

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
MARCH 23, 2004
10:00 A.M – 2:36 P.M.

ATTENDANCE

CUMULATIVE

From January, 2002
Present Absent

BOARD MEMBERS PRESENT:

Pat Hale, Vice-Chairman	22	2
Myrnabelle Roche	2	
Sarah Horn	10	4
Gerald D. Jordan, Chairman	23	1
John Phillips	23	1
Rixon Rafter	20	4
Bobby Young	20	4

Richard Guiffreda, Attorney

BOARD MEMBERS ABSENT

John Phillips
Sarah Horn

STAFF PRESENT

Assistant City Attorney
Eve Bazer, Administrative Assistant II
Farida Mohammed, Service Clerk
Douglas Kurtcock, Building Inspector
Mohammed Malik, Building Inspector
Ken Reardon, Building Inspector
Robert Pignataro, Building Inspector
Dallas Shumacher, Fire Inspector
Ivett Spence-Brown, Fire Inspector
Jeff Lucas, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

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ALSO PRESENT:

Harold Lindemann (CE03111720)
George Donzella (CE04030961)
Freddy Saerz (CE04010286)
Syndle Kirkland (CE03080656)
Harry J. Cibants (CE03102464)
Elutrl Hengsten (CE04020694)
James Swinton (CE04020697)
Henry Hazal (CE04020375)
Paul Barrett (CE04010969)
Ralph DiSalvo (CE03100034)
Sarah Morris (CE03011765)
Heidi Davis Knapik (CE02062015)
Gary Brown (CE03061868)
Harry Malka (CE03011765)
Perry Peterson (CE00052076)
John Andrews (CE00052076)

Raul Oliva (CE03110112)
Felice Adelstein (CE04020710)
Theodore Muses (CE03110456)
John P. Bria (CE03120005)
Lyota Biggie (CE0420694)
Richard Coker, Jr. (CE04020693)
Patricia O'Meara (CE03111536)
Angelina Nemerl (CE03071409)
Nelson Calvinic (CE03110131)
James Barbar (CE04010409)
Allan Kozich (CE02071478)
Robin Hurley (CE03061868)
Anthony Galeassi (CE03100977)
John Ross (CE97010433)

Chairman Gerald Jordan called the meeting to order at approximately 10:12 a.m., and proceeded to introduce the Board and explain the procedure for today's meeting.

NOTE: All individuals wishing to speak on any of the cases on today's agenda were sworn in.

Reference No. CE04020375

Laurence Diskin, TR
1111 SW 21 Ave.

FBC104.1 – Work without permits.
FBC104.2.5 – Electrical Work Without Permits.
FBC 104.2.11 – Mechanical work without permits.

Eve Bazer stated that Certified Mail had been sent to Laurence Diskin Tr. And signed for on March 13, 2004 by L. Diskin.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He continued stating that he had reached a verbal agreement with the owner for 90 days to bring the property into compliance or a fine of \$100 per day, per violation, would be imposed.

Robert Mazella, Property Manager, stated that he agreed to the terms of the verbal agreement.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 90 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference No. CE03110131

Calvin K. Nelson
109 SW 15 Ter.

FBC 104.1 – Work without permits.

Eve Bazer stated that a verbal agreement had been reached with the owner.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that he had reached a verbal agreement with the owner to have the property brought into compliance in 60 days or a fine of \$50 per day would be imposed.

Calvin Nelson, owner, stated that he agreed to the terms of the verbal agreement.

Motion made by Pat Hale and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference No. CE04010409

Lynn E. Levine
2841 N. Ocean Blvd. #609

FBC 104.1 – Work without permits. FBC104.2.5 - Electrical work without permits. FBC 104.2.4 – Plumbing work without permits.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated that he had reached a verbal agreement with the owner for 120 days or a fine of \$50 per day, per violation, would be imposed.

Jim Barber, General Contractor, stated that he agreed to the terms of the agreement.

Motion made by Bob Young and seconded by Pat Hale to find in favor of the City granting 120 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03080656

Syndle Kirkland
1221 NE 1 Ave.

FBC 104.1 – Work without permits. FBC
104.2.4 - Plumbing work without
permits. FBC 104.2.5 – Electrical work
without permits.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached for 90 days for compliance or a fine of \$50 per day, per violation, would be imposed.

Syndle Kirkland, owner, stated that she agreed to the terms of the verbal Agreement.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03120005

John & Georgiann Bria
219 SW 21 Ter.

FBC 104.1 – Work without permits. FBC
104.2.5 – Electrical work without
permits.

Eve Bazer announced that Certified Mail had been sent to John and Georgiann Bria and signed for on March 17, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that he had reached a verbal agreement with the owner for 120 days for compliance or a fine of \$100 per day, per violation, would be imposed. He stated that this was a manufacturing plant.

John Bria, owner, stated that he agreed to the terms of the verbal agreement.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 120 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03102464

Harry Cibants
247 SW 33 Ct.

FBC 104.1 – Work without permits. FBC 104.2.5 – Electrical work without permits. FBC 104.2.11 – Mechanical work without permits.

Eve Bazer announced that Personal Service had been made to Harry J. Cibants by Mohammed Malik, Inspector, on March 6, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached for 90 days for compliance or a fine of \$100 per day, per violation, would be imposed.

Harry Cibants, owner, stated that he agreed to the terms of the verbal agreement.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04020697

James Swinton
3730 SW 1 St.

NFPA 1 6-1.2 – Electrical box covers missing. NFPA 1 3-7.1 – Unit numbers not provided on building. NFPA 101 31.3.5.7 – Fire extinguishers not provided within 30 feet of each apartment. FBC 1005.5 – Required emergency egress.

Eve Bazer announced that Certified Mail had been sent to James Swinton and signed for on March 17, 2004, signature illegible.

Dallas Schumacher, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached for 30 days or a fine of \$100 per day, per violation, would be imposed.

James Swinton, owner, stated that all violations were taken care of. Dallas Schumacher advised that a re-inspection would have to be done.

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Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 30 days for compliance or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference: CE04020694

Executive Plaza Properties
5347 NW 35 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Executive Plaza Properties and signed for on March 17, 2004 by Biggie.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She further stated that a verbal agreement had been reached for 90 days or a fine of \$200 per day would be imposed.

Rita Hensler, Real Estate Manager, stated that they had filed an application for a permit.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 90 days or a fine of \$200 per day would be imposed. Board unanimously approved.

Reference: CE03111720

ESP Partners, LLC
228 SW 21 Ter.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to ESP Partners, LLC and signed for on March 15, 2004 by B. Levine for Eric Levine (Registered Agent).

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that a verbal agreement had been reached for 180 days or a fine of \$100 per day would be imposed. He advised that the second floor area was not to be occupied.

Mr. Linderman, owner, stated that he agreed to the terms of the verbal agreement. He stated that the site was a warehouse.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 180 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE04020710

220 Property Holdings, LLC
220 SW 38 Ave.

NFPA 1 1-4.5 – Storage in meter room.
NFPA 101 7.2.2.5.3 – Storage under
stairs. NFPA 1 6-1.2 – Exposed wiring
outside Unit 204.

Eve Bazer announced that Certified Mail had been sent to Bruce J. Smoler, Esq. (as Registered Agent, Officer and Director) and signed for on March 17, 2004 by Jenny Lizardo.

Dallas Shumacher, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated further that a verbal agreement had been reached for 30 days or a fine of \$100 per day, per violation, would be imposed.

Valise Edelstein, Manager of the Building, stated that she agreed to the terms of the verbal agreement.

Dallas Shumacher stated that the Manager had advised him that she had not received copies of the notice until late. Ms. Edelstein stated that she had changed the address and that had probably caused the problem.

Motion made by Myrnabelle Roche and seconded by Rixon Rafter to find in favor of the City granting 30 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04010286

Rolando & Dora Saenz
1300 SW 9 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Personal Service had been made to Dora & Ronald Saenz by Inspector Malik on March 6, 2004. She also stated that Certified Mail had also been sent to Dora & Ronald Saenz and signed for on March 16, 2004 by Nelly Contreas.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that a verbal agreement had been reached for 90 days or a fine of \$50 per day would be imposed.

Rolando Saenz, owner, stated that he had hired a general contractor and plans would be submitted.

Kenneth Reardon stated that he had given the owner additional time due to the fact that he would be doing some additional work that had not been cited, but could work under one permit.

Motion made by Rixon and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE03110456

Leonard Franzblau
3313 NE 33 St.

FBC 104.2.5 – Electrical work without permits.
FBC 104.1 – Work without permits. FBC
104.2.4 – Plumbing work without permits. FBC
704.3.1 – No fire wall between tenants.

Eve Bazer announced that Certified Mail had been sent to Leonard Franzblau and signed but not dated, signature illegible.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as written on the agenda. He further stated that they had reached a verbal agreement for 90 days or a fine of \$50 per day, per violation, would be imposed.

Ted Moses, Property Agent, stated that he agreed to the terms of the verbal agreement.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City granting 90 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03071409

Angelina Nemeth
5921 NE 14 WY

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Angelina Nemeth and signed for on March 15, 2004 by Angie Nemeth.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He proceeded to show the

Board copies of all permits and COs. He stated that the owner had informed him that the house had been boarded up when she had purchased it.

Angelina Nemeth, owner, stated that she had bought this property in 1992. She advised that there had been no garage, but a room. She stated that the fence had been repaired.

Mohammed Malik stated that there had been a garage, and it had been CO'd as a single-family residence/garage.

Rixon Rafter stated the confusion resulted because the floor plan showed the garage as a den when they purchased the property. Bob Young stated that no permit had ever been issued. He asked if the floor was lower than the remaining portions of the house. Ms. Nemeth confirmed and stated that she was a widow and could not afford many expenses. She advised that she had a problem with a contractor regarding her roof who had taken money from her.

Chair Gerald Jordan stated that Ms. Nemeth should contact the title company that had been involved when she purchased the property.

Mohammed Malik recommended that 180 days be given for compliance or a fine of \$10 per day would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 180 days for compliance or a fine of \$10 per day would be imposed. Board unanimously approved.

Reference: CE04020693

Lakeview Plaza Inc.
5985 NW 31 Ave.

NFPA 101 40.3.4.1 – No fire alarm.

Eve Bazer announced that Certified Mail had been sent to Lakeview Plaza Inc. and signed for on March 18, 2004 by M. Schindeler. Certified Mail was also sent to Kathy Masotti (Director) and signed for on March 18, 2004 by M. Schindeler.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She stated that a verbal agreement had been reached for 90 days or a fine of \$200 per day would be imposed. She announced that the site was a manufacturing plant.

Dick Coker, Attorney, stated that they agreed with the terms of the verbal agreement, and advised that the tenant, Litex, Inc., had applied for a permit.

Motion made by Bob Young and seconded by Myrnabelle Roche to find in favor of the City granting 90 days for compliance or a fine of \$200 per day would be imposed. Board unanimously approved.

Reference: CE03111536

Leonel Sanchez
1721 SW 35 Ave.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. Sec. 9-280(g) – Exposed wiring and exterior outlet weatherproof cover missing.

Kenneth Reardon , Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached for 60 days or a fine of \$100 per day, per violation, would be imposed.

Patricia O'Meara, Property Manager, stated that this was a single-family home and stated the property was vacant and was up for sale.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$100 per day, per violation, would be imposed and that the Order be recorded. Board unanimously approved.

Reference: CE04010969

Semaan Sleiman
1632 NW 6 Ave.

FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits. FBC 104.2.11 – Mechanical work without permits.

Eve Bazer announced that Certified Mail had been sent to Semaan G. Sleiman and signed for on March 16, 2004 by Simon Sleiman.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this was a single-family residence and advised that he had met with the contractor. He stated they recommended 60 days for compliance or a fine of \$25 per day, per violation, would be imposed.

Motion made by Bob Young and seconded by Myrnabelle Roche to find in favor of the City granting 60 days for compliance or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03100034

RJD Investments Inc.
105 N. Federal Hwy

ULDR 47-19.9 A. – Ice machine outside.
FBC 1003.2.1 – Isle widths in store not per code. FBC 104.2.11 – Mechanical work without permits. FBC 11-4.6.1 – Required handicapped parking. FBC 11-4.6.4 – Required handicapped signage. FBC 3401.6 – Structure/fixtures in disrepair.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they had reached a verbal agreement for 90 days or a fine of \$100 per day, per violation, and that the Order be recorded. He advised the property was going to be sold and then demolished.

Ralph DiSalvo, owner, stated that he agreed with terms of the verbal agreement. He advised that he had entered into an agreement to sell the property, and hopefully a closing would take place within 30 days. He further advised that the new owners had stated that it would take them about 60 days to obtain a demolition permit. He stated that he believed they were going to expand the existing Eckerd Store that existed at the site.

Rixon Rafter asked if there would be EPA ramifications in regard to this property. Mr. DiSalvo stated they were waiting on test results. He stated when he had purchased the property it was clean, and added that he had upgraded the fuel system. He further stated that if there was a contamination issue, it did not mean they could not sell it. He explained that if this sale did not go through, then he would demolish the building.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$100 per day, per violation, would be imposed and that the Order be recorded. Board unanimously approved.

Reference: CE04030961

KSG Western Ltd Prtnr
4700 W. Prospect Rd. #101

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to KSG Western Ltd. Partner and signed for on March 16, 2004, signature illegible.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated this was a condominium warehouse. He recommended that 60 days be given for compliance or a fine of \$50 per day be imposed.

George Donzella, President of KSG Western Ltd., stated that he was not aware of the violations and had not received any notification. He advised he was working on bringing the property into compliance.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE04020701

6681 Ltd
6689 NW 16 Ter.

FBC 104.1 – Work without permits.
NFPA 1 17-3.6.1 – Flammable liquids
not stored properly.

Eve Bazer announced that Certified Mail had been sent to 6681 Ltd and signed for on March 17, 2004 by Stephanie L. Certified Mail was also sent to David Fee (Registered Agent) and signed for on March 17, 2004 by Stephanie L. Also, Certified Mail was sent to DHF Corp. (General Partner) and signed for on March 17, 2004 by Stephanie L.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She advised that NFPA 1 17-3.6.1 was in compliance. She announced that the original violation in connection with FBC 104.1 had been written November 11, 2002, and had received an extension from the Fire Marshall. Two re-inspections had taken place and the property was still not in compliance. She recommended that 30 days be given for compliance or a fine of \$200 per day would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$200 per day would be imposed. Board unanimously approved.

Reference: CE04020721

Fort Lauderdale FlexxSpace Ltd.
3520 NW 56 St.

NFPA 101 7.9.2.1 – Emergency Light
not installed on north wall.

Eve Bazer announced that Certified Mail had been sent to Ft. Lauderdale Flexxspace, Ltd. and signed for on March 17, 2004 by Cuadrado.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She stated that this was a special case and a permit had been obtained to complete the work, but the work was not totally completed. She stated that 1 emergency light was missing and they had been advised. She stated that she re-inspected the property on February 27, 1003, but the tenant had not forwarded the paperwork to the landlord and the property was not in compliance. She recommended that they be given 30 days for compliance or a fine of \$50 per day would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE04020671

Maria Dominguez
3939 Davie Blvd.
inspection.

NFPA 1 1-4.4 – No access gained for
inspection.

Eve Bazer announced that Certified Mail had been sent to Maria Teresa Dominguez and signed for on March 17, 2004, signature illegible.

Dallas Shumacher, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were requesting 14 days for compliance or a fine of \$100 per day would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 14 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03121261

Jessie A. Root ½ Int; Ronald Root
2340 NE 9 St #110

FBC 104.1 – Work without permit.

Eve Bazer announced that Personal Service was made to Diane Giove (President of The Condo Association) on March 13, 2004 by Inspector Frank Stockinger. She also stated that Certified Mail had been sent to Jessie & Ronald E. Root and signed for on March 17, 2004 by Jessie Root.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that they were recommending 90 days for compliance or a fine of \$50 per day would be imposed. He stated a car had crashed into the building, and the owner had been advised that they could board up the structure, but eventually had to receive a permit to do the repair work. He advised that a contractor was hired.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE03011456

Randy Orr & Adam Levinson
1527 SW 20 Ave.

FBC 104.9.3.1 – Expired permits.

Eve Bazer announced that service had been made via posting by Inspector Kenneth Reardon on March 11, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended that 30 days be given for compliance or a fine of \$50 per day be imposed, and that the Order be recorded.

Motion made by Bob Young and seconded by Pat Hale to find in favor of the City granting 30 days for compliance or a fine of \$50 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03042054

Justin Spector
1111 SW 2 Ct.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits. FBC 3401.6 – Structure/fixtures in disrepair.

Eve Bazer announced that service had been made via posting by Inspector Kenneth Reardon on March 11, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He further stated that they were recommending 60 days or a fine of \$100 per day, per violation, and that the Order be recorded. He advised that this was an apartment building.

Motion made by Pat Hale and seconded by Bob Young to find in favor of the City and grant 60 days for compliance or a fine of \$100 per day, per violation, be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03091679

Patricia Fraser
1620 SW 33 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that service had been made via posting by Inspector Kenneth Reardon on March 11, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that they were recommending 30 days for compliance or a fine of \$50 per day be imposed, and that the Order be recorded. He advised the property was vacant and for sale.

Motion made by Pat Hale and seconded by Rixon Rafter to find in favor of the City and grant 30 days for compliance or a fine of \$50 per day would be imposed and the Order be recorded. Board unanimously approved.

Reference: CE03110112

Raul Oliva & Francisca DeEspin
2636 SW 2 St.
305(b) – Required ground cover.

Sec. 9-279(f) –No water service. Sec. 9-305(b) – Required ground cover. FBC 104.1 – Work without permits. FBC

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104.2.4 – Plumbing work without permits. FBC 3401.6 – Structure/fixtures in disrepair.

Eve Bazer announced that Certified Mail had been sent to Raul Oliva and Francisca De Espin and signed for on March 19, 2004 by Raul Oliva.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated that Section 9-279(f) was in compliance. He recommended 90 days for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. He stated that this building was vacant.

Rixon Rafter asked if there had been termite damage. Chair Gerald Jordan stated that an architect and engineer would have to certify the dwelling. Kenneth Reardon stated that due to the termite damage, the house had been deemed unsafe.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and grant 90 days for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE04010243

Jean Beauplan
3831 SW 12 PL

FBC 104.1 – Work without permits.

Eve Bazer announced that Personal Service had been made to Ernie L. Beauplan (wife) on March 6, 2004 by Inspector Mohammed Malik.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated they were recommending 30 days or a fine of \$100 per day be imposed. He advised that the property was a duplex comprised of 4 units.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City and grant 30 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

MEETING RECESSED AT 11:33 P.M.

MEETING RECONVENED AT 11:45 P.M.

Code Amnesty Program Update

Lori Milano stated that this program was an opportunity for the City and the residents to go and pay their outstanding Code Enforcement Board and/or Special Master fines at a discount rate of 75%. She stated this program was an effort to save 30 PSA positions to the tune of \$550,000.

Ms. Milano explained they had mailed out 1822 letters describing this program which outlined the terms of the program. She reiterated that the properties had to be in compliance in order to be qualified for this program. She stated that during the 30-day period, they also helped residents come into compliance, and therefore, letters had also been sent to individuals whose properties were not in compliance. She stated they had also run two phone banks and an ad hoc committee had been formed. She explained that a final notice letter had then been sent out stating that only one week remained to take advantage of this program. She further stated that the cost of the program was about \$10,188.69. She stated that the largest settlement they had received was in the amount of \$53,000.

Ms. Milano continued stating that they were still balancing the books, but it appeared they had collected about \$1,344,000. She advised that only 3 checks had bounced which had been in small amounts. She stated they were attempting to do a breakdown in districts showing the settlements which had been received. She continued stating that District III had the majority of settlements totaling about 44%. She explained that District I was about 10%; District II at 20%, and District IV at 26%.

Ms. Milano advised there were discussions at the Commission level regarding the additional monies received, but presently were being put in reserve.

Bob Young stated there were a lot of liens in his district that were worth more than the buildings were worth. He asked how the Commission was going to deal with such situations. Ms. Milano stated that there were people who were unable to take advantage of the program. She suggested that those individuals meet with staff who would propose the issue before the Commission, and then they could go before the Commission and explain the situation.

Ms. Milano advised that the key to this situation was communication, and once individuals understood the matter, there appeared to be a meeting of the minds. She stated they had received a lot of cash, but individuals were also able to pay by credit card.

Bob Young asked what procedure would be followed in regard to the bounced checks. Ms. Milano explained if the lien had not yet been released, they had 3

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weeks to do that upon receipt of the check, otherwise, the lien would be re-recorded.

Chair Gerald Jordan asked about the size of the Code Enforcement staff. Ms. Milano stated they had tried to lobby for additional staff with the extra monies since they had lost one code officer who had retired.

MEETING RECESSED FOR LUNCH AT 12:12 P.M.

MEETING RECONVENED AT 1:10 P.M.

Chair Gerald Jordan proceeded to introduce the Board.

Note: All individuals wishing to speak on any of the cases on this afternoon's agenda were sworn in.

Reference:CE03011765

International Beach Hotel
Development, Inc.
909 Breakers Ave.

Old Business

Harry Malka, attorney, stated that Sally Morris, Property Manager, was also in attendance today. He continued stating they were requesting a 60-day extension, and added that a contractor had been hired and permits applied for.

Mohammed Malik, Building Inspector, stated that their application had been rejected, and a new engineer and contractor had been hired. Then, new applications had been submitted. He recommended that 60 days be provided for compliance.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to grant a 60-day extension of time for compliance. Board unanimously approved.

Reference: CE02071478

RE Acquisitions Inc.
1719 S. Andrews Avenue

Old Business

Eve Bazer announced that they were requesting an extension of time.

Allan Kozich, architectural engineer, stated that he represented Dry Cleaning Depot in regard to various code violations. He stated their plans were complete, but they had a problem with the space to the west which had small structural problems. He requested a 3-month extension of time.

Kenneth Reardon, Building Inspector, stated that he had no problem with the request for an extension.

Motion made by Rixon Rafter and seconded by Bob Young to grant a 90-day extension for compliance. Board unanimously agreed.

Reference: CE02062015

Greg Aliferis Holdings Inc.
3045 N. Federal Hwy #70

Old Business

Heidi Davis, attorney, stated that they were requesting an extension of time due to the fact that after 3 months they had received additional comments during the permit review. She explained that one of the issues was in connection with ADA compliance, and whether they could request a waiver for those issues. She explained further that the building had been built in 1978. She stated that the waiver process would require additional time. She asked if this matter could be extended to the Board's June meeting.

Douglas Kurtcock, Building Inspector, stated that this was a complex matter, and he had no objection to the request for an extension of time.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to grant an extension of time until June 22, 2004. Board unanimously approved.

Reference: CE03061868

Gary D. Brown
3200 N. Ocean Blvd. #1607

Old Business

Eve Bazer announced that this case had been listed as complied earlier in today's meeting, but stated that they wanted to discuss the fines on the property. She stated that the amount of fines were \$6500.

Gary Brown stated that he was out of town a lot. He stated that extensions had been granted and plans had been submitted. He proceeded to state the chronological events of his case. He asked if the fines could be waived.

Robin Hurley, permit facilitator, stated that when they had originally submitted their plans in November, 2002, that had been done without Mr. Malik having signed off on them. He also proceeded to state a chronological sequence of the matter.

The Assistant City Attorney stated that this Board should treat this case similar to a Massey Hearing because they needed to determine whether compliance was

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made by the time ordered. She further stated that the applicant admitted that the property was not in compliance by the due date, and they were asking for the fines to be abated. She stated that the City wanted a fine to be imposed by this Board. She stated that work had been done without permits.

Mohammed Malik, Building Inspector, stated that this property had first been cited on June 24, 2003, and the fine was \$50 per day, per violation.

Pat Hale stated that she understood the 30 days due to there being no December meeting. She reiterated that the work had been done, but no permits had been obtained.

Mr. Brown stated that he realized ignorance of the law was no excuse, but he was not aware of the situation in this case.

Mr. Malik further stated that this was a typical case

Motion made by Pat Hale and seconded by Rixon Rafter to approve a fine of \$3500.

Mr. Brown stated that he wanted to apply for the 75% reduction, but things were out of his hands and he was unable to proceed forward.

Board unanimously approved.

Reference: CE03100977

Sailboat Bend Properties
112 NE 5 St.

Old Business

Eve Bazer stated that they were requesting an extension of time.

Anthony Galeassi, owner, stated that they were requesting a 60-day extension, and explained that they needed a survey regarding the violation in connection with the parking spaces. He stated they were not aware that gravel was not permitted over existing blacktop. He explained they had hired a contractor.

Robert Pignataro, Building Inspector, stated that he had no objection to the extension of time. Applications had been submitted and they appeared to be moving forward.

Motion made by Pat Hale and seconded by Bob Young to grant a 60-day extension of time for compliance. Board unanimously approved.

Eve Bazer announced that the following 5 cases were being handled by James Brady, attorney, and were requesting a continuance.

Reference: CE03102497

Beach Breeze Resort Motel, Inc.
550 Breakers Avenue Old Business

Motion made by Pat Hale and seconded by Bob Young to grant a continuance until April 27, 2004. Board unanimously approved.

Reference: CE03102506

Gold Coast Merrimac Beach Hotel
545 N. Ft. Laud. Beach Blvd. Old Business

Reference: CE03102530

Merrimac Inc.
551 N. Ft. Laud. Beach Blvd. Old Business

Reference: CE03102597

Merrimac Inc.
544 Breakers Ave. Old Business

Reference: CE03110911

Ruth W. Latrobe
529 N. Ft. Laud. Beach Blvd. Old Business

The Assistant City Attorney stated that she had been called by Mr. Brady stating that he would be unable to attend today's meeting, and asked if a continuance could be granted. She announced that a continuance was being requested until April 27, 2004, and the City had no objections.

Motion made by Pat Hale and seconded by Bob Young to grant a continuance for the 4 above-listed cases until April 27, 2004. Board unanimously approved.

The Assistant City Attorney advised that it was staff's error in that these items were not placed on the Board's February agenda.

Massey Hearings

Reference: CE97010433

John M. & Rene Ros
416 SW 11 Court

Eve Bazer announced that this case had been heard on May 9, 1997, and compliance was ordered by May 28, 2003. She advised that one section which was in compliance. She stated that the fines totaled \$107,300.

Kenneth Reardon, Building Inspector, stated that the final section came into compliance on January 9, 2004. He advised that the property was not in compliance as ordered by the Board.

John Ros, owner, stated that he was requesting an abatement of fines. He proceeded to give a chronological development of events regarding his property.

Motion made by Rixon Rafter and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore a fine of \$3,000 would be imposed. Board unanimously approved.

Reference: CE00052076

Joseph L. & Linda Scully
808 NW 9 Avenue

Eve Bazer announced that this case had originally been heard on September 26, 2000, and compliance ordered by November 28, 2000. One section at \$15 per day totaled \$16,785 in fines, which was not in compliance. She added that there were 4 sections at \$15 per day, totaling \$34,680 in fines, and these are in compliance.

Robert Pignataro, Building Inspector, stated the case number and stated that the property was not in compliance. He stated the section not in compliance required a permit for asphalt paving.

Eve Bazer proceeded to supply some history regarding the property.

John Andrews, representing owners, stated that they were here in attendance of a Massey Hearing which spoke about procedural due process. He added that he had been given one day's notice regarding this hearing, and explained that he had received written notification in yesterday's mail via certified mail, return receipt requested. He stated it was difficult for him from that standpoint to

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assemble all the data that he needed. He stated he had entered a Notice of appearance in this action on February 23, 2004, and in writing at that time he had asked Code to return to the property and re-inspect it to determine whether it was in compliance or not. He advised that it was the contention of his client that the property was in compliance. He stated there were a lot of issues regarding the original inspection made regarding this property. He further stated that State law 162.09 stated the date compliance occurred, and not the date that the City re-inspects the property. He stated there was a material issue as to when some of the items had been brought into compliance. He stated he had attempted to subpoena workers who had done some of the work at the site. He added that the original building plans for the warehouse constructed in 1965 for the Pace Pool Company showed that some of the items had been permitted. He stated he wanted to show that material to the Board at this time.

The Assistant City Attorney stated that she objected because this case had already been litigated and today they were holding a Massey Hearing. She stated that today the Board was to determine whether their Order had been complied with by the date specified. She stated they were not here to review the Orders from previous years. She explained that the Statute provided for an appeal process, and no appeal was ever made. She further stated they could not go back and re-litigate this case today, and old history and permits could not be reviewed. She stated that she objected to the Board being presented with the permit history, and added that this was the first time she had seen such materials and had not had the opportunity to review it.

Chair Gerald Jordan asked if the Massey Hearings did not provide due process. the Assistant City Attorney explained that these hearings were held pursuant to Chapter 162.09 of the Florida Statutes, and the Board was to impose a fine. the Statute provided that in determining the amount of the fine, this Board was to consider the following factors: (1) gravity of the violation; (2) any actions taken by the violator to correct the violations; and (3) any previous violations committed by the violator. She further explained if in the first Order a fine had been imposed, then they were permitted to reduce it based on the items to be considered. She stated the time to file any complaints had passed.

The Assistant City Attorney further stated that the due process for this hearing was that they had the opportunity to come in and say they were in compliance by the date ordered and provide evidence of such.

Chair Gerald Jordan stated that he felt this Board was being "boxed in." He felt they could do whatever necessary if good mitigating circumstances were being presented.

Richard Guiffreda stated there was a difference between re-litigating prior Orders not appealed, and taking action and re-considering some circumstances.

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Mr. Guiffreda stated the Board needed to understand exactly what this individual had done regarding his property. The property was in compliance now.

Rixon Rafter stated that the documents showed that the date of compliance was November 28, 2000, but the City stated that compliance had not been achieved by that date.

Mr. Andrews stated that there was a Supplemental Order which extended the time for compliance.

Bob Young stated that the inspector had not been to the site to see what was in compliance as of this time. He felt that needed to be done before proceeding.

Mr. Guiffreda stated that this Board could consider the evidence and then rule accordingly. He stated if they felt the evidence was insufficient, then questions could be asked.

Motion made by Bob Young and seconded by Pat Hale to continue this matter until April 27, 2004. Board unanimously approved.

Pat Hale stated that all information needed to be shared so the case could be reviewed properly.

Mr. Scully scheduled an appointment for the property to be inspected on Monday, at 9:00 a.m.

Reference: CE03060710

Jack R. Rust, TR
1115 NE 9 Ave.

Old Business

Eve Bazer announced that no one showed for this old business case today.

Cases Complied

Ms. Bazer announced that the following cases were in compliance:

CE04020681
CE04031144
CE04020678
CE04020641
CE04010322
CE03061868
CE03090751

CE04020695
CE04020696
CE04020700
CE04020714
CE04011297
CE03120422
CE03090765

Cases with No Service

Ms. Bazer stated that the following cases had no service:

CE04020687	CE02032145
CE04010376	CE03071845
CE03090391	CE03120787
CE04011866	

Cases Rescheduled

Ms. Bazer stated that the following cases had been rescheduled:

CE03101760
CE03121820

Rixon Rafter suggested that the minutes be voted on at the next meeting from the previous meeting.

Chair Gerald Jordan stated that he did not want this Board to have any distractions before them such as cell phones ringing, and asked for all board members to call in if they were going to be late or absent to the meeting.

Motion made by Rixon Rafter and seconded by Bob Young to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 2:36 p.m.

Chairman, Code Enforcement Board

ATTEST:

Margaret A. D'Alessio,
Recording Secretary

NOTE: The agenda associated with this meeting is incorporated into this record by reference.