

STEPHANIC TOOTHAKER (954) 765-2905 email sit@trippscott.com

December 10, 2014

Via E-Mail

Lee R. Feldman City Manager City of Fort Lauderdale 100 N Andrews Avenue Fort Lauderdale, FL 33301

> Thor Gallery at Beach Place, LLC ("Beach Place") - Request for Re:

Extension of Friday Deadline to Submit Modified Security Plan

Dear Lee:

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As you are aware, we represent Thor Gallery at Beach Place, LLC, the owner of The Gallery at Beach Place located at 17 South Fort Lauderdale Beach Boulevard ("Beach Place").

We are in receipt of your letter dated November 7, 2014 regarding the security plan items and your requirement that Beach Place submit a modified security plan before close of business on Friday, December 4, 2014. As we discussed last week we did not receive the response to the Public Records Request in sufficient time to prepare a new security plan within the time frame set.

In addition to engaging Allied Barton, Beach Place has also engaged Jon Groussman, President and COO of CAP INDEX, INC., a well know security firm that provides crime forecasting for 81 of the top Fortune 100 Companies in the United States. I have attached information about CAP INDEX and Mr. Groussman's Curriculum Vitae for your consideration.

Mr. Groussman is currently in contact with the City of Fort Lauderdale Police Department as well as analyzing the City's Incident Reports and the existing conditions at Beach Place to determine not only what the primary issues to be addressed are, but to determine how best to address those issues in a reasonable and thoughtful manner.

We hope to submit a new security plan by Friday December 19, 2014 that not only addresses the upcoming holidays but the future of security at Beach Place. As such, we are respectfully requesting an extension of time to submit the new security plan and an extension of the City Commission hearing until Tuesday January 20, 2015.

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Thank you for your consideration of this request.

Sincerely

Stephanie J. Toothaker

For the Firm

Cc Justin Xenitelis, Esq., General Counsel Samuel Polese, Executive Vice President James A. Scott, Esq.

# ABOUT CAP Index®

# The Leader in Crime Forecasting

# Who We Are

Since 1988, CAP Index has provided innovative solutions for companies and government agencies looking to minimize a broad range of losses, including shrink, general liability, fraud, lawsuits and crimes against persons and property.

# **Our Products**

CAP Index's CRIMECAST® products are derived from an advanced evaluation system designed to identify the risk of personal and property crimes at any location in the United States, the United Kingdom and Canada. Address-specific CRIMECAST Reports assist clients in ranking and comparing multiple locations, site selection, security resource allocation, litigation and underwriting.

# What We Do

CAP Index provides actionable crime forecasting data and maps, as well as loss mitigation solutions to 81 of the top Fortune® 100 Companies and other leading retailers, financial institutions, insurance companies and quick-service restaurant (QSR) chains in the U.S., the U.K. and Canada.

# **Our Services**

Going beyond CRIMECAST Scores, CAP's team of consultants can analyze external CAP information in tandem with your internal company-specific data in order to create an objective, operationally feasible, cost-effective and fully customized risk identification model. CAP Index can also assist with litigation support, risk matrix development and security management optimization.

**Contact Us** 

Contact CAP Index today to learn more about our innovative products and services!

WEB capindex.com PHONE 800-227-7475 ADDRESS 150 John Robert Thomas Drive, Exton, PA 19341

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# Jon David Groussman, J.D. 5704 Hammock Isles Drive Naples, FL 34119 (239) 514-8684

## PROFESSIONAL EXPERIENCE

# CAP INDEX, INC. President and COO

Exton, PA 2002 - Present

The world leader in crime forecasting, CAP Index's proprietary CRIMECAST reports provide crime statistics for any location- analyzing loss and security data at the local, regional and national levels, and helping security professionals make informed decisions regarding loss prevention investments

As President and COO, Jon Groussman leads CAP Index's management and consulting services on a wide range of security, loss, risk and liability-related issues. The company's services are available to the public and private sectors, including retailers, schools systems, municipalities, colleges, hospitals, hotels, insurance companies, law firms, shopping centers, office parks, manufacturing, multi-family residential and commercial property owners and managers.

Currently, CAP Index provides crime forecasting models for

- 81 of the Top U S 100 Fortune Companies
- 8 of the Top 10 Retailers
- 8 of the Top 10 Financial Institutions
- 8 of the Top 10 Insurance Companies
- 7 of the Top 10 QSR/Restaurant Companies

Jon specializes in the following areas

### Consultina

Retained to evaluate security and loss prevention programs, loss reduction strategies, risks of workplace violence, crime and risk analysis, risk and liability prevention measures, development of company policies and response to crisis situations

# Educational Programs

Programs are provided to individual businesses and their trade associations on crime-related liability problems, communication skills, the handling of crime victims, workplace violence, legal limits of investigations, negligent hiring and pre-employment screening, inadequate security and premises liability, employee privacy rights in the workplace and response to criminal incidents and other loss scenarios

ASIS (American Society for Industrial Security) – <u>Instructor</u> 1994-2002 Certified Protection Professional (CPP) Annual Review Program education credits

IREM (Institute of Real Estate Management) - <u>Certified Instructor</u> C P M (Certified Property Manager) for continuing education credits

Expert Witness Services/Case Evaluation

Provides expert services through case analysis in civil actions involving claims of inadequate security or security misconduct. Has actively participated in the evaluation and analysis of over 600 premises liability/inadequate security cases nationwide.

### Research

Provides research data and analysis in liability problems, crime and loss trends, and national and community standards

LIABILITY CONSULTANTS, INC.

Vice President, Principal Consultant

Senior Consultant

1996 to 2002

Senior Consultant

1991 to 1996

As Vice President and Principal Consultant, provided security and liability consulting services, as well as training, seminars and expert forensic services, to corporations and other institutions throughout the United States

# NORTHEASTERN UNIVERSITY College of Criminal Justice and University College Adjunct Faculty

Boston, MA

Instructor in variety of undergraduate courses, including

- · Civil Liability in Criminal Justice
- · Legal Aspects of Security Management and Operations

# SAKS FIFTH AVENUE Loss Prevention Investigator

Boston, MA 1989 to 1990

Investigated external and internal theft and loss Assisted in the apprehension and prosecution of shoplifters Maintained records of store shortages and assisted in the Loss Prevention training of new employees

# CALDWELL, WILEY & ASSOCIATES Investigations - Marketing Representative

Denver, CO 1988 to 1989

Coordinated investigations. Conducted pre-employment screening for area corporations. Interviewed potential employees of corporate clients and assisted in report analysis of applicant. Participated in the development of company marketing plan and corporate pre-employment screening strategies.

# MAY COMPANY DEPARTMENT STORES Investigations Associate

Denver, CO 1988 to 1989

Conducted investigations of internal and external theft and loss, assisted in apprehension and prosecution of shoplifters and tracked store shortages. Assisted with Loss Prevention training for new employees

# DEPARTMENT OF THE TREASURY, U.S. CUSTOMS SERVICE Internal Affairs Investigation

Boston, MA

Conducted a six-month undercover investigation involving the sale of illegal narcotics and gambling by a Customs official

# U.S. DEPT. OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION Investigative Aide

NY and Boston 1985 to 1988

Assisted criminal investigators by searching for original records and files to obtain information on suspects or defendants to be used in the development of cases. Interviewed defendants with investigators to acquire post-arrest information. Prepared reports for criminal history information aubscriber checks. Assisted in the preparation for trial. Contacted federal, state and local law enforcement agencies by phone and in person to acquire intelligence information.

## LEGISLATION

<u>Victims' Rights - Crime of Stalking</u> Testified and assisted in drafting legislation in Massachusetts, relative to the Crime of Stalking, which enhanced the rights of victims House Bill #1898, January, 1999. Passed by Senate, 2000.

# RESEARCH AND PUBLICATIONS

"Premises Security Liability: Reasoned Behavior Trumps Perfection", LP Magazine, July-August 2012, Jon D. Groussman, J.D. & Constantine "Dean" Nickas, J.D.

"Measure Crime and Liability Risk Management Performance", Views, Nov. 2011, Jon D Groussman, J D

"Loss Forecasting and ROI", Security Magazine, May 2008, Jon D. Groussman, J.D.

"Scene of the Crime". The Deal com, December 2007, Jon D. Groussman, J.D.

"Visit with the Shrink", Security Products, March 2007, Jon D. Groussman, J.D. and Steven K. Aurand

"Those Risks You Never Anticipate", Security Magazine, May 2006, Jon D. Groussman, J.D. & Robert M. Figlio, Ph.D.

Security Director News, December 2004, Guest Commentary. "Corporate Dashboard Aligning Security Operations"

"Premises Security Liability in Commercial Property", Handling Security and Risk Issues for Commercial Building -- Issues Relating to Commercial Real Estate Ownership and Management Following September 11, 2001 A Paradigm Shift Toward a "New Normalcy." MCLE (Mass Continuing Legal Education), Boston, MA, December, 2001

"An Expert Perspective What Works and the Biggest Mistakes to Avoid," ATLA (Association of Trial Lawvers of America) 2000 Convention, Chicago, IL, July 31, 2000

"More Wins for Defendants in Premises Liability Cases," Security Management, February 2000 Jon Groussman, Norman D. Bates, Co-Authors

You're Hired - A Management Guide to Screening New Employees, Jon Groussman, Co-Author, Butterworth Publishers. New. MA 2002 projected publication date

"Effective and Protective Employment Screening Methods," Condo Management, November, 1999

"Are You Libel Preparing a Background Check," Condo Management, October 1999

"Are You Libel To Screen or Not to Screen. Hiring Employees," Security Q&A, Condo Management, September 1999

Major Developments in Premises Security Liability II, 1999, Norman D Bates & Jon D Groussman, Co-Authors, Liability Consultants, Inc., Sudbury, MA

Innkeeper's Laws of Massachusetts, Norman D. Bates, Esq , Jon D. Groussman, J.D., Framingham, MA, 1995. Revised 1999. Now includes Restaurants' Laws

"Video Surveillance: Balancing Employee Privacy Rights", Jon D. Groussman, J.D., Security Management Magazine, January 1995

Employee Background Investigations A Guide for Employers, Norman D. Bates, Esq., Jon D. Groussman, J.D., and Michelle A. Lucini, 1994

### **FDITORIAL REVIEW & ASSISTANCE**

<u>Shopping Center Management Insider</u>, Brownstone Publishers, New York, NY <u>Professional Apartment Management</u>, Brownstone Publishers, New York, NY School Policy Legal Insider, Brownstone Publishers, New York, NY

### MEDIA

Quoted and interviewed WHDH TV, and FOX News, Boston, New England Cable News, San Antonio/Houston/Dallas Radio Station.

Regular Contributor/Columnist Condo Management Magazine, 1999

Quoted in numerous newspapers, trade journals and publications including, but not limited to MetroWest Daily News, Boston Sunday Herald, Quincy Patriot Ledger, Security Management Magazine, Plants Sites & Parks, Facilities Manager, Shopping Center Management Insider, Professional Apartment Management, and School Policy Legal Insider

### **EDUCATION**

Suffolk University Law School

Juris Doctor Degree

Northeastern University
Bachelor of Science in Criminal Justice

pachelor of Science in Chillinal Justice

Massachusetts Continuing Legal Education Professional legal seminars on a variety of issues American Society for Industrial Security Boston, MA 1993

Boston, MA

Boston, MA

National & Local

# PROFESSIONAL ORGANIZATIONS

Former Educational Program Chairman, ASIS Boston Chapter

American Society for Industrial Security

Association of Residential Security Directors

International Association of Crime Analysts

National Food Service Security Council

Loss Prevention Research Council

# PROFESSIONAL SEMINARS & TRAINING PROGRAMS PRESENTED

November, 2014 "Litigation – How to Prepare?"

Tyco Financial Security Symposium

Aventura, FL

August, 2014 "Premises Security Liability - Experts Perspective"

Engle Martin & Associates - Claims Meeting

Ft Lauderdale, FL

January, 2008

Orlando, FL

September, 2013	"Prevent, Mitigate and Manage Litigation Against Security" ASIS (American Society for Industrial Security) Chicago, IL
March, 2013	"Violent Crime and Liability Exposure A Reality Check" Food Market Institute Asset Protection Conference Phoenix, AZ
February, 2012	"Workplace Safety, Crime and Security Measures" National Restaurant Association Risk & Safety Managers 2012 Winter Meeting Las Vegas, NV
September, 2011	"Preparing for Court Testimony" Bank Security Risk Mitigation Seminar – ASIS International Conference Orlando, FL
Aprıl, 2011	"Reducing the Risk of Workplace Violence" ABA Risk Management Conference Denver, CO
March, 2011	"Litigation Hot Seat. Are You Prepared for Testimony?" Food Market Institute – Asset Protection Conference Orlando, FL
January, 2010	"Risk Assessment Techniques How "Reasonable" is Your Program?" NRA Risk and Safety Managers Meeting Anaheim, CA
December, 2009	"Impact of Economic Downturn on Crime" ISO Security Roundtable Jersey City, NJ
October, 2009	"A Unique Tool for Managing Risk" ATM Security Forum Denver, CO
October, 2009	"Managing Crime and Workplace Violence" ABA Bank Security Best Practices Symposium Washington, DC
October, 2009	"Managing Violent Crime: From Prevention to Litigation" Webinar Memphis, TN
July, 2009	"Premises Security Liability. How "Reasonable" is Your Program?" National Food Service Security Council Conference New Orleans, LA
Aprıl, 2009	"Physical Security Considerations for Designated Security Officers" ABA Risk Management Conference Savannah, GA
May, 2008	"Risk Assessment Strategies The Essential Variables for Your Program" ASIS International Toronto – 15 <sup>th</sup> Annual Best Practices Seminar Toronto, ON
March, 2008	"Risk Matrix Development The Essential Variables for Your Program" Jewelers Security Alliance Ft Lauderdale, Ft.

"Risk Assessment Practices and Strategies How to Articulate Your Organizational Plan"

IAHSS (International Association for Healthcare Security & Safety)

May, 2007 "Crime Risk Analysis"

Cohen Defining and Managing Retail Risks Birmingham, England

February, 2007 "Acına Security Risk Assessments"

Strafford Security Teleconferences

Industry Teleconference

October, 2006 "Data-Driven Security Creating and Objective Risk Matrix"

Eve for Retail - Europe

London, England

September, 2006 "Developing a Risk Assessment Strategy"

> RIMS Memphis, TN

May. 2006 "Preventing Crime at your Property"

Webmar

"Qualifying Non-Scientific Experts" March, 2006

A Tennessee Lawyers Assistance Program Seminar,

Nashville, TN

"Crime and Risk Mitigation through Data Analysis and Mapping" April, 2005

Georgia Bankers Association-2005 Bank Security Conference,

Pine Mountain, GA

"An Intro to Premises Security Liability" October, 2003

American Board of Vocational Experts

St Thomas. VI

"Prevention Strategies for Workplace Violence" September 16, 2003

ASIS (American Society for Industrial Security)

New Orleans, LA

September 15, 2003 "Aligning Security-Multi-functional Planning and Operations Coordination"

ASIS (American Society for Industrial Security)

New Orleans, LA

"Crime & Risk Mapping Strategies" July 23, 2003

GOVSEC (Government Security Expo & Conference)

Washington, D C

"Shrink Analytics Case Study" June 3, 2003

NRF (National Retail Federation)

San Antonio, TX

January, 2003 "Conducting an Effective Security Survey"

Sheriff Departments & Court Officers Meeting, State of New Jersey

Trenton, NJ

"Premises Security Liability Trends & Solutions in Healthcare" April 24, 2002

IAHSS (International Association for Healthcare Security & Safety)

Charlestown, MA

"Pro-Active Security Solutions to Fit the Way You Do Business" April 11, 2002

9th Annual Governor's Conference on Tourism Connecticut Office of Tourism, Groton, CT

March 14, 2002 "Crime and Liability Prevention in Multi-Family Housing"

Fogelman Management Group, 2002 Management Conference

Tunica, MI

March 6, 2002	"Property Management in the Wake of September 11, 2001" IREM (Institute of Real Estate Management), Quincy, MA
February 7, 2002	<i>"Premises Security &amp; Liability,"</i> Team AVS, Providence, RI
December 13, 2001	"Handling Security and Risk Issues for Commercial Buildings" MCLE (Mass Continuing Legal Education), Boston, MA
November 27, 2001	"Liability for Violence in the Workplace" American Society of Safety Engineers, NE Chapters, Warwick, RI
November 6, 2001	"Terrorism & High Rise Security" Panel Discussion, BOMA (Building Owners' & Managers' Assoc) Boston, MA
October 31, 2001	"Stayıng on Top of Premises Secunty" Boston Agıng Concerns, Boston, MA
October 18, 2001	"Resident Rage: Managing Aggressive Individuals and the Legal Consequences if you Don't" Wingate Management Company, Needham, MA
June 25, 2001	"Violence in the Workplace Prevention and Response Techniques" The Boston Land Company, Waltham, MA
June 22, 2001	"The Nuts & Bolts of Negligent Security Litigation" National Crime Victim Bar Association & MA Academy of Trial Attorneys Westford, MA
June 14, 2001	"Resident Rage Managing Aggressive Individuals and the Legal Consequences if You Don't" National Apartment Association, Las Vegas, NV
May 8, 2001	" <i>Violence in the Workplace"</i> In-House Training for all hotel staff, Le Meridien Hotel, Boston, MA
May 1, 2001	"Trends in Premises Security Liability" RIMS (Risk & Insurance Management Society) Conference, Atlanta, GA
Aprıl 20, 2001	"Crime & Workplace Violence Prevention & Response Techniques" Western Wireless Company, Dallas, TX
April 18, 2001	"Premises Security Liability <sup>.</sup> Top 10 Reasons for Lawsuits" American Alarm & Communications, Inc., Waltham, MA
November 30, 2000	"The Role of Standards, Practices, and Statutes in Negligent Security Litigation," MCLE (Massachusetts Continuing Legal Education), Boston, MA
November 13, 2000	"Resident Rage De-Escalation Techniques and the Legal/Operational Consequences If You Don't!" MNPHA (Mass Non-Profit Housing Association) Annual Training Conference, Holy Cross College, Worcester, MA
November 4, 2000	"Personal Security & Liaison" ASIS (American Society for Industrial Security) Boston Chapter 18 <sup>th</sup> Annual CPP (Certified Protection Professional) Review Course
November 2, 2000	Security Officer Training Nahanton Woods Condominium Trust, Needham, MA
October 25, 2000	"Staying on Top of Premises Security" MHFA (MA Housing Finance Agency TAP (Tenant Assistant Program), Boston, MA

September 8, 2000	"Workplace Violence Prevention and Response Trends and Techniques for Employers"  Marriott International Regional Meeting, New York, NY
July 31, 2000	Inadequate Security Litigation Group "An Expert Perspective' What Works and the Biggest Mistakes to Avoid" 2000 ATLA (Association of Trial Lawyers of America) Convention Chicago, IL
June 8, 2000	"Workplace Violence Prevention & Response - Techniques for Employers" Human Resource Directors Group for Massachusetts State & Community Colleges, Massachusetts Maritime Academy, Buzzards Bay, MA
May 5, 2000	"Resident Rage: De-Escalation Techniques & the Legal Consequences if You Don't!"  IREM (Institute of Real Estate Management) ARCH Committee Boston Metropolitan Chapter, Boston, MA
May 1-2, 2000	"Contracting with your Guard Service Provider Reducing Risk & Managing Services" RIMS (Risk Insurance Management Society) Conference, San Francisco, CA
April 12, 2000	"Legal Issues in Security" Mock Trial Educational Seminar ASIS (American Society for Industrial Security) Boston Chapter State Street Training Institute, Quincy, MA
April 5, 2000	"Major Developments in Premises Security Liability" Security Seminar & Technology Showcase Wyndham Garden Hotel, Waltham, MA
March 16, 2000	"Premises Security Liability. A Unique Approach" CAP Index, Inc., Philadelphia, PA
February 23, 2000	"The Latest Trends in Premises Security Liability and What You can do to Minimize Your Exposure" BOMA, (Building Owners & Managers Association) Newark, NJ
November 4-5, 1999	"Technology & Liability" AVS 1999 President's Advisory Council Meeting (Atlantic Video Services), Ocean Edge Resort & Golf Club, Brewster, MA
September 15, 1999	"Legal Issues and Communication Skills for Security Officers" Nahanton Woods Condominium, Needham, MA
July 27, 1999	"Harassment, Hostility & Horror!" - a Comprehensive Approach to Managing Hostility in the Workplace, with Norman D. Bates, J D &, Gerald Lewis, Ph.D (of COMPASS), Boston Copley Marriott, Boston, MA
June 28, 1999	"Premises Security Liability: A Unique Approach" IAHSS (Int Assoc. for Healthcare Security & Safety) General Membership Meeting & Seminar, Portland, ME
June 16, 1999	"Top 10 Reasons for Lawsuits" Security Seminar & Technology Showcase American Alarm & Communications, Inc , Waltham, MA
June 8, 1999	"Resident Rage - De-Escalation Techniques and the Legal Consequences if you Don't!" Association of Residential Security Directors, Harbor Point, Dorchester, MA
May 20, 1999	"Top Ten Reasons for Inadequate Security Premises Liability Lawsuits" BOMA (Building Owners & Managers' Assoc ) Boston, MA MHFA (The Massachusetts Housing & Finance Agency) Boston, MA

April 12, 1999	"Violent Crimes and Crisis Management in the Hospitality Industry" RIMS Conference, Dallas, TX
Aprıl 10, 1999	"Evaluating Your Security Program Top Ten Reasons for Premises Security Liability" ARCH (Association for Resident Control of Housing) 3 <sup>rd</sup> Annual Spring Conference, Boston, MA
April 9, 1999	"Evaluating Your Security Program" Top Ten Reasons for Premises Security Liability" IREM (Institute of Real Estate Management) Randolph, MA
April 1, 1999	Crime and Condominium Associations · "Are you Prepared?" IREM (Institute of Real Estate Management) Randolph, MA
November 13, 1998	"Operating Safe and Secure Housing" "Premises Security Liability Top 10 Reasons for Lawsuits"
August 26, 1998	"Legal Issues for Security Officers" Lowell High School, Lowell, MA
May 28, 1998	"Loss Prevention Training" Westbrook Factory Stores, Westbrook, CT
February 9, 1998	"Powerful Communication Skills for Security Personnel" Summerfield Suites Hotel, Waltham, MA
November 7, 1997	"Crime Does Not Pay You do Minimizing Liability through Cost-Effective Solutions" IAHSS & ASIS Expo 1997, Lewiston, ME
October 10, 1997	"Premises Security Liability Issues & Solution" Massachusetts Housing Finance Agency, Boston, MA
August 19, 1997	<i>"Workplace Crime Management"</i> National Safety Training Institute, Bethesda, MD
August 13, 1997	"Legal Issues for Security Officers" Security Dept Church Park Apartments, Boston, MA
March 13, 1997	"Premises Security Liability" Charter Oak Partners, Foley, AL
November 26, 1996	"Legal Issues in Security Legal Limits of Investigations of Employee Misconduct" ASIS Boston 1996 Seminar, Boston, MA
October 31, 1996	<i>"Premis</i> es Security Liability" National Safety Training Institute, Dallas, TX
August 29, 1996	"Avoiding Liability in Fraud Examination" Association of Certified Fraud Examiners, Boston, MA
May 9, 1996	"Safety and Security Issues for Today Marketing and Misrepresentation" Rental Housing Association, Dedham, MA
Aprıl 1, 1996	"Reducing the Risk of Liability through Proper Investigative Techniques, Report Writing and Understanding Victim Psychology" The Flatley Company, Braintree, MA
July 25, 1995	"Legal Issues in Hotel Security" The Flatley Company, Framingham, MA

# Jon David Groussman, J D /Page 10

June 13, 1995	"Legal Issues for Hotel Security Officers"
June 13, 1995	Legal issues for notel security Officers

International Lodging Safety and Security Association, Boston, MA

April 28, 1995

"Marketing and Security Issues for Property Managers" 27th Annual Multi-Housing World Conference, New Orleans, LA

April 27, 1995

"Legal Limits on Investigations" Boston Park Plaza Hotel - Security Department, Boston, MA

October 14, 1994

"Legal Limits on Investigations"
The Pine Tree Chapters of IAHSS & ASIS
Maine Security Expo 1994, Portland, ME

Revised November 10, 2014