

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
January 25, 2005
10:00 A.M – 4:15 P.M.

From January 2005

| <u>Board Members</u> | <u>Attendance</u> | <u>Present / Absent</u> | |
|-------------------------|-------------------|-------------------------|---|
| Gerald D. Jordan, Chair | P | 1 | 0 |
| Pat Hale, Vice-Chair | P | 1 | 0 |
| Sarah Horn | P | 1 | 0 |
| John Phillips (10:50) | P | 1 | 0 |
| Rixon Rafter | P | 1 | 0 |
| Myrnabelle Roche | P | 1 | 0 |
| Bobby Young | P | 1 | 0 |

Bruce Jolly, Board Attorney

Staff Present

Assistant City Attorney
Susan Batchelder, Community Inspections Supervisor
Eve Bazer, Administrative Assistant II
Farida Mohammed, Clerk III
Lynda Crase, Service Clerk
Ken Reardon, Building Inspector
Robert Pignataro, Building Inspector
Wayne Strawn, Building Inspector
Mohammed Malik, Building Inspector
Dallas Shumaker, Fire Inspector
Thomas Clements, Fire Inspector
Ivette Spence-Brown, Fire Inspector
Lisa Edmondson, Recording Secretary

Also Present:

| | |
|-----------------------------------|------------------------------|
| Ezra Oved, CE04051985 | Rod Feiner, CE991108122 |
| Patricia Sullivan, CE04101430 | Michael Coraggio, CE04010884 |
| Thomas Kelaher, CE04020156 | Donald Gorenberg, CE04032621 |
| John David, CE02031597 | Michael Stearns, CE02091636 |
| B.J. Cummins, 9306099 | Kenneth Hale, CE04070962 |
| Debbie Orshefsky, CE04050176 | William Clayton, CE02080917 |
| Ronald Coleman, CE03080568 | Yuly Gonzalez, CE96031433 |
| Sally Morris, 909 Breakers Avenue | Donald Lutz, CE02031597 |
| Louis Roig, CE03041128 | John Bria, CE03120005 |

John Strauss, CE03120897
James Poola, CE03120897
Roy Devindra, CE03062263
Yehuda Perez, CE04011595
Allan Kozich, CE04070632
John Vaughn, CE04101430
Mark Cervasio, CE04101430
Alex Erskine, CE04101430
Harry Cibants, CE03102464
Phil Bacigaluppi, CE03091165
David High, 2617 Northeast 13th Court
Marcello Penso, CE01120943
Ashley Goodwin, CE011220943
Oscar Garcia, CE04090951
Michael Polizzi, CE04080259
Bert Jimenez, CE04080259
David Damerau, CE04082176
Hope Calhoun, CE00100159, 00041188, CE01081572
Deanna Lobinsky, CE02070146, CE02070147
Jay Adams, CE02070146, CE02070147
Benjamin Olive, CE03080412, CE03080413

Thomas Williams, CE03120005
Barbara Glaston, CE03022088
Michael Martin, CE98120769
Donald Zimmer, CE02081535
Robert Keshigian, CE04060011
Kevin Scheen, CE04060011
Ari Glazer, CE00100159
John Langille, CE00100159
Bobby Henry, CE03100824
Ricardo Montiero, CE04081487
Rosimeiri Montiero, CE04081487
Randolph Williams, CE04061470
Kenneth Trent, CE04032185
Ron Pacini, CE04120872
Carol Templin, CE05010176
Nick Economo, CE04061048

Chairman Gerald Jordan called the meeting to order at approximately 10:00 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 CE05010176

William & Katherine Esler
500 Southwest 21st Terrace #A106
Tenant: ASAP Graphics

Sec. 1 1-16.3: Work without permits

Ms. Bazer announced that certified mail addressed to the owner and the tenant had both been accepted on January 15, 2005.

Mr. Thomas Clements, Fire Inspector, testified that the wall between A106 and A107 had been altered without a permit. Inspector Clements noted that a permit had subsequently been obtained and the final inspection was today. He had an agreement with the property manager to recommended compliance within 30 days or a fine of \$50 per day.

Ms. Carol Templin, property manager, stated that she had obtained a permit and was awaiting final inspection; she concurred with Inspector Clements.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 30 days or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE04061048

Biscayne Villas Acquisitions
421 Southwest 11th Street

Sec. 9-281(b): Overgrowth on property;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 104.2.11: Mechanical work without permits;
Sec. 104.2.4: Plumbing work without permits

Ms. Bazer announced certified mail addressed to the company and the registered agent had both been accepted on January 10, 2005 and certified mail addressed to the company and Aaron Lamm and Anthony Fiorelli were both accepted on January 11, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that he had a verbal agreement with the owner's representative to comply the property within 90 days or a fine of \$100 per day, per violation and the order would be recorded. Inspector Reardon presented a copy of two inspection reports and photographs of the property to the Board.

Mr. Nick Economo, President of Biscayne Villa Acquisitions, agreed to obtain the permits and comply the property within 90 days.

Motion made by Ms. Hale, seconded by Mr. Rafter, to order compliance within 90 days or a fine of \$100 per day, per violation would be imposed and the order would be recorded. Board unanimously approved.

Reference CE04120872

Dadan Packaging, Inc.
980 Northwest 10th Avenue
Tenant: Summit Van Lines

Sec. 13-7.1: Required posting of address;
Sec. 101 42.2.4.1: Less than two (2) exits;
Sec. 101 42.2.9: No emergency lights;
Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the tenant, the registered agent and the owner had all been accepted on January 11, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that all work had been completed but the owner was awaiting final inspection and approval. Inspector Shumaker recommended allowing 30 days for final inspection, or a fine of \$100 per day, per violation.

Mr. Ron Pacini, owner, stated that the entire building was now up to code.

Motion made by Mr. Rafter, seconded by Ms. Hale, to order compliance within 30 days or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE04080259

19th Street Investors Inc.

Sec. 104.1: Work without permits

1750 North Federal Highway
Tenant: Linens and Things

Ms. Bazer announced that certified mail addressed to the company and the registered agent had both been accepted on December 22, 2004.

Mr. Robert Pignataro, Building Inspector, testified the owner had submitted an application but failed plan review because portions of the job were not included. He recommended compliance within 90 days or a fine of \$100 per day. He also asked that the order be recorded.

Mr. Bert Jimenez, property manager, stated that the structural engineer had confirmed that the building was sound. He had been working with Linens and Things to get the project completed with a licensed contractor and the proper permits. He requested more time to get Linens and Things to perform the repairs or to allow Mr. Jimenez to find a contractor to perform the work.

Mr. Michael Polizzi, contractor for Linens and Things, stated that they were subcontracting the work to a licensed Florida contractor: Charles Hancock. Inspector Fletcher stated that the way the contractors were using another license to do business in Florida was not legal.

Motion made by Ms. Hale, seconded by Mr. Rafter, to order compliance within 90 days or a fine of \$100 per day would be imposed and the order would be recorded. Board unanimously approved.

Reference CE04090951

Oscar Garcia
3491 Southwest 18th Street

Sec. 104.1: Work without permits

Ms. Bazer announced that personal service had been made to the owner by Inspector Malik on January 9, 2005.

Mr. Kenneth Reardon, Building Inspector, presented a copy of the inspection report and photographs of the property and recommended compliance within 60 days or a fine of \$50 per day.

Mr. Oscar Garcia, respondent, stated that he had removed all the bad wood from the facade; he had not changed the windows and doors, the former owner had. He agreed to get a contractor to obtain a permit for the window and door replacement.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance within 60 days or a fine of \$50 per day would be imposed. Board unanimously approved.

The following two cases for the same owner were called together:

Reference CE02070146

SODA LLC
1212 Southeast 1st Avenue

Reference CE02070147

SODA LLC
1216 Southeast 1st Avenue

Ms. Bazer announced that these cases were continued from September 28, 2004.

Ms. Deanna Lobinsky, owner, stated that they had received approval for the vinyl lettering from the Zoning Administrator and thought the property was complied.

Mr. Jay Adams, owner, stated that the major issues in this case were City mistakes. These had finally been resolved. Mr. Adams had called Inspector Pignataro four times in the last two weeks but had received no reply. Ms. Lobinsky said they had recently discovered they must submit the zoning approval for a final permit. Mr. Adams requested 90 days to get the problems straightened out.

Mr. Robert Pignataro stated that Case CE02070146 was complied. The plan review notes specified that the plans must go through Development 1 review; the contractor should do this, get the permit issued and call for inspection. That would complete compliance. He felt it could be done in 30 to 60 days.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order continue the case for 60 days. Board unanimously approved.

Reference CE04082176

DFD Capital Development Corp.
731 North Federal Highway
Tenant: Best Buy Repo Sales

Sec. 3401.6: Structure/fixtures in disrepair;
Sec. 1203.4.2: No required ventilation;
Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the company had been accepted on January 14, 2005.

Mr. Ken Reardon, Building Inspector, presented photographs of the property and a copy of the inspection report and recommended compliance within 30 days or a fine of \$250 per day, per violation. He also asked that the order be recorded.

Mr. David Damerou, president of DFD Capital, stated that they had written to Lori Milano regarding the building. They were trying to determine when the bathroom had been installed. Mr. Damerou had a survey from 1973 showing the bathroom structure (not the actual bathroom). Inspector Reardon stated that the issue was that the bathroom was in disrepair. Mr. Damerou wondered how inspectors could require older buildings to be brought up to newer codes. Mr. Damerou agreed to close up that portion if need be and had already spoken with an architect about what was involved.

Chair Jordan objected to Mr. Damerau's attitude toward the City's right to enforce its own codes. Inspector Reardon noted that the photos he provided showed a dura-rock wall with relatively new lightweight metal framing, all of which had been installed without a permit. The wood above was rotted and falling down. Mr. Damerau said they would make repairs. He noted that the County allows \$1,200 of work to be done without a permit. Mr. Damerau also thought it odd that in the previously heard cases, non-compliance would result in a \$100 per day fine but in his case, Inspector Reardon was recommending \$250 per day.

Mr. Damerau stated the work could be completed within 30 days as long as no building permit was required. Chair Jordan and Inspector Reardon informed him that a permit certainly was required. Mr. Damerau argued that a permit was not required for repair work. Chair Jordan told him once again that it was required and Mr. Damerau announced that he would discuss this with John Heller. Inspector Reardon reminded Mr. Damerau that there were three issues: lack of maintenance, lack of ventilation in the bathroom, and the installation of a roof without a permit.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 30 days or a fine of \$250 per day, per violation and the order would be recorded. Board unanimously approved.

Reference CE04061470

Randolph Williams III
260 Southwest 20th Avenue

Sec. 104.9.3.1: Expired permits

Ms. Bazer announced that certified mail addressed to the owner at his local and Massachusetts addresses; the local notice had been accepted on December 21, 2004 and Massachusetts notice had been accepted (no date on card).

Mr. Kenneth Reardon, Building Inspector, presented a copy of the inspection report and stated that he had an agreement with the owner to comply within 60 days or a fine of \$100 per day. Inspector Reardon also asked that the order be recorded.

Mr. Randolph Williams, respondent, stated that he thought the proper process had been followed when the roof was installed, but had found out that the final inspection had failed because there had been no "in-progress" inspections. Mr. Williams had confirmed with Mr. Heller that it was possible he would accept an engineer's inspection of the shingles in lieu of the in-progress inspections.

Motion made by Mr. Rafter, seconded by Ms. Hale, to order compliance within 60 days or a fine of \$100 per day would be imposed and the order would be recorded. Board unanimously approved.

Reference CE04032185

Ward Harris Properties, Inc.
2901 East Las Olas Boulevard

Sec. 104.1: Work without permits;
Sec. 104.2.11: Mechanical work without permits;
Sec. 104.2.5: Electrical work without

permits; Sec. 104.2.7: Sign without permits;
Sec. 11-4.6.1 Parking space is not to Code and
faded
Sec. 11-4.6.4: Signage not per Code

Ms. Bazer announced that certified mail addressed to an officer of the company had been accepted on (no date on card).

Mr. Robert Pignataro, Building Inspector, testified that the violations still existed as cited. The owner had been warned by a code inspector about the violations in April 2004 and then cited by Inspector Pignataro on May 12, 2004. The permit application had failed plan review because it did not cover total scope of the work to be done. Inspector Pignataro submitted a copy of the Notice of Violation and the inspection report and recommended compliance within 90 days or a fine of \$ 100 per day, per violation, and that the order be recorded.

Mr. Kenneth Trent, attorney for the owner, stated that they had contacted an architect and a contractor and were trying to resolve the matter. He presented a letter from the architect indicating that he needed six to eight weeks to draw plans. He requested 120 days.

Motion made by Ms. Hale, seconded by Ms. Horn, to order compliance within 90 days or a fine of \$100 per day, per violation would be imposed and the order recorded. Motion passed 6– 1 with Ms. Roche opposed.

Reference: CE04121391

Cypress Business Center – PH I
5815 North Andrews Way # B
Tenant: Cellular Link

NFPA 1 1-10.1: Voids in circuit breaker panel

Ms. Bazer announced that certified mail addressed to the company, the registered agent and the tenant had all been accepted on January 10, 2005.

Ms. Ivette Spence-Brown, Fire Inspector, testified that she had inspected the property on October 10, 2003, December 31, 2003, and January 12, 2004; as of this date, the violations still existed. She recommended 30 days to comply or a fine of \$50 per day.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance within 30 days or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE04091130

Dom & John Development, LLC
1344 Northeast 4th Avenue
Tenant:: Woody's Barber Shop

Sec. 104.1: Work without permits;
Sec. 11-4.6.1: Handicapped parking not to code;
Sec. 11-4.6.4: Handicapped signage not to
code

Ms. Bazer announced that certified mail addressed to the tenant was accepted on January 20, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violations still existed as cited. Inspector Malik had spoken with the tenant, who told him he may demolish the building. Inspector Malik recommended compliance within 180 days or a fine of \$50 per day, per violation and that the order be recorded. The building was not currently an eyesore, so inspector Malik did not object to 180 days.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 180 days or a fine of \$50 per day, per violation would be imposed and the order would be recorded. Board approved unanimously.

Reference CE04121328

Derco Partnership
833 Northwest 1st Street

Sec. 1 1-4.4: Unable to perform fire inspection

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 11, 2005.

Mr. Dallas Shumaker, Fire Inspector, stated that the violations existed as cited and recommended compliance within 30 days or a fine of \$150 per day. Inspector Shumaker had attempted to get the owner to make an appointment for him to inspect but had been unsuccessful.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to order compliance within 30 days or a fine of \$150 per day would be imposed. Board unanimously approved.

Reference CE04052003

Effram Cortez Flowers
1831 Northwest 27th Terrace

Sec. 2301.2.1: Roof constructed contrary to good engineering practices; Sec. 104.1: Work without permits; Sec. 3401.6: Structure unsafe

Ms. Bazer announced that certified mail addressed to the owner had been accepted on December 22, 2004.

Mr. Wayne Strawn, Building Inspector, testified that the violations existed as cited. Inspector Strawn presented photographs of the property and recommended compliance within 60 to 90 days or a fine of \$25 per day.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 90 days or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference CE04030589

Matthew Delillo
831 Southwest 28th Street

Sec. 104.9.3.1: Expired permits

Ms. Bazer announced that certified mail addressed to the owner had been returned unclaimed and personal services had been made to Anthony Delillo (family member) by Inspector Thime on December 18, 2004.

Mr. Ken Reardon, Building Inspector, testified that the violation existed as cited and recommended 30 days to comply or a fine of \$100 per day. He also asked that the order be recorded. Inspector Reardon presented photographs of the property and a copy of the inspection report.

Motion made by Ms. Hale, seconded by Ms. Horn, to order compliance within 30 days or a fine of \$100 per day and the order would be recorded. Board unanimously approved.

Reference CE04052231

Scherry Jenkins
1110 Northwest 7th Avenue

Sec. 47-34.1 A.1: Permitted uses: building used as a tri-plex; Sec. 9-278(b): Windows blocked; Sec. 9-280(b): Structure or Fixtures in disrepair; Sec. 9-280(h)(1): Fence in disrepair; Sec. 104.1: Work without permits; Sec. 104.2.4: Plumbing work without permits; Sec. 106.1: Required certificate of occupancy

Ms. Bazer announced that service was via the City's receipt of a letter from the owner's attorney.

Mr. Wayne Strawn, Building Inspector, stated that all but one of the violations were complied; no permit had been obtained for the water heater replacement. He had confirmed that the building had been sold as a duplex. Inspector Strawn explained that the attorney's letter stated they would obtain a permit for the water heater. Inspector Strawn recommended compliance with Section 104.2.4 within 30 days or a fine of \$50 per day. He also asked that the order be recorded.

Motion made by Ms. Roche, seconded by Mr. Young, to order compliance with Section 104.2.4 within 30 days or a fine of \$50 per day would be imposed and the order would be recorded. Board unanimously approved.

Reference CE04082118

William George
315 Southwest 7th Street

Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 3, 2005.

Mr. Ken Reardon, Building Inspector, testified that the violation existed as cited. He presented a copy of the inspection report and photographs of the property and recommended compliance within 30 days or a fine of \$50 per day.

Motion made by Ms. Hale, seconded by Ms. Horn, to order compliance within 30 days or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE04090641

Arlene Coutee
329 Southwest 18th Avenue

Sec. 104.9.3.1: Expired permits

Ms. Bazer announced that personal service had been made to the owner by Inspector Malik on January 9, 2005.

Mr. Ken Reardon, Building Inspector, testified that the violation existed as cited. He presented a copy of the inspection report and photographs of the property and recommended compliance within 180 days or a fine of \$10 per day. Inspector Reardon noted that due to code changes since the original permit was issued in 2000, new permits might be required.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to order compliance within 180 days or a fine of \$10 per day would be imposed. Board unanimously approved.

Reference CE04110431

Amy Shea
2796 Southwest 17th Street

Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 18, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violations existed as cited. He presented photographs of the property and a copy of the inspection report and recommended compliance within 60 days or a fine of \$25 per day.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to order compliance within 60 days or a fine of \$25 per day would be imposed. Board unanimously approved.

Ms. Bazer then read into the record cases that were complied prior to the hearing or for which there was no service (listed appropriately below).

Motion made by Ms. Hale, seconded by Mr. Rafter, to accept the minutes of the following meetings: January 27, 2004, February 24, 2004, May 25, 2004, July 27, 2004, August 24, 2004 and September 28, 2004. Board unanimously approved

Motion made by Ms. Hale, seconded by Ms. Horn, to accept the minutes of the following meetings: October 29, 2004 and November 23, 2004. Board unanimously approved

Chair Jordan announced that his tenure had expired so a new Chair must be elected.

Motion made by Ms. Horn, seconded by Mr. Phillips, to nominate Pat Hale as Chair of the Code Enforcement Board. Board unanimously approved

Motion made by Mr. Phillips, seconded by Ms. Roche, to nominate Rixon Rafter as Vice Chair of the Code Enforcement Board. Board unanimously approved

The Board discussed the pros and cons of receiving individual paper copies of the minutes each month.

Mr. Phillips was concerned about and wanted to address the problem respondents faced having to pay professionals such as lawyers, contractors and architects to appear before the Code Enforcement Board. Ms. Roche noted that giving priority to those accompanied by attorneys had the effect of penalizing those who could not afford an attorney. Mr. Phillips stated that this preference was granted in front of other boards. Chair Jordan felt that the hearings were intended for people to represent themselves. Mr. Phillips disagreed and felt that in the more difficult cases, respondents needed a lawyer present.

The Board broke for lunch at 11:50 A.M. and reconvened at 1:05 P.M.

Reference CE04101430

Performance Trading Inc.
2800 Northwest 62nd Street

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.11: Mechanical work without permits;
Sec. 403.3: Mechanical ventilation required;
Sec. 104.2.5 Installed electrical in the Building
Sec. 704.3.1: Required firewall;
Sec. 11-4.6.1: Required handicapped parking;
Sec. 11-4.6.4: Required handicapped signage;
Sec. 11-4.8: No Accessible ramp to building;
Sec. 1503.4.4: Downspouts not per code;
Sec. 47-19.9 A.2: Outside displays;
Sec. 47-19.9 A.: Work being done outside

Ms. Bazer announced that this case was originally heard on November 23, 2004 with compliance ordered by January 25, 2005.

Mr. Patrick Sullivan, owner, stated that he had obtained a survey and a contractor and was making progress. He requested clarification of the violations as he thought those cited on today's agenda differed from those cited on the November 23, 2004 agenda.

Mr. Robert Pignataro, Building Inspector, stated that the violations cited were the same. Mr. John Vaughn, architect, stated that he had spoken with Supervisor Reed regarding the violations and she advised him to attend today's hearing. Inspector Pignataro remembered that at the November hearing, the owner been given until today's date to comply the property or a fine would begin.

Mr. Vaughn felt many of the violations referred to items and work that had already been removed or completed. He listed several particulars for the Board. He also noted that many of these problems had existed through the last few owners.

Mr. Mark Cervasio, Assistant Airport Manager, stated that the Airport had sent letters to Mr. Sullivan concerning the violations beginning in March of 2004. According to the lease, violations constituted default on the lessee's lease. In June, a meeting took place at the airport with Mr. Sullivan and Lori Milano present. At that meeting, Mr. Sullivan promised to hire an architect and make repairs. It was made clear when the lease was assigned that prior violations existed and correction of the violations was a condition to the Airport staff's recommending the City's consent to the lease.

Inspector Pignataro presented photographs taken the previous day showing outside storage at the property. He also had a print out of the permit history. Most of the permits had not been granted or had failed final inspection. A complete electrical diagram of the entire building was needed. Inspector Pignataro stated a complete set of plans on the building addressing all the issues was needed.

Motion made by Ms. Hale, seconded by Ms. Roche, to continue the case for 30 days to the February 22, 2005 hearing. Board unanimously approved.

Reference CE03080568

Ronald Coleman
3005 Seville Street

Request for Extension

Ms. Bazer announced that this case was originally heard on August 24, 2004 with compliance ordered by November 23, 2004; the property was not yet complied and fines had accrued in the amount of \$37,200.

Mr. Ronald Coleman, owner, stated that he had experienced problems with the contractor. The contractor had taken all of Mr. Coleman's paperwork and never done any work or returned the paperwork. Mr. Coleman had recently hired a new contractor to do the work. Mr. Phillips advised Mr. Coleman to get an architect to create plans for work that needed to be done.

Mr. Robert Pignataro, Building Inspector, testified that the property was originally cited by Inspector Guilford in August 2003. Inspector Pignataro had visited with a fire inspector and cited Mr. Coleman again. Mr. Coleman informed the Board that the violations had been created by Mar Lago Corporation when they owned the building in the late 1980s. Mr. Coleman felt the property would eventually be sold to a large corporation for redevelopment.

Mr. Phillips advised Mr. Coleman that the problem was not going away; he must find an architect and a contractor in a show of good faith.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant a 30-day extension for Mr. Coleman to appear at the February hearing with his architect, contractor and permit; the order would also be recorded. Board unanimously approved.

Reference CE03041128

Isaac Fryd Trust
4950 West Prospect Road

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on July 22, 2003 with compliance ordered by October 20, 2003; the property was now complied and fines had accrued in the amount of \$36,500.

Mr. Louis Roig, the tenant, stated that all of the violations were now complied and requested abatement of the fines. The violations had all been created by prior tenants but a court had found the Trust to be responsible for repairs.

Mr. Wayne Strawn, Building Inspector, clarified that Mr. Roig was the tenant and the property owners had created the lease to make the tenant responsible for the violations.

Motion made by Mr. Rafter, seconded by Ms. Hale, to reduce the fine to \$2,500. Board unanimously approved.

Reference CE03120897

JAS Marine Services Inc.
3131 Southwest 2nd Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on July 7, 2004 with compliance ordered by January 19, 2005. The property was not yet complied and fines had accrued in the amount of \$ 2,500.

Mr. John Strauss, owner, requested additional time to complete repairs. The handicapped parking spaces and a few structural issues still needed to be addressed.

Mr. Ken Reardon, Building Inspector, agreed to a 90-day extension.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant a 90-day extension to the April 26, 2005 hearing. Board unanimously approved.

Reference CE02080917

Ross Terango
966 Northwest 51st Place

Massey Hearing

Ms. Bazer announced that this case was originally heard on September 24, 2002 with compliance ordered by October 24, 2004. The property was not complied and fines had accrued in the amount of \$ 41,150.

Mr. William Clayton, attorney for the owner, stated that he had an agreement with the City to continue this to the February 22, 2005 hearing while he met with the City Attorney regarding Massey issues.

The Assistant City Attorney stated she had spoken with Mr. Clayton two weeks ago and intended to schedule a meeting soon.

Motion made by Mr. Rafter, seconded by Ms. Hale, to continue the case to the February 22, 2005 hearing. Board unanimously approved.

Reference CE03062263

David Roy & Jiwani Radhi
729 Northwest 7th Terrace

Request for Extension

Ms. Bazer announced that this case was originally heard on August 26, 2003 with compliance ordered for September 25, 2003. The property was not yet complied and fines had accrued in the amount of \$ 11,650.

Mr. Wayne Strawn, Building Inspector, testified that the property was now complied.

Mr. Devindra Roy, the owner's son, stated it had taken him over a year to obtain a permit. Once he got the permit, he had complied the property quickly.

Mr. Wayne Strawn, Building Inspector, confirmed that Mr. Roy had worked diligently to clear up the problems.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to abate the fines. Board unanimously approved.

Reference CE04011595

924 NE 17th Terrace LLC
924 Northeast 17th Terrace

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on November 23, 2004 with compliance ordered by January 25, 2005.

Mr. Yehuda Perez, property manager and partner, stated that they had all of the required permits but not all of the work was completed. He felt he needed an additional two to three weeks to comply.

Mr. Robert Pignataro, Building Inspector, stated that the property was now in compliance; only permits had been required to comply.

Reference CE04070632

Marina Holding Inc.

Request for Extension of Time

2700 Southwest 25th Terrace

Ms. Bazer announced that this case was originally heard on August 24, 2004 with compliance ordered by September 28, 2004; the property was not complied but no fines had accrued to date.

Alan Kozich, architect, provided a chart with the violations that was coded to show the progress of each item. Marina representatives had met with City inspectors to clarify what needed to be done. Mr. Kozich explained that most of the violations were already complied or in the process. He requested a 120-day extension to complete work.

Mr. Wayne Strawn, Building Inspector, stated that he did not object to an extension.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 120-day extension to the May 24, 2005 hearing. Board unanimously approved.

Reference CE01120943

Michel & Yolane Jeannot
1553 West Sunrise Boulevard

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on January 22, 2002 with compliance ordered by February 22, 2002. Only 1 of the 7 original violations was complied and fines had accrued in the amount of \$150,875.

Mr. Marcello Penso, architect, explained that he had created drawings at the request of Inspector Pignataro describing the violations. All of the permits had been obtained in January and work could now be completed.

Ms. Ashley Goodwin, general contractor, stated that 90% of the work was completed and they would probably call for final inspections this Friday.

Mr. Robert Pignataro, Building Inspector clarified that the demolition permit only covered the inside of the building; there was considerable work to be done in the parking area and landscaping as well.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant a 120-day extension to the May 24, 2005 hearing to come into compliance. Board unanimously approved.

Reference CE03102464

Harry Cibants
247 Southwest 33rd Court

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on March 23, 2004 with compliance ordered by June 21, 2004. The property was still not complied and fines had accrued in the amount of \$ 28,500.

Mr. Harry Cibants, owner, requested an extension; his plans were currently with the Building Department.

Mr. Kenneth Reardon, Building Inspector, stated that just a few issues had yet to be addressed with the Fire Department; this should be resolved soon.

Motion made by Ms. Hale, seconded by Mr. Rafter, to grant a 60-day extension to the March 22, 2005 hearing. Board unanimously approved.

Reference CE03091165

Philip Bacigaluppi
1345 Northwest 7th Terrace

Request for Abatement of Fines

Ms. Bazer announced that this case was originally heard on February 24, 2004 with compliance ordered by April 24, 2004. The property was now complied and fines had accrued in the amount of \$ 4,600.

Mr. Philip Bacigaluppi, owner, requested abatement of the fines. He had experienced several delays due to contractors and hurricanes. The case had gone through four different inspectors over the course of the year as well. The worst problem was a lien the City had filed against the property for \$108,000 which had not shown up on the lien search before Mr. Bacigaluppi bought the property. Inspector Strawn had finally advised Mr. Bacigaluppi to demolish the addition as it could never be brought up to code. Because of the old lien, Mr. Bacigaluppi could not obtain credit to hire a contractor but had finally found one who would accept a promissory note.

Mr. Wayne Strawn, Building Inspector, stated that there indeed had been extenuating circumstances and Mr. Bacigaluppi had taken the fastest route to comply the property.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to abate the fine. Board unanimously approved.

Reference CE00100159

Rovic Properties, Inc.
2700 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was originally heard on October 24, 2000 with compliance ordered by November 23, 2000. The property was complied and fines had accrued in the amount of \$ 13,800.

Mr. Ari Glazer, attorney for the owner, requested a reduction of the fines. The property had been in compliance for over three years. Mr. Glazer's client wanted to use the money from the fine reduction to further improve the property. He also guaranteed the reduced fine amount would be paid within 10 days.

Mr. Ken Reardon, Building Inspector, confirmed the date of compliance and stated he had no objection to a fine reduction.

Motion made by Mr. Phillips, seconded by Ms. Roche, to reduce the fines to \$1,380. Board unanimously approved.

Reference CE00041188

Clarkson-Bergman Family Partnership Massey Hearing
2400 West Broward Boulevard

Ms. Bazer announced that this case was originally heard on September 25, 2001 with compliance ordered by January 22, 2002. The property was complied and fines had accrued in the amount of \$118,620.

Ms. Hope Calhoun, attorney for Baron Real Estate, the new owner, requested abatement of the fines. Since her client took over the property, they had worked very diligently to comply. Mr. Phillips was concerned that the Board did not know if the buyer had held back \$118,000 to cover the lien. Ms. Calhoun felt that her client would have told her if that were the case. Mr. Phillips felt the City should do a financial review.

Mr. Wayne Strawn, Building Inspector, testified that the property was clean. The former tenants (not the former owner) had created the violations. Inspector Strawn wanted to be sure the City recovered something for its costs.

Mr. Phillips suggested the fine be reduced to \$18,620, a \$100,000 reduction. Ms. Calhoun did not disagree that the City should recover costs, but wanted to determine exactly what that figure was. She stated she had already discussed a figure with Inspector Strawn.

Mr. Phillips felt it was not proper to "horse trade" with a building official when the Board had no idea if the buyer was holding money back because of the lien. Since the money should have been given to the City to satisfy the lien, this could become a windfall profit for someone instead.

Mr. Rafter wanted to continue the case until the City Manager's office or the Finance Department could come in and analyze the transfer and the City's costs in this case.

Motion made by Ms. Hale, seconded by Ms. Horn, to grant a 30-day extension to the February 22, 2005 hearing. Board unanimously approved.

Due to time constraints, respondents who were present were offered a 60-day extension. The following three respondents accepted this offer.

Reference CE03120005

John & Georgiann Bria
219 Southwest 21st Terrace

Massey Hearing

Reference CE03100824

Bi-Ad Inc. & Westside Gazette
545 Northwest 7th Terrace

Massey Hearing

Reference CE04032621

Gorfine Realty Inc.
3901 Southwest 16th Street

Massey Hearing

Motion made by Mr. Rafter, seconded by Ms. Hale, to grant a 60-day extension to the March 22, 2005 hearing for the 3 cases above. Board unanimously approved.

Reference CE01081572

Clarkson-Bergman Family Partnership
350 Southwest 27th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on September 25, 2001 with compliance ordered by January 22, 2002. Seven of the original twelve violations were still not complied and fines had accrued in the amount of \$114,480.

Ms. Hope Calhoun, attorney for Baron Real Estate, the new owner, confirmed that there were only two violations that had not been complied yet. She requested an additional 90 days to confirm compliance.

Mr. Wayne Strawn, Building Inspector, testified he was not sure if the last two fire violations were complied. He felt 60 days would be enough time to confirm.

Mr. Phillips wanted to make a note that the same financial review should be conducted for this case as for case CE00041188.

Motion made by Ms Hale, seconded by Mr. Rafter, to continue the case 60 days to the March 22, 2005 hearing. Board unanimously approved.

Ms. Bazer announced that there was a case that was not on the agenda but for which two gentlemen had flown into town that they now wished to request a 60-day extension for.

Reference CE03090391

2617 Northeast 13th Court

Request for Extension

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 60-day extension to the March 22, 2005 hearing. Board unanimously approved.

Reference CE99110812

Kevin Smith

Massey Hearing

1222 Northwest 7th Avenue

Ms. Bazer announced that this case was originally heard on January 25, 2000 with compliance ordered by May 24, 2000. The property was now complied and fines had accrued in the amount of \$45,325.

Mr. Rod Feiner, attorney for the owner, requested that the fine be reduced to 5% of the total. The violations had been caused by the property's previous owner and Mr. Smith's real estate attorney had failed to discover the violations prior to the sale. In addition, Mr. Smith had been charged criminally with three of the change of use violations. In 2000, Mr. Smith had pleaded out to the charges, entered into 6 months probation and paid court costs and a fine. His client now had a criminal record because of this case. The violations were actually corrected in 2001. His client had thought the criminal case was the end of the matter.

Mr. Robert Pignataro, Building Inspector, stated that the property was now complied.

Mr. Phillips felt they should give Mr. Smith the benefit of the doubt

Motion made by Mr. Rafter, seconded by Mr. Young, to reduce the fine to \$15,325. Motion passed 4 – 3 as follows: Ms. Hale: Yes; Ms. Horn: No; Mr. Phillips: No; Mr. Rafter: Yes; Ms. Roche: No; Mr. Young: Yes; Chair Jordan: Yes

Reference CE04010884

Anna Jakob
1174 Southwest 30th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on September 28, 2004 with compliance ordered for November 27, 2004. The property was not yet complied and fines had accrued in the amount of \$2,900.

Mr. Michael Coraggio, the owner's fiancé, stated that they had hired a contractor to make the repairs in June and ended up filing contractor fraud charges against him. This contractor had numerous warrants out for his arrest for contractor fraud. Mr. Coraggio requested an additional 90 days to get a new contractor.

Mr. Ken Reardon, Building Inspector, had no objection to an extension.

Motion made by Ms. Hale, seconded by Mr. Rafter, to grant a 90-day extension to the April 26, 2005 hearing. Board unanimously approved.

Reference CE02091636

D.R. & Inez Lewis
2889 Southwest 16th Street

Massey Hearing

Ms. Bazer announced that this case had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. The property was still not complied and Fines had accrued in the amount of \$48,050.

Mr. Mike Stearns, attorney for the owners, explained the process the owners had gone through to get the building complied. The building had eventually received a certificate of completion but still needed a certificate of occupancy. The owner applied for the certificate of occupancy by applying for a change of occupancy. Plan examiners were then trying to apply current building codes, which was not in keeping with the owners' agreement with the City. The plans had been kicked back and the owner had met with Mr. Heller to discuss what codes were to be applied to the building. The plan had been resubmitted and Mr. Stearns felt no further work would be required.

Mr. Wayne Strawn, Building Inspector, stated that everything would be settled in the certificate of occupancy process. He did not object to Mr. Stearns's request for a 90-day extension.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 90-day extension to the April 26, 2005 hearing. Board unanimously approved.

Reference CE04070962

Kenneth Hale
2922 Banyan Street

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on August 24, 2004 with compliance ordered by December 30, 2004. The property was not complied and fines had accrued in the amount of \$10,000.

Mr. Kenneth Hale, owner, stated that he had hired an architect and an electrical engineer and they had completed plans. The contractor had submitted the plans and applied for three permits. Mr. Hale had met with Inspector Pignataro to clarify the details of work that must be done. He requested a 90-day extension.

Mr. Robert Pignataro, Building Inspector, stated that he did not object to an extension.

Motion made by Ms. Hale, seconded by Ms. Horn, to grant a 90-day extension to the April 26, 2005 hearing. Board unanimously approved.

Reference CE96031433

Yuly Gonzalez
2181 Southwest 36th Terrace

Massey Hearing

Ms. Bazer announced that this case was originally heard on July 28, 1998 with compliance ordered by November 25, 1998. One of the original violations was still not complied and fines had accrued in the amount of \$99,150.

Ms. Yuly Gonzalez, owner, spoke through an interpreter and stated that she had submitted plans for permits in December, but these had been turned back. The architect was working on revisions to resubmit the plans. She requested a 30-day extension, which the Board agreed was not enough time.

Mr. Ken Reardon, Building Inspector, testified that the windows and air conditioning unit were still not complied. Inspector Reardon had no objection to a 90-day extension.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant a 90-day extension to the April 26, 2005 hearing. Board unanimously approved.

Reference CE02031597

F. & Elaine Dec
214 Southwest 21st Terrace# 3

Massey Hearing

Ms. Bazer announced that this case was originally heard on June 25, 2002 with compliance ordered by July 25, 2002. The property was complied and fines had accrued in the amount of \$ 8,300.

Mr. John David, attorney for the owner, stated that the City Commission had reduced the fine to \$1,245 but this had not been communicated to the tenant, who was responsible for the fine, so this amount was never paid. His asked that his client be permitted to pay the original amount.

Mr. Kenneth Reardon, Building Inspector, explained the situation and the timing.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to reduce the fine to \$1,300. Board unanimously approved.

Reference CE03022088

H & Minerva Glaston
3623 Davie Boulevard

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on September 23, 2003 with compliance ordered by December 22, 2003 and March 23, 2004. One of the original six violations was still not complied and fines had accrued in the amount of \$9,450.

Mr. Wayne Strawn, Building Inspector, stated that he had been informed by Don Morris that the Board of Adjustment had granted a variance to allow the fence to stay; this took the property owner "off the hook" as to the one remaining violation: the wall requirement.

Ms. Barbara Glaston, the owner's daughter, requested abatement of the fines.

Motion made by Mr. Phillips, seconded by Mr. Young, to abate the fine. Motion passed 6 – 1 with Ms. Hale opposed.

Reference CE98120769

Michael Martin
15 Northeast 6th Street

Massey Hearing

Ms. Bazer announced that this case was originally heard on January 26, 1999 with compliance ordered by May 26, 1999. The property was complied and fines had accrued in the amount of \$ 51,600.

Mr. Michael Martin, owner, requested a reduction to 10% of the total which he said he had been offered by the City some time ago. Mr. Martin had actually paid the 10% along with another settlement on another property, but the money for this fine was returned by the City to the title company in error and he had never been made aware of it.

Mr. Wayne Strawn, Building Inspector, stated that the case had gone before the City Commission; that was when the settlement offer was made.

Mr. Phillips felt the title company had been negligent and the owner should not be penalized for this. He felt they should consider a continuance to obtain proof that the title company made a mistake. Mr. Martin confirmed that the fine on another of his buildings had been settled for 10% and paid. Ms. Bazer confirmed that the settlement amounts had actually been 15%, \$7,700 for this case.

Motion made by Mr. Rafter, seconded by Mr. Young, to reduce the fine to \$11,600. Motion failed 3 – 4 as follows: Ms. Hale: No; Ms. Horn: No; Mr. Phillips: No; Mr. Rafter: Yes; Ms. Roche: No; Mr. Young: Yes; Chair Jordan: Yes.

Motion made by Mr. Phillips, seconded by Ms. Horn, to reduce the fine to \$4,950. Motion failed 3 – 4 as follows: Ms. Hale: No; Ms. Horn: Yes; Mr. Phillips: Yes; Mr. Rafter: No; Ms. Roche: No; Mr. Young: No; Chair Jordan: Yes.

Motion made by Ms. Hale, seconded by Ms. Roche, to reduce the fine to \$7,700. Motion passed 5 – 2 as follows: Ms. Hale: Yes; Ms. Horn: No; Mr. Phillips: No; Mr. Rafter: Yes; Ms. Roche: Yes; Mr. Young: Yes; Chair Jordan: Yes

Reference CE02081535

Robert & Deborah Keshigian
1223 North Flagler Drive

Massey Hearing

Ms. Bazer announced that this case was originally heard on October 22, 2002 with compliance ordered by February 19, 2003. The property was complied and fines had accrued in the amount of \$ 3,000.

Mr. Don Zimmer, architect, said he and his client were unaware that fines were running. There had been problems obtaining permits because of complications accommodating handicapped parking spaces. He asked that the fine be abated.

Mr. Mohammed Malik, Building Inspector, stated he had no objection to abatement of the fine.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to abate the fine. Board unanimously approved.

Reference CE04060011

Kevin Scheen
1700 Southwest 23rd Terrace

Massey Hearing

Ms. Bazer announced that this case was originally heard on July 27, 2004 with compliance ordered by November 24, 2004. The property was complied and fines had accrued in the amount of \$ 1,400.

Mr. Kevin Scheen, owner, stated that when he was buying the property, he had an agreement with the previous owner that he (the previous owner) would comply the violations by the November 24 deadline. The previous owner had called two weeks before the deadline to inform him that he would not be able to do it. Mr. Scheen had then contacted Inspector Reardon to determine exactly what needed to be done. He had tried his best, but had experienced delays and problems with various electrical contractors.

Mr. Ken Reardon, Building Inspector, verified Mr. Scheen's story.

Motion made by Mr. Rafter, seconded by Ms. Horn, to abate the fine. Board unanimously approved.

Reference CE04081487

Mary & Jonathon Hjelte
1516 Northeast 17th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on September 28, 2004 with compliance ordered by November 27, 2004. The property was complied and fines had accrued in the amount of \$ 2,650.

Ms. Rosimeiri Montiero, owner, stated that they had bought the buildings without knowing about the violations. The property had been converted back to a duplex and was now complied.

Mr. Mohammed Malik, Building Inspector, confirmed that the property was now complied. He noted that the Montieros had worked with him to clear up the violations.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to reduce the fine to \$1,000. Motion passed 5 – 2 with Mr. Young and Ms. Roche opposed.

Reference CE04051985

Ezra & Rebecca Oved
1121 Guava Isle

Request for Extension

Ms. Bazer announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005. The property was not yet complied and fines had accrued in the amount of \$ 125.

Mr. Ezra Oved, owner, stated that he felt the property complied; Supervisor Bradley had requested the extension. Chair Jordan asked Mr. Oved if he had obtained the permit, which would clear up the violation. Mr. Oved had not obtained a permit, and stated it was not his fault. He stated that violations had been added that did not exist: the bathroom and kitchen remodeling.

Mr. Ken Reardon, Building Inspector, withdrew the City's request for an extension and asked that the fine continue. Mr. Oved said he did not want the fine to continue or an extension. Mr. Oved said, "There is a document here that the City knew about it ten years ago and closed the case. All I need is to get together with the City Attorney that everybody reject me, to meet with the City Attorney. Give me an appointment with the City Attorney."

Mr. Jolly stated that at a Massey hearing, the only issue was whether the property was in compliance. Inspector Reardon asked the Board to find that the property was not complied and impose the fine.

Motion made by Mr. Rafter, seconded by Ms. Horn, to find the property not in compliance by the date set in the order and therefore a fine of \$25 per day would be imposed. Board unanimously approved.

Reference CE04020156

Thomas & Martha Kelaher
1524 Southwest 5th Place

Massey Hearing

Ms. Bazer announced that this case was originally heard on April 27, 2004 with compliance ordered by June 26, 2004. The property was now complied and fines had accrued in the amount of \$36,600.

Mr. Thomas Kelaher, owner, informed the Board that he had submitted plans for permits within 60 days of the first hearing. He had missed a meeting to request an extension because the notice had been sent to the wrong address. He requested a reduction of the fine. Inspector Reardon confirmed that the property was complied when Mr. Kelaher obtained the permit.

Motion made by Ms. Hale, seconded by Ms. Roche, to reduce the fine to \$3,660. Board unanimously approved.

The following two cases were heard and ruled on together:

Reference CE03080412

BMC Enterprises LLC
420 Southeast 16th Street

Massey Hearing

Ms. Bazer announced that this case was originally heard on October 28, 2003 with compliance ordered by December 27, 2003. The property was now complied and fines had accrued in the amount of \$8,275.

Reference CE03080413

BMC Enterprises LLC
416 Southeast 16th Street

Massey Hearing

Ms. Bazer announced that this case was originally heard on October 28, 2003 with compliance ordered by December 27, 2003. The property was now complied, and fines had accrued in the amount of \$8,950.

Mr. Benjamin Olive, the managing partner of the LLC, stated that the property would be demolished in the next few months. He requested abatement of the fines for both cases.

Mr. Robert Pignataro, Building Inspector, confirmed that the property was complied and said he had no objection to abatement of the fines for both cases.

Motion made by Mr. Phillips, seconded by Ms. Horn, to abate the fines for both cases. Board unanimously approved.

Reference 9306099

Albert & Jeanette Moustakis
1010 Southwest 2nd Court

Massey Hearing

Ms. Bazer announced that this case was originally heard on February 22, 1994 with compliance ordered by April 8, 1994. The property was still not complied and fines had accrued in the amount of \$591,450.

Mr. B.J. Cummins, attorney for the owner, stated that Ms. Moustakis could not be present because she had pneumonia. Plans had been submitted for permits in September and they had also appeared before the Historic Preservation Board. They had presented Ms. Brooks with copies of the survey in December. They were now waiting for her reply.

Mr. Cummins explained that originally, Mr. Moustakis's ex-wife had turned the property into a duplex to make money from it. The property had later been turned over to Mr. Moustakis's mother and she had been charged with the violations. Mrs. Moustakis intended to convert the building back to a single-family dwelling. Mr. Cummins was unsure what stage in the approval process the plans were actually in at the moment. He requested a 120-day extension.

Mr. Wayne Strawn, Building Inspector, stated that he had no objection to an extension.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant a 120-day extension to the May 24, 2005 hearing. Board unanimously approved.

Mr. Phillips confirmed with Mr. Cummins that he had arrived three hours ago and would charge his client for three hours of his time. Mr. Cummins then told him that other boards allowed attorneys to be heard first to minimize their clients' costs. Chair Jordan felt they had discussed this "ad infinitum" and did want any more discussion. Mr. Phillips wanted it included in the record and publicized that citizens were being penalized by this particular board because the Board "has something up their rear end about lawyers."

Reference CE04050176

CABI New River LLC
400 Southwest 4th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on September 28, 2004 with compliance ordered by November 27, 2004. The property was not complied and fines had accrued in the amount of \$11,600.

Ms. Debbie Orshefsky, attorney for the owner, stated that the first violation, concerning the dock, was incorrect. Three parcels had been consolidated and a permit issued for repair work to the dock. They had not begun repair work on the dock because the Code Enforcement Board had ordered the dock removed.

Mr. Ken Reardon, Building Inspector, stated that the violation requiring removal of the dock structure had been withdrawn from the case; repairs still needed to be made. Inspector Reardon presented photographs of the dock and informed the Board that the owners had been using the dock, which they had promised not to do at the last hearing. He asked that the board impose the fine.

Ms. Orshefsky reiterated that her client was not sure if they would be required to remove the dock; that was why repair work had not yet been done. She requested an extension to repair the dock.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant a 60-day extension for FBC 3401.6 (Section 47-19.1.C was withdrawn). Board unanimously approved.

Motion made by Mr. Phillips, seconded by Ms. Roche, to find the following cases were not complied by the date specified and therefore the fines would be imposed and continue accruing. Board unanimously approved.

CE04032174
Fine - \$ 2,900

CE04030200
Fine - \$ 3,400

9119039

CE02062028

Fine - \$ 462,300

Fine - \$ 21,200

CE01040993

Fine - \$ 155,200

CE01111118

Fine - \$ 32,450

Cases Complied

Ms. Bazer announced that the below listed cases were in compliance. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05010177

CE04111748

CE04120828

CE04120926

CE04121331

CE04110305

Cases Pending Service

Ms. Bazer announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE04121374

Cases Rescheduled

Ms. Bazer announced that the below listed cases had been rescheduled. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE04101307

Cases Withdrawn

Ms. Bazer announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE03102497

CE03102530

CE032102597

There being no further business to come before the Board, the meeting adjourned at 4:15 P.M.

Chairman, Code Enforcement Board

ATTEST:

Lisa Edmondson,
Recording Secretary

Code Enforcement Board Meeting

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