

NO. 19-10604-A

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

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

Plaintiffs/appellants,

v.

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

Defendants/appellees.

**APPELLEE, COUNTY OF PALM BEACH, FLORIDA'S,
APPENDIX TO
RESPONSE TO PLAINTIFFS/APPELLANTS'
MOTION TO THE MERITS PANEL TO ENFORCE MANDATE**

HELENE C. HVIZD
Senior Assistant County Attorney
Counsel for Defendant/Appellee
County of Palm Beach, Florida
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401
Florida Bar Number 868442
Tel.: (561) 355-2582
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**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

Case No. 19-10604-A

Appellee COUNTY OF PALM BEACH, FLORIDA files this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by Federal Rule of Appellate Procedure 26.1-1. and Eleventh Circuit Rule 26.1:

Abbott, Daniel L., trial and appellate co-counsel for defendant/appellee City of Boca Raton

Alliance for Therapeutic Choice, amicus in support of Plaintiffs/Appellants

Berger, Mary Lou, defendant/appellee Palm Beach County Commissioner

Carlton Fields Jordan Burt, P.A., counsel for Equality Florida Institute Inc., amicus
in support of defendants/appellees

City of Boca Raton, Florida, defendant/appellee

Cole, Jamie A., trial co-counsel for defendant/appellee City of Boca Raton

Dreier, Douglas C., counsel for The Trevor Project, amicus in support of
defendants/appellees

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

Case No. 19-10604-A

Dunlap, Aaron C., counsel for Equality Florida Institute Inc., amicus in support of
defendants/appellees

Equality Florida Institute, Inc., amicus in support of defendants/appellees

Fahey, Rachel, trial co-counsel for defendant/appellee Palm Beach County

Flanigan, Anne R., trial and appellate co-counsel for defendant/appellee City of
Boca Raton

Gannam, Roger K., trial and appellate co-counsel for plaintiffs/appellants

Gibson, Dunn & Crutcher LLP, counsel for The Trevor Project, amicus in support
of defendants/appellees

Guedes, Edward G., appellate co-counsel for defendant/appellee City of Boca Raton

Hamilton, Julie H., Ph.D., LMFT, plaintiff/appellant

Hvizd, Helene C., appellate counsel for defendant/appellee Palm Beach County

Kay, Eric S., appellate co-counsel for defendant/appellee City of Boca Raton

Kerner, Dave, defendant/appellee Palm Beach County Commissioner

Liberty Counsel, trial and appellate counsel for plaintiffs/appellants

Mack, Bernard, defendant/appellee Palm Beach County Commissioner

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

Case No. 19-10604-A

Mayotte, Monica, defendant/appellee City of Boca Raton Council Member

McKinlay, Melissa, defendant/appellee Palm Beach County Commissioner

Mihet, Horatio Gabriel, trial and appellate co-counsel for plaintiffs/appellants

O'Rourke, Andrea Levine, defendant/appellee City of Boca Raton Council Member

Otto, Robert W., Ph.D., LMFT, plaintiff/appellant

Palm Beach County, Florida, defendant/appellee

Phan, Kim, trial co-counsel for defendant/appellee Palm Beach County

Price, Max R., counsel for Alliance for Therapeutic Choice, amicus in support of
plaintiffs/appellants

Reinhart, Bruce E., United States Magistrate Judge

Rodgers, Jeremy, defendant/appellee City of Boca Raton Deputy Mayor

Rosenberg, Robin L., United States District Judge

SDG Counseling, LLC, company of plaintiff/appellant Robert W. Otto, Ph.D.,

LMFT

Singer, Scott, defendant/appellee City of Boca Raton Mayor

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

Case No. 19-10604-A

Staver, Matthew Duane, trial and appellate co-counsel for plaintiffs/appellants

The Trevor Project, amicus in support of defendants/appellees

Thomson, Andy, defendant/appellee City of Boca Raton Council Member

Valeche, Hal R., defendant/appellee Palm Beach County Commissioner

Walbolt, Sylvia H., counsel for Equality Florida Institute Inc., amicus in support of
defendants/appellees

Weinroth, Robert S., defendant/appellee Palm Beach County Commissioner

Weiss, Gregg K., defendant/appellee Palm Beach County Commissioner

Weiss Serota Helfman Cole & Bierman, P.L., counsel for defendant/appellee City
of Boca Raton

Yasko, Jennifer A., counsel for Equality Florida Institute Inc., amicus in support of
defendants/appellees

No publicly traded company or corporation has an interest in the outcome of this
appeal.

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Document

Exhibit

Palm Beach County’s Notice of Filing Affidavit
of Ramsay Bulkeley.....A

EXHIBIT A

**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.

**PALM BEACH COUNTY’S AMENDED NOTICE OF FILING AFFIDAVIT OF
RAMSAY BULKELEY IN SUPPORT OF PALM BEACH COUNTY’S RESPONSE IN
OPPOSITION TO PLAINTIFFS’ MOTION TO LIFT STAY, ENTER PRELIMINARY
INJUNCTION AND SET SCHEDULING CONFERENCE FOR MERITS LITIGATION
AND REQUEST FOR EXPEDITED CONSIDERATION.**

Defendant, PALM BEACH COUNTY (County) by and through the undersigned Assistant County Attorney, hereby files this Notice of Filing of Affidavit of Ramsay Bulkeley in Support of Palm Beach County’s Response in Opposition to Plaintiffs’ Motion to Lift Stay, Enter Preliminary Injunction and Set Scheduling Conference for Merits Litigation and Request for Expedited Consideration [ECF No. 156].

Respectfully submitted this 16th day of August, 2022.

/s/ Marianna Sarkisyan

Marianna Sarkisyan, Esquire

Assistant County Attorney

Florida Bar No. 57059

300 North Dixie Highway, Suite 359

West Palm Beach, Florida 33401

Tel: (561) 355-2529; Fax: (561) 355-4234

Email: msarkisyan@pbcgov.org

ldennis@pbcgov.org, mjcullen@pbcgov.org

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 16, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Marianna Sarkisyan

Marianna Sarkisyan

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
Case No.: 9:18-cv-80771-ROSENBERG

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.

**AFFIDAVIT OF RAMSAY BULKELEY, EXECUTIVE DIRECTOR,
PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING DEPARTMENT**

1. My name is Ramsay Bulkeley. I am sui juris, and have personal knowledge of the facts set forth herein.
2. I am the Executive Director of the Palm Beach County (the County) Planning, Zoning, and Building Department (PZ&B).
3. Code Enforcement, a Division within PZ&B, is the County Division assigned to enforce the County's Prohibition of Conversion Therapy on Minor Ordinance, (the Ordinance), which was enacted on December 21, 2017, and codified at Chapter 18, Article V, Section 18-121, et seq., Palm Beach County Code, ordinance No. 2017-046.
4. The County is a Home Rule Charter County created pursuant to Article VIII, Section 1 of the Florida Constitution.
5. The County is governed by the seven-member Palm Beach County Board of County Commissioners ("the Board").
6. Verdenia Baker, the County Administrator, is the chief executive officer of the County.

She has held this position since 2015.

7. From the time of the enactment of the Ordinance, to date, the County's PZ&B Code Enforcement Division has received no complaints regarding conduct that falls within the conduct prohibited by the Ordinance, nor has the Code Enforcement Division conducted any investigations regarding therapists who were alleged to be engaging in conduct prohibited by the Ordinance.

8. On August 12, 2022, I received the attached MEMORANDUM from Verdenia Baker, County Administrator, advising that the Federal Court has held the Ordinance to be unconstitutional, and advising me that the Board will be considering its repeal at its meeting of August 23, 2022; therefore, there will be no enforcement of the Ordinance.

DATED this 12th day of August, 2022.

FURTHER AFFIANT SAYETH NOT.

Ramsay Bulkeley, Executive Director,
Palm Beach County Planning, Zoning,
and Building Department

STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me, **by means of physical presence or online notarization** this 16 day of **August, 2022** by **Ramsay Bulkeley**, who is personally known to me and did not take an oath.



JANETH CERVERA
Commission # HH 158525
Expires August 29, 2025
Bonded Thru Budget Notary Services

Signature of Notary

Typed, Printed, or Stamped
Name of Notary
My Commission Expires:



MEMORANDUM

County Administration

P.O. Box 1989

West Palm Beach, FL 33402-1989

(561) 355-2040

FAX: (561) 355-3982

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

TO: Ramsay Bulkeley, Director
Planning, Zoning, and Building Department

FROM: Verdenia C. Baker, County Administrator

DATE: August 12, 2022

**RE: Repeal of Prohibition of Conversion Therapy on Minors
Ordinance**

A handwritten signature in blue ink that reads "Verdenia C. Baker".

Please be advised that the Federal Court has held Chapter 18, Article V, Section 18-121, et seq., Palm Beach County Code, Ordinance No. 2017-046, the Prohibition of Conversion Therapy on Minors Ordinance (the Ordinance), to be unconstitutional.

The Palm Beach County Board of County Commissioners will be considering an Agenda Item asking it to repeal the Ordinance at its meeting of August 23, 2022, based on the Federal Court's ruling. In the interim, since your Code Enforcement Division is tasked with enforcement of this unconstitutional ordinance, please consider the potential repeal of this ordinance in regard to any reported violations of the ordinance received before August 23, 2022.

Thank you for your compliance with this direction.

CERTIFICATE OF SERVICE

I CERTIFY that on August 16, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. Service will be accomplished by the CM/ECF system.

/s/ Helene C. Hvizd
HELENE C. HVIZD
Senior Assistant County Attorney
Counsel for Defendant/Appellee
County of Palm Beach, Florida
Palm Beach County Attorney's Office
301 North Olive Avenue, Sixth Floor
West Palm Beach, Florida 33401
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