

No faking it, trademark crimes frustrating

By STEVE NICHOL
Staff Writer

Despite a recent million-dollar confiscation of purses, clothing and watches in Boca Raton, Palm Beach County Sheriff's detectives say they are frustrated with the state's counterfeit trademark law.

The sellers of fake designer merchandise face the same penalty that vandals do if caught throwing eggs at a home — a maximum of 60 days in jail and/or \$500 fine.

"As soon as we leave, a majority are right back in business," sheriff's Detective Dean Johnson said about the knock-off designer traffickers.

So, to deter those arrested from trying again, local authorities want federal agents to join them. That would allow for federal criminal codes to apply: fines up to \$250,000, five years' jail, or both.

"If they want to charge him, we'll drop our charges. We'll give them everything we got," Sheriff's Detective Sgt. Steve Beck said. "They can take

[the confiscated merchandise] to their warehouse."

Since the Sheriff's Office began working more than a year ago with Louis Vuitton, Chanel and Fendi representatives in making undercover purchases, approximately \$2 million in goods have been confiscated.

A review of Palm Beach County criminal court records show that individuals arrested on the counterfeit trademark crimes don't even spend a day in jail.

A West Palm Beach man entered a

three-month, probation-like program that would eliminate any record if completed successfully. Others paid a maximum of \$175 in court costs and fines.

"They make that selling two bags," Johnson said.

Unless the defendant has an extensive criminal background, judges are unlikely to give the maximum penalty, said Lorene Taylor, an assistant state attorney in Delray Beach.

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ARRESTS

The Palm Beach County Sheriff's Office says it has confiscated at least \$2 million in merchandise since it began arresting people for state trademark laws. Here are some cases.

■ **ANNE JEANINE ALLEN:** On March 19, deputies confiscate \$10,000 in merchandise from a Manalapan boutique. Allen pleads no contest on April 2. Adjudication withheld. Pays \$75 court costs.

■ **KRISTINI KILAVIRTA:** In Palm Beach on Feb. 15, deputies confiscate more than \$25,000 in counterfeit merchandise. Kilavirta pleads guilty on March 24. Pays \$75 in court costs and \$100 fine.

■ **EILEEN BACHRAD:** Boca Raton woman involved in same investigation as Kilavirta and Deleonardis. Pleads no contest. Adjudication withheld on April 29. \$150 court costs.

■ **RICHARD ISAACSON:** Deputies and West Palm Beach police seize \$75,000 worth of merchandise. Charges dropped April 6 upon completion of a pretrial program. Judge orders return of merchandise.

■ **GERONE "JERRY" KAPLAN:** Contesting charges on two arrests at his Boca Raton apartment, Jan. 15 and May 14, the latter involving 1,400 items valued at more than \$1 million.

SOURCES: Palm Beach County Clerk of Courts, police records, news accounts

FROM PAGE 1B

Police seek help in battle against trademark crimes

"The chance of being arrested on a second-degree misdemeanor, for the first time, and getting jail time is pretty slim, not only on this kind of crime, but all cases because of jail overcrowding," Taylor said.

Even if federal agencies and prosecutors get involved, it will probably be only for cases involving the distribution of truckloads of the goods, Taylor predicted.

An assistant U.S. Attorney in Miami said prosecutions of trademark violations have taken place in the past, but that it has been a few years and it would be up to a federal agency to take the lead.

Designer manufacturers, who have worked jointly with the Sheriff's Office in undercover purchases, are anxious to see more clout in the crackdown.

"We've been trying to get federal enforcement for years," said Dempster Leech, president of New York City-based Harper Associates, a private investigation firm employed by Fendi.

Leech said the thriving counterfeit business costs manufacturers billions of dollars. It also costs states such as Florida sales tax and jobs, he said.

He also said the importers and distributors of the counterfeit Asian-made handbags are sophisticated in their efforts, and violent. One South Florida supplier is a New York-based Vietnamese gang called "Born to Kill."

Meanwhile, investigators as-

signed to the counterfeit cases continue enforcing a law whose teeth lie in confiscation and possible destruction of the goods.

"Give me the notice to appear. I'll sign it. Just don't take any of my property," Gerone "Jerry" Kaplan, 59, said after his arrest on May 14 at a Boca Raton apartment, authorities said.

Kaplan was charged with selling a \$97.50 imitation Louis Vuitton product to a Louis Vuitton investigator and a sheriff's detective in an undercover buy.

By the time detectives left the Spanish Oaks apartment that authorities say Kaplan used strictly for business, it was the largest confiscation since the crack-downs began.

Over a five-hour period, 1,400 items were taken, inventoried and locked up by five detectives who used two pickup trucks, a van and a car to take the goods back to the Sheriff's Office in Delray Beach.

Kaplan, who had 800 pieces of fake designer clothing, handbags and luggage pieces taken from him previously, said the products are no different than those available in big city markets, and that he is only a businessman.

"This is not narcotics," Kaplan said, who was amazed by the number of law officers on hand for the misdemeanor arrest. In fact, Kaplan said he expects to sue manufacturers who he said have persuaded authorities to arrest him.

"Louis Vuitton, Chanel, I expect to sue them. They've ruined my life. They've defamed [me]. They've put me through a ringer. I don't think they have a right to do that," Kaplan said.