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As cases skyrocket, DeSantis quiet on shots

Dems step up calls for renewed vaccine push

By Gray Rohrer
Orlando Sentinel

TALLAHASSEE — When COVID-19 vaccines first became available at the end of 2020, Gov. Ron DeSantis held several events throughout the state urging people, especially the elderly, to get the shots.

But since May he's said little about the need for vaccinations and has stopped conducting events in person. Instead, he's relied on Florida Department of Health ads to get the word out on cable, streaming services, radio and social media.

As the pandemic surges in Florida more than two months later, Democrats have stepped up their calls for DeSantis to get out in front of the push for more people to get the vaccine.

"Leading the nation in new COVID-19 cases is not something to be proud of, in fact, it is downright shameful. Because it didn't have to be this bad," Agriculture Commissioner Nikki Fried told reporters Wednesday. "While some may want to stick their head in the sand and pretend that this pandemic is over, or even worse — that this is just a seasonal virus that will go away — we are very much still in a major health crisis in our state."

Fried is running for the Democratic nomination for governor in 2022, seeking to oust DeSantis from his seat. She said she will release statistics on new cases from the CDC on a more regular basis, sometimes daily, since DeSantis'

More inside

- On the front line: Unvaccinated health care workers put Floridians at risk.
 - Florida COVID-19 cases surge to highest one-day total with 21,683 on Saturday.
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Department of Health stopped issuing daily COVID-19 reports two months ago, switching to weekly reports. The CDC numbers, though, are given to them by the DOH.

Fried also is running PSAs on Fox News urging people to get vaccinated, with ads that feature herself suggesting DeSantis won't tell people to get the shot.

Other Democrats have also called for DeSantis to take the latest surge more seriously. Rep. Carlos Guillermo Smith, D-Orlando, wrote to

DeSantis asking him for daily reports of local cases. Sen. Annette Taddeo, D-Miami, wrote to DeSantis Tuesday asking him to issue a new state of emergency. DeSantis let the prior state of emergency for COVID-19, which had been in effect for 16 months, lapse on June 26.

It's not just Democrats who are raising alarm bells. Republicans in Florida and around the country have also stressed greater urgency for the public to get vaccinated and take proper precautions when among crowds.

"The tone of the calls I've had today with health care professionals is sobering," Sen. Jennifer Bradley, R-Fleming Island, posted on Twitter on Monday. "Young patients fighting for their lives in the ICU, diminishing hospital capacity and staff shortages due to covid

Turn to DeSantis, Page 8



Stylist Randi Munoz works with Lissette Castro's hair at Maggie The Salon in Pembroke Pines. CARLINE JEAN/SOUTH FLORIDA SUN SENTINEL

Keep a mask handy, but you might not need it

By Alex Deluca and Wells Dusenbury
South Florida Sun Sentinel

Health officials say it's still smart to wear a mask in public, but that doesn't mean you'll have to.

Many businesses in South Florida say they haven't decided whether to require masks again, even after the Centers for Disease Control and Prevention urged people to wear masks indoors in states like Florida where COVID-19 is surging.

Other businesses, fearing a backlash from customers, say masks will remain optional.

The best advice is to call ahead if you're uncertain about a business's practices. And keep a mask handy just in case.

Here's what you can expect when you go out:

Restaurants

Many restaurants are still deciding how to proceed.

Amber Clarke, spokeswoman for Rapoport's Restaurant Group, which owns Max's Grille and Prezzo in Boca Raton and Deck 84 and Burt & Max's in Delray Beach, said masks will remain optional at the four restaurants for now.

The restaurant group plans to "monitor the situation" over the next few weeks, Clarke said.

At Gilbert's 17th Street Grill in Fort Lauderdale, owner Lenore Gilbert awaits local government direction before tweaking her restaurant's mask policy.

For now, masks will remain optional at the family-owned eatery.

"I have a lot of regular customers that

have been coming in here unmasked, and I'm not in a position to require them to put their masks on," Gilbert said.

Malls

Masks will remain optional in many shopping malls.

Visitors to the The Galleria Mall in Fort Lauderdale will still have the option to mask up. Melissa Milroy, senior marketing manager, said the mall is waiting on a cue from Broward County before rolling out a new mask policy.

"Right now, our policy will remain as is until we hear from the county," she said.

A representative of Simon Property group, which operates Sawgrass Mills in

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Candidate adds in her own \$2.3M

Democrat willing to spend even more in special election

By Anthony Man
South Florida Sun Sentinel

Sheila Cherfilus-McCormick, a candidate who has never held elected office, so badly wants a South Florida congressional seat that she's pumped more than \$2.3 million of her own money into the campaign.

The figure is staggering. It's \$1 million more than seven other Democratic candidates combined have raised — and more than any other congressional candidate in the country has put into their own campaign in the first six months of 2021.

And, Cherfilus-McCormick said in a telephone interview, she's prepared to put in



Cherfilus-McCormick

Turn to Congress, Page 10

Drug recovery center CEO's trial set to begin

Prosecutors say he 'bought' patients in kickback scheme

By Marc Freeman
South Florida Sun Sentinel

Prosecutors say it is one of the most significant cases from a mission to target fraud among the region's drug-addiction recovery businesses, a yearslong crack-down aimed at reducing overdose deaths.

They've made 120 arrests so far in Palm Beach County, focusing on a crime called patient-brokering. Opioid fatalities dropped before surging again during the coronavirus pandemic, state data show.

Now for only the second time since this crusade began in 2016, a case is going

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Kigar

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to trial when jury selection begins Monday. More than 80 convictions have resulted so far from plea deals.

James Kigar, who co-owned a substance abuse treatment center in Boynton Beach, is fighting 119 felony charges, each count punishable by up to five years in state prison. The 60-year-old Boca Raton man denies the allegations that he “bought patients by paying kickbacks to sober homes.”

“Kigar was only interested in the well-being of the patients,” said defense attorney David Frankel of Hollywood, adding there is insufficient proof of illegal activity by his client.

The State Attorney’s Office says Kigar’s Whole Life Recovery operation carried out a scheme to profit from addicts rather than actually helping them avoid relapses.

Florida’s patient-brokering law makes it a crime for anyone to offer or pay any commission, kickback or bribe to promote the referral of patients to or from a health care provider.

One of first arrests linked to task force

Prosecutors say Kigar’s “business model” involved

paying up to \$500 each time a sober home sent a recovering addict to Whole Life — this was the only way the center got patients. Sober homes also are known as halfway houses.

Kigar and his associates more than made up for those payments by billing each person’s health insurance company for various services, while also striking deals with urine-testing facilities, according to prosecutors.

With his arrest in October 2016, Kigar became one of the first people ensnared by the State Attorney’s Sober Homes Task Force. It’s a unique group of law enforcement agencies, legitimate drug treatment providers, prosecutors, and city and state agency representatives.

“The defendant and his partners knew just how lucrative addiction treatment and urine testing could be, so they paid top dollar to sober homes to refer patients, and then they negotiated with different labs for the best kickbacks,” wrote Justin Chapman, a state assistant attorney general leading the Kigar prosecution.

The prosecution contends that Kigar — disregarding warnings from a lawyer and even the State Attorney’s Office — tried to conceal what he knew all along was a corrupt scheme. Chapman says Kigar disguised the referral checks as

payments for “case management” services, while the money from labs was called “investment dividends.”

“Clearly the best interests of the patients were never their concern,” Chapman argued in a court pleading.

One patient described for investigators how she wound up at Whole Life: One day three men stood in the living room of her sober home and negotiated the price they could get for sending her to a treatment center.

“The men essentially bid on her, like ranchers at a cattle auction,” Chapman said. “And this was how so many vulnerable young adults from around the country were bought and sold over and over again here in Palm Beach County.”

Prosecutors say Christopher Hutson, one of Kigar’s five co-defendants, was even caught on undercover police video negotiating patient referral kickbacks with a sober home owner.

Today, Hutson, 41, is a fugitive from justice. The former “operations consultant” for Whole Life pleaded guilty in 2019 to six counts of patient brokering, in exchange for a five-year prison term. He admitted to making the payments for the referral business.

Hutson — a previously convicted felon for his role in an opioid “pill mill” operation — had a deal to cut his sentence down to 18 months if he turned himself in to authorities on Jan. 2, 2020. He had been given time to get his personal and family affairs in order, but he never surrendered.

Kigar plans to take the stand

Defense lawyer Frankel, with co-counsel Michael Dutko of Fort Lauderdale, says Kigar will testify in his own defense.

Now a yoga studio owner and instructor, Kigar will explain that the center performed real clinical services including monitoring of patients and rehabilitation.

Frankel said the jurors will have to decide what they believe was the reason for the payments to the sober homes. In a July 12 motion, he wrote, “The ultimate issue of guilt or innocence rests on the purpose for which Mr. Kigar signed checks for payments.”

Kigar’s counsel earlier had been seeking to rely on a particular defense — that Kigar set up the payments on the advice of a lawyer — but a state appeals court ruled that is not allowed with patient-brokering charges.

Ron Herman, a West Palm Beach criminal defense lawyer who isn’t connected to the Kigar case, said the trial is the biggest test to date of all the task force cases. Herman has represented sober-home owners facing these charges.

He says the jury will have to decide: “Was this all about making money or was it a legitimate business to help patients? Did this rise to a criminal action?”

The only person to try their luck with a jury so far was Nicholas Cirio, 42. In 2019, he was found guilty on 10 counts of making illegal referral payments to

lure sober-home residents to two treatment centers.

Cirio appealed partly on the grounds that prosecutor Chapman unfairly inflamed the jury by declaring Cirio “bought human beings to fill his treatment center.” But the conviction and punishment of three years in prison was upheld, and Cirio completed his time July 20, records show.

Prosecutors declined to comment on their plans for the Kigar trial.

On March 31, Kigar pleaded guilty to two separate felony charges from 2019 in a separate patient-brokering case; he was sentenced to three years of probation. Prosecutors said Kigar and his partners received a \$5,400 kickback from a drug-testing laboratory.

Circuit Judge Kirk Volker agreed the convictions will not appear on Kigar’s record. While on probation, Kigar is restricted from working in “health care, substance abuse treatment, clinical lab testing, and/or recovery housing.”

State Attorney Dave Aronberg says there is no slowing down after five years of work to remove greedy operators from the drug-recovery industry.

“Our Sober Homes Task Force will continue to investigate, arrest and prosecute those ... who exploit people in drug recovery and put profit over patient care,” he said recently.

Marc Freeman can be reached at mjfreeman@sunsentinel.com and on Twitter @marcjfreeman.

Masks

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Sunrise and Town Center mall in Boca Raton, did not respond to requests for comment.

Supermarkets

For now, masks will remain optional for customers at many grocery stores.

Publix and Walmart announced Friday that they will require masks for employees but not for customers.

Winn Dixie, Fresco y Mas and Harveys Supermarket will encourage customers to wear masks but not require it, said Meredith Hurley, spokeswoman for the chains’ owner, Southeastern Grocers.

“With the rise in COVID-19 cases, we continue to encourage customers to practice social distancing and wear masks while shopping in our stores,” Hurley said.

Salons

Some salons are reimposing mask rules given the close contact between employees and customers.

Customers at Aura Salon Co. in West Palm Beach will be greeted by a new sign on the front door asking them to mask up before entering.

Owner Dominique DiBenedetto said the decision to require masks again is simply for the greater good.

“It’s my job as a business owner and my job as a human in society to do what is right,” DiBenedetto said.

At Maggie The Salon, owner Maggie DiFalco hung up signs on the salons’ front doors telling customers to wear masks. Masks had been optional until now.

“If we don’t do something, we’re gonna get back down to where we were last year,” DiFalco said of the pandemic. “I feel it’s important that we try to prevent as much as we can.”

If someone refuses to wear a mask inside the salons, DiFalco plans to kindly ask them to leave.

“I’m not going to risk my team’s health,” she said. “See, one goes down, then we’re shut down. And that’s not good. That’s not fair to them.”

Sporting events

Masks are not required for any of South Florida’s professional sports stadiums.

The Miami Marlins at loanDepot park, though, are “strongly encouraging” that masks be worn inside the stadium regardless of whether a fan is vaccinated, a team spokesman said.

The Miami Dolphins, who host their first preseason game on Aug. 21 at Hard Rock Stadium, are also “strongly encouraging” masks.

Policies could change. The Hard Rock Stadium website notes, “In light of recently updated guidance from the CDC and public health officials, the specific protocols in effect for events at Hard Rock Stadium may vary.”

Public buildings

Broward and Palm Beach counties both will require masks in public buildings. So will a number of cities, including Coral Springs, Lauderhill, Weston and Boynton Beach. The rules apply to government offices, libraries, recreation centers and other buildings.

Local governments are imposing mask rules despite a law pushed by Gov. Ron DeSantis that prohibits them from penalizing violators. Several said they would simply refuse to serve anyone who refuses to wear a mask.

Airports

You’re still required to wear a mask inside any of South Florida’s three major airports: Fort Lauderdale-Hollywood International Airport, Miami International Airport and Palm Beach International Airport.

Federal law mandates that anyone inside an airport or on a commercial airplane is required to wear a facial covering. Travelers are required to wear a mask for the duration of the flight.

That order will remain in effect until at least Sept. 13.

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