is still one week left before the 19th meeting. Is your office considering the suggestions I sent in?

Again, I am willing to send my suggestions to the Commissioners, but honestly, it doesn't really make sense to me to do it that way. Your office seems like the place to discuss and either accept or reject the changes. Or am I not understanding the process clearly?

Thank you for any feedback that you might be able to provide.
Julie

----- Original Message -----

Subject: RE: Tightening the ordinance
From: Helene Hvizd <HHvizd@pbcgov.org>
Date: Tue, December 12, 2017 2:30 pm
To: "'julie@drjuliehamilton.com'" <julie@drjuliehamilton.com>, "Todd J. Bonlarron" <TBonlarr@pbcgov.org>
Cc: Erin Taylor <ETaylor2@pbcgov.org>

If you want any changes made from the version that is officially on the agenda, then you should ask for those changes. You can provide the BCC with copies of your suggested changes in advance by emailing the Commissioners' offices. That way you would not need to use your public comment to address the suggested changes.

Thank you,

Helene

From: julie@drjuliehamilton.com [<mailto:julie@drjuliehamilton.com>]

Sent: Tuesday, December 12, 2017 4:02 PM

To: Helene Hvizd <HHvizd@pbcgov.org>; Todd J. Bonlarron <TBonlarr@pbcgov.org>

Cc: Erin Taylor <ETaylor2@pbcgov.org>

Subject: RE: Tightening the ordinance

Will that be part of my 3 minutes, or can I give it to you at the meeting?

----- Original Message -----

Subject: RE: Tightening the ordinance
From: Helene Hvizd <HHvizd@pbcgov.org>
Date: Tue, December 12, 2017 1:45 pm
To: ""julie@drjuliehamilton.com"" <julie@drjuliehamilton.com>, "Todd J. Bonlarron" <TBonlarr@pbcgov.org>
Cc: Erin Taylor <ETaylor2@pbcgov.org>

Thank you, Dr. Hamilton. I understand that we are not able to amend the ordinance again before the BCC meeting on December 19, as it is currently in circulation with the amendment intended to respond to the Board's concerns. Will you please bring any proposed amendments to the December 19th BCC meeting for presentation to the BCC then?

From: julie@drjuliehamilton.com [<mailto:julie@drjuliehamilton.com>]

Sent: Tuesday, December 12, 2017 3:13 PM

To: Helene Hvizd <HHvizd@pbcgov.org>; Todd J. Bonlarron <TBonlarr@pbcgov.org>

Cc: Erin Taylor <ETaylor2@pbcgov.org>

Subject: RE: Tightening the ordinance

Helene,

In Wellington, the commissioner who is a defense attorney for malpractice suits suggested using wording from the APA task force. He said that in line 22 of page 5 in the definition section at the end of that paragraph you could add the line "as long as such counseling does not impose a specific sexual identity outcome" (A quote taken from the APA task force report) to replace the line that currently reads "as long as such counseling does not seek to change an individuals sexual orientation or gender identity". He said that therapists should still have the option of helping clients accomplish their goals of change, as long as those goals were not imposed on the client. To accomplish that, I think you would still have to add the words "against the clients will" to the end of the sentence in line 16 as I noted in my original email to you.

Thank you again for your willingness to consider this!
Julie

----- Original Message -----

Subject: RE: Tightening the ordinance
From: Helene Hvizd <HHvizd@pbcgov.org>
Date: Mon, December 11, 2017 11:21 am
To: ""julie@drjuliehamilton.com"" <julie@drjuliehamilton.com>, "Todd J. Bonlarron" <TBonlarr@pbcgov.org>
Cc: Erin Taylor <ETaylor2@pbcgov.org>

Fantastic, Dr. Hamilton! Thank you!

From: julie@drjuliehamilton.com

[<mailto:julie@drjuliehamilton.com>]

Sent: Monday, December 11, 2017 1:19 PM

To: Helene Hvizd <HHvizd@pbcgov.org>; Todd J. Bonlarron <TBonlarr@pbcgov.org>

Cc: Erin Taylor <ETaylor2@pbcgov.org>

Subject: RE: Tightening the ordinance

Helene,

Thank you for sending the revised ordinance and for your kind words. Thank you for taking the Whereas clause containing the APA misquote out of the ordinance. And thank you for trying to make it more clear. My concern with the current change is that the word "practice" would still apply to speech because the only "practice" that a counselor has is conversation.

I hope Todd will consider the change that I suggested. But if for some reason the change that I recommended is unacceptable, I might have another suggestion. There was a change that was recommended by a commissioner in Wellington. He is a defense attorney for malpractice cases, so he understands healthcare roles and rights. I will try to find that language and send it to you. I might not be back on line until this evening or tomorrow. But I will get that to you as soon as I locate it. Thank you again for considering input!!
Julie

----- Original Message -----

Subject: RE: Tightening the ordinance

From: Helene Hvizd <HHvizd@pbcgov.org>

Date: Mon, December 11, 2017 10:40 am

To: "'julie@drjuliehamilton.com'"

<julie@drjuliehamilton.com> ,

"Todd J. Bonlarron" <TBonlarr@pbcgov.org>

Cc: Erin Taylor <ETaylor2@pbcgov.org>

Hello Dr. Hamilton,

Thank you for your suggested edits to the ordinance. We made a couple of amendments to the ordinance (copy attached), and it is currently circulating for agenda approval.

I see that you copied Todd. He would be the person to give me final approval to make your suggested edits, so I will

await Todd's direction.

Thank you again for taking the time to send your suggestions. I appreciate your professionalism!

Helene

From: julie@drjuliehamilton.com

[<mailto:julie@drjuliehamilton.com>]

Sent: Monday, December 11, 2017 12:22 PM

To: Helene Hvizd <HHvizd@pbcgov.org>; Todd J.

Bonlarron <TBonlarr@pbcgov.org>

Subject: Tightening the ordinance

Dear Helene,

Commissioner Abrams suggested tightening the language in the ordinance, and you said that we could send you suggestions. So, I am sending some ideas. As you know, I am completely opposed to the ordinance for a number of reasons. Instead of your current ordinance, I would recommend the attached resolution. I believe this one is reasonable and defensible. However, if the HRC or Commissioners are not willing to consider the attached resolution, would you consider making the following changes to the current ordinance (which again, I believe, is unwarranted, harmful, and unlawful).

Suggested changes: Add the word "coercive" before the word "counseling" on page 5, section 4, line 13, and adding "against the individual's will" on line 16 and at the end of the paragraph:

Conversion Therapy means any **coercive** counseling, practices or treatments that seek to change an individual's sexual orientation or gender identity **against the individual's will**, including but not limited to efforts to change behaviors, gender identity, or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does not include

counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity **against the individual's will.**

Again, I do not support this ordinance at all, but this change might make it less harmful to minors.

Thank you for your consideration of this,
Julie Hamilton

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 9:18-cv-80771-RLR

ROBERT W. OTTO, PH.D., LMFT,
individually and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT,
individually and on behalf of her patients,

Plaintiffs,

v.

CITY OF BOCA RATON, FLORIDA, and
COUNTY OF PALM BEACH, FLORIDA,

Defendants.

**DEFENDANT, PALM BEACH COUNTY’S RESPONSES TO PLAINTIFFS’ REQUESTS
FOR ADMISSION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION**

COMES NOW Defendant, PALM BEACH COUNTY, by and through its undersigned Assistant County Attorney and hereby responds to Plaintiffs’ ROBERT W. OTTO and JULIE H. HAMILTON’s First Set of Requests for Admission, Interrogatories, and Requests for Production served on July 17, 2018.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 22, 2018, I electronically served the foregoing by email to all counsel for the parties on the attached service list.



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PALM BEACH COUNTY'S RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION

REQUEST FOR ADMISSION 1:

Admit that the County has not received any Complaint that any Minor was harmed by any SOCE counseling provided within the County.

RESPONSE: Denied.

INTERROGATORY 1:

[If your response to RFA 1 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 1 is anything other than an unqualified admission, then for each Complaint received by the County that a Minor was harmed by any SOCE counseling provided within the County, Identify (per Definition # 8): the Person(s) making the Complaint, the date of the Complaint, the nature of the conduct and harm alleged in the Complaint, the Person(s) receiving the Complaint, the Person(s) allegedly providing the SOCE counseling, the location(s) of the SOCE counseling, the date(s) of the SOCE counseling, the nature of the SOCE counseling, and the Person(s) allegedly harmed.

RESPONSE: At the December 5 and 19, 2017, Palm Beach County Board of County Commissioners meetings, Rand Hoch informed the Board that there were two complaints of children within District 1 of Palm Beach County that were harmed by SOCE counseling. Additionally, Nicholas Sofoul, a Palm Beach County resident, advised the Commissioners that he had "personally heard and been moved by the horrific stories of friends that have been subject to these cruel and inhumane methods."

See:

- 1. Videos of the December 5, 2017 Board of County Commissioners Meeting [PBC 000164 – PBC 000165];**
- 2. Videos of the December 19, 2017 Board of County Commissioners Meeting [PBC 000166 – PBC 000167];**
- 3. Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1 [PBC 000325 – PBC 000429];**
- 4. Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1 [PBC 000430 – PBC 000550];**
- 5. December 18, 2017, "Support for Conversion Therapy Ban" Email from Nick Sofoul [PBC 002849]**

REQUEST FOR PRODUCTION 1:

[If your response to RFA 1 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 1 is anything other than an unqualified admission, then for each Complaint received by the County that a Minor was harmed by any SOCE counseling provided within the County, produce:

- (a) all Documents Concerning that Complaint;
- (b) all Documents Concerning how that Complaint was processed, handled, investigated, prosecuted, and/or resolved by the County;
- (c) all Documents Concerning any interview, investigation, or report conducted by the County in connection with that Complaint;
- (d) all internal Communications of County personnel regarding that Complaint; and
- (e) all Communications of County personnel with any Person(s) not employed by the County regarding that Complaint.

RESPONSE: See response to interrogatory #1 above.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 1: See response to interrogatory #1 above.

REQUEST FOR ADMISSION 2:

Admit that the County has not received any Complaint that any Minor was subjected to SOCE counseling within the County against that Minor's wishes or without that Minor's consent.

RESPONSE: Denied.

INTERROGATORY 2:

[If your response to RFA 2 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 2 is anything other than an unqualified admission, then for each Complaint received by the County that a Minor was subjected to SOCE counseling within the County against that Minor's wishes or without that Minor's consent, Identify (per Definition # 8): the Person(s) making the Complaint, the date of the Complaint, the nature of the conduct and harm alleged in the Complaint, the Person(s) receiving the Complaint, the Person(s) allegedly providing the SOCE counseling, the location(s) of the SOCE counseling, the date(s) of the SOCE counseling, the nature of the SOCE counseling, and the Person(s) allegedly subjected involuntarily to SOCE counseling.

RESPONSE: See response to Interrogatory #1.

REQUEST FOR PRODUCTION 2:

[If your response to RFA 2 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 2 is anything other than an unqualified admission, then for each Complaint received by the County that a Minor was subjected to SOCE counseling within the County against that Minor's wishes or without that Minor's consent, produce:

- (a) all Documents Concerning that Complaint;
- (b) all Documents Concerning how that Complaint was processed, handled, investigated, prosecuted, and/or resolved by the County;
- (c) all Documents Concerning any interview, investigation, or report conducted by the County in connection with that Complaint;
- (d) all internal Communications of County personnel regarding that Complaint; and
- (e) all Communications of County personnel with any Person(s) not employed by the County regarding that Complaint.

RESPONSE: See response to Request for Production #1.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 2: See response to Request for Production #1.

REQUEST FOR ADMISSION 3:

Admit that, prior to enacting Ordinance 2017-046, the County did not conduct or commission any of its own empirical studies, research, or investigation to determine whether any Minor within the County had been harmed by any SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent.

[For the sake of clarity, this RFA is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: Admitted that the County does not "commission" County employees to do their job and that the County did not conduct studies without third party assistance. Denied that the County did not conduct its own research and investigation to determine whether it could identify specific minors whom had been harmed by SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent.

INTERROGATORY 3:

[If your response to RFA 3 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 3 is anything other than an unqualified admission, then for each study, research, or investigation conducted or commissioned by the County prior to enacting Ordinance 2017-046 to determine whether any Minor within the County had been harmed by any SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent, Identify (per Definition # 8): the Person(s) who conducted the study, research, or investigation; the date(s) when the study, research, or investigation was conducted; the nature of that study, research, or investigation; the results of that study, research, or investigation; and any Person(s) allegedly found to have been harmed by, or involuntarily subjected to, SOCE counseling.

[For the sake of clarity, this Interrogatory is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: Helene Hvizd, Esq., June 21, 2016 – December 5, 2017, No individuals identified by Ms. Hvizd's individual research and investigation.

REQUEST FOR PRODUCTION 3:

[If your response to RFA 3 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 3 is anything other than an unqualified admission, then for each study, research, or investigation conducted by the County prior to enacting Ordinance 2017-046 to determine whether any Minor within the County had been harmed by any SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent, produce:

- (a) all Documents Concerning that study, research, or investigation;
- (b) all internal Communications of County personnel regarding that study, research, or investigation; and
- (c) all Communications of County personnel with any Person(s) not employed by the County regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: None.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 3: None.

REQUEST FOR ADMISSION 4:

Admit that, prior to enacting Ordinance 2017-046, the County did not conduct or commission any of its own empirical studies, research, or investigations to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor.

[For the sake of clarity, this RFA is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: Admitted that the County does not “commission” County employees to do their job and that the County did not conduct studies, non-legal research or investigations without third party assistance of the harms of voluntary SOCE counseling.

INTERROGATORY 4:

[If your response to RFA 4 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 4 is anything other than an unqualified admission, then for each study, research, or investigation conducted or commissioned by the County prior to enacting Ordinance 2017-046 to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor, Identify (per Definition # 8): the Person(s) who conducted the study, research, or investigation; the date(s) when the study, research, or investigation was conducted; the nature of that study, research, or investigation; the results of that study, research, or investigation; and any Person(s) allegedly found to have been harmed by any voluntary SOCE counseling.

[For the sake of clarity, this Interrogatory is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: The County does not “commission” County employees to do their job and that the County did not conduct studies, non-legal research or investigations without third party assistance of the harms of voluntary SOCE counseling.

REQUEST FOR PRODUCTION 4:

[If your response to RFA 4 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 4 is anything other than an unqualified admission, then for each study, research, or investigation conducted by the County prior to enacting Ordinance 2017-046 to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor, produce:

- (a) all Documents Concerning that study, research, or investigation;
- (b) all internal Communications of County personnel regarding that study, research, or investigation; and
- (c) all Communications of County personnel with any Person(s) not employed by the County regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: None as the County does not “commission” County employees to do their job and that the County did not conduct studies, non-legal research or investigations without third party assistance of the harms of voluntary SOCE counseling.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 4: None.

REQUEST FOR ADMISSION 5:

Admit that none of the third party empirical studies, research, investigations, resolutions, or position papers which the County reviewed prior to enacting Ordinance 2017-046 concluded that voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor.

RESPONSE: Denied.

INTERROGATORY 5:

[If your response to RFA 5 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 5 is anything other than an unqualified admission, then for each third party study, research, investigation, resolution, or position paper reviewed by the County prior to enacting Ordinance 2017-046, Identify: the specific conclusion which you contend to have been made therein regarding voluntary SOCE counseling, which a Minor who experiences

unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive; the specific page number(s) where you contend that conclusion to exist; and the specific portion of any meeting wherein the County considered that specific conclusion.

RESPONSE:

1. **2009 Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation. [PBC 001824-1963]**

Although the recent studies do not provide valid causal evidence of the efficacy of SOCE or of its harm, some recent studies document that there are people who perceive that they have been harmed through SOCE (Beckstead & Morrow, 2004; Nicolosi et al., 2000; Schaeffer et al., 2000; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; G. Smith et al., 2004), just as other recent studies document that there are people who perceive that they have benefited from it (Beckstead & Morrow, 2004; Nicolosi et al., 2000; Pattison & Pattison, 1980; Schaeffer et al., 2000; Spitzer, 2003). Among those studies reporting on the perceptions of harm, the reported negative social and emotional consequences include self-reports of anger, anxiety, confusion, depression, grief, guilt, hopelessness, deteriorated relationships with family, loss of social support, loss of faith, poor self-image, social isolation, intimacy difficulties, intrusive imagery, suicidal ideation, self-hatred, and sexual dysfunction. ... Many participants in studies by Beckstead and Morrow (2004) and Shidlo and Schroeder (2002) described experiencing first the positive effects and then experiencing or acknowledging the negative effects later.

2009 Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, p. 42.

Participants in the studies by Beckstead and Morrow (2004) and Shidlo and Schroeder (2002) described the harm they experienced as (a) decreased self-esteem and authenticity to others; (b) increased self-hatred and negative perceptions of homosexuality; (c) confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, and suicidality; (d) anger at and a sense of betrayal by SOCE providers; (e) an increase in substance abuse and high-risk sexual behaviors; (f) a feeling of being dehumanized and untrue to self; (g) a loss of faith; and (h) a sense of having wasted time and resources. Interpreting SOCE failures as individual failures was also reported in this research, in that individuals blamed themselves for the failure (i.e., weakness, and lack of effort, commitment, faith, or worthiness in God's eyes). Intrusive images and sexual dysfunction were also reported, particularly among those who had experienced aversion techniques. Participants in these studies related that their relationships with others were also harmed in the following ways: (a) hostility toward and blame of parents, believing their parents "caused" their homosexuality; (b) anger at and a sense of betrayal by SOCE providers; (c) loss of LGB friends and potential romantic partners because of the belief

that they should avoid sexual minority people; (d) problems in sexual and emotional intimacy with other-sex partners; (e) stress due to the negative emotions of spouses and family members because of expectations that SOCE would work (e.g., disappointment, self-blame for failure of change, perception of betrayal by partner) (see also J. G. Ford, 2001); and (f) guilt and confusion when they were sexually intimate with other same-sex members of the ex-gay groups to which they had turned for help in avoiding their attractions.

Id. at 50-51

The first finding from our review is that there is insufficient evidence that SOCE are efficacious for changing sexual orientation. Furthermore, there is some evidence that such efforts cause harm. ...

... Other discussions focus on other harms of SOCE, such as reinforcing bias, discrimination, and stigma against LGB individuals (Davison, 1976, 1978, 1991; Drescher, 1999, 2001, 2002; Gonsiorek, 2004). ...

... Other perceptions of harm mentioned by recipients of SOCE include increased guilt and hopelessness due to the failure of the intervention, loss of spiritual faith, and a sense of personal failure and unworthiness (Beckstead & Morrow, 2004; Haldeman, 2001, 2004; Shidlo & Schroeder, 2002). Other indirect harms from SOCE include the time, energy, and cost of interventions that were not beneficial (Beckstead & Morrow, 2004; Lilienfeld, 2007; G. Smith et al., 2004).

Id. at 66-68.

The ethical issues outlined in Chapter 7 are also relevant to children and adolescents; however, working with adolescents presents unique ethical dilemmas to LMHP (Koocher, 2003). Children and adolescents are often unable to anticipate the future consequences of a course of action and are emotionally and financially dependent on adults. Further, they are in the midst of developmental processes in which the ultimate outcome is unknown. Efforts to alter that developmental path may have unanticipated consequences (Perrin, 2002).

Id. at 77.

We found no empirical evidence that providing any type of therapy in childhood can alter adult same-sex sexual orientation. Some advocates of these treatments see homosexuality as a mental disorder, a concept that has been rejected by the mental health professions for more than 35 years. Further, the theories that such efforts are based on have not been corroborated by scientific

evidence or evaluated for harm. Thus, we recommend that LMHP avoid such efforts and provide instead multicultural, client-centered, and affirmative treatments that are developmentally appropriate (Perrin, 2002).

SOCE that focus on negative representations of homosexuality and lack a theoretical or evidence base provide no documented benefits and can pose harm through increasing sexual stigma and providing inaccurate information.

Id. at 79.

Report was discussed at PBC 000336-37, 000341, 000453, 000472. See PBC 000339, 000391, 000508.

2. 2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth [PBC 000053-128].

Interventions aimed at a fixed outcome, such as gender conformity or heterosexual orientation, including those aimed at changing gender identity, gender expression, and sexual orientation are coercive, can be harmful, and should not be part of behavioral health treatment. (American Psychiatric Association, 2013b; American Psychological Association, 2010; National Association of Social Workers, 2008).

2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth, p. 1, 11.

As will be addressed in detail below, conversion therapy perpetuates outdated gender roles and negative stereotypes that being a sexual or gender minority or identifying as LGBTQ is an abnormal aspect of human development. Most importantly, it may put young people at risk of serious harm.

Id. at 7.

There is a lack of published research on efforts to change sexual orientation among children and adolescents; no existing research supports that mental health and behavioral interventions with children and adolescents alter sexual orientation. Given the research on the secondary outcomes of such efforts, the potential for risk of harm suggests the need for other models of behavioral health treatment

Id. at 12.

Mental health and behavioral interventions aimed at achieving a fixed outcome, such as gender conformity, including those aimed at changing gender identity or gender expression, are coercive, can be harmful, and should not be part of treatment. Directing the child or adolescent to conform to any particular gender expression or identity, or directing parents and guardians to place pressure on the child or adolescent to conform to specific gender expressions and/or identities, is inappropriate and reinforces harmful gender stereotypes

Id. at 13.

There have been no studies on the effects of conversion therapy on children, though adults' retrospective accounts of their experiences of conversion therapy during childhood or adolescence suggests that many were harmed (American Psychological Association, 2009). No new studies have been published that would change the conclusions reached in the APA Taskforce's 2009 review.

Id. at 25.

No research has been published in the peer-reviewed literature that demonstrates the efficacy of conversion therapy efforts with gender minority youth, nor any benefits of such interventions to children and their families. Researchers have reported that these interventions are ineffective in decreasing the likelihood of a future same-gender sexual orientation or minority sexual identity (Zucker & Bradley, 1995). In addition to a lack of evidence for the efficacy of conversion therapy with gender minority youth, there are concerns about the ethics of this practice (Byne, et al., 2012; Coleman, et al., 2012) as well as the practice's potential for harm (Minter, 2012; Wallace & Russell, 2013). Although no research demonstrating the harms of conversion therapy with gender minority youth has been published, the potential harms of conversion therapy are suggested by clinicians' observations that the behavioral issues and psychological distress of many children and adolescents with gender dysphoria improves markedly when their gender identities and expressions are affirmed through social and/or medical transition (de Vries, Steensma, Doreleijers, & Cohen-Kettenis, 2011; Edwards-Leeper & Spack, 2012), as well as by the body of literature demonstrating the negative effects of both rejection and a lack of support on the health and well-being of gender minority youth (e.g., research from Kosciw, et al. (2014), Ryan, et al. (2010), and Travers, et al. (2012)).

In conclusion, given the lack of evidence for the efficacy conversion therapy and the fact that conversion therapy efforts are based on a view of gender diversity that runs counter to scientific consensus, in addition to evidence that rejecting behaviors and a lack of support have adverse effects on the psychological well-being of gender minority youth – conversion therapy, as

well as any therapeutic intervention with an *a priori* goal for a child's or adolescent's gender expression, gender identity, or sexual orientation, is inappropriate. Given the potential for harm associated with conversion therapy efforts, other affirmative behavioral health interventions are recommended for individual or family distress associated with sexual orientation and gender identity.

Id. at 26.

In addition, interventions that attempt to change sexual orientation, gender identity, gender expression, or any other form of conversion therapy are also inappropriate and may cause harm. Informed consent cannot be provided for an intervention that does not have a benefit to the client.

Id. at 27.

“When assessing the validity of conversion therapy, or other practices that seek to change an individual’s gender identity or sexual orientation, it is as imperative to seek guidance from certified medical experts. The overwhelming scientific evidence demonstrates that conversion therapy, especially when it is practiced on young people, is neither medically nor ethically appropriate and can cause substantial harm.

As part of our dedication to protecting America’s youth, this Administration supports efforts to ban the use of conversion therapy for minors.” (Jarrett, 2015)

Id. at 24 (italics in original).

See PBC 000339, 000391, 000508.

3. Homosexuality and Adolescence, Pediatrics Vol. 92 No. 4 (October 1993) [PBC000015-20].

Therapy directed specifically at changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation.

Homosexuality and Adolescence, Pediatrics Vol. 92 No. 4 (October 1993), p. 633.

Mentioned at PBC 000337, 000339. See PBC 000391, 000508.

4. American College of Physicians, LGBT Health Disparities article and the Therapies to Change Sexual Orientation Lack Medical Justification and Threaten Health, Annals of Internal Medicine (2015) [PBC 000129-163].

Available research does not support the use of reparative therapy as an effective method in the treatment of LGBT persons. Evidence shows that the practice may actually cause emotional or physical harm to LGBT individuals, particularly adolescents or young persons. Research done at San Francisco State University on the effect of familial attitudes and acceptance found that LGBT youth who were rejected by their families because of their identity were more likely than their LGBT peers who were not rejected or only mildly rejected by their families to attempt suicide, report high levels of depression, use illegal drugs, or be at risk for HIV and sexually transmitted illnesses (71). The American Psychological Association literature review found that reparative therapy is associated with the loss of sexual feeling, depression, anxiety, and suicidality (68).

American College of Physicians, LGBT Health Disparities article and the Therapies to Change Sexual Orientation Lack Medical Justification and Threaten Health, *Annals of Internal Medicine* (2015), p. 21 of 35.

See PBC 000339, 000391, 000508.

5. American Psychiatric Association Position Statement on Psychiatric Treatment and Sexual Orientation, (1998) [PBC 000021].

The potential risks of "reparative therapy" are great and include depression, anxiety, and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone "reparative therapy" relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian are not presented, nor are alternative approaches to dealing with the effects of societal stigmatization discussed. APA recognizes that in the course of ongoing psychiatric treatment, there may be appropriate clinical indications for attempting to change sexual behaviors.

American Psychiatric Association Position Statement on Psychiatric Treatment and Sexual Orientation, (1998).

Mentioned at PBC 000336-37, 000339, 000472. See PBC 000391, 000508.

6. American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents [PBC 000028-45].

There is no established evidence that change in a predominant, enduring homosexual pattern of development is possible. Although sexual fantasies can,

to some degree, be suppressed or repressed by those who are ashamed of or in conflict about them, sexual desire is not a choice. However, behavior, social role, and—to a degree—identity and self-acceptance are. Although operant conditioning modifies sexual fetishes, it does not alter homosexuality. Psychiatric efforts to alter sexual orientation through “reparative therapy” in adults have found little or no change in sexual orientation, while causing significant risk of harm to self-esteem. A study of efforts to do so in adults has been criticized for failure to adequately consider risks such as increased anguish, self-loathing, depression, anxiety, substance abuse and suicidality, and for failure to support appropriate coping with prejudice and stigma.

There is no empirical evidence that adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness, and caring, which are important protective factors against suicidal ideation and attempts. As bullies typically identify their targets on the basis of adult attitudes and cues, adult efforts to prevent homosexuality by discouraging gender variant traits in “prehomosexual children” may risk fomenting bullying. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial, or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated.

American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents, p. 967-68.

Similarly, the possible risk that children may be traumatized by disapproval of their gender discordance must be considered. Just as family rejection is associated with problems such as depression, suicidality, and substance abuse in gay youth, the proposed benefits of treatment to eliminate gender discordance in youth must be carefully weighed against such possible deleterious effects.

Id. at 969.

Mentioned at PBC 000337, 000339. See PBC 000391, 000508.

7. Pan American Health Organization, "Therapies" to change sexual orientation lack medical justification and threaten health (2012) [PBC 00046-50].

The document notes that no rigorous scientific studies demonstrate any efficacy of efforts to change sexual orientation. However, there are many testimonies about the severe harm to mental and physical health that such

"services" can cause. Repression of sexual orientation has been associated with feelings of guilt and shame, depression, anxiety, and even suicide.

Pan American Health Organization, "Therapies" to change sexual orientation lack medical justification and threaten health (2012), p. 1 of 5.

See PBC 000339, 000391, 000508.

8. American Psychoanalytic Association, 2012 - Position Statement on Attempts to Change Sexual Orientation, Gender Identity, or Gender Expression [PBC000027].

Psychoanalytic technique does not encompass purposeful attempts to "convert," "repair," change or shift an individual's sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes.

American Psychoanalytic Association, 2012 - Position Statement on Attempts to Change Sexual Orientation, Gender Identity, or Gender Expression.

See PBC 000339, 000391, 000508.

9. American Psychological Association 2009 Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts [PBC 000022-26].

Although sound data on the safety of SOCE are extremely limited, some individuals reported being harmed by SOCE. Distress and depression were exacerbated. Belief in the hope of sexual orientation change followed by the failure of the treatment was identified as a significant cause of distress and negative self-image (Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002).

American Psychological Association 2009 Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts, p. 30.

Mentioned at PBC 000337, 000339, 000453. See PBC 000391, 000508.

10. Quote from ACLU read by Commissioner Valeche [See PBC 001449].

Available research does not support the use of conversion therapy as an effective method in the treatment of LGBT persons. Evidence shows that the practice may actually cause emotional or physical harm to LGBT individuals, particularly adolescents or young persons. ...

Read at PBC 000403.

11. King v. Christie [PBC 000943-77].

In passing this statute, the New Jersey Legislature determined, *inter alia*, that this type of treatment subjects minors to potentially harmful consequences.

It is also immaterial that some of the legislature's findings and declarations address SOCE with respect to adults, as opposed to minors. It is certainly rational for the legislature to believe that the potential harms that attend SOCE for adults exist at least equally for minors.

Case discussed at PBC 000522-23. See PBC 000433.

12. Pickup v. Brown [PBC 000898-99].

The record demonstrates that the legislature acted rationally when it decided to protect the well-being of minors by prohibiting mental health providers from using SOCE on persons under 18.8 The legislature relied on the report of the Task Force of the American Psychological Association, which concluded that SOCE has not been demonstrated to be effective and that there have been anecdotal reports of harm, including depression, suicidal thoughts or actions, and substance abuse. The legislature also relied on the opinions of many other. We acknowledge that Plaintiffs ask us to apply strict scrutiny, but they have not cited any case in which a court has applied strict scrutiny to the regulation of a medical or mental health treatment. Nor are we aware of any. We need not and do not decide whether the legislature would have acted rationally had it banned SOCE for adults. One could argue that children under the age of 18 are especially vulnerable with respect to sexual identity and that their parents' judgment may be clouded by this emotionally charged issue as well. The considerations with respect to adults may be different. professional organizations. Each of those organizations opposed the use of SOCE, concluding, among other things, that homosexuality is not an illness and does not require treatment (American School Counselor Association), SOCE therapy can provoke guilt and anxiety (American Academy of Pediatrics), it may be harmful (National Association of Social Workers), and it may contribute to an enduring sense of stigma and self-criticism (American Psychoanalytic Association). Although the legislature also had before it some evidence that SOCE is safe and effective, the overwhelming consensus was that SOCE was harmful and ineffective. On this record, we have no trouble concluding that the legislature acted rationally by relying on that consensus.

13. See also:

Videos of the December 5, 2017 Board of County Commissioners Meeting [PBC 000164 – PBC 000165];

Videos of the December 19, 2017 Board of County Commissioners Meeting [PBC 000166 – PBC 000167];

**Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1 [PBC 000325 – PBC 000429];
Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1 [PBC 000430 – PBC 000550];
PBC 000745-70;
PBC 001551 – PBC 001758;
PBC 001812 – PBC 001963;
PBC 001966 – PBC 002517.**

REQUEST FOR PRODUCTION 5:

[If your response to RFA 5 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 5 is anything other than an unqualified admission, then produce each third party empirical study, research, investigation, resolution, or position paper which the County reviewed prior to enacting Ordinance 2017-046, and which you contend to have concluded that voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor.

RESPONSE: See response to interrogatory #5 above.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 5: See response to interrogatory #5 above.

REQUEST FOR ADMISSION 6:

Admit that, prior to enacting Ordinance 2017-046, the County did not review any empirical studies, research, investigations, resolutions, or position papers examining the ability or inability of Minors to consent to SOCE counseling.

RESPONSE: The County is incapable of admitting or denying because minors generally cannot legally consent. Furthermore, consent cannot be provided to an intervention that is neither evidence-based nor effective.

INTERROGATORY 6:

[If your response to RFA 6 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 6 is anything other than an unqualified admission, then Identify: each study, research, investigation, resolution, or position paper reviewed by the County prior to enacting Ordinance 2017-046 which You contend to have examined the ability or inability of Minors to consent to SOCE counseling; the specific page number(s) where you contend that discussion to exist; and the specific portion of any meeting wherein the County considered that specific discussion.

RESPONSE:

1. **2009 Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, p. 5, 68-69, 74, 76, 77, 79 [PBC 001824-1963]**
2. **2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth, p. 3, 27, 31-32, 46, 51 [PBC 000053-128].**
3. **American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents, p. 969 [PBC 000028-45].**
4. **Videos of the December 5, 2017 Board of County Commissioners Meeting [PBC 000164 – PBC 000165];**
5. **Videos of the December 19, 2017 Board of County Commissioners Meeting [PBC 000166 – PBC 000167];**
6. **Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1 [PBC 000325 – PBC 000429];**
7. **Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1 [PBC 000430 – PBC 000550];**

REQUEST FOR PRODUCTION 6:

[If your response to RFA 6 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 6 is anything other than an unqualified admission, then produce each study, research, investigation, resolution, or position paper which the County reviewed prior to enacting Ordinance 2017-046, and which you contend to have examined the ability or inability of Minors to consent to SOCE counseling.

RESPONSE: See response to interrogatory #6.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 6: See response to interrogatory #6.

REQUEST FOR ADMISSION 7:

Admit that, prior to enacting Ordinance 2017-046, the County did not consider or discuss any alternative means of meeting its asserted interests which would have been less restrictive on speech than the Ordinance as enacted.

RESPONSE: Denied. This request for admission assumes incorrectly that the Ordinance is a restriction on speech. The Ordinance is a regulation of professional conduct. The request further incorrectly assumes that any “less restrictive” alternative means for meeting the County’s interests existed.

INTERROGATORY 7:

[If your response to RFA 7 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 7 is anything other than an unqualified admission, then for each less restrictive alternative to Ordinance 2017-046 considered or discussed by the County, Identify: the alternative measure considered or discussed by the County; all efforts conducted by the County to determine the feasibility or efficacy of that alternative measure; all reasons for rejecting that alternative measure; and the specific portion(s) of any meeting where that alternative measure was considered or discussed.

OBJECTION: This request for admission assumes incorrectly that the Ordinance is a restriction on speech. The Ordinance is a regulation of professional conduct. The request further incorrectly assumes that any “less restrictive” alternative means for meeting the County’s interests existed.

RESPONSE: To the extent this interrogatory inquires about “alternatives” presented to the County in its consideration of the Ordinance, see the documents produced in response to request for production #7. Alternatives were rejected as they did not adequately protect minors from harm.

REQUEST FOR PRODUCTION 7:

[If your response to RFA 7 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 7 is anything other than an unqualified admission, then produce all Documents Concerning each less restrictive alternative to Ordinance 2017-046 considered or discussed by the County, including but not limited to all Documents Concerning any effort conducted by the County to determine the feasibility or efficacy of any less restrictive alternative, and all Documents showing the specific portion(s) of any meeting where that alternative measure was considered or discussed.

RESPONSE:

1. December 12, 2017, “Conversion Ordinance” Email from Robert Tennies. [PBC 0002765]
2. December 18, 2017, “Conversion Ordinance” Email from Mayor McKinlay [PBC 002840]
3. Emails from Julie Hamilton, Ph.D., LMFT [PBC 006163, 006178, 006181, 006185, 006194]
4. Videos of the December 5, 2017 Board of County Commissioners Meeting [PBC 000164 – PBC 000165];
5. Videos of the December 19, 2017 Board of County Commissioners Meeting [PBC 000166 – PBC 000167];

6. Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1 [PBC 000325 – PBC 000429];
7. Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1 [PBC 000430 – PBC 000550];

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 7: See above.

ADDITIONAL INTERROGATORIES

INTERROGATORY 8:

Identify (per Definition # 8) all Persons employed by the County who had any involvement in drafting, considering, debating, amending, voting on, or enacting Ordinance 2017-046, and describe the nature of each such Person's involvement.

RESPONSE:

**June 2016 Palm Beach County Commissioners,
directed staff to return with an ordinance:**

Mary Lou Berger, Mayor
Steven L. Abrams, County Commissioner
Paulette Burdick, County Commissioner
Melissa McKinley, County Commissioner
Priscilla A. Taylor, County Commissioner
Shelley Vana, County Commissioner
Hal R. Valeche, County Commissioner

**December 2017 Palm Beach County Commissioners,
considered, debated, voted and enacted:**

Melissa McKinlay, Mayor
Steven L. Abrams, County Commissioner
Mary Lou Berger, County Commissioner
Mack Bernard, County Commissioner
Paulette Burdick, County Commissioner
Dave Kerner, County Commissioner
Hal R. Valeche, County Commissioner

**Palm Beach County Attorney's Office,
involved with drafting and amending:**

Helene Hvizd, Senior Assistant County Attorney, drafted and amended
Denise Marie Nieman, County Attorney, consulted
Leonard Berger, Chief Assistant County Attorney, consulted
Shannon Fox, Assistant County Attorney, consulted

Palm Beach County Attorney's Office,

minimal involvement, privy to privileged communications and work product:

Denise Coffman, Assistant County Attorney
Donna Raney, Chief Assistant County Attorney
Robert P. Banks, Chief Land Use County Attorney
Anne Helfant, Assistant County Attorney
Dawn Wynn, Senior Assistant County Attorney
David Ottey, Chief Assistant County Attorney

Palm Beach County Administration,

involved with enacting:

Verdenia Baker, County Administrator
Todd Bonlarron, Assistant County Administrator

Palm Beach County Staff,

involved with County Attorney's Office's drafting and amending:

Ramsay Bulkeley, Deputy Director, Planning, Zoning & Building,
Robert Santos-Alborna, Director, Code Enforcement
Tammy Fields, Director, Youth Services
Shayna Ginsburg, Chief Clinical Services Education and Training
Tony Spaniol, Director, Residential Treatment and Family Counseling

Palm Beach County Staff,

minimal involvement, privy to privileged communications and work product:

Janice Allwood, Executive Assistant to the County Attorney
Cindy Beaudreau, Agenda Coordinator
Carmen Bersch, Executive Assistant I, Youth Services
Kelley Burke, County Commission Administrative Assistant III
Peyton McArthur, County Commission Administrative Assistant III
Larry Caraccio, Senior Code Enforcement Officer
Michael Hauseman, Senior Code Enforcement Officer
Leah Hermann, Legal Secretary, County Attorney's Office
Kenneth Jackson, Senior Code Enforcement Officer
Irwin Jacobowitz, Director, Contract Development and Control
Dwayne Johnson, Senior Code Enforcement Officer
Karon Lambe, Senior Secretary, Planning, Zoning & Building
Marcela Millett, MS, Casework Supervisor, Dept. of Community Services
Lynne Reilly, Legal Secretary, County Attorney's Office
Patrick Rutter, Assistant County Administrator
Kathy Scarlett, Director, Purchasing Department
Stephanie Sejnoha, Director, Public Safety
Erin Taylor, Executive Assistant I, County Administration
Richard Torrance, Senior Code Enforcement Officer
Loretta Yakovakis, Legal Secretary, County Attorney's Office

INTERROGATORY 9:

Identify (per Definition # 8) all Persons (including organizations) with which the County consulted, collaborated, or otherwise communicated Concerning the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, and describe the nature of each such Person's involvement.

RESPONSE:

Palm Beach County League of Cities – Board of Directors Meeting on October 25, 2017:

**Andy Amoroso, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Jennifer Ashton, League Counsel
Davis & Ashton, P.A.
1111 Hypoluxo Road, Suite 207
Lantana, Florida 334662**

**Gail Coniglio, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Robert Gebbia, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Anne Gerwig, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Kimberly Glas-Castro, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Robert Gottlieb, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**JeRiise Hansen, League Staff
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Susan Haynie, Past President
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Jeff Hmara, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Keith James, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Debbie Manzo, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Andrea McCue, Manager of City of Greenacres
5800 Melaleuca Lane
Greenacres, Florida 33463**

**Peter Noble, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Richard Radcliff, League Staff
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Harry Raucher
Lake Worth Drainage District
13081 S. Military Trail
Delray Beach, Florida 33484**

**Rosemary Rayman
Lake Worth Drainage District
13081 S. Military Trail
Delray Beach, Florida 33484**

**Robert Shalhoub, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**David Stewart, Past President
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Mo Thornton, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Patti Waller, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Robert Weinroth, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Todd Wodraska, Past President
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

Anna Yeskey

Comment Cards from December 5, 2017 Board of County Commissioners Meeting:

**Elizabeth Bessette
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33409
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017**

Rachael Brent

**389 Churchill Road
West Palm Beach, Florida 33405
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Dylan Brooks
720 N. Dixie Highway #204
Lantana, Florida 33462
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Amanda Canete
5600 N. Flagler Drive, Apt. 2406
West Palm Beach, Florida
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Carly Cass
1131A Sand Drift Way
West Palm Beach, Florida 33411
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Alicia Clarke
1840 Hollyhock Road
Wellington, Florida 33414
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017**

**Randall Clarke
1840 Hollyhock Road
Wellington, Florida 33414
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017**

**Sherman Dibble
11227 66th Street N.
West Palm Beach, Florida 33412
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Emma Dieterle
11779 Bayou Lane
Boca Raton, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017**

Marla Dieterle
11779 Bayou Lane
Boca Raton, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

William F. Dupere
130 Nottingham Road
Royal Palm Beach, Florida 33411
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Patrick Hamel
7000 Lauden Drive
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Julie Hamilton
2853 White Trout Lane
Subject: Filled out a comment and card and spoke on Agenda Item 4.A.1 on December 5, 2017

Tyler Hamilton
2853 White Trout Lane
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Charlene Harren
1708 SW 20th Street
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Rand Hoch
400 N. Flagler Drive #1402
West Palm Beach, Florida 33401
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Alex Larson
16933 W. Harlena Drive
Loxahatchee, Florida

Fane Lozman
(no address provided)

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Melanie Mahady
2400 Yamato Road
Boca Raton, Florida**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Kathleen S. Mason
2340 Bay Village Court
Palm Beach Gardens, Florida**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Rachel Needle
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33409**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Dr. Robert Otto
233 NE 31 Street
Boca Raton, Florida 33431**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Shannon Otto
233 NE 31 Street
Boca Raton, Florida 33431**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Janina Seifel
410 Wilma Circle #305
Riviera Beach, Florida 33404**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Jon Seifel
410 Wilma Circle #305
Riviera Beach, Florida 33404**

Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017 but did not wish to speak

Kieron Sharpe
18345 Jupiter Landings Dr.
Jupiter, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Vanessa Brooke Smith
639 White Water Drive
West Palm Beach, Florida 33413
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017 but did not wish to speak

Robert K. Swarthout
6605 Las Flores Drive
Boca Raton, Florida 33433
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Sara Swarthout
6605 Las Flores Drive
Boca Raton, Florida 33433
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Robert Tennigs
2415 NW 30th Road
Boca Raton, Florida 33431
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Julie Thomas
4798 Orchard Lane
Delray Beach, Florida 33445
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017 but did not wish to speak

Steve Thomas
4798 Orchard Lane
Delray Beach, Florida 33445
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Sue Trowind (sp?)
P.O. Box 1917
Boca Raton, Florida 33429

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

**Dr. Daria Wels
951 NW 13th Street**

Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Comment Cards from December 19, 2017 Board of County Commissioners Meeting:

**Troy Bailes
18615 Orange Grove Blvd.
Loxahatchee, Florida**

Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

**Manuel Barahona
9630 Sun Pointe**

Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

**Elizabeth Bassette
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33406**

Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

**Heather Benson
5959 Whirlaway Road
Palm Beach Gardens, Florida 33418**

Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

**Connie Bogner
135 E. 24th Street
Riviera Beach, Florida 33404**

Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

**Virginia Brooks
917 Evergreen Drive
North Palm Beach, Florida 33408**

Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Connie Brown
1261 SW 28 Ave.
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

James P. Brown
9930 Pineapple Tree Drive #110
Boynton Beach, Florida
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Jerry Cox
405 Brittany I
Delray Beach, Florida 33446
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Nicole Davis
P.O. Box 19564
West Palm Beach, Florida 33416
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Emma Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Gordon Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Jesse Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Marla Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Heather Good
360 SE Mizner Blvd., Unit 1514
Boca Raton, Florida 33432
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

William Gray
10399 Stonebridge
Boca Raton, Florida
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Julie Hamilton
2853 White Trout Lane
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Charlene Harren
(no address)
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Rand Hoch
400 N. Flagler Drive #1402
West Palm Beach, Florida 33401
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Natasha Hood
9440 SW 8th St., Apt. 421
Boca Raton, Florida 33428
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Christa Jewett
7703 Blairwood Circle S
Lake Worth, Florida 33467
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Harm Maarsingh
15090 Oak Chase Court
Wellington, Florida 33414
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

_____ Martin
2340 Bay _____
Palm Beach Gardens, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on
December 19, 2017

Rev. Jeremy McKeen
6473 Paradise Cv.
West Palm Beach, Florida 33411
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on
December 19, 2017

Kelly McVey
10399 Stonebridge
Boca Raton, Florida
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19,
2017 but did not wish to speak

Lori Messham
75 Cleveland Road
Lake Worth, Florida 33467
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on
December 19, 2017

Rachel Needle
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33409
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on
December 19, 2017

Dr. Robert Otto
233 NE 31 St.
Boca Raton, Florida 33431
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on
December 19, 2017

Shannon Otto
233 NE 31 St.
Boca Raton, Florida 33431
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on
December 19, 2017

Liza M. Pedraza
9452 Granite Ridge Lane
West Palm Beach, Florida 33411
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak`

Tye Riter
9107 Rodeo Drive
Lake Worth, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Janina Seifel
410 Wilma Circle, Apt. 305
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Jon Seifel
410 Wilma Circle #305
Riviera Beach, Florida 33404
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Kieron Sharpe
18345 Jupiter Landings Drive
Jupiter, Florida 33458
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Steven Smith
3614 Sonoma Drive
Riviera Beach, Florida 33404
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Chris Stahl
2014 S. Seacrest Blvd., Apt. D
Boynton Beach, Florida 33435
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Sara Swarhout
6605 Las Flores Drive
Boca Raton, Florida 33433
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Steve Thomas
4798 Orchard Lane
Delray Beach, Florida 33445
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Andres Torrens
122 Casa Grande Ct.
Palm Beach Gardens, Florida 33418
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Diane Torres
3547 Tamarook Trail
West Palm Beach, Florida 33406
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

James Tracoy
10665 Oak Lake Way
Boca Raton, Florida 33498
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Sue Trombino
P.O. Box 1917
Boca Raton, Florida 33429
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Dr. Daria Wels
951 NW 13th Street
Boca Raton, Florida 33486
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Emailed County Commissioners and/or County Staff:

**Jan Beasley
DeAnn Bennardo
Diane Bertolina
Judith Brooks
Curt Carlson
Charlotte Cox
Jerry Cox
Jesse Dieterle
Marla Dieterle
Tami Donnally
Karen Gaffey
Jill Hardin
Christa Jewett
Lindsey Kline
Carolyn Kost
Suzanne Leary
Ruth Ludow
John McGovern
Kelly McVey
Jeanne Nahama
Lisa Pedraza
Tricky Purity
Timothy Scheetz
Janina Seifel
Nick Sofoul
Susan Stowe
Bob Tennies
Rand Hoch**

Emails from Liberty Counsel to County Commissioners:

**Richard Mast
Daniel Schmid**

Communicated with County Attorney's Office:

**Rand Hoch, Palm Beach County Human Rights Council
Laurie Cohen, Village Attorney, Wellington
Jennifer Gardner Ashton, Esquire
Jerry Gewirtz, Assistant County Attorney, Tampa
Kyle Lindskog, Assistant City Attorney, St. Petersburg
Jessica Morris, M.A.
Ernest Mueller, Senior Assistant County Attorney, Tampa
Zoe Panarites, Assistant City Attorney, West Palm Beach**

Carolyn Reyes, Youth Policy Counsel, National Center for Lesbian Rights
Robert Rosenwald, Jr., First Assistant City Attorney, Miami Beach
Kimberly Rothenburg, City Attorney, West Palm Beach
Janice Rustin, Assistant City Attorney, Delray Beach
David Schwartz, City Attorney, Gainesville
Nicolle M. Shalley, City Attorney, Gainesville
Jerrold Simpson, Assistant County Attorney, Tampa
Terrence Smith, Assistant County Attorney, Miami
Patricia Staples, Deputy City Clerk, Wilton Manors
James Stokes, City Attorney, Greenacres
Erica Tenore, City of West Palm Beach
Sylvia Torres, Alachua County Senior Assistant County Attorney
Debora Turner, First Assistant City Attorney, Miami Beach
Dr. Nancy Vrechek

ADDITIONAL REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION 8:

All Documents Concerning prior drafts or versions of Ordinance 2017-046 considered by the County.

OBJECTION: See privilege log.

RESPONSE:

PBC 000562 – PBC 000740
PBC 012799 – PBC 012866
PBC 015559 - PBC 015562
PBC 015574 – PBC 015576
PBC 015590 – PBC 015597
PBC 015624 – PBC 015632

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 8: See above.

REQUEST FOR PRODUCTION 9:

All Documents Concerning the County's drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, including but not limited to all staff notes or reports, all legislative memoranda, all research documents, and all transcripts or audio or video recordings of any meeting wherein the Ordinance or any ban on SOCE counseling was considered or discussed.

OBJECTION: See privilege log.

RESPONSE:

1. Ordinance No. 2017-046; [PBC 000001 – PBC 000014]
2. Videos of the December 5, 2017 Board of County Commissioners Meeting; [PBC 000164 – PBC 000165]
3. Videos of the December 19, 2017 Board of County Commissioners Meeting; [PBC 000166 – PBC 000167]
4. Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1; [PBC 000325 – PBC 000429]
5. Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1; [PBC 000430 – PBC 000550]
6. Comment Cards from the December 5, 2017 Board of County Commissioners Meeting [PBC 000249 – PBC 000282];
7. Comment Cards from the December 19, 2017 Board of County Commissioners Meeting [PBC 000283 – PBC 000324];

8. PBC 000562 – PBC 000740
9. PBC 002518
10. PBC 002519 – PBC 002596
11. PBC 002597 – PBC 002694
12. PBC 002695 – PBC 002893
13. PBC 002894 – PBC 003270
14. PBC 003271 – PBC 003304
15. PBC 004901
16. PBC 004915 – PBC 004927
17. PBC 004957 – PBC 004958
18. PBC 005003 – PBC 005007
19. PBC 005106 – PBC 5298
20. PBC 005081 – PBC 005085
21. PBC 005329
22. PBC 005903 – PBC 006094
23. PBC 007373 – PBC 007399
24. PBC 007642 – PBC 007977
25. PBC 007979 – PBC 008384
26. PBC 008385 – PBC 008543
27. PBC 009605 – PBC 009630
28. PBC 009994 – PBC 010164
29. PBC 009994 – PBC 010164
30. PBC 010165 – PBC 012549
31. PBC 010165 – PBC 012549
32. PBC 012867 – PBC 012926
33. PBC 012927 – PBC 012970
34. PBC 012987 – PBC 012988
35. PBC 012990 – PBC 013070
36. PBC 013072 – PBC 013616
37. PBC 014630
38. PBC 014634 – PBC 014635
39. PBC 014638 – PBC014639
40. PBC 014645 – PBC 014646
41. PBC 014648
42. PBC 014664
43. PBC 014666 – PBC 014683
44. PBC014688 – PBC 014691
45. PBC 014700
46. PBC 014702
47. PBC 014704
48. PBC 014715
49. PBC 014716
50. PBC 014718
51. PBC 014762
52. PBC 14806
53. PBC 014815 – PBC 014817

- 54. PBC 014843 – PBC 014845
- 55. PBC 014848 – PBC 015699
- 56. PBC 015721 – PBC 015722
- 57. PBC 015725 – PBC 015726
- 58. PBC 015727 – PBC 015728

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 9: See above.

REQUEST FOR PRODUCTION 10:

All Documents reviewed or considered by the County in the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, including but not limited to all empirical studies, data, statistics, analyses, research, position papers, testimony, letters, correspondence, or communications.

OBJECTION: See privilege log.

RESPONSE:

- 1. PBC 000743 – PBC 00791
- 2. PBC 00792 – PBC 001325
- 3. PBC 001326 – PBC 001360
- 4. PBC 001361 – PBC 001416
- 5. PBC 001417 and PBC 001431
- 6. PBC 001432 – PBC 001447
- 7. PBC 001448
- 8. PBC 001449 – PBC 001476
- 9. PBC 001477 – PBC 001550
- 10. PBC 001551 – PBC 001758
- 11. PBC 001759 – PBC 001963
- 12. PBC 001964 – PBC 001965
- 13. PBC 001966 – PBC 002517
- 14. PBC 002518
- 15. PBC 002894 – PBC 003270
- 16. PBC 003271 – PBC 003304
- 17. PBC 002695 – PBC 002893
- 18. PBC 005106 – PBC 005298
- 19. PBC 008580 – PBC 008877
- 20. PBC 009039 – PBC 009087
- 21. PBC 009088 – PBC 009604
- 22. PBC 009605 – PBC 009630
- 23. PBC 009631 – PBC 009863
- 24. PBC 009864 – PBC 009901
- 25. PBC 009902 – PBC 009993
- 26. PBC 009994 – PBC 010164
- 27. PBC 012550 – PBC 012757
- 28. PBC 002597 – PBC 002694

29. PBC 015725 – PBC 015726
30. PBC 015727 – PBC 015728
31. PBC 015730 – PBC 015733
32. PBC 004909 – PBC 004914
33. PBC 004928 – PBC 004956
34. PBC 004960 – PBC 004973
35. PBC 005071 – PBC 005080
36. PBC 005088 – PBC 005093
37. PBC 007642 – PBC 007651
38. PBC 007654
39. PBC 007657 – PBC 007666
40. PBC 007684 – PBC 007699
41. PBC 007701 – PBC 007721
42. PBC 007725 – PBC 007765
43. PBC 007773 - PBC 007818
44. PBC 007827 – PBC 007907
45. PBC 007909 – PBC 007923
46. PBC 007925 – PBC 007954
47. PBC 007957 – PBC 007976
48. PBC 007984 – PBC 007988
49. PBC 008010 – PBC 008057
50. PNC 008060 – PBC 008209
51. PBC 008212 – PBC 008215
52. PBC 008219
53. PBC 008221 – PBC 008230
54. PBC 008237 – PBC 008240
55. PBC 008243
56. PBC 008257 – PBC 008275
57. PBC 008283 – PBC 008296
58. PBC 008332 – PBC 008343
59. PBC 012550 – PBC 012796
60. PBC 012978
61. PBC 013081 – PBC 013102
62. PBC 013124 – PBC 013359
63. PBC 013367 – PBC 013603
64. PBC 014638 – PBC 014639
65. PBC 014648
66. PBC 014664
67. PBC 014666 – PBC 014683
68. PBC 014688
69. PBC 014702
70. PBC 014704
71. PBC 014715
72. PBC 014718
73. PBC 014806
74. PBC 014815 – PBC 014817

75. PBC 014848 – PBC 015057
76. PBC 015251 – PBC 015466
77. PBC 015468 – PBC 015469
78. PBC 015473 – PBC 015500
79. PBC 015507 - PBC 015554
80. PBC 015563
81. PBC 015567 – PBC 015572
82. PBC 015577
83. PBC 015583
84. PBC 015645 – PBC 015663
85. PBC 015677 – PBC 015682
86. PBC 015688 – PBC 015689

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 10: See response above.

REQUEST FOR PRODUCTION 11:

All Communications between or among County Commissioners, the mayor, or any other County employees or officials regarding the County's drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046.

OBJECTION: See privilege log.

RESPONSE:

1. PBC 007373
2. PBC 007374 – PBC 007375
3. PBC 007377
4. PBC 007379 - PBC 007381
5. PBC 007383
6. PBC 007386 – PBC 007389
7. PBC 007395 – PBC 007396
8. PBC 009994 – PBC 009999
9. PBC 009994 – PBC 010164
10. PBC 010165 – PBC 012549
11. PBC 012927 – PBC 012958
12. PBC 012960 – PBC 012965
13. PBC 012968 – PBC 012976
14. PBC 012987 – PBC 012988
15. PBC 012990 – PBC 012994
16. PBC 013009 – PBC 013012
17. PBC 013015
18. PBC 013035- PBC 013036
19. PBC 013045 – PBC 013048
20. PBC 013050 – PBC 013060

21. PBC 013066
22. PBC 013069 – PBC 013070
23. PBC 013072 – PBC 013075
24. PBC 013081 – PBC 013611
25. PBC 014630
26. PBC 014649 – PBC 014663
27. PBC 014665
28. PBC 014697
29. PBC 014781 – PBC 014782
30. PBC 014849
31. PBC 015243 – PBC 015249
32. PBC 015501 – PBC 015503
33. PBC 015604
34. PBC 015608 – PBC 15612
35. PBC 015614 – PBC 015623
36. PBC 015633 – PBC 015641
37. PBC 015666 – PBC 015668
38. PBC 015671 – PBC 015673
39. PBC 015683 – PBC 015687

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 11: See response above.

REQUEST FOR PRODUCTION 12:

All Documents Concerning any lobbying or attempts of any advocacy groups or other Persons to influence the County to adopt or reject Ordinance 2017-046 or any other ban on any form of SOCE counseling.

RESPONSE:

1. Videos of the December 5, 2017 Board of County Commissioners Meeting; [PBC 000164 – PBC 000165]
2. Videos of the December 19, 2017 Board of County Commissioners Meeting; [PBC 000166 – PBC 000167]
3. Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1; [PBC 000325 – PBC 000429]
4. Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1; [PBC 000430 – PBC 000550]
5. Comment Cards from the December 5, 2017 Board of County Commissioners Meeting [PBC 000249 – PBC 000282];
6. Comment Cards from the December 19, 2017 Board of County Commissioners Meeting [PBC 000283 – PBC 000324];
7. PBC 001448
8. PBC 001449 – 001476
9. PBC 002894 – PBC 003270

10. PBC 003271 – PBC 003304
11. PBC 002695 – PBC 002893
12. PBC 005903 – PBC 006094
13. PBC 005003 – PBC 005007
14. PBC 007376
15. PBC 007378
16. PBC 007384 – PBC 007385
17. PBC 007390 – PBC 007394
18. PBC 007397 – PBC 007399
19. PBC 007642 – PBC 007977
20. PBC 007979 – PBC 008384
21. PBC 009605 – PBC 009630
22. PBC 012878 – PBC 012879
23. PBC 012897
24. PBC 012923 – PBC 12926
25. PBC 012959
26. PBC 012979 – PBC 012986
27. PBC 013009 – PBC 013014
28. PBC 013049
29. PBC 013032 – PBC 013033
30. PBC 013067 – PBC 013068
31. PBC 015642
32. PBC 015647 – PBC 015663
33. PBC 015688 – PBC 015689

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 12: See response above.

REQUEST FOR PRODUCTION 13:

All Documents Concerning the County's interpretation, application, or enforcement of Ordinance 2017-046, including but not limited to any enforcement memoranda or any guidelines provided to enforcement officials.

OBJECTION: See privilege log.

RESPONSE:

- PBC 014750 – PBC 014751
- PBC 015545 – PBC 015552
- PBC 015565
- PBC 015567 – PBC 015572

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 13: See response above.

REQUEST FOR PRODUCTION 14:

All Documents Concerning the County's enforcement of, or attempts to enforce, Ordinance 2017-046 against any Person, including, without limitation, all violation notices, fines, warnings, citations, court documents, or Communications.

RESPONSE: None.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 14: None.

REQUEST FOR PRODUCTION 15:

All Communications between the County and Equality Florida Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the County and any attorneys for Equality Florida regarding the enumerated subjects.

OBJECTION: To the extent this request seeks correspondence and material created by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). As work product and attorney client communications are implicated, no privilege log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

RESPONSE:

1. PBC 008878 – PBC 009035
2. PBC 015711 – PBC 015712

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 15: See response above.

REQUEST FOR PRODUCTION 16:

All Communications between the County and Rand Hoch and/or the Palm Beach County Human Rights Council Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the County and any attorneys for Mr. Hoch or the Palm Beach County Human Rights Council regarding the enumerated subjects.

OBJECTION: To the extent this request seeks correspondence and material created by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). As work product and attorney client communications are implicated, no privilege log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

RESPONSE:

1. PBC 001417 and PBC 001431
2. PBC 007642 – PBC 007977
3. PBC 007979 – PBC 008384
4. PBC 013612 – PBC 013616
5. PBC 014629
6. PBC 014631 – PBC 014633
7. PBC 014636 – PBC 014637
8. PBC 014638 – PBC 014639
9. PBC 014640 – PBC 014644
10. PBC 014647 – PBC 014648
11. PBC 014636
12. PBC 014666 – PBC 014688
13. PBC 014692 – PBC 014699
14. PBC 014701 – PBC 014702
15. PBC 014703 – PBC 014715
16. PBC 014718 – PBC 014761
17. PBC 014763 – PBC 014847

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 16: See response above.

REQUEST FOR PRODUCTION 17:

All Communications between the County and any advocacy group (other than Equality Florida or the Palm Beach County Human Rights Council) concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request

is intended to encompass Communications between any attorneys for the County and any attorneys for advocacy groups regarding the enumerated subjects.

OBJECTION: To the extent this request seeks correspondence and material created by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). As work product and attorney client communications are implicated, no privilege log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

To the extent this request seeks correspondence and documents between the County and Liberty Counsel regarding this lawsuit since the commencement of this lawsuit, such correspondence and documents are equally within the control of Liberty Counsel. Requiring the County to gather and produce those correspondences and documents is not proportionate to the needs of the case.

RESPONSE:

1. PBC 001449 – PBC 001476
2. PBC 003271 – PBC 003304
3. PBC 005003 – PBC 005007
4. PBC 009605 – PBC 009630
5. PBC 012989

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 17: See response above.

REQUEST FOR PRODUCTION 18:

All Communications between the County and the City of Boca Raton, Florida Concerning this lawsuit, any Plaintiff, SOCE counseling, City of Boca Raton Ordinance 5407, Palm Beach County Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the County and any attorneys for the City of Boca Raton regarding the enumerated subjects.

OBJECTION: To the extent this request seeks correspondence and material created by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). The City of Boca Raton and the County have a common interest in the joint defense of this litigation and have an oral agreement to share work product. As work product and attorney client communications are implicated, no privilege

log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

To the extent this request seeks correspondence and documents between the County and the City of Boca Raton which were shared with, initiated by, or otherwise included Liberty Counsel regarding this lawsuit since the commencement of this lawsuit, such correspondence and documents are equally within the control of Liberty Counsel. Requiring the County to gather and produce those correspondences and documents is not proportionate to the needs of the case.

RESPONSE:

1. Email thread from Daniel L. Abbott dated 07/25/18 [PBC 005094 – PBC 005105]
2. Email thread from Diana Frieser 07/10/18 [PBC 009036 – PBC 009038]

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 18: See response above.

REQUEST FOR PRODUCTION 19:

All Communications between the County and the City of Tampa Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the County and any attorneys for the City of Tampa regarding the enumerated subjects.

OBJECTION: See privilege log.

To the extent this request seeks correspondence and material created by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). The City of Tampa and the County have a common interest in the defense of litigation brought by Liberty Counsel concerning the conversion therapy bans enacted by the County and the City of Tampa and have an oral agreement to share work product. As work product and attorney client communications are implicated, no privilege log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 19: None.

REQUEST FOR PRODUCTION 20:

All Documents Concerning Plaintiff Robert W. Otto's alleged engagement in or provision of any SOCE counseling.

RESPONSE: In addition to Plaintiff's complaint, filings in this case, and answers to discovery:

1. Videos of the December 5, 2017 Board of County Commissioners Meeting; [PBC 000164 – PBC 000165]
2. Videos of the December 19, 2017 Board of County Commissioners Meeting; [PBC 000166 – PBC 000167]
3. Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1; [PBC 000325 – PBC 000429]
4. Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1; [PBC 000430 – PBC 000550]
5. PBC 002894 – PBC 003270

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 20: See response above.

REQUEST FOR PRODUCTION 21:

All Documents Concerning Plaintiff Julie H. Hamilton's alleged engagement in or provision of any SOCE counseling.

RESPONSE: In addition to Plaintiff's complaint, filings in this case, and answers to discovery:

1. Videos of the December 5, 2017 Board of County Commissioners Meeting; [PBC 000164 – PBC 000165]
2. Videos of the December 19, 2017 Board of County Commissioners Meeting; [PBC 000166 – PBC 000167]
3. Transcribed Recordings of the December 5, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.A.1; [PBC 000325 – PBC 000429]
4. Transcribed Recordings of the December 19, 2017 Board of County Commissioners Meeting regarding Agenda Item 4.F.1; [PBC 000430 – PBC 000550]
5. Minutes from the July 21, 2016 Board of County Commissioners Meeting [PBC 002519 – PBC 002596]
6. Video of the June 21, 2016 Board of County Commission Meeting [PBC 015723 – PBC 018724]
7. PBC 000743 – PBC 000791
8. PBC 001417-27
9. PBC 001428-31
10. PBC 005903 – PBC 006094
11. PBC 007376
12. PBC 007378

13. PBC 007390
14. PBC 007397
15. PBC 007398
16. PBC 007399

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 21: See response above.

REQUEST FOR PRODUCTION 22:

All Documents Concerning any provider of SOCE counseling within the County.

RESPONSE: See response to requests for production #20-21. See also PBC 002704.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 22: See response above.

REQUEST FOR PRODUCTION 23:

Each Document and category of Documents identified or referred to in Your Initial Disclosures served on July 13, 2018, which was not already provided in response to any of the foregoing Discovery Requests.

RESPONSE: None.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 23: None.

REQUEST FOR PRODUCTION 24:

Each Document You reviewed or referenced to obtain Your answer to any of the foregoing Discovery Requests, which was not already provided in response to any of the foregoing Discovery Requests.

OBJECTION: See Palm Beach County's Privilege Log.

RESPONSE:

1. PBC 004902 – PBC 004908
2. PBC 004909 – PBC 004914
3. PBC 008544 – PBC 008548
4. PBC 008549 – PBC 008562
5. PBC 008563 – PBC 008579
6. PBC 009039 – PBC 009087
7. PBC 009088 – PBC 009604
8. PBC 009631 – PBC 009863
9. PBC 013617 – PBC 014628
10. PBC 015700 – PBC 015720
11. PBC 015729
12. PBC 004902 – PBC 004908

- 13. PBC 004959
- 14. PBC 004974 – PBC 005002
- 15. PBC 005086 – PBC 005087
- 16. PBC 013617 – PBC 014628
- 17. PBC 012977
- 18. PBC 013071
- 19. PBC 015700 – PBC 015710
- 20. PBC 015713 – PBC 015720

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 24: See response above.

Delene C. Skingd
 Affiant

STATE OF FLORIDA)
) ss.
 COUNTY OF PALM BEACH)

The foregoing document was acknowledged before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments, this 22nd day of August, 2018, by who:

- is personally known to me; OR
- has produced _____, as identification; and who
- did take an oath; OR
- did not take an oath.

and who executed the within document, and who acknowledged the within document to be freely and voluntarily executed for the purposes therein recited.



Denise Fishel
 Notary Public in and for Palm Beach County, Florida
 My commission expires: June 12, 2019

SERVICE LIST
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 18-CIV-80771-RLR

Mathew Duane Staver, Esq.

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pgrotto@wsh-law.com (secondary)

Attorneys for the Defendant, City of Boca Raton

Rachel Marie Fahey, Esq.

Palm Beach County Attorney's Office
300 N. Dixie Highway, Ste. 359
West Palm Beach, FL 33401
Telephone: 561-355-6337
Email: rFahey@pbcgov.org

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West Palm Beach, FL 33401
Telephone: 561-355-2529
Email: kphan@pbcgov.org

Attorneys for County of Palm Beach Florida

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 9:18-cv-80771-RLR

ROBERT W. OTTO, PH.D., LMFT,
individually and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT,
individually and on behalf of her patients,

Plaintiffs,

v.

CITY OF BOCA RATON, FLORIDA, and
COUNTY OF PALM BEACH, FLORIDA,

Defendants.

**DEFENDANT, PALM BEACH COUNTY'S FIRST SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUEST
FOR PRODUCTION**

COMES NOW Defendant, PALM BEACH COUNTY, by and through its undersigned Assistant County Attorney and hereby provides the following First Supplemental responses to Plaintiffs' ROBERT W. OTTO and JULIE H. HAMILTON's First Set of Requests for Admission, Interrogatories, and Request for Production served on July 17, 2018.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 11, 2018, I electronically served the foregoing by email to all counsel for the parties on the attached service list.

/s/ Rachel Fahey
Rachel Fahey, Esquire
Assistant County Attorney
Florida Bar No. 105734
300 North Dixie Highway, Third Floor
West Palm Beach, Florida 33401
Tel.: (561) 355-6337
Fax: (561) 355-4234
Primary Email: rfahey@pbcgov.org
Secondary Email: dfishel@pbcgov.org
mjcullen@pbcgov.org

**PALM BEACH COUNTY'S FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFFS'
REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUESTS FOR
PRODUCTION**

INTERROGATORY 4:

[If your response to RFA 4 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 4 is anything other than an unqualified admission, then for each study, research, or investigation conducted or commissioned by the County prior to enacting Ordinance 2017-046 to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor, Identify (per Definition # 8): the Person(s) who conducted the study, research, or investigation; the date(s) when the study, research, or investigation was conducted; the nature of that study, research, or investigation; the results of that study, research, or investigation; and any Person(s) allegedly found to have been harmed by any voluntary SOCE counseling.

[For the sake of clarity, this Interrogatory is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: The County does not “commission” County employees to do their job and the County did not conduct studies, non-legal research or investigations without third party assistance of the harms of voluntary SOCE counseling. The County did not “commission” third parties to conduct a study described in this request.

REQUEST FOR PRODUCTION 4:

[If your response to RFA 4 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 4 is anything other than an unqualified admission, then for each study, research, or investigation conducted by the County prior to enacting Ordinance 2017-046 to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor, produce:

- (a) all Documents Concerning that study, research, or investigation;
- (b) all internal Communications of County personnel regarding that study, research, or investigation; and
- (c) all Communications of County personnel with any Person(s) not employed by the County regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE: None.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 4: None.

REQUEST FOR ADMISSION 6:

Admit that, prior to enacting Ordinance 2017-046, the County did not review any empirical studies, research, investigations, resolutions, or position papers examining the ability or inability of Minors to consent to SOCE counseling.

OBJECTION/RESPONSE: Objection on the grounds that minors generally cannot legally consent, and consent cannot be provided to an intervention that is neither evidence-based nor effective. Subject to and without waiver of the foregoing objection, denied.

REQUEST FOR ADMISSION 7:

Admit that, prior to enacting Ordinance 2017-046, the County did not consider or discuss any alternative means of meeting its asserted interests which would have been less restrictive on speech than the Ordinance as enacted.

OBJECTION/RESPONSE: Objection to the extent the Ordinance is characterized as a restriction on speech. Subject to and without waiver of the foregoing objection, denied that the County did not consider or discuss any "alternatives."

INTERROGATORY 8:

Identify (per Definition # 8) all Persons employed by the County who had any involvement in drafting, considering, debating, amending, voting on, or enacting Ordinance 2017-046, and describe the nature of each such Person's involvement.

RESPONSE:

June 2016 Palm Beach County Commissioners,
directed staff to return with an ordinance:
Mary Lou Berger, Mayor
Steven L. Abrams, County Commissioner
Paulette Burdick, County Commissioner
Melissa McKinley, County Commissioner
Priscilla A. Taylor, County Commissioner (Former)
Shelley Vana, County Commissioner (Former)
Hal R. Valeche, County Commissioner

**December 2017 Palm Beach County Commissioners,
considered, debated, voted and enacted:**

Melissa McKinlay, Mayor
Steven L. Abrams, County Commissioner
Mary Lou Berger, County Commissioner
Mack Bernard, County Commissioner
Paulette Burdick, County Commissioner
Dave Kerner, County Commissioner
Hal R. Valeche, County Commissioner

**Palm Beach County Attorney's Office,
involved with drafting and amending:**

Helene Hvizd, Senior Assistant County Attorney, drafted and amended
Denise Marie Nieman, County Attorney, consulted
Leonard Berger, Chief Assistant County Attorney, consulted
Shannon Fox, Assistant County Attorney, consulted

**Palm Beach County Attorney's Office,
minimal involvement, privy to privileged communications and work product:**

Denise Coffman, Assistant County Attorney
Donna Raney, Chief Assistant County Attorney
Robert P. Banks, Chief Land Use County Attorney
Anne Helfant, Assistant County Attorney
Dawn Wynn, Senior Assistant County Attorney
David Ottey, Chief Assistant County Attorney

**Palm Beach County Administration,
involved with enacting:**

Verdenia Baker, County Administrator
Todd Bonlarron, Assistant County Administrator

Palm Beach County Staff,

involved with County Attorney's Office's drafting and amending:

Ramsay Bulkeley, Deputy Director, Planning, Zoning & Building,
Robert Santos-Alborna, Director, Code Enforcement
Tammy Fields, Director, Youth Services
Shayna Ginsburg, Chief Clinical Services Education and Training
Tony Spaniol, Director, Residential Treatment and Family Counseling

Palm Beach County Staff,

minimal involvement, privy to privileged communications and work product:

Janice Allwood, Executive Assistant to the County Attorney
Cindy Beaudreau, Agenda Coordinator
Carmen Bersch, Executive Assistant I, Youth Services
Kelley Burke, County Commission Administrative Assistant III
Peyton McArthur, County Commission Administrative Assistant III
Larry Caraccio, Senior Code Enforcement Officer
Michael Hauseman, Senior Code Enforcement Officer
Leah Hermann, Legal Secretary, County Attorney's Office
Kenneth Jackson, Senior Code Enforcement Officer
Irwin Jacobowitz, Director, Contract Development and Control
Dwayne Johnson, Senior Code Enforcement Officer
Karon Lambe, Senior Secretary, Planning, Zoning & Building
Marcela Millett, MS, Casework Supervisor, Dept. of Community Services
Lynne Reilly, Legal Secretary, County Attorney's Office
Patrick Rutter, Assistant County Administrator
Kathy Scarlett, Director, Purchasing Department
Stephanie Sejnoha, Director, Public Safety
Erin Taylor, Executive Assistant I, County Administration
Richard Torrance, Senior Code Enforcement Officer
Loretta Yakovakis, Legal Secretary, County Attorney's Office

INTERROGATORY 9:

Identify (per Definition # 8) all Persons (including organizations) with which the County consulted, collaborated, or otherwise communicated Concerning the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, and describe the nature of each such Person's involvement.

RESPONSE:

Palm Beach County League of Cities – Board of Directors Meeting on October 25, 2017:

Andy Amoroso, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401

Jennifer Ashton, League Counsel
Davis & Ashton, P.A.
1111 Hypoluxo Road, Suite 207
Lantana, Florida 334662

**Gail Coniglio, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Robert Gebbia, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Anne Gerwig, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Kimberly Glas-Castro, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Robert Gottlieb, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**JeRiise Hansen, League Staff
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Susan Haynie, Past President
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Jeff Hmara, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Keith James, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Debbie Manzo, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Andrea McCue, Manager of City of Greenacres
5800 Melaleuca Lane
Greenacres, Florida 33463**

**Peter Noble, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Richard Radcliff, League Staff
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Harry Raucher
Lake Worth Drainage District
13081 S. Military Trail
Delray Beach, Florida 33484**

**Rosemary Rayman
Lake Worth Drainage District
13081 S. Military Trail
Delray Beach, Florida 33484**

**Robert Shalhoub, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**David Stewart, Past President
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Mo Thornton, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Patti Waller, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Robert Weinroth, Board Member
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

**Todd Wodraska, Past President
Palm Beach County League of Cities
301 N. Olive Avenue
West Palm Beach, Florida 33401**

Anna Yeskey

Comment Cards from December 5, 2017 Board of County Commissioners Meeting:

**Elizabeth Bessette
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33409
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017**

**Rachael Brent
389 Churchill Road
West Palm Beach, Florida 33405
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Dylan Brooks
720 N. Dixie Highway #204
Lantana, Florida 33462
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

**Amanda Canete
5600 N. Flagler Drive, Apt. 2406
West Palm Beach, Florida
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak**

Carly Cass
1131A Sand Drift Way
West Palm Beach, Florida 33411
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak

Alicia Clarke
1840 Hollyhock Road
Wellington, Florida 33414
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017

Randall Clarke
1840 Hollyhock Road
Wellington, Florida 33414
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017

Sherman Dibble
11227 66th Street N.
West Palm Beach, Florida 33412
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017
but did not wish to speak

Emma Dieterle
11779 Bayou Lane
Boca Raton, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017

Marla Dieterle
11779 Bayou Lane
Boca Raton, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017

William F. Dupere
130 Nottingham Road
Royal Palm Beach, Florida 33411
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017

Patrick Hamel
7000 Lauden Drive
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on
December 5, 2017

Julie Hamilton
2853 White Trout Lane
Subject: Filled out a comment and card and spoke on Agenda Item 4.A.1 on December 5, 2017

Tyler Hamilton
2853 White Trout Lane
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Charlene Harren
1708 SW 20th Street
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Rand Hoch
400 N. Flagler Drive #1402
West Palm Beach, Florida 33401
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Alex Larson
16933 W. Harlena Drive
Loxahatchee, Florida

Fane Lozman
(no address provided)
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Melanie Mahady
2400 Yamato Road
Boca Raton, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Kathleen S. Mason
2340 Bay Village Court
Palm Beach Gardens, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Rachel Needle
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33409
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Dr. Robert Otto
233 NE 31 Street
Boca Raton, Florida 33431
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Shannon Otto
233 NE 31 Street
Boca Raton, Florida 33431
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Janina Seifel
410 Wilma Circle #305
Riviera Beach, Florida 33404
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Jon Seifel
410 Wilma Circle #305
Riviera Beach, Florida 33404
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017 but did not wish to speak

Kieron Sharpe
18345 Jupiter Landings Dr.
Jupiter, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Vanessa Brooke Smith
639 White Water Drive
West Palm Beach, Florida 33413
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017 but did not wish to speak

Robert K. Swarthout
6605 Las Flores Drive
Boca Raton, Florida 33433
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Sara Swarthout
6605 Las Flores Drive
Boca Raton, Florida 33433
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Robert Tennigs
2415 NW 30th Road
Boca Raton, Florida 33431
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Julie Thomas
4798 Orchard Lane
Delray Beach, Florida 33445
Subject: Filled out a comment card on Agenda Item 4.A.1 on December 5, 2017 but did not wish to speak

Steve Thomas
4798 Orchard Lane
Delray Beach, Florida 33445
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Sue Trowind (sp?)
P.O. Box 1917
Boca Raton, Florida 33429
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Dr. Daria Wels
951 NW 13th Street
Subject: Filled out a comment card and spoke on Agenda Item 4.A.1 on December 5, 2017

Comment Cards from December 19, 2017 Board of County Commissioners Meeting:

Troy Bailes
18615 Orange Grove Blvd.
Loxahatchee, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Manuel Barahona
9630 Sun Pointe
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Elizabeth Bassette
5 Harvard Circle, Suite 109
West Palm Beach, Florida 33406
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Heather Benson
5959 Whirlaway Road
Palm Beach Gardens, Florida 33418
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Connie Bogner
135 E. 24th Street
Riviera Beach, Florida 33404
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Virginia Brooks
917 Evergreen Drive
North Palm Beach, Florida 33408
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Connie Brown
1261 SW 28 Ave.
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

James P. Brown
9930 Pineapple Tree Drive #110
Boynton Beach, Florida
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Jerry Cox
405 Brittany I
Delray Beach, Florida 33446
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Nicole Davis
P.O. Box 19564
West Palm Beach, Florida 33416
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Emma Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Gordon Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Jesse Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Marla Dieterle
11779 Bayou Lane
Boca Raton, Florida 33498
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Heather Good
360 SE Mizner Blvd., Unit 1514
Boca Raton, Florida 33432
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

William Gray
10399 Stonebridge
Boca Raton, Florida
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Julie Hamilton
2853 White Trout Lane
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Charlene Harren
(no address)
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Rand Hoch
400 N. Flagler Drive #1402
West Palm Beach, Florida 33401
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Natasha Hood
9440 SW 8th St., Apt. 421
Boca Raton, Florida 33428
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Christa Jewett
7703 Blairwood Circle S
Lake Worth, Florida 33467
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Harm Maarsingh
15090 Oak Chase Court
Wellington, Florida 33414
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Liza M. Pedraza
9452 Granite Ridge Lane
West Palm Beach, Florida 33411
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak`

Tye Riter
9107 Rodeo Drive
Lake Worth, Florida
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Janina Seifel
410 Wilma Circle, Apt. 305
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Jon Seifel
410 Wilma Circle #305
Riviera Beach, Florida 33404
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Kieron Sharpe
18345 Jupiter Landings Drive
Jupiter, Florida 33458
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Steven Smith
3614 Sonoma Drive
Riviera Beach, Florida 33404
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Chris Stahl
2014 S. Seacrest Blvd., Apt. D
Boynton Beach, Florida 33435
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Sara Swarthout
6605 Las Flores Drive
Boca Raton, Florida 33433
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Steve Thomas
4798 Orchard Lane
Delray Beach, Florida 33445
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Andres Torrens
122 Casa Grande Ct.
Palm Beach Gardens, Florida 33418
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Diane Torres
3547 Tamarook Trail
West Palm Beach, Florida 33406
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

James Tracoy
10665 Oak Lake Way
Boca Raton, Florida 33498
Subject: Filled out a comment card on Agenda Item 4.F.1 on December 19, 2017 but did not wish to speak

Sue Trombino
P.O. Box 1917
Boca Raton, Florida 33429
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Dr. Daria Wels
951 NW 13th Street
Boca Raton, Florida 33486
Subject: Filled out a comment card and spoke on Agenda Item 4.F.1 on December 19, 2017

Emailed County Commissioners and/or County Staff:

Jan Beasley – See PBC 002774 – PBC 002778
DeAnn Bennardo – See PBC 002850 – PBC 002856
Diane Bertolina – See PBC 002824 – PBC 002830
Suzanne Boisvenue – See PBC 002695
Judith Brooks – See PBC 002795 – PBC 002810
Curt Carlson – See PBC 002858 – PBC 002871
Amie Casamassina – See PBC 002697 – PBC 002698
Charlotte Cox – See PBC 002842 – PBC 002848
Jerry Cox – See PBC 002872 – PBC 002878
Jesse Dieterle – See PBC 002786
Marla Dieterle – See PBC 002699 – PBC 002703; PBC 002749
Tami Donnally – See PBC 002731 – PBC 002732; PBC 002764
Lori Durante – See PBC 002707 – See PBC 002714
Karen Gaffey – See PBC 002794
Paul Goldberg – See PBC 002696
Jill Hardin – See PBC 002811 – PBC 002812
James Haug – See PBC 002705
Rand Hoch – See PBC 002704
Christa Jewett – See PBC 002767 – PBC 002773; PBC 002779 – PBC 002781
PBC 002837 – PBC 002839
Lindsey Kline – See PBC 002890
Carolyn Kost – See PBC 002891 – PBC 002893
Suzanne Leary – See PBC 002734 – PBC 002735; PBC 002750 – PBC 002754;
PBC 002756 – See PBC 002763
Ruth Ludow – See PBC 002793
Sharon McGlynn – See PBC 002743 – PBC 002748
John McGovern – See PBC 005075 – PBC 5080; PBC 013039 – PBC 013044
(McGovern did not send emails, was only copied to the referenced memorandum)
Kelly McVey – See PBC 002782 – PBC 002785
Jeanne Nahama – See PBC 002880 – PBC 002885
Liza Pedraza – See PBC 002831 – PBC 002836
Tricia Puritz – See PBC 002787 – PBC 002792
Les Rivkin – See PBC 002715 – PBC 002717
Timothy Scheetz – See PBC 002886 – PBC 002889
Janina Seifel – See PBC 002813 – PBC 002823
Nick Sofoul – See PBC 002849; PBC 002857
Susan Stowe – See PBC 002879
Bob Tennies – See PBC 002840 – PBC 002841; PBC 002765
Andres Torrens – See PBC 002706
Daria Wels – See PBC 002718 – PBC 002730; PBC 002733

Emails from Liberty Counsel to County Commissioners:

Richard Mast
Daniel Schmid

Communicated with County Attorney's Office:

Daniel Abbott, City Attorney, Boca Raton – See PBC 005094 – PBC 005105

Laurie Cohen, Village Attorney, Wellington – See PBC 005071 – PBC 005080

Jennifer Gardner Ashton, Esquire – See PBC 015559 – PBC 015562; PBC 015564 – PBC 015565; PBC 015584; PBC 015587 – PBC 015588; PBC 015600; PBC 015605 – PBC 015606 (Ashton did not send emails, was only copied to the referenced emails)

Jerry Gewirtz, Assistant County Attorney, Tampa
315 E. Kennedy Boulevard, 7th Floor
Tampa, Florida 33602
(813) 274-8790

Rand Hoch, Palm Beach County Human Rights Council – See PBC 7642 – PBC 7976; PBC 007979 – PBC 008384

Kyle Lindskog, Assistant City Attorney, St. Petersburg
P.O. Box 2842
St. Petersburg, Florida 33731
(727) 893-7401

Jessica Morris, M.A., LPC, NCC
(484) 628-9383

Ernest Mueller, Senior Assistant County Attorney, Tampa
315 E. Kennedy Boulevard, 7th Floor
Tampa, Florida 33602
(813) 274-8790

Zoe Panarites, Assistant City Attorney, West Palm Beach – See PBC 005081 – PBC 005086

Carolyn Reyes, Youth Policy Counsel, National Center for Lesbian Rights – See PBC 005003 – PBC 005007

Robert Rosenwald, Jr., First Assistant City Attorney, Miami Beach – See PBC 004974 – PBC 005002

Kimberly Rothenburg, City Attorney, West Palm Beach - See PBC 005081 – PBC 005086

Janice Rustin, Assistant City Attorney, Delray Beach – See PBC 004915 – PBC 004917

**David Schwartz, City Attorney, Gainesville – See PBC 004928 – PBC 004957
Nicolle M. Shalley, City Attorney, Gainesville – See PBC 004918 – PBC 004927**

**Jerrod Simpson, Assistant County Attorney, Tampa
315 E. Kennedy Boulevard, 7th Floor
Tampa, Florida 33602
(813) 274-8790**

Terrence Smith, Assistant County Attorney, Miami – See PBC 004959 – PBC 004965

Patricia Staples, Deputy City Clerk, Wilton Manors – PBC 005008 – PBC 005093

James Stokes, City Attorney, Greenacres – See PBC 004958

Erica Tenore, City of West Palm Beach - See PBC 005081 – PBC 005086

Sylvia Torres, Alachua County Senior Assistant County Attorney – See PBC 004909 – PBC 004914

Debora Turner, First Assistant City Attorney, Miami Beach – See PBC 004966 – PBC 004973

Dr. Nancy Vrechek – PBC 004896 – PBC 004900

REQUEST FOR PRODUCTION 10:

All Documents reviewed or considered by the County in the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, including but not limited to all empirical studies, data, statistics, analyses, research, position papers, testimony, letters, correspondence, or communications.

OBJECTION: See privilege log.

RESPONSE:

1. PBC 000743 – PBC 00791
2. PBC 00792 – PBC 001325
3. PBC 001326 – PBC 001360

4. PBC 001361 – PBC 001416
5. PBC 001417 and PBC 001431
6. PBC 001432 – PBC 001447
7. PBC 001448
8. PBC 001449 – PBC 001476
9. PBC 001477 – PBC 001550
10. PBC 001551 – PBC 001758
11. PBC 001759 – PBC 001963
12. PBC 001964 – PBC 001965
13. PBC 001966 – PBC 002517
14. PBC 002518
15. PBC 002894 – PBC 003270
16. PBC 003271 – PBC 003304
17. PBC 002695 – PBC 002893
18. PBC 005106 – PBC 005298
19. PBC 008580 – PBC 008877
20. PBC 009039 – PBC 009087
21. PBC 009088 – PBC 009604
22. PBC 009605 – PBC 009630
23. PBC 009631 – PBC 009863
24. PBC 009864 – PBC 009901
25. PBC 009902 – PBC 009993
26. PBC 009994 – PBC 010164
27. PBC 012550 – PBC 012757
28. PBC 002597 – PBC 002694
29. PBC 015725 – PBC 015726
30. PBC 015727 – PBC 015728
31. PBC 015730 – PBC 015733
32. PBC 004909 – PBC 004914
33. PBC 004928 – PBC 004956
34. PBC 004960 – PBC 004973
35. PBC 005071 – PBC 005080
36. PBC 005088 – PBC 005093
37. PBC 007642 – PBC 007651
38. PBC 007654
39. PBC 007657 – PBC 007666
40. PBC 007684 – PBC 007699
41. PBC 007701 – PBC 007721
42. PBC 007725 – PBC 007765
43. PBC 007773 - PBC 007818
44. PBC 007827 – PBC 007907
45. PBC 007909 – PBC 007923
46. PBC 007925 – PBC 007954
47. PBC 007957 – PBC 007976
48. PBC 007984 – PBC 007988
49. PBC 008010 – PBC 008057

50. PNC 008060 – PBC 008209
51. PBC 008212 – PBC 008215
52. PBC 008219
53. PBC 008221 – PBC 008230
54. PBC 008237 – PBC 008240
55. PBC 008243
56. PBC 008257 – PBC 008275
57. PBC 008283 – PBC 008296
58. PBC 008332 – PBC 008343
59. PBC 012550 – PBC 012796
60. PBC 012978
61. PBC 013081 – PBC 013102
62. PBC 013124 – PBC 013359
63. PBC 013367 – PBC 013603
64. PBC 014638 – PBC 014639
65. PBC 014648
66. PBC 014664
67. PBC 014666 – PBC 014683
68. PBC 014688
69. PBC 014702
70. PBC 014704
71. PBC 014715
72. PBC 014718
73. PBC 014806
74. PBC 014815 – PBC 014817
75. PBC 014848 – PBC 015057
76. PBC 015251 – PBC 015466
77. PBC 015468 – PBC 015469
78. PBC 015473 – PBC 015500
79. PBC 015507 - PBC 015554
80. PBC 015563
81. PBC 015567 – PBC 015572
82. PBC 015577
83. PBC 015583
84. PBC 015645 – PBC 015663
85. PBC 015677 – PBC 015682
86. PBC 015688 – PBC 015689
87. PBC 015763 – PBC 015764*
88. PBC 015765 – PBC 015768*
89. PBC 015769 – PBC 015782*

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 10: See response above.

REQUEST FOR PRODUCTION 15:

All Communications between the County and Equality Florida Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the County and any attorneys for Equality Florida regarding the enumerated subjects.

OBJECTION: To the extent this request seeks correspondence and material created or requested by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). As work product and attorney client communications are implicated, no privilege log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

RESPONSE:

1. PBC 008878 – PBC 009035
2. PBC 015711 – PBC 015712
3. PBC 015999*

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 15: See response above.

REQUEST FOR PRODUCTION 16:

All Communications between the County and Rand Hoch and/or the Palm Beach County Human Rights Council Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the County and any attorneys for Mr. Hoch or the Palm Beach County Human Rights Council regarding the enumerated subjects.

OBJECTION: To the extent this request seeks correspondence and material created or requested by counsel after the commencement of this federal lawsuit, it implicates the work product privilege, is irrelevant as it does not bear on what the County considered when enacting the Ordinance, and is not proportionate to the needs of the case. *See UnitedHealthcare of Fla., Inc. v. Am. Renal Assocs. LLC*, No. 16-cv-81180-Marra/Matthewman, 2017 U.S. Dist. LEXIS 201866, at *5 (S.D. Fla. Dec. 7, 2017). As work product and attorney client communications are implicated, no privilege log for documents or correspondence after commencement of the action is provided pursuant to Local Rule 26.1(e)(2)(c).

RESPONSE:

1. PBC 001417 and PBC 001431

2. PBC 007642 – PBC 007977
3. PBC 007979 – PBC 008384
4. PBC 013612 – PBC 013616
5. PBC 014629
6. PBC 014631 – PBC 014633
7. PBC 014636 – PBC 014637
8. PBC 014638 – PBC 014639
9. PBC 014640 – PBC 014644
10. PBC 014647 – PBC 014648
11. PBC 014636
12. PBC 014666 – PBC 014688
13. PBC 014692 – PBC 014699
14. PBC 014701 – PBC 014702
15. PBC 014703 – PBC 014715
16. PBC 014718 – PBC 014761
17. PBC 014763 – PBC 014847
18. PBC 016000 – PBC 016159*

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 16: See response above.

REQUEST FOR PRODUCTION 33:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to affirm a Minor in his or her belief that he or she is of a sex or gender that is different from his or her anatomical sex, and/or that there are no short- or long-term negative effects of doing so.

RESPONSE:

1. **2009 Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation.** [PBC 001824-1963]
2. **2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth** [PBC 000053-128]
3. **American Psychological Association 2009 Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts** [PBC 000022-26]
4. **American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents** [PBC 000028-45]
5. **American School Counselor Association, The School Counselor and LGBTQ Youth** [PBC 000051-52]
6. **D. Ehrensaft, Found in Transition: Our Littlest Transgender People, Contemporary Psychoanalysis, Vol. 50, No. 4:571-592, 2004** [PBC 013627-013648]
7. **D. Ehrensaft, “I’m a Prius”: A Child Case of Gender/Ethnic Hybrid, Journal of Gay & Lesbian Mental Health, 15:46-57, 2011** [PBC 013649 – PBC 013661]

8. **D. Ehrensaft, From Gender Identity Disorder to Gender Identity Creativity: True Gender Self Child Therapy, Journal of Homosexuality, 59:337-358, 2012 [PBC 013663 – PBC 013682]**
9. **National Center for Lesbian Rights, A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Non-Conforming Youth, 2011 [PBC 013945 – PBC 014020]**
10. **Mental Health of Transgender Children Who are Supported in Their Identities [PBC 015843 – PBC 015852]***
11. **The Gender Affirmative Model: What We Know and What We Aim to Learn [PBC 015853 – PBC 015861]***
12. **Young Adult Psychological Outcome After Puberty Suppression and Gender Reassignment [PBC 015862 – PBC 015872]***
13. **Children and Adolescents With Gender Identity Disorder Referred to a Pediatric Medical Center [PBC 015873 – PBC 015882]***
14. **Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7 [PBC 015883 – PBC 015952]***

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 33: See response above.

REQUEST FOR PRODUCTION 34:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is psychologically, emotionally or physically safe and effective to assist a Minor in transitioning to a sex different from his or her anatomical sex, and/or that there are no short- or long-term negative effects of doing so.

RESPONSE:

1. **2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth [PBC 000053-128].**
2. **Homosexuality and Adolescence, Pediatrics Vol. 92 No. 4 (October 1993) [PBC000015-20].**
3. **American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents [PBC 000028-45].**
4. **D. Ehrensaft, From Gender Identity Disorder to Gender Identity Creativity: True Gender Self Child Therapy, Journal of Homosexuality, 59:337-358, 2012 [PBC 013663 – PBC 013682]**
5. **D. Ehrensaft, “Look, Mom, I’m a Boy – Don’t Tell Anyone I Was a Girl,” Journal of LGBT Youth, 10:9-28, 2013 [PBC 013684- PBC 013703]**
6. **Affirming Gender Affirming Lives, A Report of the 2011 Transition Survey [PBC 01786 – PBC 015842]***

7. **Mental Health of Transgender Children Who are Supported in Their Identities [PBC 015843 – PBC 015852]***
8. **Young Adult Psychological Outcome After Puberty Suppression and Gender Reassignment [PBC 015862 – PBC 015872]***
9. **Children and Adolescents With Gender Identity Disorder Referred to a Pediatric Medical Center [PBC 015873 – PBC 015882]***
10. **Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7 [PBC 015883 – PBC 015952]***

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 34: See response above.

REQUEST FOR PRODUCTION 36:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to only offer therapy that affirms and supports a distressed Minor who is seeking change regarding unwanted homosexual attractions or gender identity confusion, rather than helping that Minor to make the changes he or she is seeking.

RESPONSE: See response to production # 30 and #33 and interrogatory #5. See also:

1. **Experiences of Ex-Ex-Gay Individuals in Sexual Reorientation Therapy: Reasons for Seeking Treatment, Perceived Helpfulness and Harmfulness of Treatment, and Post-Treatment Identification [PBC 015953 – PBC 015980]***
2. **The State of LGBQ Affirmative Therapy Clinical Research: A Mixed-Methods Systematic Synthesis [PBC 015981 – PBC 015998]***

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 36: See response to production # 30 and #33, #36 above and interrogatory #5.

**SERVICE LIST
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 18-CIV-80771-RLR**

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Attorneys for County of Palm Beach Florida

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 9:18-cv-80771-RLR

ROBERT W. OTTO, PH.D., LMFT,
individually and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT,
individually and on behalf of her patients,

Plaintiffs,

v.

CITY OF BOCA RATON, FLORIDA, and
COUNTY OF PALM BEACH, FLORIDA,

Defendants.

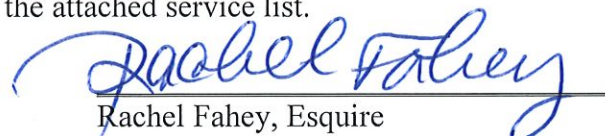
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**DEFENDANT, PALM BEACH COUNTY'S RESPONSES
TO PLAINTIFF'S SECOND SET OF DISCOVERY REQUESTS**

COMES NOW Defendant, PALM BEACH COUNTY, by and through its undersigned Assistant County Attorney and hereby responds to Plaintiff's ROBERT W. OTTO Second Set of Discovery Requests served on July 21, 2018.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 22, 2018, I electronically served the foregoing by email to all counsel for the parties on the attached service list.



Rachel Fahey, Esquire
Assistant County Attorney
Florida Bar No. 105734
300 North Dixie Highway, Third Floor
West Palm Beach, Florida 33401
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**PALM BEACH COUNTY'S RESPONSES
TO PLAINTIFF'S SECOND SET OF DISCOVERY REQUESTS**

ADDITIONAL INTERROGATORIES

INTERROGATORY 10:

Identify each and every County ordinance, regulation, rule, law or provision that the County has considered, enacted or enforced, which regulates any other clinical practice methods besides SOCE counseling.

OBJECTION:

1. Irrelevant as other ordinances, regulations, rules, laws or provisions
 - a. are not the basis of Plaintiffs' Complaint,
 - b. are not the basis of Plaintiffs' motion for preliminary injunction,
 - c. are not incorporated by reference into the Ordinance at issue,
 - d. do not supply the County's power or authority to legislate, and
 - e. do not inform the Court's analysis as to the propriety of the Ordinance at issue in this case.
2. Discovery of this issue is not proportionate to the needs of the case considering,
 - a. the importance of this discovery is minimal given its irrelevance (see relevance objection above) and given its only purpose being Plaintiffs' attempt to argue by analogy (see DE 40 p. 3),
 - b. Plaintiffs have equal access to obtain the information sought by this discovery request and may do so by reviewing for themselves publicly available information, including the:
 - i. Board of County Commission Meeting agendas dating back to 2004 at <https://www.mypalmbeachclerk.com/myminutes.aspx>,
 - ii. Board of County Commission Meeting videos dating back to 2006 at <http://discover.pbcgov.org/countycommissioners/Pages/BCC-Meeting-Videos.aspx>, and
 - iii. The Palm Beach County Code of Ordinances at [https://library.municode.com/fl/palm beach county/codes/code of or dinances](https://library.municode.com/fl/palm%20beach%20county/codes/code%20of%20ordinances)
 - c. Plaintiffs have the resource of time as the depositions they are taking do not occur until September 17, where the County takes Plaintiffs' depositions on August 29 and 30 and must file its response to Plaintiffs' motion for preliminary injunction on September 10, and
 - d. the time-burden on the County to identify "each and every County ordinance, regulation, rule, law or provision that the County has considered [at a public meeting], enacted or enforced, which regulates any other clinical practice methods besides SOCE counseling" outweighs the likely benefit to Plaintiff in discovering an irrelevant ordinance or the Court in examining an irrelevant ordinance.

INTERROGATORY 11:

Identify each and every County ordinance, regulation, rule, law or provision that the County has considered, enacted or enforced, which regulates any other types of clients or services that mental health professionals are permitted to serve or offer, besides SOCE counseling or clients who seek SOCE counseling.

OBJECTION:

1. Irrelevant as other ordinances, regulations, rules, laws or provisions
 - a. are not the basis of Plaintiffs' Complaint,
 - b. are not the basis of Plaintiffs' motion for preliminary injunction,
 - c. are not incorporated by reference into the Ordinance at issue,
 - d. do not supply the County's power or authority to legislate, and
 - e. do not inform the Court's analysis as to the propriety of the Ordinance at issue in this case.
2. Discovery of this issue is not proportionate to the needs of the case considering,
 - a. the importance of this discovery is minimal given its irrelevance (see relevance objection above) and given its only purpose being Plaintiffs' attempt to argue by analogy (see DE 40 p. 3),
 - b. Plaintiffs have equal access to obtain the information sought by this discovery request and may do so by reviewing for themselves publicly available information, including the:
 - i. Board of County Commission Meeting agendas dating back to 2004 at <https://www.mypalmbeachclerk.com/myminutes.aspx>,
 - ii. Board of County Commission Meeting videos dating back to 2006 at <http://discover.pbcgov.org/countycommissioners/Pages/BCC-Meeting-Videos.aspx>, and
 - iii. The Palm Beach County Code of Ordinances at <https://library.municode.com/fl/palm-beach-county/codes/code-of-ordinances>
 - c. Plaintiffs have the resource of time as the depositions they are taking do not occur until September 17, where the County takes Plaintiffs' depositions on August 29 and 30 and must file its response to Plaintiffs' motion for preliminary injunction on September 10, and
 - d. the time-burden on the County to identify "each and every County ordinance, regulation, rule, law or provision that the County has considered [at a public meeting], enacted or enforced, which regulates any other types of clients or services that mental health professionals are permitted to serve or offer" outweighs the likely benefit to Plaintiff in discovering an irrelevant ordinance or the Court in examining an irrelevant ordinance.

INTERROGATORY 12:

Identify each and every County ordinance, regulation, rule, law or provision that the County has considered, enacted or enforced, which regulates any other mental health professionals or professions, besides marriage and family therapy or marriage and family therapists.

OBJECTION:

1. Irrelevant as other ordinances, regulations, rules, laws or provisions
 - a. are not the basis of Plaintiffs' Complaint,
 - b. are not the basis of Plaintiffs' motion for preliminary injunction,
 - c. are not incorporated by reference into the Ordinance at issue,
 - d. do not supply the County's power or authority to legislate, and
 - e. do not inform the Court's analysis as to the propriety of the Ordinance at issue in this case.
2. Discovery of this issue is not proportionate to the needs of the case considering,
 - a. the importance of this discovery is minimal given its irrelevance (see relevance objection above) and given its only purpose being Plaintiffs' attempt to argue by analogy (see DE 40 p. 3),
 - b. Plaintiffs have equal access to obtain the information sought by this discovery request and may do so by reviewing for themselves publicly available information, including the:
 - i. Board of County Commission Meeting agendas dating back to 2004 at <https://www.mypalmbeachclerk.com/myminutes.aspx>,
 - ii. Board of County Commission Meeting videos dating back to 2006 at <http://discover.pbegov.org/countycommissioners/Pages/BCC-Meeting-Videos.aspx>, and
 - iii. The Palm Beach County Code of Ordinances at https://library.municode.com/fl/palm_beach_county/codes/code_of_ordinances
 - c. Plaintiffs have the resource of time as the depositions they are taking do not occur until September 17, where the County takes Plaintiffs' depositions on August 29 and 30 and must file its response to Plaintiffs' motion for preliminary injunction on September 10, and
 - d. the time-burden on the County to identify "each and every County ordinance, regulation, rule, law or provision that the County has considered [at a public meeting], enacted or enforced, which regulates any other mental health professionals or professions" outweighs the likely benefit to Plaintiff in discovering an irrelevant ordinance or the Court in examining an irrelevant ordinance.

INTERROGATORY 13:

Identify each and every County ordinance, regulation, rule, law or provision that the County has considered, enacted or enforced, which regulates any other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling.

OBJECTION:

1. Irrelevant as other ordinances, regulations, rules, laws or provisions
 - a. are not the basis of Plaintiffs' Complaint,
 - b. are not the basis of Plaintiffs' motion for preliminary injunction,
 - c. are not incorporated by reference into the Ordinance at issue,
 - d. do not supply the County's power or authority to legislate, and
 - e. do not inform the Court's analysis as to the propriety of the Ordinance at issue in this case.
2. Discovery of this issue is not proportionate to the needs of the case considering,
 - a. the importance of this discovery is minimal given its irrelevance (see relevance objection above) and given its only purpose being Plaintiffs' attempt to argue by analogy (see DE 40 p. 3),
 - b. Plaintiffs have equal access to obtain the information sought by this discovery request and may do so by reviewing for themselves publicly available information, including the:
 - i. Board of County Commission Meeting agendas dating back to 2004 at <https://www.mypalmbeachclerk.com/myminutes.aspx>,
 - ii. Board of County Commission Meeting videos dating back to 2006 at <http://discover.pbcgov.org/countycommissioners/Pages/BCC-Meeting-Videos.aspx>, and
 - iii. The Palm Beach County Code of Ordinances at <https://library.municode.com/fl/palm-beach-county/codes/code-of-ordinances>
 - c. Plaintiffs have the resource of time as the depositions they are taking do not occur until September 17, where the County takes Plaintiffs' depositions on August 29 and 30 and must file its response to Plaintiffs' motion for preliminary injunction on September 10, and
 - d. the time-burden on the County to identify "each and every County ordinance, regulation, rule, law or provision that the County has considered [at a public meeting], enacted or enforced, which regulates any other professions, professionals or professional conduct" outweighs the likely benefit to Plaintiff in discovering an irrelevant ordinance or the Court in examining an irrelevant ordinance.

INTERROGATORY 14:

Identify each and every research (and not merely position papers or other opinions) to which the County refers as “overwhelming research” in the following statement within Ordinance 2017-046:

“WHEREAS, the Palm Beach County Board of County Commissioners hereby finds the overwhelming research demonstrating that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons,...”

and, for each research you identify, identify each page which you contend to contain the stated conclusion “that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, trans-gender or questioning persons.”

RESPONSE: Ordinance 2017-046 identifies the research information considered. Additionally, the 2009 Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation was considered. See response to interrogatory #5.

ADDITIONAL REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION 25:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 10, which the County has considered, enacted or enforced to regulate any other clinical practice methods besides SOCE counseling.

RESPONSE: See objection to Interrogatory # 10.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 25: None.

REQUEST FOR PRODUCTION 26:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 11, which the County has considered, enacted or enforced to regulate any other types of clients or services that mental health professionals are permitted to serve or offer, besides SOCE counseling or clients who seek SOCE counseling.

RESPONSE: See objection to Interrogatory # 11.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 26: None.

REQUEST FOR PRODUCTION 27:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 12, which the County has considered, enacted or enforced to regulate any other mental health professionals or professions, besides marriage and family therapy or marriage and family therapists.

RESPONSE: See objection to Interrogatory # 12.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 27: None.

REQUEST FOR PRODUCTION 28:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 13, which the County has considered, enacted or enforced to regulate any other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling.

RESPONSE: See objection to Interrogatory # 13.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 28: None.

REQUEST FOR PRODUCTION 29:

All Documents Concerning each research (and not merely position papers or other opinions) identified in Your response to Interrogatory 14.

RESPONSE: See response to interrogatory #5.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 29: See response to interrogatory #5.

REQUEST FOR PRODUCTION 30:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is impossible for a therapist to successfully assist a Minor in changing or reducing his or her unwanted romantic attractions to the same sex.

OBJECTION: Irrelevant as to whether the described change or reduction is possible or impossible. What is relevant is the lack of scientifically rigorous support for the efficacy and safety of conversion therapy as well as the harm associated with conversion therapy. Accordingly, as harm was addressed in interrogatory and request for production #5, the County responds with research in its possession related to the lack of efficacy of conversion therapy:

RESPONSE:

1. J. Drescher / Psychiatr Clin N Am 25 (2002) 605–621 [PBC 007400 – PBC 007416]
2. J. Drescher, et al. / The Growing Regulation of Conversion Therapy, [PBC 007417 – PBC 007448]
3. J. Serovich, et al. / Journal of Marital and Family Therapy, April 2008, Vol. 34, No. 2, 227–238 [PBC 007449 – PBC 007460]
4. Drescher and Byne, Chapter 21.2, Homosexuality, Gay and Lesbian Identities, and Homosexual Behavior [PBC 007461 – PBC 007492]
5. D. Haldeman / Appropriate Therapeutic Responses to Questioning Sexual Orientation [PBC 007493 – PBC 007632]
6. American Psychological Association 2009 Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts [PBC 000022-26]
7. 2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth [PBC 000053-128]
8. American College of Physicians, LGBT Health Disparities article and the Therapies to Change Sexual Orientation Lack Medical Justification and Threaten Health, Annals of Internal Medicine (2015) [PBC 000129-163].
9. American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents [PBC 000028-45].

10. **Pan American Health Organization, "Therapies" to change sexual orientation lack medical justification and threaten health (2012) [PBC 000046-50].**

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 30: See response above.

REQUEST FOR PRODUCTION 31:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is impossible for a therapist to successfully assist a Minor in changing or reducing unwanted same-sex sexual behaviors.

RESPONSE: See response to request for production # 30.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 31: See response to request for production # 30.

REQUEST FOR PRODUCTION 32:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is impossible for a therapist to successfully assist a gender confused Minor in re-gaining confidence and peace with his or her anatomical sex.

OBJECTION: This request mischaracterizes the County's contentions. Irrelevant as the Ordinance does not prohibit a therapist from assisting a minor in re-gaining confidence and peace with their anatomical sex. The Ordinance prohibits a therapist from seeking to change a minor's sexual orientation or gender identity.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 32: None.

REQUEST FOR PRODUCTION 33:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to affirm a Minor in his or her belief that he or she is of a sex or gender that is different from his or her anatomical sex, and/or that there are no short- or long-term negative effects of doing so.

RESPONSE:

1. **2009 Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation. [PBC 001824-1963]**
2. **2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth [PBC 000053-128]**

3. American Psychological Association 2009 Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts [PBC 000022-26]
4. American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents [PBC 000028-45]
5. American School Counselor Association, The School Counselor and LGBTQ Youth [PBC 000051-52]
6. D. Ehrensaft, Found in Transition: Our Littlest Transgender People, Contemporary Psychoanalysis, Vol. 50, No. 4:571-592, 2004 [PBC 013627-013648]
7. D. Ehrensaft, "I'm a Prius": A Child Case of Gender/Ethnic Hybrid, Journal of Gay & Lesbian Mental Health, 15:46-57, 2011 [PBC 013649 – PBC 013661]
8. D. Ehrensaft, From Gender Identity Disorder to Gender Identity Creativity: True Gender Self Child Therapy, Journal of Homosexuality, 59:337-358, 2012 [PBC 013663 – PBC 013682]
9. National Center for Lesbian Rights, A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Non-Conforming Youth, 2011 [PBC 013945 – PBC 014020]

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 33: See response above.

REQUEST FOR PRODUCTION 34:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is psychologically, emotionally or physically safe and effective to assist a Minor in transitioning to a sex different from his or her anatomical sex, and/or that there are no short- or long-term negative effects of doing so.

RESPONSE:

1. 2015 Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth [PBC 000053-128].
2. Homosexuality and Adolescence, Pediatrics Vol. 92 No. 4 (October 1993) [PBC000015-20].
3. American Academy of Child & Adolescent Psychiatry, Practice Parameter on Gay, Lesbian, or Bisexual Orientation, Gender Non-Conformity, and Gender Discordance in Children and Adolescents [PBC 000028-45].
4. D. Ehrensaft, From Gender Identity Disorder to Gender Identity Creativity: True Gender Self Child Therapy, Journal of Homosexuality, 59:337-358, 2012 [PBC 013663 – PBC 013682]
5. D. Ehrensaft, "Look, Mom, I'm a Boy – Don't Tell Anyone I Was a Girl," Journal of LGBT Youth, 10:9-28, 2013 [PBC 013684- PBC 013703]

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 34: See response above.

REQUEST FOR PRODUCTION 35:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to withhold therapy from a Minor who is distressed about his or her unwanted homosexual attractions, and who desires to receive therapy to reduce those unwanted attractions.

OBJECTION: This request mischaracterizes the County's Ordinance. The County does not contend that all therapies should be withheld from such a distressed minor. To the extent this request seeks research about the appropriateness of affirmative therapy, see response to request for production #30 and #33.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 35: See response to request for production #30 and #33.

REQUEST FOR PRODUCTION 36:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to only offer therapy that affirms and supports a distressed Minor who is seeking change regarding unwanted homosexual attractions or gender identity confusion, rather than helping that Minor to make the changes he or she is seeking.

RESPONSE: See response to production # 30 and #33 and interrogatory #5.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 36: See response to production # 30 and #33 and interrogatory #5.

REQUEST FOR PRODUCTION 37:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safer to wait until a Minor turns 18 years of age before providing therapy for unwanted homosexual attractions or gender identity confusion.

RESPONSE: Objection, this request mischaracterizes the County's contentions. The County does not contend that conversion therapy is safe for any age. The County's Ordinance protects a particularly vulnerable subset of its population, minors, from the harms of conversion therapy. With respect to vulnerability concerns related to a minor and issues concerning "consent," see response to interrogatory #6.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 37: See response to interrogatory #6.

REQUEST FOR PRODUCTION 38:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safer, better or more desirable for a Minor who desires change and seeks counseling regarding unwanted homosexual attractions or gender identity confusion to receive that counseling from a non-licensed provider rather than a licensed provider.

OBJECTION: This request mischaracterizes the County's Ordinance. The County's Ordinance addresses the harms caused to minors by licensed providers. Harm caused by non-licensed providers is not relevant.

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 38: None.

REQUEST FOR PRODUCTION 39:

All Documents showing or evidencing the time, circumstances and extent to which the County considered any of the research identified in Your responses to Interrogatory 14 or produced in response to Requests for Production 29 through 38.

RESPONSE: See:

1. PBC 000164
2. PBC 000165
3. PBC 000166
4. PBC 000167
5. PBC 000325 – PBC 000429
6. PBC 000430 – PBC 000550
7. PBC 007373 – PBC 007399
8. PBC 007642 – PBC 007977
9. PBC 007979 – PBC 008384
10. PBC 13066
11. PBC 12988
12. PBC 014629 – PBC 014847
13. PBC 014848 – PBC 015699

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 39: See response above.

**SERVICE LIST
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 18-CIV-80771-RLR**

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Attorneys for County of Palm Beach Florida

From: [Denise Marie Nieman](#)
To: [Paulette Burdick P.](#); [Melissa McKinlay](#); [Hal Valeche](#); [Dave Kerner M.](#); [Steven Abrams](#); [MaryLou Berger](#); [Mack Bernard](#)
Cc: [Verdenia Baker](#); [Jon Van Arnam](#); [Todd J. Bonlarron](#); [Faye Johnson W.](#); [Patrick Rutter](#); [Ramsay Bulkeley](#); [Helene Hvizd](#); [Shannon Fox](#); rand-hoch@usa.net; [Trent Steele](#)
Subject: Conversion Therapy
Date: Thursday, September 07, 2017 6:52:32 PM

Dear Commissioners,

This is in response to the BCC's direction last summer to research the viability of the adoption of a County ordinance banning "Conversion Therapy", a form of counseling that attempts to change one's sexual orientation. The direction was given at the request of Rand Hoch on behalf of the PBC Human Rights Council.

We strongly believe that this area should be regulated by the state since it is the state who licenses and otherwise governs therapists. However, we are cognizant of the likelihood of that happening after Senator Clemens made numerous attempts to enact state law, all of which failed. I am also of the opinion that professional oversight organizations should mandate compliance with their guidelines instead of making them aspirational, which would allow for a more direct consequence to the therapist than attempting to enforce a local ordinance. That method of addressing the issue also seems futile, thus the plea for local governments to step in.

Our initial research revealed a number of significant legal issues that would have prevented my office from signing off for legal sufficiency. Assistant County Attorney Helene Hvizd and I reviewed our concerns with Mr. Hoch and ultimately mutually agreed to hold off issuing an unfavorable opinion to give us time to monitor how the pending cases evolve and to see how the jurisdictions who did move forward with an ordinance administered and enforced same. We also wanted to see if any of the new enactments would be challenged. To the best of our knowledge, none have been.

As Mr. Hoch pointed out in his recent email, a number of cities in Florida did adopt ordinances. At the time of the BCC's directive, the City of Miami Beach was the only city in Florida to ban conversion therapy. Further, Miami-Dade is close to final adoption of its ordinance, making it the only county in Florida to have such a prohibition.

While we still have legal concerns including, but not limited to, implied preemption, the Florida Patients' Bill of Rights, conflicting federal circuit court opinions, and parental rights, there were some arguments that advanced to a point where we were able to move from a definite "no" to a "maybe" (I use this term since the case law can go either way), clearing the path for an ordinance should a majority of the BCC so directs.

In addition to the legal issues, after researching the history of conversion therapy, I felt it important to bring to your attention some general observations, as well as some practical concerns. Most of the universal complaints seem to be about religious organizations that the ordinance would not legally be able to address. Further, all of the six therapists who have been identified to us as practicing conversion therapy in PBC are located in the incorporated areas of the County, which I suppose is a plus because one of the main concerns is enforcement. It's difficult to imagine how a County Code Enforcement Officer would be able to issue a citation for a violation. How would an officer determine if a violation occurred? The ordinances play more of a deterrent role.

In any event, we can bring back an ordinance banning conversion therapy if directed.

Should you have any questions, please let me know.

Denise Marie

Denise Marie Nieman

County Attorney
Palm Beach County
301 N. Olive Avenue
Suite 601
West Palm Beach, FL 33401
561.355.3389 (office)
561.355.3600 (fax)
dnieman@pbcgov.org

From: [Rand Hoch](#)
To: [Helene Hvizd](#)
Cc: [Trent Steele](#)
Subject: Re: PBCHRC - Countywide Conversion Therapy Ban
Date: Monday, August 07, 2017 8:55:50 PM

A few minutes ago Greenacres just passed there ordinance on Final Reading. Trent and I are out in California meeting with some of the people on our national legal team so we should have the memorandum for you shortly.

As for the league of cities, we have that under control but we do understand that I will add a slight delay into the process.

We will be in touch as soon as we have the memorandum completed.

On Mon, Aug 7, 2017 at 1:32 PM Helene Hvizd <HHvizd@pbcgov.org> wrote:

Hello Rand,

As I am surveying conversion therapy ban ordinances, it occurred that I should remind you that making the County's ordinance apply in municipalities requires that we present this ordinance to the League of Cities for their vote of approval before placing it on the BCC Agenda. That generally adds at least one month to the several week procedure for placing an item on the agenda. I believe Denise Marie mentioned this during our meeting, but wanted to make sure we are all on the same page.

How is your memorandum progressing?

Thank you,

Helene

From: Helene Hvizd
Sent: Thursday, July 27, 2017 9:54 AM
To: Rand Hoch <rand-hoch@usa.net>
Cc: Denise Marie Nieman <DNieman@pbcgov.org>; Trent Steele <trent@trentsteele.com>

Subject: Re: PBCHRC - Countywide Conversion Therapy Ban

We may be asked to address this.

----- Original message -----

From: Rand Hoch <rand-hoch@usa.net>

Date: 7/27/17 8:57 AM (GMT-05:00)

To: Helene Hvizd <HHvizd@pbcgov.org>

Cc: Denise Marie Nieman <DNieman@pbcgov.org>, Trent Steele <trent@trentsteele.com>

Subject: Re: PBCHRC - Countywide Conversion Therapy Ban

Helene,

the bill got slaughtered in Tallahassee. If it ever passes, your office will have more significant issues to deal with than conversion therapy bans!

On Thu, Jul 27, 2017 at 8:22 AM Helene Hvizd <HHvizd@pbcgov.org> wrote:

Implied preemption has not been addressed with respect to the very broad Patients' Bill of Rights. I am also curious for your analysis of the legislature's attempt to preempt local regulation of business as it relates to local conversion therapy ban ordinances. Thank you.

----- Original message -----

From: Rand Hoch <rand-hoch@usa.net>

Date: 7/27/17 7:52 AM (GMT-05:00)

To: Helene Hvizd <HHvizd@pbcgov.org>

Cc: Denise Marie Nieman <DNieman@pbcgov.org>, Trent Steele <trent@trentsteele.com>

Subject: Re: PBCHRC - Countywide Conversion Therapy Ban

Trent is updating implied pre-emption, in light of a new case from the Florida Supreme Court which strengthens our position (it deals with specific language regarding the Law Enforcement Bill of Rights).

What seems to be the issue with the Patients Bill of Rights?

Rand Hoch

400 North Flagler Drive, #1402

West Palm Beach, FL 33401
561-358-0105

On Wed, Jul 26, 2017 at 7:18 PM, Helene Hvizd <HHvizd@pbcgov.org> wrote:

Thank you. Will you please ask Trent to address implied preemption and the Florida Patients' Bill of Rights. No county or municipality has addressed this to date.

----- Original message -----

From: Rand Hoch <rand-hoch@usa.net>

Date: 7/26/17 6:04 PM (GMT-05:00)

To: Denise Marie Nieman <DNieman@pbcgov.org>

Cc: Helene Hvizd <HHvizd@pbcgov.org>, Rand Hoch <rand-hoch@usa.net>, Trent Steele <trent@trentsteele.com>

Subject: Re: PBCHRC - Countywide Conversion Therapy Ban

Please touch base before hand so we can give you the most current list. As of today, California, Connecticut, Illinois, Nevada, New Jersey, New Mexico, New York, Oregon, Vermont, the District of Columbia, Cincinnati (OH), Seattle (WA), Pittsburgh (PA), Toledo (OH), Columbus (OH), Philadelphia (PA) and Allentown (PA) have laws

preventing licensed mental health providers from offering conversion therapy to minors. (New York's ban is uniquely the result of an order signed New York Gov. Andrew Cuomo and not legislation.)

In Florida, West Palm Beach, Lake Worth, Boynton Beach, Riviera Beach, Delray Beach, Wellington, Miami, Wilton Manors, Miami Beach, Bay Harbor Islands, El Portal, Key West and Tampa have also banned the practice. Additionally, the Greenacres City Council and the Miami-Dade County Board of County Commissioners have approved (on First Reading) ordinances banning conversion therapy for minors. Final Readings are expected to be held later this summer.

Also, it appears that no one has attached a fiscal impact (e.g. cost of training, etc) to any of the ordinances. Please keep in mind there are only 5 therapists that we know of doing this in PB County (down from 6 a few months ago).

Thanks.

Rand

P.S. Trent is working on a comprehensive memo of law to address issues that have come up.

Rand Hoch

400 North Flagler Drive, #1402

West Palm Beach, FL 33401

[561-358-0105](tel:561-358-0105)

On Wed, Jul 26, 2017 at 12:40 PM, Denise Marie Nieman <DNieman@pbcgov.org> wrote:

Rand, 9/12...thank you! I'll send something to the BCC before then with updated info especially re: Miami-Dade.

From: Helene Hvizd

Sent: Wednesday, July 26, 2017 12:39 PM

To: Denise Marie Nieman <DNieman@pbcgov.org>; 'Rand Hoch' <rand-hoch@usa.net>

Cc: Trent Steele <trent@trentsteele.com>

Subject: RE: PBCHRC - Countywide Conversion Therapy Ban

Yes, the sooner the better. Thank you.

From: Denise Marie Nieman

Sent: Wednesday, July 26, 2017 12:37 PM

To: Helene Hvizd <HHvizd@pbcgov.org>; 'Rand Hoch' <rand-hoch@usa.net>

Cc: Trent Steele <trent@trentsteele.com>

Subject: RE: PBCHRC - Countywide Conversion Therapy Ban

Hey Rand,

Helene has been on top of everything you've been sending, Rand. Thank you, Helene.

As for the dates in November, first and second reading would be 11/7 and 11/21. The sooner the better...either 9/12 (the only September meeting) or 10/3 (10/17 would be pushing it). Helene, since you'll be doing the work if we're directed to bring an ordinance back, which date works best for you?

Rand, I noticed an article some weeks ago, I think the Town Crier, that was jumping all over the BCC for not doing an ordinance. As you know, they directed me to look into it and report back which I haven't yet because you and I have been working together so as not to compromise anything you are able to achieve. I don't like seeing my client negatively portrayed when it is me who hasn't responded to them as you and I help each other. Anything you can do to make sure folks know that we aren't dragging our feet would be most appreciated.

Have an awesome day!

From: Helene Hvizd

Sent: Wednesday, July 26, 2017 12:22 PM
To: 'Rand Hoch' <rand-hoch@usa.net>; Denise Marie Nieman <DNieman@pbcgov.org>
Cc: Trent Steele <trent@trentsteele.com>
Subject: RE: PBCHRC - Countywide Conversion Therapy Ban

Hello Rand,

Yes, I spoke to the Miami-Dade County Attorney's office immediately after your initial email regarding that County's ordinance.

Thank you,

Helene

From: flagler400@gmail.com [<mailto:flagler400@gmail.com>] **On Behalf Of** Rand Hoch
Sent: Wednesday, July 26, 2017 8:45 AM
To: Denise Marie Nieman <DNieman@pbcgov.org>
Cc: Helene Hvizd <HHvzd@pbcgov.org>; Trent Steele <trent@trentsteele.com>
Subject: PBCHRC - Countywide Conversion Therapy Ban

Hi there,

I had a tickler on my calendar to talk with you today, but you beat me to it.

The Miami-Dade County Commission, which recently passed it unanimously on First Reading, is going for final reading in August.

We have a final reading in Greenacres in August, and a few more municipalities in the works. So, let's skip taking action at the August 15 hearing and move the timetable.

If we want to have First and Second readings during November (assuming there are two meetings that month), when should someone on the BCC ask for direction?

Rand

P.S. Have you reached out to the Miami-Dade County Attorney yet?

Rand Hoch

400 North Flagler Drive, #1402

West Palm Beach, FL 33401
[561-358-0105](tel:561-358-0105)

On Wed, Jul 26, 2017 at 7:36 AM, Denise Marie Nieman <DNieman@pbcgov.org> wrote:

Hey Rand,

Following up on our discussion where I told you I'd check in on 7/26 before you head to San Fran to see if you're still on track for someone on the BCC to seek direction at the 8/15 meeting for us to proceed with the drafting of an ordinance.

We're on standby...

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Rand Hoch

400 North Flagler Drive, #1402

West Palm Beach, FL 33401
561-358-0105

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Rand Hoch

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