



Laurence Reisman
 Community Editor
 Treasure Coast Newspapers
 USA TODAY NETWORK - FLA.

Chalking a car a search? Illogical

One minute I'm sitting in a courtroom listening to attorneys argue how their clients' Fourth Amendment rights were violated because police used hidden cameras to videotape them half-naked on a masseuse table before allegedly getting "extra services."

The next I'm getting an email from a downtown Vero Beach employee linking to an NBC News story claiming a federal court had ruled chalking tires to enforce parking rules is "unconstitutional."

The chalking supposedly violated a Saginaw, Michigan, resident's Fourth Amendment rights to unreasonable search and seizure.

Facebook lit up.

Were Vero Beach police now prohibited from chalking tires downtown or on the beach to enforce two- or three-hour limits? Would this mean we'd no longer have to move our vehicles to avoid tickets? Would this force the city to install parking meters?

What would the effect be in Stuart, where police electronically monitor cars downtown? Was the city illegally searching vehicles?

My first rule when reading such sensational headlines is to chill out.

Look for the court documents to see what the federal appeals court really said.

So I did.

I'm not shocked for the same reason everyone else was initially.

No, the court did not rule chalking tires was unconstitutional.

But yes, three judges at the U.S. Court of Appeals for the Sixth Circuit, which handles appeals in Kentucky, Michigan, Ohio and Tennessee, ruled chalking tires constitutes a "search."

How?

By citing a 2012 U.S. Supreme Court case in which federal agents tracked an alleged drug trafficker by attaching a GPS to his car.

The high court held the government's tracking was a search because it trespassed on his vehicle.

How can you compare tracking a drug trafficking suspect to someone who parks her car too long in a space?

The judges found a way.

"... There has been a trespass in this case because the City made intentional physical contact with (plaintiff Alison) Taylor's vehicle," Judge Bernice B. Donald wrote in the Saginaw case.

Trespass?

See REISMAN, Page 3A



Parking Enforcement Officer John Makolin marks parked cars with a chalk stick on March 31, 2017, in Vero Beach. ERIC HASERT/TCPALM

GIFFORD YOUTH ACHIEVEMENT CENTER



Max Schenavar, left, from Complete Electric in Sebastian, talks with Shaun Dowling from Proctor Construction in Vero Beach, on April 17 as they continue working on the new 14,000-square-foot building under construction next to the existing classrooms of the Gifford Youth Achievement Center campus in Gifford. The new facility will contain eight new classrooms, holding 25 students each, for middle and high school students.

PHOTOS BY ERIC HASERT/TCPALM

Expansion building work nears completion

Colleen Wixon
 Treasure Coast Newspapers
 USA TODAY NETWORK - FLORIDA

INDIAN RIVER COUNTY — The sound of hammers and workers finishing the Gifford Youth Achievement Center expansion building soon will be replaced by teenagers finishing homework.

A new, 14,000-square-foot building adjacent to the original center off 4875 43rd Avenue, is expected to be finished by mid-May. A grand opening is scheduled 4:30 p.m., May 15.

The building adds eight classrooms for the center's middle and high school after-school and summer program, where students receive tutoring, homework assistance and access to computers and technology.

"It's going to give us the opportunity to serve more students. It's going to give middle and high school students their own territory," said Freddie Woolfork, director of public relations and facilities operation for the Gifford Youth Achievement Center, also known as the GYAC.

The expansion allows the center to accommodate 235 children, including the 65 children currently on a wait list, he said.

The new building also prepares for the possibility of more growth. The new \$3.4 million building is equipped with infrastructure for a staircase and elevator so a second floor can be added if necessary.

"I never in my wildest dreams expected it to be a campus like this," he said.

The need for the expansion came from last year's feasibility study, which outlined a \$7.4 million infrastructure need, he said. A major fundraising drive helped the center's leaders raise \$6.5 million.

About \$900,000 still is needed to help pay for the building, accrue three years of operational costs and in-



Robert Hensel, of Plexi-Chemie Inc., starts work on a high performance seamless epoxy flooring being installed in one of eight new classrooms on April 17 in the new 14,000-square-foot addition being built.

crease the level of endowments to keep the building going, he said.

"The worst thing we want to happen is to have this beautiful building and not be able to keep it open," Woolfork said.

The vision for the GYAC was imagined about 22 years ago to help students succeed in school.

Organizers noticed a steep plummet in graduation rates from 92 percent in 1969, when the segregated Gifford High School closed, to 23 percent in 1996 at Vero Beach High School. Something needed to be done to help the community youth, he said.

"We could not sit idly by and let that continue," Woolfork said.

See EXPANSION, Page 3A

Small airplane down near Sebastian, conditions of two people onboard unknown

J.D. Gallop
 FLORIDA TODAY
 USA TODAY NETWORK - FLORIDA

The pilot and passenger aboard a small aircraft survived a hard landing along the wetlands and canals at the Indian River County line, authorities reported Monday.

The conditions of the two people rescued from the mostly rural area ringed by canals were not immedi-

ately known. Brevard County Fire Rescue crews had also been alerted, but were called off. A Brevard County helicopter located the pair after 2 p.m.

The Piper PA28 aircraft landed in a field near Sebastian, just south of the Brevard County line, the Federal Aviation Authority reported.

The incident happened about 1 p.m. Monday. The FAA is investigating the incident.

Fire rescue crews located the plane but were attempting to make contact with the aircraft.

It was the second incident involving a small plane since March.

The last incident involved a student pilot at FlightSafety Academy, a flight training school based at Vero Beach Regional Airport.

Federal investigators said the pilot

See AIRPLANE, Page 3A

Airplane

Continued from Page 1A

was making her second solo cross-country flight but failed to obtain the necessary endorsement from her instructors before take-off.

It took hours for first responders to reach the

heavily damaged plane, which was deep in the woods south of Vero Lake Estates, east of I-95. Weather at the time included a light rain with overcast conditions on the morning of the crash.

Steve Phillips, spokesman for FlightSafety Academy, said Monday's flight did not originate with the academy.

An investigation is ongoing into the cause of Monday's hard landing.

Reisman

Continued from Page 1A

Would this mean it's trespassing for someone to put a flier — for the school car wash, a religious function or a business opening, etc. — under the windshield wipers?

What if you're the cable company or neighborhood kid and leave a flier at my front door? Trespassing?

Are parking enforcement systems that don't use chalk, but otherwise record your parking spot, legal?

Was Judge Donald completely serious? I chuckled when I read the third word in the last sentence of her introductory paragraph.

"Because we chalk this practice up to a regulatory exercise, rather than a community-caretaking function, we REVERSE."

The reversal sends the case back to U.S. District Court for the Eastern District of Michigan at Bay City, where Taylor must prove why chalking tires should be prohibited as an unreasonable search, Michael Morley, Florida State University law professor, told TCPalm reporter Colleen Wixon.

"The court has to decide whether officers need a search warrant or whether the law allows an exemption in this case, he said," according to Wixon.

I'm not the only one surprised by the ruling. Morley is, too.

He suggested some "trespassing," as defined by the court, is so common people have an implied license to do it.

"What is more common than a flier being put on your windshield?" he told me. Or how about a police officer putting a ticket on your window?

What's more, Morley argued, Taylor, parked in the middle of a downtown street, has no expectation of privacy. Chalking the car doesn't invade her privacy.

Why not chalk cars? It keeps certain people from hogging prime parking spots. Parking enforcement is a public service for motorists and businesses.

In Vero Beach, chalking beats parking meters, which would cost everyone more. It costs \$20 for a parking ticket now. You can avoid a ticket by mov-



Street parking is seen at right in a drone aerial photo April 12 along Ocean Drive near the playground at Humiston Park in Vero Beach. XAVIER MASCAREÑAS, MAUREEN KENYON/TCPALM

ing your car.

I don't see how chalking is a trespass, search or invasion of privacy.

Putting a GPS on a car that tracks your every move? That's quite different from chalking, which disappears if you move a few inches.

It seems the appeals court overthought this case.

The court's effort would have been better put to use last week assessing the complicated issues raised in the local prostitution and racketeering cases.

In these cases, authorities in Indian River, Martin and Palm Beach counties got warrants to install hidden cameras in massage parlors allegedly also operating as brothels.

Did the cameras, placed inside the businesses with ruses, invade the privacy of alleged johns or folks just in for a legal massage?

Did the operations violate the terms of search warrants? Were the cameras overly invasive?

These questions seem more appropriate for a federal court.

The legality of chalking tires? Is that even worthy of a county court's time?

This column reflects the opinion of Laurence Reisman. Contact him via email at larry.reisman@tcpalm.com, phone at 772-978-2223, Facebook.com/larryreisman or Twitter @LaurenceReisman.



The wall inside the kindergarten after-school classroom is seen in the campus of the Gifford Youth Achievement Center on April 17 in Gifford. The center is currently expanding with the addition of a new 14,000-square-foot building. ERIC HASERT/TCPALM

Expansion

Continued from Page 1A

The center recreates classrooms for children who came to the center after school, he said. Teachers provide tutoring and homework assistance. Computers were purchased so children could do their work online.

"It's giving them an even playing field," Woolfork said.

During the summer, children attend eight-week programs that provide a mix of academics and field trips aimed at preventing the "summer slide," when students lose some of what they learn during the school year over the summer break. Teachers reinforce previously learned concepts and teach students material they will encounter in the next grade, he said.

AIRPORT & CRUISE SHIP TRANSPORTATION

24 HR RELIABLE SERVICE

PRIVATE CAR/ VAN SERVICE

CUSTOMER SATISFACTION IS A PRIORITY

CHECK OUR GOOGLE REVIEWS

772-678-3994

WWW.AIRPORTANDCRUISESHIP.COM

yelp

DOYLE

We invite you to Auction in New York

Jewelry, Art & Silver

Consignment Day
Vero Beach, Friday, May 3

Doyle is actively seeking consignments for upcoming auctions in New York. For a confidential appointment and free estimate, we invite you to contact Collin Albertsson 561-322-6795 DoyleFL@Doyle.com

Van Cleef & Arpels, France, Long Gold and Diamond Brooch Necklace/Bracelets Combination Sold for \$150,000

DOYLE AUCTIONEERS & APPRAISERS
175 E 87TH ST
NEW YORK, NY 10128
DOYLE.COM
FLAL# AB3403

Neck and Back Pain Stenosis • Sciatica Degenerative Disc Herniated Disc

PAINLESS!
LESS THAN 30
MINUTES PER
TREATMENT!

THE MACHINE THAT DELIVERS GREAT RESULTS - THOUSANDS HELPED !

Have you tried chiropractic, drugs, injections or even back surgery and have not had ANY or little relief?

"Within a few days after moving a heavy clothes dryer, I had severe neck and arm pain and numbness. I had an MRI done of my neck and was diagnosed with multiple disc herniations in my neck. My medical doctor prescribed pain killers and shots, nothing helped. He referred me for treatment on the DRX9000™. The treatment cured my problem 100%, and the staff was outstanding. Thanks You!"

J Price, Vero Beach

I was initially diagnosed with three herniated discs by a doctor in New York. I started receiving chiropractic treatments, physical therapy, acupuncture, medication and injections with no relief. So I flew down from New York to begin treatment at Florida Spine. After twenty treatments, I have little to no pain and for the first time in years, I am totally off all of my pain medication! I am very happy with my results and highly recommend it! The doctor and staff were excellent, totally professional and very positive!

Matt Long, New York

SEEN ON ABC, NBC, CBS & FOX

FREE CONSULTATION

SPINAL DECOMPRESSION CENTER

TED H. PERKINS, D.C., C.F.M.P.

CALL NOW! 234-3833

780 US 1, Suite 200, Vero Beach

The patient and other persons responsible for payment have the right to refuse to pay, cancel payment, or be reimbursed for payment for any other services, examination or treatment which is performed as a result of and within 72 hours of responding to the advertisement of the free or reduced service, examination or treatment. Regular consultation fee no charge.