

CODE ENFORCEMENT BOARD  
 City Commission Meeting Room  
 100 North Andrews Avenue  
 August 23, 2005  
 10:00 A.M – 12:12P.M.

---

From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>P</u>	<u>A</u>
Howard Elfman (alternate)	P		
Pat Hale, Chair	P	6	2
Sarah Horn	A	7	1
Sam Mitchell	P	7	0
John Phillips [10:40]	P	7	1
Rixon Rafter, Vice Chair	P	8	0
Myrnabelle Roche	A	6	2
Jan Sheppard	P	1	0
Doug White (alternate)	A		
Bobby Young	P	8	0
 Bruce Jolly, Board Attorney	 P		

Staff Present

Assistant City Attorney  
 Eve Bazer, Acting Assistant Director, Community Inspections  
 Farida Mohammed, Administrative Aide  
 Lynda Crase, Service Clerk  
 Lindwell Bradley, Acting Assistant Director, Community Inspections  
 Ivette Spence-Brown, Fire Inspector  
 Thomas Clements, Fire Inspector  
 Mohammed Malik, Building Inspector  
 Bob Pignataro, Building Inspector  
 Ken Reardon, Building Inspector  
 Dallas Shumaker, Fire Inspector  
 Wayne Strawn, Building Inspector  
 Lisa Edmondson, Recording Secretary

Also Present:

- \*CE01071635: Karen Kennedy Beard, Executive Director
- \*CE03011765: Sarah Morris, manager
- \*9009326: Cheryl Mencey, owner's niece
- \*CE03080416: Hector Flores, owner's son and registered agent
- \*CE04040326: Russell Parish, co-owner; William LaRock, co-owner
- \*CE03111720: Harold Lindemann, owner
- \*CE04110655: Jihad Doujeji, owner

CE03101792: Allen Kozich, architect; Robert Swickman, owner; Donald Olsen, manager  
CE05011416: Terry Benowitz, owner  
CE04051213: David Klein, owner  
\*CE02091636: Michael Stearn, owner's attorney; Rudolph Herman, general contractor;  
David Lewis, owner  
\*CE00061475: Michael Rosinski; Andrew Pineiro, attorney; James Goodwin, owner's  
representative; David Freznel, owner  
\*CE05012049: Arturo Pang, owner's representative; Siu Fu Cheung, owner  
\*CE05021420: Peter Calvo, owner

\*Massey Hearing

Chair Hale called the meeting to order at 10:08 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 CE05011416**

Terry Benowitz  
1509 Northeast 16<sup>th</sup> Avenue

Sec. 104.1: Work without permits

Ms. Mohammed announced that service was via the owner's appearance at this hearing and the inspector had a verbal agreement with the owner to comply.

Mr. Mohammed Malik, Building Inspector, presented photos of the property and a copy of the notice of violation, stated the violations existed as cited confirmed he had a verbal agreement with the owner to comply within 30 days or a fine of \$50 per day.

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

### **2a. Reference CE03011765**

Breakers Holding Corp. &  
International Beach Hotel Development  
909 Breakers Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on February 25, 2003 with compliance ordered by June 25, 2003. On August 26, 2003, the date was extended to November 24, 2003; on January 27, 2004, the date was extended to March 27, 2004; on March 23, 2004, the date was extended to May 22, 2004; on May 25, 2004, the date was extended to August 23, 2004; on August 24, 2004, the date was extended to February 22, 2005; on February 22, 2005, the date was extended to August 23, 2005. The property was complied and fines had accrued in the amount of \$6,300.

Ms. Sally Morris, property manager, requested abatement of the fines. She noted that it had taken almost a year to get vacation of a City easement to re-build their wall.

Mr. Mohammed Malik, Building Inspector, said he had no objection to reduction of the fine.

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

### **2b. Reference CE01071635**

Florida Trust for Historic Preservation      Request for Extension  
900 North Birch Road

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 February 24, 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 August 23, 2005. The property was still not complied and fines had accrued in the amount of \$3,000.

Ms. Karen Beard, executive director, explained that when their retaining wall was being repaired, it had fallen onto the International Beach Hotel's retaining wall. The Trust for Historic Preservation had waited for the hotel to complete repairs to its retaining wall and were now waiting for the engineer's plan to rebuild their wall. Once they received their plans, they would hire a contractor. Ms. Beard requested a 90-day extension.

Mr. Mohammed Malik, Building Inspector, said he had no objection to allowing another extension. He felt they may need more than 90 days to obtain permits.

**Motion** made by Ms. Sheppard, seconded by Mr. Young, to grant a 150-day extension to January 24, 2006. Motion passed with Mr. Mitchell opposed.

### **3. Reference CE03101792**

New River Dry Dock Inc.                                      Request for Extension  
2200 Marina Bay Drive East

Ms. Mohammed announced that this case was first heard on November 25, 2003 with compliance ordered by December 10, 2003. On January 27, 2004, the date was extended to May 26, 2004; on May 25, 2004, the date was extended to August 25, 2004; on August 24, 2004, the date was extended to February 22, 2005; on February 22, 2005, the date was extended to August 23, 2005. The original 18 violations all still existed and no fines had accrued to date.

Mr. Allen Kozich, architectural engineer, distributed a color-coded spreadsheet describing the work completed and in process at the property and noted that all life-safety issues were taken care of. Mr. Kozich informed the Board that the building was not used and the shed was only used for storage. He requested an additional 180 days to comply.

Mr. Wayne Strawn, Building Inspector, said he needed to determine if potable water was required in an unoccupied building. He did not object to a 180-day extension, as the marina was not operating at the site.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 180-day extension to February 28, 2006. Board unanimously approved.

#### **4. Reference 9009326**

Cleveland Rowe  
930 Northwest 14<sup>th</sup> Street

Massey Hearing

Ms. Mohammed stated that this case was first heard on March 26, 1991 with compliance ordered by April 25, 1991. The property was complied in 1998 and fines had accrued in the amount of \$254,100. The City was requesting vacation of the order entered September 28, 2004 imposing the fines because of incorrect service. The City also wanted the Board to enter a new order to impose the fine as they now had valid service.

Ms. Cheryl Mencey, the owner's niece, explained that the property was complied in 1998. Ms. Mencey had taken over the property to prevent foreclosure and was now living there while it went through probate. She asked the Board to abate the fines.

Mr. Wayne Strawn, Building Inspector, stated there was one derelict vehicle on the property; other than that, it was clean. Ms. Mencey stated she could not move the car, as it was part of the probate proceeding.

The Assistant City Attorney confirmed that service for the September 28, 2004 order was incorrect.

**Motion** made by Mr. Mitchell, seconded by Mr. Young, to vacate the previous order dated September 28, 2004. Board unanimously approved.

**Motion** made by Mr. Mitchell, seconded by Mr. Young, to abate the fine. Motion passed with Ms. Sheppard opposed.

#### **5. Reference CE02091636**

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

Request for Abatement / 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 26, 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; on May 24, 2005, the date was extended to August 23, 2005. The property was complied and fines had accrued to \$40,050.

Mr. Michael Stearns, attorney for the owner, requested abatement of the fines and explained that process his clients and the City inspectors had gone through to reconcile the violations. Mr. Stearns noted that most of the fines had accrued due to a miscommunication between himself, Mr. Lewis, and the City; Mr. Lewis's engineer had sent correspondence regarding the case to the Building Department in error and therefore missed the November agenda.

Mr. Wayne Strawn, Building Inspector, said he did not "support or oppose the request for abatement" and said he would leave it to the discretion of the Board.

Mr. David Lewis, owner, stated he did everything necessary to comply and did not neglect the case.

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

#### **6. Reference CE05021420**

Peter Calvo  
6801 Northwest 28<sup>th</sup> Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on May 24, 2005 with compliance ordered by July 26, 2005. The property was complied and fines had accrued in the amount of \$2,150.

Mr. Wayne Strawn, Building Inspector, testified that the plumbing permit was just issued and he would wait until the property passed final inspection to approve any abatement of the fine.

Mr. Peter Calvo, owner, stated he would call for final inspection this week. He stated that he had bought the property "as is", unaware that the previous owner had done much of the work himself.

**Motion** made by Mr. Rafter, seconded by Mr. Phillips, to grant a 60-day continuance to October 27, 2005. Board unanimously approved.

#### **7. Reference CE03111720**

ESP Partners LLC  
228 Southwest 21<sup>st</sup> Terrace

Request for Extension

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; on March 22, 2005 the date was extended to July 26, 2005. The property was still not complied and fines had accrued in the amount of \$5,400.

Mr. Harold Lindemann, owner, stated he had just received the interior demolition permit. He said he had returned the permit application to the Building Department three times to get the permit. He requested another 90 days to complete the work.

Mr. Ken Reardon, Building Inspector, said a set of offices had been built out on the second floor. They had been addressing fire safety issues in the upstairs areas. The property was going through plan review now. He had no objection to an additional 90 days.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 90-day extension to November 22, 2005. Board unanimously approved.

### **8. Reference CE03080416**

Floval Oil Corp.  
1075 West Sunrise Boulevard

Request for Extension

Ms. Mohammed announced that this case was originally heard on October 28, 2003 with compliance ordered by February 25, 2004. On February 24, 2004, the date was extended to August 24, 2004; on September 28, 2004, the date was extended to January 25, 2005; on February 22, 2005, the date was extended to August 23, 2005. Six of the original twelve violations were still not complied and fines had accrued in the amount of \$36,600.

Mr. Hector Flores, registered agent, stated the property was purchased to build a gas station and he had been advised by DRC that to talk to DOT about the property. Mr. Flores had later discovered there were DERM violations on this and some other properties they owned. He had then found out he needed an easement from a neighboring property. Mr. Flores requested a 180-day extension to February 28, 2006.

Mr. Wayne Strawn, Building Inspector, stated that the remaining violations concerned only the small office building. He confirmed that Mr. Flores was trying to "jump through all the hoops" for DOT. Any problems Inspector Strawn brought to Mr. Flores's attention were taken care of. He stated he had no objection to an extension of time.

**Motion** made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to February 28, 2006. Motion passed with Ms. Sheppard opposed.

### **9. Reference CE04040326**

Russell Parrish & William LaRock  
1413 Southwest 19<sup>th</sup> Avenue

Request for Abatement

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by February 28, 2005; on March 22, 2005 the date was extended to July 27, 2005. The property was complied and fines had accrued in the amount of \$1,050.

Mr. William LaRock, owner, stated they were victims of contractor fraud and requested abatement of the fines. He said they had worked with Inspector Reardon and Estelle Abrams to resolve issues at the property.

Mr. Ken Reardon, Building Inspector, confirmed that the property was complied on June 22, 2005. He also confirmed that the original contractor had committed fraud. He said 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.

**10. Reference CE05012049**

2501 Davie Boulevard Property                      Request for Abatement  
2501 Davie Boulevard

Ms. Mohammed announced that this case was first heard on February 22, 2005 with compliance ordered by April 23, 2005. The case was complied and fines had accrued in the amount of \$1,200.

Mr. Arturo Pang, the owner's representative, requested abatement of the fines. He said the owner had complied all of the violations by the ordered date, but Inspector Clements could not reinspect the property until a later date because he had been on vacation.

Mr. Dallas Shumaker, Fire Inspector, confirmed that all violations were now complied. He related the dates of the business's annual inspections and noted that fines had run while Inspector Clements was working.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to reduce the fine to \$400. Board unanimously approved.

**11. Reference CE04051213**

David Klein    Request for Abatement  
2061 Southwest 37<sup>th</sup> Terrace

Ms. Mohammed announced that this case was originally heard on November 23, 2004 with compliance ordered by January 25, 2005; on February 22, 2005 the date was extended to May 24, 2005; on May 24, 2005 the date was extended to July 26, 2005. The property was complied and fines had accrued in the amounts of \$1,350.

Mr. David Klein, owner, requested abatement of the fines. He said he had experienced problems getting the permit approved.

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

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

**12. Reference CE00061475**

Frenzel & Sons Plumbing Company                      Request for Abatement

5301 Northwest 9<sup>th</sup> Avenue

Ms. Mohammed announced that this case was originally heard on July 25, 2000 with compliance ordered by January 19, 2002; on March 26, 2002 the date was extended to April 25, 2002; on April 23, 2002 the date was extended to May 23, 2002; on November 26, 2002 the date was extended to January 25, 2003. The property was complied and fines had accrued in the amounts of \$65,900.

Mr. Andrew Pineiro, the owner's attorney, requested abatement of the fines. He explained that Mr. Frenzel was unaware of the violations when he purchased the building. He explained the corrections that Mr. Frenzel had made and permits he had obtained. Mr. Pineiro noted that Mr. Frenzel had spent in excess of \$200,000 to repair the building.

Chair Hale asked Mr. Pineiro why he had not returned for extensions for 14 months while the fines accrued. Mr. Pineiro said he did not represent Mr. Frenzel in 2003.

Ms. Ivette Spence-Brown, Fire Inspector, noted that the violations had taken some time to correct and Mr. Frenzel was slow to respond. Mr. Pineiro said the permit applications had gone back and forth several times between the engineer and the City.

Mr. David Frenzel, owner, said he had experienced trouble determining with City engineers exactly what needed to be done. He had hired 2 independent engineers to determine what needed to be done.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to reduce the fine to \$6,500. In a roll call vote, the motion failed as follows: Mr. Mitchell: No; Ms. Sheppard: Yes; Mr. Phillips: Yes; Mr. Young: No; Vice Chair Rafter: Yes; Mr. Elfman: No; Chair Hale: No.

Mr. Mitchell felt that City's administrative costs amounted to more than \$6,500. He asked if this owner had created the problem. Mr. Frenzel confirmed for Mr. Mitchell the building was in compliance at the time of closing. Inspector Spence-Brown said the owner had been living in the second floor apartment and had done the work himself to try to make it legal to live there.

Motion made by Mr. Young, seconded by Mr. Phillips, to reduce the fine to \$20,000. In a roll call vote, the motion passed as follows: Mr. Mitchell: No; Ms. Sheppard: Yes; Mr. Phillips: Yes; Mr. Young: Yes; Vice Chair Rafter: Yes; Mr. Elfman: Yes; Chair Hale: Yes.

### **13. Reference CE04110655**

Audy Unison LLC  
300 Sunset Drive

Request for Extension

Ms. Mohammed announced that this case was originally heard on March 22, 2005 with compliance ordered by April 26, 2005; on April 26, 2005 the date was extended to July 26, 2005. The property was not complied and fines had accrued in the amount of \$27,000.



Mr. Jihad Doujeji, owner, requested an additional 120 days. He said he had met with the inspector and an architect to discuss required repairs. Mr. Doujeji stated he was in the process of obtaining a master permit. He had tried to get on the agenda for the last meeting but had called too late. He informed the Board that he was unaware the violations existed when he purchased the property in 2003.

Mr. Bob Pignataro, Building Inspector, stated he opposed any extension as there were people living in the building and there were life safety issues. Mr. Doujeji's plans had failed plan review on July 25, 2005. Inspector Pignataro noted that Mr. Doujeji's engineer should have stayed on top of the requirements from the time Mr. Doujeji purchased the property.

Mr. Young felt they should not hold the owner entirely responsible; the architect and engineer bore some responsibility as well.

Motion made by Mr. Young, seconded by Mr. Phillips, to grant a 60-day extension to October 25, 2005. Board unanimously approved.

Mr. Jolly discussed recent emails and newspaper articles regarding Board members' participation in code inspection cases. He informed the Board that there was a state statutory prohibition against any member initiating or being actively involved in any investigation that would culminate in the initiation of a citation. Mr. Jolly noted that when the case came before the Board, this would violate statute and possibly amount to a violation of due process for the owner. Chair Hale asked if the member could recuse him or herself in such cases. Mr. Jolly stated that this was not a satisfactory action because as a Board member, they were not supposed to become involved. Recusal did not alter the fact that they had violated the statutory prohibition and become involved.

Mr. Young asked what should be done if a client became involved in a code case. Mr. Jolly said that this did not violate the statute, but he would advise the member to disclose his or her involvement and to not participate in that proceeding.

#### **14. Reference CE04050175**

Dennis & Danielis Almendares et al      Sec. 104.9.3.1: Expired permits  
1320 Southwest 28th Street

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

Mr. Ken Reardon, Building Inspector, testified that violations existed as cited. He presented a copy of the inspection report and recommended ordering compliance within 60 days or a fine of \$50 per day.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to order compliance within 60 days, by the October 25, 2005 meeting, or a fine of \$50 per day would be imposed. Board unanimously approved.

**15. Reference CE04060862**

Jose Cardinot  
1516 Northwest 4<sup>th</sup> Avenue

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

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on August 4, 2005 and the inspector had a stipulated agreement with the owner.

Mr. Wayne Strawn, Building Inspector, testified that he had a stipulated agreement with the owner to comply all three violations within 90 days or a fine of \$25 per day, per violation.

**Motion** made by Mr. Rafter, seconded by Mr. Phillips, to order compliance within 90 days, by November 22, 2005, or a fine of \$25 per day, per violation would be imposed. Board unanimously approved.

**16. Reference CE04061206**

American Federated Title Corp.  
1953 Northwest 9<sup>th</sup> Avenue

Massey Hearing

Ms. Mohammed announced that this case was first heard on April 26, 2005 with compliance ordered by July 26, 2005. The property was not complied and fines had accrued to \$2,025.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to continue the case for 30 days to September 27, 2005. Board unanimously approved.

**17. Reference CE04050192**

Progresso Development LLC  
1215 Northeast 2<sup>nd</sup> Avenue

Massey Hearing

Ms. Mohammed announced that this case was first heard on March 22, 2005, with compliance ordered by June 28, 2005. The property was not complied and fines had accrued to \$5,500.

**Motion** made by Mr. Rafter, seconded by Mr. Mitchell, to impose the fines. 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:

CE05070798  
CE05071510

CE05071292  
CE05071524

CE05071318  
CE05071531

CE05071494  
CE05071532

CE05071535  
CE05071755

CE05071538  
CE05071757

CE05071750

CE05071754

### **Cases Withdrawn**

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

CE05011455  
CE05041616

CE05031243

CE04090641

CE05011420

### **Requests to Vacate the Previous Order**

Ms. Mohammed announced that the City was requesting that the previous orders for the below listed cases be vacated. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to vacate the previous order for case CE04031382. Board unanimously approved.

### **Approval of Meeting Minutes**

**Motion** made by Mr. Rafter, seconded by Mr. Phillips, to accept the minutes of the July 2005 meeting. Board unanimously approved.

There being no further business to come before the Board, the meeting adjourned at 12:12 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.