

CODE ENFORCEMENT BOARD  
City Commission Meeting Room  
100 North Andrews Avenue  
May 24, 2005  
10:00 A.M – 2:45P.M.

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From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>Present / Absent</u>	
Pat Hale, Chair	A	3	2
Howard Elfman	A	1	4
Sarah Horn	P	5	0
Sam Mitchell	P	4	0
John Phillips	P	4	1
Rixon Rafter, Vice Chair	P	5	0
Myrnabelle Roche	P	4	1
Doug White	P	2	2
Bobby Young	P	5	0
Bruce Jolly, Board Attorney	P		

Staff Present

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

Also Present:

Joseph Falso, owner's agent, CE05041616  
\*Nicolas Ekonomo, owner's representative, CE04061048  
\*Randolph Williams, owner, CE04061470  
Lisa Sperry, owner's representative, CE04121116  
\*Peter Vuletic, contractor, CE04061917  
Dianne Draizin, paralegal, David Auld, Vice President, CE05041624  
\*Hope Calhoun, owner's attorney, CE03091916

\*Kathleen Higgenbotham, owner's daughter, CE04070285  
Douglas Bates, lessee's attorney, Allan Kozich, engineer, CE04070632  
\*Regina Blanchard, contractor, Donald Oppenheim, sub-contractor, CE02091580  
\*Jean Paul Tessier, tenant, Vincent Fazio, owner, CE02091580  
\*James Wilkes, owner's attorney, Jennifer Ames, owner, CE02091580  
\*David Lewis, Inez Lewis, owner, CE02091636  
\*Michael Stearns, attorney, CE02091636  
\*Heli Bonn Polk, owner, CE02070641  
\*Thomas Landmeier, owner, CE04061917  
\*John Bria, Thomas Williams, owner, CE03122005  
\*Ronald Coleman, owner, CE03080568  
Rick Williams, Linda Williams, owner, CE04120753  
\*John Fitch, contractor, CE04090951  
\*Martin Davis, owner, Trevor Sterne, tenant, CE04081827  
John Kuehne, owner, Mark Marcelino, owner, CE05030791  
\*David Klein, owner, CE04051213  
\*Yuly Gonzales, owner, CE09031433  
James Murphy, owner's representative, CE04040151  
Hope Calhoun, owner's attorney, CE04070632  
\*John Evans, architect, Kenneth Trent, owner's attorney, CE04032185  
Michael Pata, lessee, Michael Herian, owner, CE05041623

\*Massey Hearing

In the absence of Chair Hale, Vice Chair Rafter acted as Chair. Acting Chair Rafter called the meeting to order at 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.

### **1. Reference CE05041616**

Boniello Homes, Inc.  
331 Southwest 27<sup>th</sup> Avenue  
Tenant: Investments Unlimited

Sec. 104.1.1: Interior work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on May 12, 2005. She also stated that the inspector had a stipulated agreement with the owner to comply.

Mr. Thomas Clements, Fire Inspector, testified that as of his inspection yesterday, the violations existed as cited; he had informed the owner's agent that he must obtain after the fact permits for the interior work that was done. Inspector Clements informed the Board that he had a stipulated agreement with the owner to comply within 60 days or a fine of \$100 per day.

Mr. Joseph Falso, owner's agent, stated that he would be applying for the permit.

**Motion** made by Ms. Roche, seconded by Mr. Phillips, to order compliance by July 26, 2005, or a fine of \$100 per day would be imposed. Board unanimously approved.

## **2. Reference CE05041623**

Fram Davie One Inc.  
3223 Davie Boulevard

Sec. 104.1.1: Interior work without permits

Ms. Mohammed announced that certified mail addressed to the owner and the registered agent had both been accepted on May 13, 2005. She further stated that the inspector had a stipulated agreement with the owner to comply.

Mr. Thomas Clements, Fire Inspector, testified that interior work had been done without permits. He had informed the owner that he must obtain an after the fact permit. They were in this process but were being held up by the DRC and the need to install a water fountain. Inspector Clements had a stipulated agreement with the owner to comply within 60 days or a fine of \$100 per day.

**Motion** made by Ms. Roche, seconded by Mr. Mitchell, to order compliance by July 26, 2005, or a fine of \$100 per day would be imposed. Board unanimously approved.

## **3. Reference CE02091636**

D.R. & Inez Lewis  
2889 Southwest 16<sup>th</sup> Street

Request for Extension / Massey Hearing

Ms. Mohammed announced that this case was originally heard on February 25, 2003 with compliance ordered by August 25, 2003. On September 23, 2003 the date was extended to January 21, 2004; on January 27, 2004 the date was extended to May 26, 2004; on May 24, 2004 the date was extended to August 25, 2004; on August 24, 2004 the date was extended to November 22, 2004; on January 25, 2005 the date was extended to April 26, 2005. The property was still not complied and fines had accrued to \$61,550.

Mr. Michael Stearns, attorney for the owner, explained that they had erroneously sent a letter requesting an extension to the old address and the City had agreed to reschedule them for this meeting without fines accruing. The fines were therefore \$41,000, not \$61,000.

Mr. Stearns requested another extension to allow the owner to obtain a certificate of occupancy for a boardinghouse. They were now awaiting the last step of performing final inspections.

Mr. Wayne Strawn, Building Inspector, testified that it might take 90 days for final inspections and any last-minute corrections.

**Motion** made by Ms. Horn, seconded by Ms. Roche, to grant an extension to August 23, 2005. Board unanimously approved.

#### **4. Reference CE04061917**

Thomas Landmeier  
1128 Northeast 16<sup>th</sup> Street

Massey Hearing

Ms. Mohammed announced that this case was originally heard on October 26, 2004 with compliance ordered by April 24, 2005. The property was still not complied and fines had accrued in the amount of \$ 5,800.

Mr. Peter Vuletic, contractor, requested an extension because there had been delays finding contractors able to do the job. They had filed paperwork for permits last week.

Mr. Thomas Landmeier, owner, explained that the original contractors he hired had been unable or unwilling to work on his home. The original paver contractor had taken his deposit and left the country. He had hired Mr. Vuletic in March and hoped the process was finally under way.

Mr. Mohammed Malik, Building Inspector, stated that the paperwork was submitted on May 20 for the permits. He left it up to the Board to determine a deadline. Mr. Malik told the Board he had originally cited the property in October.

**Motion** made by Mr. Phillips, seconded by Mr. White, to grant an extension to August 23, 2005. Board unanimously approved.

#### **5. Reference CE02070641**

William & Heli Bonn Polk  
1604 Southwest 5<sup>th</sup> Court

Request for Extension

Ms. Mohammed announced that this case was originally heard on February 25, 2003, with compliance ordered by May 26, 2003. On May 27, 2003, the date was extended to November 27, 2003; on January 27, 2004, the date was extended to July 27, 2004; on August 24, 2004 the date was extended to February 22, 2005; on February 22, 2005 the date was extended to May 24, 2005. The property was not yet complied and fines had accrued in the amount of \$ 40,350.

Ms. Heli Bonn Polk, owner, asked for an extension. Her husband had been hospitalized and died in February. Then Ms. Polk hired a contractor who took her deposit and never performed work. The Sheriff's Office had returned her deposit to her and she had found a new contractor. She had refinanced the house twice to afford the repairs.

Mr. Ken Reardon, Building Inspector, felt it would take 180 days to complete repairs. He informed the Board that the case was finally moving forward and he had no objection to allowing an additional 180 days.

**Motion** made by Mr. Young, seconded by Mr. Mitchell, to grant an extension to November 22, 2005. Board unanimously approved.

## **6. Reference CE04070632**

Marina Holding Inc.  
2700 Southwest 25<sup>th</sup> Terrace

Request for Extension

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by September 28, 2004. On September 28, 2004 the date was extended to October 26, 2004; on October 26, 2004 the date was extended to January 25, 2005; on January 25, 2005 the date was extended to May 24, 2005. The property was not yet complied and no fines had accrued.

Ms. Hope Calhoun, attorney for the owner, informed the Board that the former tenant had recently filed for bankruptcy and there were discussions occurring regarding the property's state of tenancy. Mediation was set for May 31 in bankruptcy court and nothing could be done until after that process was complete. Inspector Strawn had agreed to allow 120 additional days to comply.

Mr. Douglas Bates, the lessee's attorney, agreed with Ms. Calhoun's explanation and requested 120 days for the debtor to get his affairs in order and to determine the validity of the lease.

Mr. Allan Kozich, architectural engineer, explained that all of the life safety issues except the electrical on the west side of the property were already taken care of; some permits needed to be closed out and there were a few housekeeping item as well.

Mr. Wayne Strawn, Building Inspector, agreed with Mr. Kozich that no progress had been made due to the financial situation.

Mr. Jolly stated that he felt the Board had no authority to issue any order to compel the expenditure of any money until the bankruptcy was completed. Ms. Roche noted that it was the tenant who had declared bankruptcy; she wanted to know who, other than the tenant, would be responsible for repairs after the bankruptcy. Ms. Calhoun stated that the owner was prepared to make repairs after the bankruptcy if need be. Her client recognized that he was ultimately responsible. Mr. Jolly suggested the Board grant an extension for 30 days.

Mr. Robert Kisarewich, Fire Inspector, explained that some of the wiring was not code-compliant. The road for the fire trucks was accessible but there was not enough room on the east end of the property for fire trucks to turn around 180°.

Mr. Bates stated that mediation meeting taking place on May 31 might not end in an agreement between the owner and lessee; a trial in bankruptcy court might be necessary.

Mr. Mitchell was concerned about the electrical issue. Mr. Kozich stated that this was not electric service to a building; it was electric provided to the dock area. Mr. Mitchell asked Mr. Jolly if the judge could order the release of funds to repair these electrical issues. Mr. Jolly stated that the judge did have that ability, but that would not be affected by the pending motion as it could not happen within 30 days. Mr. Kozich stated the electrical

repairs would cost approximately \$70,000. Mr. Bates stated that such expenditure could be ordered, but the debtor was very short on cash and he doubted that any payment that large could be made, even if ordered.

**Motion** made by Ms. Roche, seconded by Mr. White, to grant an extension to June 28 2005. In a roll call vote, motion passed 4 – 2 as follows: Ms. Horn, Yes; Ms. Roche, Yes; Mr. Mitchell, No; Acting Chair Rafter, Yes; Mr. White, Yes; Mr. Young, No. Mr. Phillips abstained from the vote.

### **7. Reference CE04032185**

Ward Harris Properties Inc. Request for Extension  
2901 East Las Olas Boulevard

Ms. Mohammed announced that this case was originally heard on January 25, 2005 with compliance ordered by April 25, 2005. The property was not complied and fines had accrued in the amount of \$16,800.

Mr. Kenneth Trent, owner's attorney, explained that he had not been able to get on the April agenda. He stated that lots of work had already been done at the property and his client had applied for permits.

Mr. John Evans, architect, assured the Board that researching the old permits had taken a very long time. He noted that work had been done and permits were in the works.

Mr. Bob Pignataro, Building Inspector, stated that he had no objection to a 60-day extension.

**Motion** made by Ms. Horn, seconded by Ms. Roche, to grant an extension to July 26, 2005. Board unanimously approved.

### **8. Reference CE03091916**

Navarro Enterprises Ltd. Request for Extension  
1337 Southwest 21<sup>st</sup> Terrace

Ms. Mohammed announced that this case was originally heard on October 28, 2003 with compliance ordered by April 28, 2004; on April 27, 2004 the date was extended to October 24, 2004; on October 26, 2004 the date was extended to April 26, 2005; on April 26, 2005 the date was extended to May 24, 2005. The property was not complied and fines had accrued in the amount of \$ 100.

Ms. Hope Calhoun, attorney for the owner, explained that comments had been made by the DRC that must be addressed. Her client had done so and then resubmitted the plans. Because of the DRC schedule, they would wait probably 4 to 5 months to appear before them again. She requested a 6-month extension.

Mr. Thomas Clements, Fire Inspector, noted that the property was moving forward and they were awaiting inspection on the permits. He suggested a 6-month extension to November 22, 2005.

**Motion** made by Mr. Young, seconded by Mr. Phillips, to grant an extension to November 22, 2005. Board unanimously approved.

### **9. Reference CE04090951**

Oscar Garcia  
1720 Southwest 35<sup>th</sup> Avenue

Massey Hearing

Ms. Mohammed announced that this case was heard on January 25, 2005 with compliance ordered by March 26, 2005. The property was complied on May 4, 2005 and fines had accrued to \$1,900.

Mr. John Fitch, contractor, explained that he had resubmitted the paperwork with the engineer's plan in April. He was told then that he needed a floor plan for the lighting change. He made the floor plan and when he tried to resubmit this, but was told that Inspector Reardon must sign off on the floor plan prior to submission. When he requested the walk-through inspection, he was told that this was not done for this type of permit. Mr. Fitch noted that he had been as diligent as possible through the entire process and requested abatement of the fines.

Mr. Ken Reardon, Building Inspector, concurred with Mr. Fitch that he had worked diligently to comply the property.

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

### **10. Reference CE04081827**

American Federated Title  
1925 Northwest 9<sup>th</sup> Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on November 23, 2004 with compliance ordered by February 22, 2005. On March 22, 2005 the date was extended to May 24, 2005. The property was not complied and fines had accrued to \$ 8,100.

Mr. Trevor Sterne, the tenant's representative, explained that plans had been submitted for permits in March. The plans had been approved, but permits were being held up because now the City was requiring a mechanical permit for which the tenant had never been cited. He requested an additional 60 days to resolve things.

Mr. Ken Reardon, Building Inspector, stated that he had no objection to a 60-day extension.

**Motion** made by Mr. Phillips, seconded by Mr. White, to grant an extension to July 26, 2005. Board unanimously approved.

### **11. Reference CE02091580**

Hammocks at Edgewood  
Developers Inc.  
2807 Southwest 15<sup>th</sup> Avenue

Request for Extension

The assistant City Attorney asked the Board to amend the order entered in October because of a typographical error. The original May 2004 agreement called for the electrical repairs to be made within 4 months. This was confirmed by a letter from the owner's attorney in May. The order that was issued erroneously put the compliance date in November (6 months instead of 4).

Mr. James Wilkes, the owner's attorney, stated that his client purchased the property in July and immediately began to correct the electrical violations. He noted that Mr. Strawn pointed out in May that 4 months would be insufficient time to comply. They had come back in October to request more time and been granted until May 25, 2005. The City's request to backdate the order, since no fines were accruing, seemed moot. He asked the Board to clarify the October order and find that there were no fines to date as their extension expired tomorrow.

Mr. Jolly stated that the effect of amending the order was just to correct a scrivener's error and wondered why this mattered. The Assistant City Attorney explained that in the supplemental order from October 26, 2004, there was a statement that any fines so far accrued were not abated. The Board believed at the time that fines had been accruing and would not consider abatement of those fines until the property was complied.

Mr. Mitchell noted that pages 14 through 17 were missing from transcripts Mr. Wilkes provided from the October hearing. Mr. Wilkes stated that he was not sure how much more reading the Board wanted in regard to the case but he had the pages with him if they wanted them. One of the pages included the opening statement by the clerk stating that no fines were accruing. Later on during testimony, the subject of fine accrual was discussed.

Mr. Wilkes noted that not only did the order state that compliance was ordered for November, a letter of compliance was offered at the October meeting for those electrical violations. Mr. Strawn confirmed that the Board meant to allow 4 months for the electrical violations. Mr. Strawn felt the more important transcript was the one from the May 2004 hearing where the Board ordered compliance with the electrical violations in 4 months, not 6.

Mr. Wilkes stated that his client was not the owner at the time of the May 2004 hearing. He offered the transcript from the May hearing to the Board. He said that he was intending to stipulate to the fact that the Board intended to allow 4 months to comply; this is why he had tried to get on the September agenda to request an extension for the electrical violations. He had not been able to get on the agenda until October.



The Assistant City Attorney stated that the City was contending that the electrical violations were not corrected by October 26, 2004, despite Mr. Wilkes's contention that they were.

**Motion** made by Mr. White, seconded by Mr. Young, to amend the 5/25/04 Order to reflect four (4) months from May 25, 2004, instead of six (6) months, to order compliance by September 25, 2004 with regard to the electrical violations. In a voice vote, the motion passed unanimously.

Mr. Wayne Strawn, Building Inspector, noted that density was the issue at the mobile home park. The state granted a license for 114 units, but the state was not the controlling entity. Neither the fire marshal nor the Building Department had approved the density in the park. The over-density situation was caused by previous owners. To his knowledge, the City had never brought this up or cited the property for this issue previous to this case.

Inspector Strawn stated the Fire Marshal had originally agreed to allow 12 months for residents to be notified that they must move due to the overcrowding. That 12-month period had expired. He admitted there was a conflict between the Fire Marshal's wanting some of the mobile homes removed and business issues for the owner.

Inspector Strawn noted that the City had very carefully documented the density violations. The removal of 32 trailers did not necessarily mean that the property was complied. Inspector Strawn stated that people would testify that the park owners were being "obstructionist" regarding the removal of trailers.

Acting Chair Rafter opened the hearing to the public.

Ms. Regina Blanchard, licensed mobile home installer, stated that she had worked for 7 years with the former owner of the mobile home park. He had hired her to help remediate the density situation at the park after they had been cited. She had begun removing the homes as they were sold. The new owners had applied for a restraining order to prevent her doing any more work for park residents. Ms. Blanchard had learned at a homeowner association meeting that the park owners were purchasing many mobile homes and then renting them out instead of removing them.

Ms. Blanchard stated that 90% of the vacant trailers were being removed when Chris Fallicio owned the park. The new homeowners were now told they must pay a \$1,000 security/damage deposit prior to moving their trailers; this was not in the bylaws. Ms. Blanchard and the homeowners feared that these deposits were being collected to cover the cost of fines for all of the violations and would never be returned to them. Ms. Blanchard noted that the new contractors moving the trailers were much more expensive than she was and did not offer financing.

Mr. Don Oppenheim, owner of Take Away, stated that concrete needed to be removed prior to moving the trailers. He was told he had to put up \$1,000 per lot, to enter the park to remove the concrete, a \$400 job. He noted that there were many other problems in the park. Concrete had been poured on top of septic tanks and holes subsequently drilled to perform repairs were never sealed properly. One worker had been injured falling through the broken concrete.

Mr. Jean Paul Tessier, a homeowner at the park, stated that he had a contract with Ms. Blanchard to move his home but the restraining order had prevented him from using her company. He was now forced to use Action Transporting and all of the paperwork must be filed again. He asked the Board to instruct the owner to allow Ms. Blanchard to work in the park.

Inspector Strawn presented a copy of a letter from another resident attesting to many of these same problems with the park management. Inspector Strawn stated that the Electrical Department wanted to maintain safety at the site until it was developed. They relied on the park's electrical engineer's reports in this regard. He certified each case for a period of 6 months only. He felt that if the owner's could present more specifics as to which electrical violations were corrected, the Fire Marshal could change his mind.

Mr. White asked if it was true that some trailers had been rented out instead of removed after they were sold. Mr. Wilkes admitted that they were and that some vacated spots had been taken up by recreational vehicles. Mr. White felt that this showed a lack of good faith on the part of the owner.

Mr. Wilkes asked for an extension until November as all trailers were due to be removed by then. Mr. Young was opposed to any extension and wanted the owner to return in 30 days to explained what progress had been made.

The Assistant City Attorney asked the Board to impose the existing fines.

**Motion** by Mr. Young, seconded by Mr. Phillips, to grant a 30-day extension. In a roll call vote, motion failed 2 – 5 as follows: Ms. Horn, No; Ms. Roche, No; Mr. Mitchell, No; Mr. White, No; Mr. Phillips, Yes; Mr. Young, No; Acting Chair Rafter, Yes.

Mr. Young asked Mr. Wilkes if any permits had been issued and if any violations were complied. Mr. Wilkes stated that the City had agreed to accept the reports form the electrical engineer. Inspector Strawn stated that the property was not in compliance with the National Electric Code, but he recognized a good faith effort to repair the electrical systems to make them safer. Inspector Strawn wanted to reinspect the property to determine whether the density problems had been resolved by the removal of some homes.

Mr. Phillips pointed out that the original stipulation stated that the owner had the right to request an extension.

**Motion** by Mr. Young, seconded by Mr. Phillips, to grant a 30-day extension. In a roll call vote the motion passed 4 – 3 as follows: Ms. Horn, Yes; Ms. Roche, No; Mr. Mitchell, No; Mr. White, No; Mr. Phillips, Yes; Mr. Young, Yes; Acting Chair Rafter, Yes.

## **12. Reference CE03080568**

Ms. Mohammed announced that this case was first heard on August 24, 2004 with compliance ordered by November 23, 2004. On January 25, 2005 the date was extended to February 22, 2005; on February 22, 2005 the date was extended to May 24, 2005. The property was not complied and fines had accrued to \$37,200.

Mr. Ronald Coleman, owner, stated that he had an agreement with Inspector Pignataro to comply the property within 30 days.

Mr. Bob Pignataro, Building Inspector, confirmed that he agreed to allow an additional 30 days.

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

### **13. Reference CE03120005**

John & Georgiann Bria  
219 Southwest 21<sup>st</sup> Terrace

Request for Extension

Ms. Mohammed announced that this case was first 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; on March 22, 2005 the date was extended to May 24, 2005. The property was not complied and fines had accrued to \$13,200.

Mr. John Bria, owner, explained that they were still working at obtaining permits due to several setbacks. He had agreed with Inspector Reardon to comply within 90 days.

Mr. Ken Reardon, Building Inspector, stated that there were a few issues to work out with the Fire Marshal. He felt 90 days would be sufficient.

**Motion** made by Mr. White, seconded by Mr. Mitchell, to grant an extension to August 23, 2005. Board unanimously approved.

### **14. Reference CE04061470**

Marran Irrevocable Living Trust  
Randolph Williams  
260 Southwest 20<sup>th</sup> Avenue

Request for Abatement

Ms. Mohammed announced that this case was first heard on January 25, 2005 with compliance ordered by March 26, 2005.

Mr. Randolph Williams, owner, stated that the City had agreed to accept the certifications from 2003 and would waive the final if Mr. Williams got an engineer to certify that the nailing pattern was properly done on the roof. Mr. Williams had done this and Inspector Reardon had reinspected and complied the property.

Mr. Ken Reardon, Building Inspector, stated he had no objection to abatement of the fines.

**Motion** made by Mr. Young, seconded by Ms. Roche, to abate the fines. Board unanimously approved.

**15. Reference CE04061048**

Biscayne Villas Acquisition  
421 Southwest 11<sup>th</sup> Street

Request for Extension

Ms. Mohammed announced that this case was first heard on January 25, 2005 with compliance ordered by April 25, 2005. The property was not complied and fines had accrued to \$5,600.

Mr. Nicolas Ekonomo, the owner's representative, stated that the realtor from whom they had purchased the property was supposed to take care of the violations prior to sale but had not. The owner had ultimately hired a contractor to handle the interior violations and the permits. Since the owner intended to sell the property for development or renovation, the contractor advised that the property just be demolished. Inspector Reardon had advised him that he just needed to remove the A/C unit and sprinkler pump and heads. He intended to have this done tomorrow instead of the demolition, for which he had already obtained a permit. Mr. Ekonomo assured Ms. Horn that there was a maintenance person who would keep the lawn after the sprinklers were removed.

Mr. Ken Reardon, Building Inspector, stated he had no objection to a 30-day extension.

**Motion** made by Ms. Roche, seconded by Mr. White, to grant an extension to June 28, 2005. Motion passed with Ms. Horn opposed.

**16. Reference CE04121116**

Mercedes Balboa  
1020 Northwest 4<sup>th</sup> Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on March 22, 2005 with compliance ordered by May 24, 2005. The property was not complied and no fines had accrued as yet.

Ms. Lisa Sperry, owner's representative, asked for a 90-day extension. The owner had hired an architect about one month ago and needed time to receive the plans and submit them for permits.

Mr. Wayne Strawn, Building Inspector, stated he had no objection to a 90-day extension.

**Motion** made by Mr. Young, seconded by Mr. Phillips, to grant an extension to August 23, 2005. Board unanimously approved.

**17. Reference CE04051213**

David Klein  
2061 Southwest 37<sup>th</sup> Terrace

Request for Extension

Ms. Mohammed announced that this case was first heard on November 23, 2004 with compliance ordered by January 25, 2005. On February 22, 2005 the date was extended to May 24, 2005. The property was not complied and fines had accrued to \$1,350.

Mr. David Klein, owner, requested an additional 30 days to comply. He was still in the process of obtaining the permits.

Mr. Ken Reardon, Building Inspector, stated he had no objection to a 60-day extension.

**Motion** made by Mr. Phillips, seconded by Mr. White, to grant an extension to July 26, 2005. Board unanimously approved.

**18. Reference CE96031433**

Yuly Gonzalez  
2181 Southwest 36<sup>th</sup> Terrace

Request for Extension

Ms. Mohammed announced that this case was originally heard on July 28, 1998 with compliance ordered by November 25, 1998; on January 26, 1999 the date was extended to May 26, 1999; on October 29, 2004 the date was extended to January 25, 2005; on January 25, 2005 the date was extended to April 26, 2005. The property was not complied and fines had accrued in the amount of \$100,450.

Ms. Yuly Gonzales, owner, spoke through Ms. Roche and asked which violation was still not complied. Mr. Ken Reardon, Building Inspector, stated that the windows and A/C violations were still open. Ms. Gonzales needed a permit for the windows, a permit for the A/C and the wiring for the A/C. Ms. Gonzales presented a permit she had obtained on May 20, 2005. Inspector Reardon said she now needed the mechanical permit. To obtain this, she needed proof of workers compensation insurance for the contractor.

Ms. Gonzales stated that she had proof of workers comp, but not proof of insurance. She had trouble getting in touch with the contractor. Ms. Gonzales asked for additional time to get in touch with the contractor. Inspector Reardon suggested an extension of 60 days.

Mr. Young asked Ms. Roche to inform Ms. Gonzales to bring her own interpreter to the next hearing in the event that Ms. Roche was not present.

**Motion** made by Mr. Phillips, seconded by Mr. White, to grant an extension to July 26, 2005. Board unanimously approved.

**19. Reference CE04070285**

Dwain Higgenbotham

Request for Abatement

1490 West Broward Boulevard

Ms. Mohammed announced that this case was originally heard on July 27, 2004 with compliance ordered by October 25, 2004; on November 23, 2004 the date was extended to February 22, 2005; on March 22, 2005 the date was extended to May 24, 2005. The property was complied and fines had accrued in the amount of \$8,400.

Ms. Kathleen Higgenbotham, owner's daughter, stated that the contractor had completed repairs and she had missed the deadline for last month's hearing to request abatement. Her father did not have insurance on the building when it was damaged, so Ms. Higgenbotham had paid for the repairs herself.

Mr. Wayne Strawn, Building Inspector, confirmed compliance dates and lapses.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to abate the fines. Motion passed with Mr. Mitchell opposed.

## **20. Reference CE05030791**

Marc Marcelino & John Kuehne  
323 Northeast 7<sup>th</sup> Avenue

Continued from April 26, 2005 hearing

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

Mr. Bob Pignataro, Building Inspector, testified that the violations still existed as cited. He had an agreement with the owner to comply within 6 months or a fine of \$100 per day. He also asked that the order be recorded.

Mr. John Kuehne, owner, said he never realized a permit must be issued for windows he replaced himself. He agreed to comply the property within 6 months.

**Motion** made by Mr. Phillips, seconded by Mr. Young, to order compliance within 6 months or a fine of \$100 per day would be imposed and to record the order. Board approved unanimously.

## **21. Reference: CE05041624**

Reliance Housing Foundation  
1244 Northeast 5<sup>th</sup> Terrace

Sec. 104.1.1: Work without permits

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

Mr. Dallas Shumaker, Fire Inspector, testified that the violation still existed as cited. He recommended ordering compliance within 30 days or a fine of \$100 per day.

Mr. David Auld, Vice President of Reliance Housing Foundation, stated that he had met with Inspector Shumaker yesterday. The biggest concern was the need to add 4 or 5 parking spaces for the new use. They had not been able to find any new parking and the president of the company told Mr. Auld it would be easier to vacate the building. He felt it would take 5 to 6 months to relocate and revert the property back to apartments.

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

## **22. Reference CE04120753**

Linda & Rick Williams  
1450 Southwest 21<sup>st</sup> Terrace

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on May 13, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violations existed as cited. Inspector Reardon presented a copy of inspection reports from October 14, 2003 and December 4, 2004 and photos of the property into evidence. He recommended ordering compliance within 90 days or a fine of \$100 per day.

Mr. Rick Williams, owner, stated that his mother lived in the home. She was an invalid and amputee who had been in and out of the hospital several times. The carport had been enclosed some time in the 1960s. The window contractor had told him that no permit was required; Mr. Williams would get an after the fact permit. His father was a contractor who did proper work, but Mr. Williams didn't know if a permit had been pulled for the fence or the shed either.

Mr. Reardon presented a copy of the permit history dating back to 1973 showing no permit for the carport or the shed. Mr. Rafter suggested to Mr. Williams that he research county records for permits that may have been issued prior to incorporation.

**Motion** made by Mr. Phillips, seconded by Mr. Young, to order compliance by November 22, 2005 or a fine of \$100 per day would be imposed. Motion passed with Mr. White opposed.

## **23. Reference CE04040151**

Thelma Murphy  
2481 Southwest 8<sup>th</sup> Street

Sec. 104.9.3.1: Expired permits

Ms. Mohammed announced that service was via the appearance of the owner at this hearing. She added that the inspector had an agreement with the owner to comply.

Mr. Kenneth Reardon, Building Inspector, testified that the violations existed as cited. The permit had already been renewed; the owner's daughter just needed to pay for it and pick it up. Inspector Reardon presented a copy of the inspection report and photos of the





recommended ordering compliance within 60 days or a fine of \$50 per day. He also asked that the order be recorded.

**Motion** made by Ms. Horn, seconded by Mr. Young, to order compliance by July 26, 2005 or a fine of \$50 per day, per violation would be imposed, and to record the order. Board unanimously approved.

Mr. Phillips left the hearing at 2:20 p.m.

**27. Reference CE05041522**

Fort Lauderdale Negro  
Chamber of Commerce  
1021 Northwest 6<sup>th</sup> Street

Sec. 1 1.7.5.1: Unable to inspect property

Ms. Mohammed announced that certified mail addressed to the owner had been received on May 13, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that the violation existed as cited. He recommended 30 days to comply or a fine of \$100 per day.

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

**28. Reference CE05041531**

Roosevelt & Franciane Delica  
1040 Northwest 9<sup>th</sup> Avenue  
Tenant: EPR CDs and Tape Sales

Sec. 1 1.7.5.1: Unable to inspect property

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

Mr. Dallas Shumaker, Fire Inspector, testified that the violation existed as cited. He recommended 30 days to comply or a fine of \$100 per day.

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

**29. Reference CE05041545**

Ronald Walker  
1201 Northwest 6<sup>th</sup> Street  
Tenant: Mount Bethel

Sec. 1 1.7.5.1: Unable to inspect property

Ms. Mohammed announced that certified mail addressed to the owner had been received on May 13, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that the violation existed as cited. He recommended 30 days to comply or a fine of \$100 per day.

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

**30. Reference CE05011455**

Nancy Sacks  
3410 North Ocean Boulevard  
Tenant: Baskets of Joy

Sec. 11-4.6.1: Required handicapped parking;  
Sec. 11-4.6.4: Required handicapped signage;  
Sec. 104.1: Work without permits;  
Sec. 104.2.5: Electrical work without permits

Ms. Mohammed announced that the City had received a fax from the owner's attorney requesting a continuance.

**Motion** made by Mr. Young, seconded by Ms. Roche, to continue the case August 23, 2005. Board unanimously approved.

**Approved for Imposition of Fine**

**Motion** made by Ms. Roche, seconded by Mr. White, to find the following cases were not complied by the date ordered and therefore the fines would be imposed and continue to accrue for properties not in compliance.

**CE04060813**  
Fine - \$ 5,800

**CE05020693**  
Fine - \$ 5,400

**CE03092396**  
Fine - \$ 9,400

**CE03070608**  
Fine - \$ 1,650

**Request for Release of Orders**

**Motion** made by Ms. Roche, seconded by Mr. White, to maintain (not release) the order for the following case. Board unanimously approved.

CE04071918

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

CE04080259

CE04082176

**Approval of Meeting Minutes**

**Motion** made by Ms. Roche, seconded by Ms. Horn, to accept the minutes of the April 2005 meeting. Board unanimously approved.

**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:

CE05041477	CE05041496	CE05041497	CE05031253
CE05031960	CE05040232	CE05040238	CE05040244
CE05040247	CE05041517	CE05041526	CE05041529
CE05041544	CE05041633	CE05031490	CE05041599
CE05041601	CE05041607	CE05050017	CE05041608

**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:

CE05031206	CE05041573	CE05041580	CE04111533
CE04122271	CE05010593		

There being no further business to come before the Board, the meeting adjourned at 2:45 P.M.

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Chair, Code Enforcement Board

ATTEST:

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Lisa Edmondson,  
Recording Secretary

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