

CODE ENFORCEMENT BOARD
 City Commission Meeting Room
 100 North Andrews Avenue
 March 22, 2005
 10:00 A.M – 3:30 P.M.

From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>Present / Absent</u>	
Pat Hale, Chair	P	3	0
Sarah Horn	P	3	0
Sam Mitchell	P	2	0
John Phillips (10:20)	P	2	1
Rixon Rafter, Vice Chair (10:35)	P	3	0
Myrnabelle Roche	P	2	1
Bobby Young	P	3	0
Bruce Jolly, Board Attorney	P		
 Doug White(Alternate)		 1	

Staff Present

Assistant City Attorney
 Eve Bazer, Administrative Assistant II
 Lynda Crase, Service Clerk
 Farida Mohammed, Clerk III
 Lindwell Bradley, Community Inspections Supervisor
 Robert Pignataro, Building Inspector
 Kenneth Reardon, Building Inspector
 Ivette Spence-Brown, Fire Inspector
 Wayne Strawn, Building Inspector
 Mohammed Malik, Building Inspector
 Lisa Edmondson, Recording Secretary

Also Present:

- *Harold Linderman, Owner, CE03111720
- *Hope Calhoun, Attorney, CE01081572
- *Carol Clarkson, Owner's Representative, CE01081572
- *Bobby Henry, Owner, CE03100824
- *Kamil El Hassani, Tenant, CE03060782
- *Debbie Orshefsky, Attorney, CE02080917
- *Kathleen Higginbotham, Owner's Daughter, CE04070285
- *John Bria, Owner, CE03120005
- *Daniel Taylor, Attorney, CE02041121
- *Alfred Lariviere, Owner, CE02041121
- *Russell Parish, Owner, CE04040326

John Bryant, Owner, CE05011073
Jihad Doujeji, Owner, CE04110655
Dennis Brooks, Owner, CE03042452
Bruce Corneal, Partner, CE04050192
Jay Adams, Owner, CE02070147
Deanna Lobusky, Owner, CE02070147
German Carriazo, Tenant, CE04110281
Ross Sullivan, Owner, CE05011984
Vivian Landis, Neighbor, CE04081702
Joanne Fanizza, Attorney, CE04101307
Hendrick DeMello, Architect, CE03101523
Randolph Carini, President, CE04121389
Douglas Hlad, Owner, CE05011420
Dennis Jardine, Owner, CE04110257
Steven Lawrence Cohen, Architect, CE05010010
Paula Costello Gerard, Owner, CE05011019
*Robert Flowers, Owner, CE04020437
*Scott Strawbridge, Owner's Representative, CE04100753
*Stephen Cahen, Attorney, CE03111504
John Boyle, Tenant, CE04071918
Floyd Coats, Property Manager, CE04071918
*Trevor Sterne, Tenant, CE04081827
* Mark Davis, Master Leaseholder, CE04081827
*Martin Davis, Owner, CE04081918
*Peter Balzer, Owner, CE04010824
*Louis Shaw, Owner's Representative, CE03090391
*David High, Owner's Son, CE03090391

*Massey Hearing

Chair Hale called the meeting to order at 10:10 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 CE04121389

Colony Terrace Apartments Co-op Sec. 3401.6: Structure/fixtures in disrepair
1920 Northeast 51st Court

Ms. Mohammed announced that certified mail addressed to the co-op had been accepted on March 10, 2005 and the inspector had a verbal agreement to comply.

Mr. Mohammed Malik, Building Inspector, testified that the violations existed as cited. Inspector Malik stated that he had a verbal agreement with the owner to comply the property within 6 months or a fine of \$50 per day, per violation.

Mr. Randy Carini, co-op President, stated that the co-op address was actually 2000 Northeast 51st Court. He assured the Board that work would commence shortly.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to order compliance by September 27, 2005 or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE05011984

Ross Sullivan
801 Southwest 18th Street

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on February 12, 2005 and personal service had been made by Inspector Reardon on March 17, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violation existed as cited. Inspector Reardon presented photos of the property that were admitted into evidence as City exhibit 1 and stated that he had a verbal agreement with the owner to comply within 90 days or a fine of \$25 per day.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to order compliance by June 28, 2005 or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference CE04110281

Richard & Shawn Simeone
201 Southwest 7th Avenue
Tenant: Dockside Deco

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on March 7, 2005 and certified mail addressed to the tenant had been accepted on March 2, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violation existed as cited. Inspector Reardon submitted a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively. He informed the Board that he had a verbal agreement with the owner to comply within 90 days or a fine of \$100 per day.

Mr. German Carriazo, tenant, confirmed that the property would be complied within 90 days

Motion made by Mr. Young, seconded by Ms. Roche, to order compliance by June 28, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

Mr. Phillips arrived at the hearing at 10:20.

Reference CE04101307

Stephen Terrell
1621 Northeast 20th Avenue

Sec. 47-19.5 A.2.B: Fence exceeds height allowance; Sec. 104.1: Work without permits; Sec. 104.2.4: Plumbing work without permits; Sec. 104.2.5: Electrical work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on March 10, 2005. Ms. Mohammed added that three of the four violations were now complied: 104.1, 104.2.4, and 104.2.5.

Mr. Mohammed Malik, Building Inspector, testified that the new fence exceeded 30" in height when located within 10 feet of a waterway; the other violations had been complied. Inspector Malik presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively. He informed the Board that he had a verbal agreement with the owner to comply Section 47-19.5 A.2.B within 30 days or a fine of \$50 per day.

Ms. Joanne Fanizza, attorney for the owner, confirmed that the remaining violation would be complied within 30 days.

Motion made by Mr. Phillips, seconded by Ms. Roche, to order compliance with Section 47-19.5 A.2.B by April 26, 2005 or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE05011420

Douglas Hlad & Deborah Johnson
2125 Northeast 33rd Avenue

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on March 12, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violation existed as cited. Inspector Malik presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively. He informed the Board that he had a verbal agreement with the owner to comply the property within 60 days or a fine of \$50 per day.

Motion made by Ms. Horn, seconded by Mr. Phillips, to order compliance by May 24, 2005 or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE04110655

Audy Unison LLC
300 Sunset Drive

Sec. 47-21.8 A: Missing ground cover;
Sec. 104.2.11: Mechanical work without permits;
Sec. 104.9.3.1: Expired permits;
Sec. 3401.6: Structure/fixtures in disrepair

Ms. Mohammed announced that certified mail addressed to the registered agent had been accepted on March 4, 2005 and certified mail addressed to the owner had been accepted on March 18, 2005.

Mr. Robert Pignataro, Building Inspector, testified that the violations existed as cited. Inspector Pignataro noted that work had continued surreptitiously even after a stop work order was posted on the property. He recommended ordering compliance within 30 days or a fine of \$250 per day, per violation. He also asked that the order be recorded. Inspector Pignataro presented copies of the stop work order and inspection report and photos of the property that were admitted into evidence as City exhibits 1, 2, and 3 respectively.

Mr. Jihad Doujeiji, owner, said he bought the property with the violations. More issues had arisen as work continued. Inspector Pignataro remarked that Mr. Doujeiji was the owner who worked on the property despite the order to stop. He also stated that the rusted columns presented a life safety issue. Mr. Phillips felt that 60 days would be more appropriate. Mr. Young was concerned about the owner's working through the original order. Chair Hale advised Mr. Doujeiji to get on the agenda for the April hearing and to bring a contractor, an engineer and an architect with plans fit for submission for a permit.

Motion made by Ms. Horn, seconded by Mr. Phillips, to order compliance by April 26, 2005 or a fine of \$250 per day, per violation would be imposed and to record the order. Board unanimously approved.

Mr. Rafter arrived at the hearing at 10:35

Reference CE05010010

Saga Investments LLC
2901 Northeast 51st Street

Sec. 104.2.4: Plumbing work without permits;
Sec. 1015.2: Safeguard on wooden stairway
balcony short of 42" required

Ms. Mohammed announced that certified mail addressed to the registered agent had been accepted on March 10, 2005 and certified mail addressed to the company had been accepted on March 14, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violations existed as cited. Inspector Malik presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively. He informed the Board that he had a verbal agreement to comply the property within 90 days or a fine of \$50 per day, per violation.

Mr. Steven Lawrence Cohen, Architect, informed the Board that his client purchased the property 90 days ago and there were no violations at that time. They had known that the rails needed replacing but were unaware that the water heaters had been replaced years ago without a permit. He confirmed that work would be completed within 90 days.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance by June 28, 2005 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

Reference CE05011019

Paula Costello
5100 Dupont Boulevard #101

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on March 16, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violations existed as cited. Inspector Malik presented copies of the inspection report and stop work order and photos of the property that were admitted into evidence as City exhibits 1, 2, and 3 respectively. He informed the Board that he had a verbal agreement to comply the property within 180 days or a fine of \$50 per day, per violation.

Ms. Paula Costello, owner, agreed to comply the property within 180 days.

Motion made by Ms. Horn, seconded by Mr. Young, to order compliance by September 27, 2005 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

Reference CE03042452

Brooks Family Properties IV LLC
1110 Southwest 29th Street

Sec. 104.9.3.1: Work without permits;

Ms. Mohammed announced that certified mail addressed to the registered agent and the owner had both been accepted on March 16, 2005.

Mr. Kenneth Reardon, Building Inspector, stated that the violation existed as cited. Inspector Reardon presented a copy of the inspection report that was admitted into evidence as City exhibit 1. He informed the Board that he had a verbal agreement to comply the property within 60 days or a fine of \$100 per day.

Mr. Dennis Brooks, owner, agreed to comply the property within 60 days.

Motion made by Ms. Horn, seconded by Mr. Rafter, to order compliance by May 24, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference CE04110257

Dennis & Karen Jardine
2665 Southwest 6th Court

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on March 4, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violation existed as cited. He presented a copy of the pre-sale survey noting the installation of windows without a permit and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively. He advised the Board that he had a verbal agreement to comply the property within 90 days or a fine of \$100 per day.

Mr. Dennis Jardine, owner, stated that the pre-sale survey was done for the old owner, not for him; he had no knowledge of the violations when he purchased the house.

Motion made by Ms. Horn, seconded by Mr. Phillips, to order compliance by June 28, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference CE04050192

Progresso Development LLC
1215 Northeast 2nd Avenue

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the manager had been accepted on March 4, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violation existed as cited. He presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively and informed the Board that he had a verbal agreement from the owner to comply the property within 90 days of a fine of \$100 per day.

Mr. Bruce Corneal, partner, explained that he had been trying to hire an architect and a contractor for over a year. The architect had only recently begun to draw plans. Mr. Corneal insisted that an addition had not been built on the house.

Motion made by Ms. Horn, seconded by Mr. Rafter, to order compliance by June 28, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03101523

Enrico & Joseph Mancinelli
1919 Northeast 33rd Avenue

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits

Ms. Mohammed announced that service was via the appearance of the respondent's architect at this hearing.

Mr. Mohammed Malik, Building Inspector, testified that the violations existed as cited except that 2 items cited under violation 104.1 were withdrawn. Inspector Malik presented a copy of the inspection report and photos of the property that were admitted into evidence

as City exhibits 1 and 2 respectively. He informed the Board that he had a verbal agreement to comply the property within 180 days or a fine of \$50 per day per violation.

Mr. Hendrick DeMello, the owner's architect, agreed to comply the property within 180 days.

Motion made by Ms. Horn, seconded by Mr. Rafter to order compliance by September 27, 2005 or a fine of \$50 per day, per violation would be imposed. Board approved unanimously.

Reference CE05011073

John & Lorna Bryant
34 Nurmi Drive

Sec. 104.1: Work without permits;
Sec. 104.2.11: Mechanical work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits

Ms. Mohammed announced that service was via the appearance of the respondent at this hearing.

Mr. Robert Pignataro, Building Inspector, testified that he had a verbal agreement with the owner to comply the property within 90 days or a fine of \$100 per day, per violation. Inspector Pignataro presented a copy of the stop work order and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively. He also asked that the order be recorded.

Mr. John Bryant, owner, confirmed that he now intended to demolish the building and would do so within 90 days.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance by June 28, 2005 or a fine of \$100 per day, per violation would be imposed and to record the order. Board approved unanimously.

Reference CE04091154

Kazi Foods of Florida Inc.
3100 West Broward Boulevard

Sec. 104.2.11: Mechanical work without permits

Ms. Mohammed announced that certified mail addressed to the registered agent had been accepted on March 4, 2005 and certified mail addressed to the owner had been accepted on March 8, 2005.

Mr. Kenneth Reardon, Building Inspector, stated that the violation existed as cited. Inspector Reardon presented a copy of the inspection report that was admitted into evidence as City exhibit 1 and recommended ordering compliance within 60 days or a fine of \$100 per day.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance by May 24, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference CE04061744

Henry Bonner
1129 Northeast 3rd Avenue

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on March 4, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violations existed as cited. Inspector Malik presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively and recommended ordering compliance within 60 days or a fine of \$50 per day, per violation. He also asked the Board to record the order.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance by May 24, 2005 or a fine of \$50 per day, per violation would be imposed, and to record the order. Board unanimously approved.

Reference CE05020693

Cramer Investment Properties
3901 Northeast 21st Avenue

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

Ms. Mohammed announced that certified mail addressed to the owner and registered had both been accepted on March 10, 2005.

Mr. Mohammed Malik, Building Inspector, testified that the violations existed as cited. Inspector Malik presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively and recommended ordering compliance within 30 days or a fine of \$100 per day, per violation. He also asked that the order be recorded.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance by April 26, 2005 or a fine of \$100 per day, per violation would be imposed, and to record the order. Board unanimously approved.

Reference CE04121116

Mercedes Maria Garcia Balboa
1020 Northwest 4th Avenue

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits

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

Mr. Wayne Strawn, Building Inspector, presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibits 1 and 2 respectively and recommended ordering compliance within 60 days or a fine of \$50 per day, per violation. He also asked that the order be recorded.

Motion made by Ms. Horn, seconded by Mr. Phillips, to order compliance by May 24, 2005 or a fine of \$50 per day, per violation would be imposed and to record the order. Board unanimously approved.

The Board was in recess from 11:15 a.m. until 1:00 p.m.

Mr. Phillips arrived for the afternoon session at 1:10 p.m.

Reference CE04121374

E Scott Inc.
5181 Northwest 8th Avenue

Sec. 1 1-10.1: Fire hazards present;
Sec. 101 7.9.1.1: Emergency light does not
illuminate; Sec. 96 8-2.1: Hood system
maintenance

Ms. Mohammed announced that certified mail addressed to the owner and to the registered agent had both been accepted on March 10, 2005.

Ms. Ivette Spence-Brown, Fire Inspector, testified that there were several fire hazards present in the kitchen; stove area emergency lights did not illuminate and the hood system was in need of maintenance. Inspector Spence-Brown noted that the property was originally cited on March 28, 2002 with additional inspections on May 23, 2002 and September 26, 2002. The violations were not corrected and another annual inspection was done on September 30, 2003 with reinspection on October 27, 2003. Ms. Spence-Brown stated she had given Mr. Scott the additional time because he had been ill. She recommended a fine of \$250 per day, per violation until the violations were complied.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to impose a fine of \$250 per day, per violation until the violations were complied. Board unanimously approved.

Reference CE04071918

Hunter Douglas Fabrication Company Return Hearing
5610 northwest 12th Avenue #206

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by March 22, 2005. The property was still not complied and no fines had accrued to date.

Mr. John Boyle, tenant, requested an extension to June 1, 2005 as he could not meet the deadline to vacate the building.

Mr. Alex Erskine, Fort Lauderdale Executive Airport Operations Supervisor, confirmed that the Fort Lauderdale Executive Airport owned the property the building was on but not the building itself.

Mr. Floyd Coats, Property Manager, stated he had been notified that the tenant would vacate the property by the middle of May.

Ms. Ivette Spence-Brown, Fire Inspector, stated that there were fire hazards in the building and it still lacked a fire alarm. She noted that nothing had been done at the property for almost one year to resolve this. She felt there should be some fine imposed to encourage the tenant to comply the violation.

Mr. Boyle stated that renovations had been completed. Mr. Coats thought that the new tenants would not require a fire alarm. The lease also required the tenant to replace the walls before vacating.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to grant a 90-day extension. Motion failed 1 – 6 with only Mr. Phillips voting yes.

Reference CE03100824

Bi-Ads Inc. and Western Gazette Massey Hearing
545 Northwest 7th Terrace

Ms. Mohammed announced that this case was originally heard on January 27, 2004 with compliance ordered by April 26, 2004; on May 25, 2004 the date was extended to July 24, 2004; on August 24, 2004 the date was extended to November 23, 2004; on January 25, 2005 the date was extended to March 26, 2005. The property was now complied and fines had accrued in the amount of \$36,450.

Mr. Young recused himself from the case.

Mr. Bobby Henry, owner, stated they had done as well as they could. There had been some misunderstanding with the original documents but he had finally complied all violations.

Mr. Wayne Strawn, Building Inspector, concurred that the property was complied and agreed that they had worked very hard to comply. They had even paid for the removal of a tree that Mr. Strawn later learned was actually located on City property.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to reduce the fine to \$1,000. Board unanimously approved.

Reference CE04020473

Robert & Elizabeth Flowers Massey Hearing
2021 Southwest 38th Avenue

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by February 28, 2005. The property was not yet complied and fines had accrued in the amount of \$ 1,050.

Mr. Robert Flowers, owner, stated that he had submitted plans last month and there were some changes needed. He had hired a contractor to do the work as soon as plans were approved. He had just missed getting on last month's agenda.

Mr. Kenneth Reardon, Building Inspector, confirmed Mr. Flowers's statements and felt he would need the additional 90 days.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant an extension to June 28, 2005. Motion passed 6 – 1 with Mr. Mitchell dissenting.

Reference CE03111504

Julia Nicolaou Mavris
3057 Center Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on February 24, 2004 with compliance ordered by May 24, 2004. The property was complied and fines had accrued in the amount of \$3,300.

Mr. Stephen Cahen, attorney for the owner, explained that the owner, an elderly woman, had moved to a condo and rented the house to a "tenant from hell" who had made changes to the building without the owner's permission or knowledge. The tenant was eventually evicted and repairs made. Mr. Cahen requested that the fines be abated.

Mr. Mohammed Malik, Building Inspector, confirmed Mr. Cahen's statements.

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

Reference CE03111720

ESP Partners LLC
228 Southwest 21st Terrace

Massey Hearing

Ms. Mohammed announced that this case was originally heard on March 23, 2004 with compliance ordered by September 19, 2004. On August 24, 2004, the date was extended to February 22, 2005. The property was not complied and fines had accrued in the amount of \$ 2,700.

Mr. Harold Linderman, owner, informed the Board that he had intended in February to request a 4-month extension. He had been communicating with Inspector Reardon all along. He had obtained a permit and completed demolition of the top floor. He still needed to install a drop ceiling and an architect was currently working on the plans. He requested 4 more months to comply the property.

Mr. Kenneth Reardon, Building Inspector, stated that he had no objection to an extension.

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to grant an extension to the July 26 hearing date. Board unanimously approved.

Reference CE02041121

Alfred Lariviere
1131 Northwest 18th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on June 25, 2002 with compliance ordered by August 24, 2002. On August 27, 2002 the date was extended to September 25, 2002. The property was complied and fines had accrued in the amount of \$ 59,975.

Mr. Lindwell Bradley, Community Inspections Supervisor, stated that the new owner, Mr. Lariviere, was present. He noted that the Assistant City Attorney was aware that the owner who was cited for the violations was not present, the new owner was.

Mr. Daniel Taylor, attorney for the owner, stated that his client and Mr. Zacarro had purchased the property in May 2002 as an investment. Soon after they closed on the property, they were sent a notice to appear for code violations that had been going on since 1999. Mr. Lariviere did not realize that the property could have been complied by tearing out the room. Mr. Lariviere had met with Inspector Pignataro in April 2003 and confirmed what needed to be done to comply. Mr. Cahen related the steps his client had taken to try to comply and requested abatement of the fines for his client.

The Assistant City Attorney stated that in July 2002, the Code Enforcement Board found violations existed and an order was recorded. The Inspector later provided the Code Board with an affidavit stating that the property was not complied and a second order to impose the fine was entered in November 2002. Mr. Lariviere and Mr. Zacarro had taken title to the property in May 2002 subject to the City's lien; she was unsure of the amount of the lien when Mr. Lariviere took title as fines were still running at the time. Mr. Lariviere had complied the violations in 2004. Mr. Lariviere said that the lien was never disclosed to him during the sale.

Mr. Robert Pignataro, Building Inspector, stated that Mr. Lariviere and Mr. Zacarro knew of the violations when they purchased the property. Mr. Lariviere reiterated that he did not know anything was wrong when they purchased the property.

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to reduce the fine to 14,993.75. Board unanimously approved.

Reference CE03060782

Mayhoub & Sons, Inc.
909 Northwest 6th Street

Massey Hearing

Ms. Mohammed announced that this case was originally heard on February 24, 2004 with compliance ordered by May 24, 2004. On June 22, 2004 the date was extended to October 20, 2004; on October 26, 2004, the date was extended to February 22, 2005. The property was not complied and fines had accrued to \$22,800.

Mr. Kamil El Hassani, tenant, informed the Board that the contractor he hired had not completed the parking lot job. Mr. El Hassani requested additional time to finish the parking lot.

Mr. Wayne Strawn, Building Inspector, told the Board the job was almost completed. He had no objection to an additional 30 days for Mr. El Hassani to straighten things out with the contractor.

Mr. Mitchell noted that this property was an eyesore. Mr. Young felt the owner was trying to comply and wanted to grant him the additional 30 days. Mr. Mitchell was adamant that this property be maintained in the future.

Motion made by Mr. Young, seconded by Ms. Roche, to grant an extension to the April 26, 2005 meeting date. Board unanimously approved.

Reference CE03120005

Georgiann & John Bria
219 Southwest 21st Terrace

Massey Hearing

Ms. Mohammed announced that this case was originally heard on March 23, 2004 with compliance ordered by July 21, 2004. On July 27, 2004, the date was extended to November 24, 2004; on January 25, 2005, the date was extended to March 26, 2005. The property was not complied and fines had accrued in the amount of \$13,400.

Mr. John Bria, owner, requested an additional 60 days. He had hired a consultant who recommended a fire suppression system and then hired a contractor to install it. He felt the work could be completed in another 60 days

Mr. Kenneth Reardon, Building Inspector, had no objection to a 60-day extension.

Motion made by Mr. Young, seconded by Mr. Mitchell, to grant an extension to the May 24, 2005 hearing date. Board unanimously approved.

Reference CE04040326

Russell Parish & William Larock
1413 Southwest 19th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard August 24, 2004 with compliance ordered by February 28, 2005. The property was not complied and fines had accrued in the amount of \$1,050.

Mr. Russell Parish, owner, requested a 120-day extension. He had hired a contractor who was subsequently arrested, bringing work to a halt.

Mr. Kenneth Reardon, Building Inspector, stated he had no objection to additional time. He pointed out that Mr. Parish had retained a new contractor and was working to resolve the violations. He clarified what still needed to be done to comply.

Motion made by Mr. Young, seconded by Ms. Roche, to grant an extension to the July 26, 2005 hearing date. Board unanimously approved.

Reference CE04081827

American Federated Title
1925 Northwest 9th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on November 23, 2004 with compliance ordered by February 22, 2005. The property was not complied and fines had accrued in the amount of \$ 8,100.

Mr. Trevor Sterne, tenant, told the Board he had made changes to the plans and needed additional time to complete the project.

Mr. Mark Davis, Master Lessee, stated that he did not receive proper notice of the violations. He stated that these violations were caused by a former tenant.

Mr. Kenneth Reardon, Building Inspector, stated that notification was sent to the property owner, not to the leaseholder. Inspector Reardon had no objection to an extension.

Ms. Bazer noted for the record that notice was properly made.

Motion made by Mr. Young, seconded by Ms. Horn, to grant an extension to the May 24, 2005 hearing date. Motion passed 6 – 1 with Mr. Mitchell dissenting.

Mr. Phillips left the afternoon session at 2:00 p.m.

Mr. Rafter left the afternoon session at 2:20 p.m.

Reference CE04010824

Peter Balzer
2214 Southwest 4th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. On November 23, 2004 the date was extended to February 22, 2005. The property was not complied and fines had accrued in the amount of \$18,300.

Mr. Peter Balzer, owner, stated that he had managed to obtain permits only to be told by the City that the air conditioning must now be replaced. The air conditioner permit was pending. He requested an additional 60 days.

Mr. Kenneth Reardon, Building Inspector, stated that the owner had diligently been trying to comply the property. He noted that the Building Department wanted to see the air conditioning on the plans; Inspector Reardon had not cited him for the air conditioning. He had no objection to granting Mr. Balzer an extension.

Motion made by Mr. Young, seconded by Ms. Roche, to grant an extension to the May 24, 2005 hearing date. Board unanimously approved.

Reference CE03090391

Bernadine High
2617 Northeast 13th Court

Massey Hearing

Ms. Mohammed announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. On November 23, 2004 the date was extended to January 25, 2005; on January 25, 2005 the date was extended to March 22, 2005. Three of the original seven violations were still not complied and fines had accrued in the amount of \$11,900.

David High, the owner's son, stated that his mother had bought the property in August 2003 and subsequently discovered that all of the renovation work had been done without a permit. She had immediately hired a contractor. Only three of the original seven violations remained.

Mr. Louis Shaw, property manager, informed the Board that as of January 20, 2004, a contractor had been hired to complete the work. He explained the specific work that had been done without permits. During the purchase of the property, a title search had been done but they had not requested a disclosure, which would have revealed the violations. They had discovered after a time that the original contractor, Mr. Floria, had not applied for the permits and had found another company to perform most of the work. Mr. Shaw had sent a letter to the original contractor and spoken to him about honoring his contract to repair the railing to code specifications but Mr. Floria had so far not complied with their requests.

Mr. Mohammed Malik, Building Inspector, said he had no objection to allowing additional time. The railing must be repaired and the property must pass final inspection in order to obtain a certificate of occupancy.

Motion made by Mr. Young, seconded by Mr. Mitchell, to grant an extension to the June 28, 2005 hearing date. Board unanimously approved.

Reference CE02080917

Ross Terango

Massey Hearing

966 Northwest 51st Place

Ms. Mohammed announced that this case was originally heard on September 24, 2002 with compliance ordered by October 24, 2002. The property was complied and fines had accrued in the amount of \$33,550.

Ms. Debbie Orshefsky, attorney for the owner, related a brief history of the property. The order was entered on September 24, 2002 and called for the owner to obtain a building permit. In October her client applied for the permit. The permit was not issued by the ordered date of October 24, 2002 and on November 26, 2002 the claim of lien was placed on the property. Her client was never notified to reappear before the Code Enforcement Board to address the violation. Ms. Orshefsky admitted that it had taken two years for the building permit to be issued, but she noted that without the notice of a hearing when a fine and lien would be imposed, her client had no idea this was happening.

Mr. Wayne Strawn, Building Inspector, stated that he had taken this case over from Inspector Doug Kurtok. In 1998, the violation was discovered by a fire inspector and a permit was issued and had subsequently expired. Inspector Strawn noted that this owner was a licensed electrical contractor and should certainly understand how the process worked.

Motion made by Mr. Mitchell, seconded by Ms. Horn, to reduce the fine to \$11,737.50. Motion passed 3 – 2 as follows: Mr. Mitchell: Yes; Chair Hale: Yes; Ms. Horn: Yes; Mr. Young: No; Ms. Roche: No.

Reference CE01081572

Clarkson-Bergman
Family Partnership
350 Southwest 27th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on September 25, 2001 with compliance ordered by January 22, 2002; on January 22, 2002 the date was extended to February 21, 2002; on February 26, 2002 the date was extended to May 27, 2002; on May 28, 2002 the date was extended to June 27, 2002; on July 23, 2002 the date was extended to September 24, 2002; on September 24, 2002 the date was extended to December 23, 2002; on November 26, 2002 the date was extended to February 25, 2003; on January 25, 2005 the date was extended to March 22, 2005. The property was complied and fines had accrued in the amount of \$110,840.

Ms. Hope Calhoun, attorney for the family, informed the Board that the property was still owned by the family; her client, Baron Real Estate, had entered into a lease to develop the property. The former property manager had promised for years to make repairs at the property but never had. Here client had then entered onto the lease and did make repairs but did not want to displace the tenants while work took place. Chair Hale asked Ms. Calhoun if any escrow had been set aside for the fines when her client had leased the property and Ms. Calhoun replied that it had not.

Mr. Wayne Strawn, Building Inspector, stated that Ms. Calhoun had met with John Simmons, Assistant Community Inspections Director, and agreed to a one-third settlement of the fine. Ms. Calhoun clarified that Mr. Simmons had not, in fact, agreed to a one-third settlement.

Ms. Clarkson, owner of the property, explained that when they discovered the problems with the former lessee, they had gone into receivership. The receiver had acted just as badly as the former lessee. They had ultimately found the new lessee who agreed to take over the park and develop it for affordable housing.

Motion made by Mr. Young, seconded by Ms. Roche, to reduce the fine to \$33,252. In a roll call vote, the Board unanimously approved.

Reference CE04100753

Michael Cagle & Carlos Santiago Massey Hearing
2200 South Ocean Lane #1203

Ms. Mohammed announced that this case was originally heard on November 23, 2004 with compliance ordered for January 25, 2005. The property was complied and fines had accrued in the amount of \$500.

Mr. Scott Strawbridge, building contractor, stated that Mr. Cagle had been taken advantage of by an unscrupulous, unlicensed contactor. Mr. Strawbridge had obtained the permits but had then taken sick and this had delayed the project. He requested abatement of the fine.

Mr. Robert Pignataro, Building Inspector, confirmed Mr. Strawbridge's statements and said he had no objection to abatement.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to abate the fine. Board unanimously approved.

Reference CE04070285

Dwain Higginbotham Massey Hearing
1490 West Broward Boulevard

Ms. Mohammed announced that this case had originally been heard on July 27, 2004 with compliance ordered by October 25, 2004. On November 23, 2004, the date was extended to February 22, 2005. The property was not complied and fines had accrued in the amount of \$8,400.

Ms. Kathleen Higginbotham, the owner's daughter, explained that the original contractor she hired had disappeared. Then someone had driven a car into the building, causing additional problems. The new contractor had applied for the permits and felt the work should be completed in 2 to 3 weeks.

Mr. Wayne Strawn, Building Inspector, confirmed Ms. Higginbotham's statements and said he had no objection to an extension of 60 days.

Motion made by Mr. Mitchell, seconded by Mr. Young, to grant an extension to the May 24, 2005 hearing date. Board unanimously approved.

Approved for Imposition of Fine

Motion made by Ms. Roche, seconded by Mr. Young, to find the following cases were not complied by the date specified and therefore the fines would be imposed and continue to accrue.

CE04032621
Fine - \$ 800

CE04032660
Fine - \$ 18,300

CE04051804
Fine - \$ 5,400

Motion made by Mr. Mitchell, seconded by Ms. Roche, to release orders for the following cases. Board unanimously approved.

CE04101322

CE01100240

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to accept the minutes of the February 2005 meeting. Motion failed.

Cases Complied

Ms. Mohammed 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:

CE02070147
CE05021066

CE04040622
CE05021068

CE04121418
CE05021949

CE05021064
CE04070983

Cases Pending Service

Ms. Mohammed 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:

CE04120809

CE04081702

Cases Withdrawn

Ms. Mohammed 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:

CE05031491

Code Enforcement Board Meeting

March 22, 2005

Page 20

There being no further business to come before the Board, the meeting adjourned at 3:30 P.M.

Chair, Code Enforcement Board

ATTEST:

Lisa Edmondson,
Recording Secretary

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