

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

May 22, 2007

10:00 A.M. – 1:32 P.M.

<u>Board Members</u>	<u>Attendance</u>	1/31/2007 to 1/30/2008	
		<u>Present</u>	<u>Absent</u>
Rixon Rafter, Chair	P	4	0
Myrnabelle Roche, Vice Chair	P	3	1
Howard Elfman	P	4	0
Genia Ellis	P	3	0
John Greenfield	P	1	0
Sam Mitchell	P	3	1
John Phillips	P	3	1
Patricia Rathburn [alternate]	A	0	0
Jan Sheppard [alternate]	A	2	0
Doug White [alternate]	A	1	0

Staff Present

Assistant City Attorney
Bruce Jolly, Board Attorney
Farida Mohammed, Clerk, Code Enforcement Board
Debra Maxey, Secretary, Code Enforcement Board
Lindwell Bradley, Code Supervisor
Wayne Strawn, Building Inspector
Jorg Hruschka, Building Inspector
Mohammed Malik, Building Inspector
Will Anderson, Fire Inspector
Robert Kisarewich, Fire Inspector
Ivett Spence-Brown, Fire Inspector
Jamie Opperlee, Recording Secretary

Also Present:

CE05120450: Cesar Rojas, tenant
CE06050413: Phillip Schuman, owner; Jerome Teppes, attorney
CE06111002: John Gerecs, tenant
CE06040064: Jennifer Safina, Joseph Safina, owners
CE04061917: Thomas Landmeier, owner
CE04081702: Harry Arthur, contractor; Alex Charfen, owner
CE06050647: Gina Villavicencio, owner
CE05081210; 05080073; 05080021; 05080022: Simeon Jacobs, contractor;
Larry Shendell, attorney
CE06111428: Suzanna Ludlow, owner
CE04051739: Chris Zannini, owner
CE06020765: Lewis Moore, owner
CE06020537: Michael Davis, owner

CE06030354: Ghulum Usman, owner
CE06111667: Harry Winderman, attorney
CE04032185: Gordon Ward, owner; Jody Oberholtzer, friend of the owner; Kenneth Trent, attorney
CE07040546; 07040525; 07040549: Michael Small, manager
CE07040548: Edward Steinhardt, owner/partner
CE07040486: Henry Van Hurst, manager; John Voigt, attorney
CE06070690: Carlos Molina, owner's representative
CE04061917: Peter Vuletic, contractor
CE06050522: Richard Muldoon, owner
CE04062158: Flavie St. Pris, owner; Rolin Alexis, owner's son-in-law
CE07010240: Brian Burns, contractor
CE06111044: Renate Flik, manager
CE07040542: Bradley Young, project manager

Chair Rafter called the meeting to order at 10:01 a.m., introduced the Board and explained the procedures for the hearing.

The Board observed a moment of silence in memory of former Board member Sara Horn who passed away recently.

Mr. Phillips read a "Code Enforcement Officer's Prayer," and submitted a copy of it for the public record.

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

The following four cases for the same owner were heard together:

Case: CE05081210

Asoka Condo Association Inc.
1330 Holly Heights Drive

Case: CE05080073

Asoka Condo Association Inc.
1336 Holly Heights Drive

Case: CE05080021

Asoka Condo Association Inc.
1342 Holly Heights Drive

Case: CE05080022

Asoka Condo Association Inc.
1348 Holly Heights Drive

Ms. Mohammed announced that the respondent was present to request additional time to comply.

Mr. Simeon Jacobs, contractor, said he was “about four brick pavers away” from compliance. He reported the landscape plan was approved, and he would meet with Inspector Malik next week.

Mr. Mohammed Malik, Building Inspector, said he had no objection to an extension. He agreed the project was almost complete.

Mr. Larry Shendell, the owner’s attorney, confirmed the extension was for all four properties.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 30-day extension to 6/26/07 for all four properties. Board unanimously approved.

Mr. Lindwell Bradley, Code Supervisor, explained that Inspector Robert Pignataro had retired, and only given the City a few days notice, and Inspector Malik had agreed to take over some of his cases.

Case: CE06030354

Ghulam Usman
2621 North Ocean Boulevard

Ms. Mohammed announced that this case was first heard on 3/27/07 to comply by 5/22/07: 3 sections at \$100 per day per violation. The property was not complied and the respondent was present to request additional time.

Mr. Ghulam Usman, owner, explained that there had been a permit for the fence and dumpster, but he had applied for a new permit at Inspector Pignataro’s request. The permit application required a current survey, which had caused a delay. Mr. Usman requested 60 additional days.

Ms. Ellis asked about the window air conditioners. Mr. Usman said the air conditioners were installed in the 1950s when no permit was required. Mr. Mitchell asked Mr. Jolly if a permit would be required to replace the window air conditioners, and Mr. Jolly replied that it most likely would be required.

Mr. Wayne Strawn, Building Inspector, said he had just taken this case over, and had no objection to an extension so they could meet and discuss the requirements. Inspector Strawn explained that unless the replacement air conditioners were the same as the originals, Mr. Usman would need a permit to replace them.

Mr. Usman explained that he was planning to demolish the building and redevelop the site, but the market had changed and he was postponing the redevelopment for a couple of years.

Motion made by Mr. Phillips to grant a 60-day extension. Motion died for lack of a second.

Mr. Mitchell remembered that in March, Mr. Usman informed them of his intent to demolish the building, but requested time to research the plans, for which the Board had allowed him 60 days. Mr. Mitchell said there were life safety issues at the property and recommended a 30-day extension.

Motion made by Mr. Mitchell, seconded by Mr. Elfman, to grant a 30-day extension to June 26, 2007.

Mr. Phillips said he had recommended 60 days to allow Inspector Strawn to research the case and meet with Mr. Usman. Inspector Strawn said he did not object to a 60-day extension. He acknowledged that Mr. Usman might need to discuss the electrical issue regarding the air conditioners with the chief electrical inspector.

Mr. Mitchell amended his motion to a 60-day extension to July 24, 2007. Mr. Elfman agreed to the amendment.

Board approved 5 – 1 with Mr. Mitchell opposed.

[At 10:25 a.m., Ms. Roche arrived.]

Case: CE06040064

Hearing to Impose Fine

Jennifer Safina
1005 Southwest 7th Street

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 11/28/06: 1 section at \$100 per day. The property was complied 1/8/07 and the City was requesting imposition of a \$400 fine [reduced from \$4,000].

Mr. Joseph Safina, the owner's ex-husband, explained that his ex-wife had hired a contractor to install air conditioning. The contractor had never applied for a permit and refused to communicate with Ms. Safina. Mr. Safina had hired a new contractor, who determined that a new system must be installed, costing Ms. Safina an additional \$5,000. Mr. Safina noted that they were constantly in communication with Inspector Pignataro.

Mr. Mohammed Malik, Building Inspector, said he had just taken this case from Inspector Pignataro.

Motion made by Mr. Phillips, seconded by Mr. Greenfield, to impose no fine. Board unanimously approved.

Case: CE04032185

Hearing to Impose Fine

Ward Harris Properties Inc.
2901 East Las Olas Boulevard

Ms. Mohammed announced that this case was first heard 1/25/05 to comply by 4/25/05: 6 sections at \$100 per day. The property was complied and the City was requesting that the fines be imposed.

Mr. Jody Oberholtzer, friend of the owner, requested that no fine be imposed. He said fines had accrued when they had missed deadlines to request extensions.

Mr. Kenneth Trent, former attorney for the owner, explained that he had been responsible for one of the missed hearings that had caused fines to accrue. He asked that his client not be penalized for his error.

Ms. Mohammed stated the City was requesting half the total fine amount: \$8,400.

Gordon Ward, owner, said his sign contractor had informed him that he could not get a permit to repair the sign because of the code violations.

Mr. Mitchell suggested reducing the fine further so Mr. Ward did not sue Mr. Trent for legal malpractice.

Ms. Roche remembered that the Board had repeatedly requested that Mr. Ward correct the signage problem, but he had ignored their request.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to reduce the fine to \$5,400. Board unanimously approved.

Mr. Trent asked if the fine had been reduced based upon the hearing that he had missed. Mr. Phillips said the intent of his motion had been to "cut out your 30 days." Ms. Roche said she had not taken that into consideration; the fact that Mr. Trent had not appeared did not change the fact that the signage problem was not corrected.

Case: CE06050413

Request for Extension

Phillip & Joyce Schuman
443 Hendricks Isle

Ms. Mohammed announced that this case was originally heard on 6/27/06 with compliance ordered by 9/26/06: 1 section at \$100 per day. An extension had been granted from 11/28/06 to 1/23/07. The property was not complied and the owner was requesting an extension.

Mr. Jerome Teppes, attorney, explained that his client's contractor had been paid to apply for a permit, but there was "no record of what has happened afterwards." They had already spoken with Inspector Kisarewich, who had no objection to a 60-day extension.

Mr. Robert Kisarewich, Fire Inspector, informed the Board that he had seen "substantial improvements" at the property; the railings had been installed and the life safety issue therefore resolved. The owner had not yet received the permit, but there was an application made. Inspector Kisarewich said the permit needed to be paid for and

picked up, and inspections performed. Inspector Kisarewich said he had no objection to a 60-day extension.

Mr. Phillips asked if the citation had been specific enough, and Inspector Kisarewich explained that the owner had begun work on the railings without a permit, and the railings could not be considered "properly maintained" until the repair work was permitted and had passed inspection. Ms. Roche felt the repair work might call for another citation for having been done without a permit.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 60-day extension, to 7/24/07. Board unanimously approved.

Case: CE06111044

Request for Extension

Sable Resorts Inc.
3016 Bayshore Drive

Ms. Mohammed announced that this case was first heard on 2/27/07 with compliance ordered by 3/27/07, 2 sections at \$250 per day, per violation. An extension had been granted from 3/27/07 to 5/22/07. The property was not complied and the representative was requesting an extension.

Ms. Renate Flik, manager, stated they had applied for the permit, but the architect must make revisions to the plans. She requested a 60-day extension.

Mr. Robert Kisarewich, Fire Inspector, confirmed the permit application had been made, and the City was requiring new drawings because the original plans on file were not legible enough. Inspector Kisarewich wanted Ms. Flik to agree that the two units on the second floor that lacked access to two exits would not be occupied and Ms. Flik agreed.

Motion made by Mr. Greenfield, seconded by Ms. Ellis, to grant a 60-day extension, to 7/24/07. Board unanimously approved.

Mr. Mitchell confirmed that the two units' vacancy was not a condition of the motion.

Case: CE04081702

Request for Extension

Alex Charfen
1135 Northeast 12th Avenue

Ms. Mohammed announced that this case was first heard on 5/24/05 with compliance ordered by 8/23/05: 4 sections at \$50 per day. The property was not complied and the owner was requesting an extension.

Mr. Harry Arthur, contractor, said he had met with Inspector Malik this morning and they had agreed to a 90-day extension. Mr. Arthur explained that asbestos had been discovered at the house and must now be remediated before any other work was done. The owner already had a contract to have the asbestos removed.

Mr. Mohammed Malik, Building Inspector, confirmed with Mr. Arthur that the Board must approve any extension. Inspector Malik agreed the asbestos must be remediated, but wanted the owner to agree that within the 90 days, the architect would submit plans to the City.

Ms. Ellis asked if the house was prepared for the hurricane season. Inspector Malik said the property was secure and there was no debris present.

Inspector Malik clarified that he wanted a complete building plan submitted, not just the partial/demolition plan that Mr. Arthur had already prepared. Mr. Arthur said he could not speak for the architect, and noted that the purpose of the demolition was to allow the architect to see the illegal work done behind the walls, and determine what could stay and what must be replaced. Mr. Arthur agreed to get the plans as quickly as possible from the architect.

Ms. Roche asked if demolishing the house to a shell would comply the property, and Mr. Charfen could begin the reconstruction of the house. Inspector Malik agreed that if all the illegal work were removed, the property would be complied, but if he wanted to keep some electrical and plumbing work, it would not be. Mr. Arthur said they did not intend to demolish the whole interior, but to rip out the dry wall and illegal electrical and plumbing and get the house back to its original footprint. Inspector Malik confirmed that if they removed everything and passed inspection, the property would be complied.

Motion made by Ms. Roche, seconded by Mr. Phillips, to grant a 90-day extension to 8/28/07. Board unanimously approved.

Case: CE04061917

Hearing to Impose Fine

Thomas Landmeier
1128 Northeast 16 Street

Ms. Mohammed announced that this case was first heard 10/26/04 to comply by 4/24/05: 4 sections at \$50 per day. The property was complied on 5/3/07 and the City was requesting imposition of a \$1,000 fine.

Mr. Thomas Landmeier, owner, reminded the Board of the long history of his case, including the fact that the Building Department had at one point lost his plans for three months. Mr. Landmeier admitted that in the beginning, fines had run because he had not understood he must appear at a hearing to request extensions. Since he realized this, he had faithfully phoned Inspector Malik and appeared before the Board to provide progress reports and to request extensions.

Mr. Mohammed Malik, Building Inspector, noted that Mr. Landmeier had never been granted the extension for the hurricane period, and this was why he agreed to reduce the fine to \$1,000. He agreed that Mr. Landmeier was in constant contact with him as well. Inspector Malik informed Mr. Phillips that he had visited the property a few times.

Motion made by Mr. Phillips to reduce the fine to \$250. Motion died for lack of a second.

Motion made by Ms. Roche, seconded by Ms. Ellis, to impose no fine. Board unanimously approved.

Case: CE06111002

Request for Extension

Carter Property Enterprises Inc.
841 Northwest 57th Street

Ms. Mohammed announced that this case was first heard 1/23/07 to comply by 5/22/07: 1 section at \$50 per day. The property was not complied and the respondent was requesting an extension.

Mr. John Gerecs, tenant, said they had received the product specifications and had obtained the permits this month. He requested a 30 to 60-day extension to reduce the freezer's size.

Ms. Ivett Spence-Brown, Fire Inspector, had no objection to an extension.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 60-day extension, to 7/24/07. Board unanimously approved.

Case: CE07040548

6400 Associates LLC
6456 Northwest 5th Way

Ms. Mohammed announced that certified mail sent to the owner and registered agent were accepted on 4/28/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: INTERIOR ALTERATION WAS DONE WITHOUT A PERMIT.

Inspector Spence-Brown stated that this landlord had been unaware of the prior violations. She recommended ordering compliance within 90 days or \$50 per day.

Chair Rafter asked Inspector Spence-Brown to specify the alterations. Inspector Spence-Brown stated they had opened interior walls to get a larger space.

Edward Steinhardt, the owner's representative, explained that they had purchased the property in October 2006. At that time the attorney had ordered a property search report, which showed some violations, but not the one for which Mr. Steinhardt was appearing now. After receiving the notice of violation, he phoned Inspector Spence-Brown, who informed him the violations had continued for some time. They had contacted the prior owner, who claimed the former management company had done the illegal work. The management company had been sold and had no records. Mr. Steinhardt said he did not know what work to ask the architect to correct, since there were no records of the work done.

Mr. Phillips asked if the new owner had received an estoppel letter from the City indicating any outstanding code violations or liens. Mr. Steinhardt said the owner had, and this violation was not listed.

Mr. Phillips thought the citation was too vague. Inspector Spence-Brown said it was up to the landlord or tenant to comply by showing the City which walls were originally there, and which walls had been removed. Ms. Roche thought the citation was too vague as well. Mr. Mitchell noted that the owner should be able to obtain the floor plan for the building from the City; Ms. Roche said these were not always available.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to find in favor of the City. Board unanimously opposed.

Case: CE06020537

Request for Extension

Michael L. Davis
2315 Northwest 13th Street

Ms. Mohammed announced that this case was first heard 1/23/07 to comply by 4/24/07: 3 sections at \$25 per day, per violation. The property was not complied, and the owner was requesting additional time to comply.

Mr. Michael Davis, owner, requested an extension. He described work he had already done, and explained he needed time to obtain additional funds to afford the driveway, window and door work. He requested at least 60 days.

Mr. Wayne Strawn, Building Inspector, confirmed the work Mr. Davis had already done, and remarked that "Mr. Davis's property is one of the better looking properties on the street." Inspector Strawn had no objection to an extension.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant a 60-day extension, to 7/24/07. Board unanimously approved.

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

Case: CE04051739

Request for Extension

Oasis Falls Condo Association Inc.
1424 Holly Heights Drive

Ms. Mohammed announced that the property was not complied and the owner was here requesting additional time to comply.

Mr. Chris Zannini, owner, informed the Board that their master permits were all approved except for the electrical section, and they had needed to hire a new electrical contractor. The contractor should finish the storm water drainage problem in the driveway before June 8. Mr. Zannini requested a 60-day extension for both properties.

Mr. Mohammed Malik, Building Inspector, did not object to a 60-day extension.

Case: CE04051740

Oasis Falls Condo Association Inc.
1430 Holly Heights Drive

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 60-day extension to 7/24/07 for both cases. Board unanimously approved.

Case: CE06020765

Lewis & Sheila Moore
1601 Northwest 10th Avenue

Ms. Mohammed announced that notice was via the appearance of the owner at this hearing.

Mr. Wayne Strawn, Building Inspector, testified to the following violations:

- FBC 105.1: THE FOLLOWING CONSTRUCTION, ADDITIONS AND ALTERATIONS HAVE BEEN DONE WITHOUT OBTAINING A PERMIT AS REQUIRED:
 1. CONSTRUCTION OF A FRONT PORCH ROOF
 2. ENCLOSURE OF A REAR PORCH FOR LIVING SPACE.PERMIT #OA745678 FOR "ADD ROOF OVER SLAB" HAS EXPIRED WITHOUT PASSING ANY REQUIRED INSPECTIONS. THE PERMIT HAS BECOME "NULL AND VOID" AND THE WORK DONE UNDER THE AUSPICES OF THIS PERMIT NOW EXISTS AS NON-PERMITTED WORK.
- FBC 106.10.3.1: THE PERMIT FOR THE "ROOF OVER SLAB" (#OA745678) HAS EXPIRED WITHOUT PASSING ANY FIELD INSPECTIONS. THE PERMIT HAS BECOME "NULL AND VOID".
- FBC 1612.1.2: THE CONSTRUCTION METHODS AND MATERIALS USED TO BUILD THE FRONT PORCH ROOF AND THE ENCLOSURE OF THE REAR PORCH AREA DO NOT PROVIDE THE STRENGTH REQUIRED FOR THE WIND AND GRAVITY LOADS THAT THEY MAY BE SUBJECTED TO.
- FBC 105.2.5: THE ELECTRICAL SYSTEM HAS BEEN EXPANDED BY THE INSTALLATION OF CIRCUITS IN THE REAR ENCLOSURE. NO PERMITS WERE OBTAINED FOR THE ADDED CIRCUITS.

Inspector Strawn presented the 2/5/07 Inspection Report and photos of the property, lettered A through E, and noted the front porch roof had been removed. He described the alterations made, and stated the porch roof had been legally constructed in 1974, but then the porch had been enclosed illegally for living space. Inspector Strawn said the alteration predated Mr. Moore's ownership of the property. Inspector Strawn requested a finding of fact for the violations.

Mr. Lewis Moore, owner, said he purchased the house in 1996 and a search concluded that the property had no violations. Mr. Moore said rather than pay an engineer \$6,000 to determine how to address the front porch problem, he had removed it. Inspector

Strawn said the problem was complicated by the fact that whoever made the alteration had removed the original exterior wall, which must now be replaced.

Chair Rafter advised Mr. Moore to hire an engineer to determine what could be done.

Motion made by Mr. Phillips, seconded by Ms. Roche, to find in favor of the City and order compliance within 6 months, or a fine of \$50 per day, per violation. Board unanimously approved.

Case: CE06111428

Request for Extension

Suzannah Ludlow
1380 Southwest 25th Avenue

Ms. Mohammed announced that this case was first heard 1/23/07 to comply by 4/24/07: 1 section at \$25 per day. The property was not complied, and the owner was requesting additional time to comply.

Mr. Wayne Strawn, Building Inspector, explained that the work had been removed, and he was unsure of the compliance date. Ms. Ludlow confirmed that she had removed the fence on May 5. Inspector Strawn said the property was therefore not complied for eleven days. Inspector Strawn did not object to dismissal of the case.

Ms. Suzanna Ludlow, owner, said the permit had already been issued.

Motion made by Mr. Phillips, seconded by Ms. Roche, to impose no fine. Board unanimously approved.

Case: CE06111667

Request for Extension

Phillip Brown
2886 Northeast 26th Place

Ms. Mohammed announced that this case was first heard 2/27/07 to comply by 5/22/07: 8 sections at \$25 per day, per violation. The property was not complied and the owner was requesting additional time to comply.

Mr. Harry Winderman, attorney, explained that his client's father had died recently. Mr. Winderman stated Mr. Brown had closed off the second floor, where there was a life safety issue. Mr. Winderman requested 120-day extension.

Mr. Wayne Strawn, Building Inspector, stated the right-of-way issue was resolved and complied. Inspector Strawn noted that there been a lawsuit regarding a contractor's abandonment of the work. He did not object to an extension.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 120-day extension. Board unanimously approved.

Case: CE07040546

First Industrial LP
4710 Northwest 15th Avenue # C

Ms. Mohammed announced that certified mail sent to the owner was accepted on 4/24/07 and certified mail sent to the registered agent was accepted on 4/23/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- NFPA 1 4.5.8.1: SECOND FLOOR OFFICE DOES NOT HAVE A LEGAL EXIT.

Inspector Spence-Brown stated the landlord had submitted new plans to the City. She recommended ordering compliance within 60 days or \$50 per day.

Mr. Michael Small requested 120 days to comply because of the number of violations. He explained that there were seven life safety violations, four ADA violations and several miscellaneous violations.

Mr. Mitchell questioned the need for 120 days to address this one violation. Mr. Small explained that it would take time to have the work done. He pointed out that the next two cases were his as well.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find in favor of the City and order compliance within 60 days, by 7/24/07, or \$50 per day. Motion failed 2 - 5 with Mr. Phillips, Ms. Ellis, Mr. Greenfield, Mr. Elfman, and Chair Rafter opposed.

Motion made by Mr. Phillips, seconded by Mr. Greenfield, to find in favor of the City and order compliance within 120 days or a fine of \$50 per day. Motion passed 5 – 2 with Ms. Roche and Mr. Mitchell opposed.

Case: CE07040525

First Industrial LP
4750 Northwest 15th Avenue

Ms. Mohammed announced that certified mail sent to the tenant was accepted on 5/4/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: FIREWALL WAS OPENED WITHOUT A PERMIT.

Inspector Spence-Brown stated the original violation was written on 9/15/06 with additional inspections on 10/31 and 12/5/06. The violation still existed as cited. She requested the Board order compliance within 60 days or \$50 per day.

Mr. Michael Small stated the notice had been received in the corporate office on 5/9/07 and had come to Florida on 5/13. Mr. Small said he had hired two architectural firms and was bidding the job out. He requested 120 days.

Motion made by Mr. Phillips, seconded by Ms. Ellis, to find in favor of the City and order compliance within 120 days or a fine of \$50 per day. Motion passed 5 – 2 with Ms. Roche and Mr. Mitchell opposed.

Case: CE06050647

Request for Extension

Gina Villavicencio
1145 Northeast 5th Terrace

Ms. Mohammed announced that this case was originally heard on 1/23/07 with compliance ordered by 5/22/07: 2 sections at \$50 per day, per violation. The property was not complied and the owner was requesting additional time to comply.

Ms. Gina Villavicencio, owner, explained that the windows had been damaged during Hurricane Wilma, and she had a tenant with five children in the house. She had tried to help the tenant relocate, but could find no other place for her to rent. Ms. Villavicencio had therefore decided to install the windows without a permit. She had taken some time to find an engineer/contractor she could afford. He had made drawings and she thought she could submit the permit application. Ms. Villavicencio said she would just remove the fence because she could not afford to replace it. She requested 60 to 90 days to submit her permit application.

Mr. Mohammed Malik, Building Inspector, did not object to an extension. He noted that Ms. Villavicencio would need a shutter permit as well, because the windows were not hurricane proof.

Motion made by Ms. Roche, seconded by Mr. Greenfield, to grant a 60-day extension. Board unanimously approved.

Case: CE05120450

Request for Extension

D & D Resources LLC
400 Northeast 13th Street

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 2/27/07: 3 sections at \$50 per day, per violation. An extension had been granted from 2/27/07 to 3/27/07 and from 3/27/07 to 5/22/07. The property was not complied and the owner was requesting an extension.

Mr. Cesar Rojas, the tenant, said he now had the sign permit. The contractor was scheduled to move the sign and alter the mounting struts next week. Mr. Rojas had also had an engineer create a drawing for the pavement application, but Inspector Malik had noted a correction that must be made before the plan was submitted. Mr. Rojas requested an additional 60 days.

Mr. Mohammed Malik, Building Inspector, did not object to an extension. He noted that Mr. Rojas had the drawings, which required revisions before submission.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 60-day extension. Board unanimously approved.

Case: CE07010240

Request for Extension

Leola Hankerson & Lannie Rawls
2800 Northwest 24th Street

Ms. Mohammed announced that this case was first heard on 2/27/07 with compliance ordered by 5/22/07: 3 section at \$20 per day, per violation. The property was not complied and the owner was requesting an extension.

Mr. Brian Burns, contractor, explained that they needed to hire an engineer and get product approval to submit to the Building Department. He requested 60 days.

Mr. Wayne Strawn, Building Inspector, reported that FBC 1612.1.2 and 9-280(b) were complied. They must now obtain the permit. Inspector Strawn did not object to an extension.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 60-day extension. Board unanimously approved.

Case: CE06070690

Villas Florence Inc
1114-1116 Southwest 4th Street

Ms. Mohammed announced that certified mail sent to the owner, corporate officer and registered agent were all accepted on 5/4/07.

Mr. Wayne Strawn, Building Inspector, testified to the following violations:

- FBC 105.1: TWO ONE STORY,(FOUR-UNIT) BUILDINGS HAVE BEEN ALTERED WITHOUT PERMITS. THE ALTERATIONS INCLUDE, BUT MAY NOT BE LIMITED TO:
 1. THE LAUNDRY ROOM WALL IN BUILDING 1114 HAS BEEN REPAIRED (THE REPAIR IS IMPROPERLY DONE AND LEAVES THE REQUIRED FIRE SEPARATION FOR THE METER ROOM COMPROMISED)
 2. EXTERIOR DOORS AND WINDOWS INSTALLED
 3. BATHROOM VANITIES INSTALLED
 4. KITCHEN CABINETS AND COUNTERS HAVE BEEN INSTALLED
 5. PARKING AREA HAS BEEN RESURFACED
 6. THE STUCCO ON BOTH BUILDINGS HAS BEEN COMPLETELY RE-DONE
- FBC 105.2.11: THE VENTILATION SYSTEM HAS BEEN ALTERED IN THE LAUNDRY ROOM. THE DRYER EXHAUST PIPE HAS BEEN INSTALLED WITHOUT A PERMIT.
- FBC 105.2.18: A PERIMETER FENCE WAS INSTALLED WITHOUT A PERMIT.

- FBC 105.2.4: THE PLUMBING SYSTEMS WERE ALTERED WITHOUT A PERMIT, INCLUDING, BUT NOT LIMITED TO:
 - 1) WATER HEATERS WERE REPLACED
 - 2) A SPRINKLER SYSTEM WAS INSTALLED
 - 3) BATHROOM FIXTURES AND VANITIES WERE REPLACED
 - 4) KITCHEN SINKS AND FAUCETS WERE REPLACED
 - 5) LAUNDRY ROOM PLUMBING SYSTEM ALTERED IN BLDG 1114
- FBC 105.2.5: THE ELECTRICAL SYSTEM HAS BEEN ALTERED WITHOUT A PERMIT, INCLUDING, BUT NOT LIMITED TO:
 - 1) PREMISE WIRING
 - 2) CIRCUIT TO POWER SPRINKLER SYSTEM
 - 3) CIRCUIT TO POWER LAUNDRY ROOM
 - 4) CIRCUIT TO POWER WATER HEATER
- FBC 1626.1: THE WINDOWS AND DOORS INSTALLED WITHOUT A VALID PERMIT DO NOT MEET THE IMPACT TEST CRITERIA AND ARE NOT PROTECTED BY ANY PROTECTIVE DEVICE (SHUTTERS) THAT MEET THE IMPACT CRITERIA.
- 25-13: THE SWALE AREA OF THE RIGHT OF WAY HAS BEEN PAVED OVER WITHOUT OBTAINING A PERMIT FROM THE CITY ENGINEER'S DEPARTMENT.
- 47-21.9 G.1. : A LANDSCAPE PLAN WHICH DEMONSTRATES THE REQUIRED RETROACTIVE REQUIREMENTS HAS NOT BEEN SUBMITTED TO THE LANDSCAPE DEPARTMENT.

Inspector Strawn submitted the original inspection report dated 7/13/06, and photos of the property as exhibits A through K. Inspector Strawn requested a finding the violations exist, and recommended ordering compliance within 90 days or a fine of \$50 per day, per violation.

Mr. Carlos Molina, owner's representative, said they bought the building one year ago, and had painted, replaced the roof and installed a fountain, all with permits. The violations were created by the previous owner. Mr. Molina said they had a general contractor to do the work, and their attorney was working with the previous owner. They had also applied for a bank loan to do the work. Mr. Molina requested 120 days to comply. Inspector Strawn did not object to 120 days.

Motion made by Mr. Phillips, seconded by Ms. Roche, to find in favor of the City and order compliance within 120 days or a fine of \$50 per day, per violation, and to record the order. Board unanimously approved.

Case: CE04062158

Hearing to Impose fine

Flavie St. Pris & Lou Francis
1316 Northwest 2nd Avenue

Ms. Mohammed announced that this case was first heard 7/26/05 to comply by 11/22/05: 3 sections at \$10 per day, per violation. Extensions had been granted from 3/28/06 to 5/23/06, from 10/24/06 to 1/23/07 and from 1/23/07 to 3/27/07. One of the

three original violations was still was not complied and the City was requesting imposition of a \$4,580 fine and its continued accrual until the property was complied.

Ms. Flavie St. Pris, owner, testified through an interpreter, Rolin Alexis, her son-in-law, and stated she bought the house in this condition and she had brought proof of this with her. Chair Rafter stated this did not matter; she must bring the house up to code. Mr. Alexis said Ms. St. Pris had spoken with a contractor, who informed her that he could not help her because she had bought the house in this condition. Chair Rafter reiterated that it was Ms. St. Pris's responsibility to bring the house up to code; she must find another contractor willing to do this.

Mr. Alexis said Ms. St. Pris asked "how much would she have to pay so she can just get it over with" because she was losing time at work to appear before the Board. Mr. Mitchell said there was "no dollar amount that she can pay to the City to correct this violation; her property is going to have to be corrected...there's just absolutely no way around it other than ...tearing that structure down." Ms. St. Pris refused to tear the addition off because this was how she purchased the house.

Mr. Mitchell strongly urged Ms. St. Pris to hire an attorney to present her case to the Board; the Board had repeated tried to explain the situation to Ms. St. Pris for over a year. Mr. Mitchell explained to Mr. Alexis that the Board was not stating Ms. St. Pris had made the alterations, but when she purchased the property, she purchased the violations on the property as well.

Ms. Roche explained the lien process to Ms. St. Pris, and informed her that this would make it difficult to sell the house.

Mr. Alexis asked what still needed to be done. Inspector Strawn said while he was investigating an illegal structure on the property that was now complied, he noticed that the footprint of the building appeared altered. He had researched this and determined that the current building did not confirm to the plan on file.

Mr. Lindwell Bradley, Code Supervisor, stated he would initiate a meeting with the owner, an official translator and Ms. St. Pris's attorney to try to convey the severity of the situation to her.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find the Board's order to correct the violations had not been complied with, to impose the \$4,580 fine and its continued accrual until the property is complied, and to record the order. Board unanimously approved.

Case: CE06050522
D & J Investments LLC
1300 Northwest 65th Place

Request for Extension

Ms. Mohammed announced that this case was first heard 7/25/06 to comply by 1/23/07: 5 sections at \$200 per day, per violation. Extensions had been granted from 2/27/07 to

3/27/07 and from 4/24/07 to 5/22/07. The property was not complied and the owner was requesting an extension.

Mr. Richard Muldoon, owner, said the architect would submit plans by week's end for the permit to install stairs and two exits. Mr. Phillips reminded Mr. Muldoon that he had promised plans would be submitted prior to today's hearing. Mr. Muldoon stated his contractor had encountered structural issues, and had needed to bring in an engineering firm. Mr. Muldoon produced a check he had written to hire the engineer.

Ms. Ivett Spence-Brown, Fire Inspector, stated the second floor had no legal exit; if there was a fire on the first floor, the second floor occupants could not exit.

Motion made by Ms. Ellis, seconded by Mr. Phillips, to grant a 30-day extension. Board unanimously approved.

Case: CE07040542

Victoria's Corporate Plaza LLC
6245 Northwest 9th Avenue

Ms. Mohammed announced that certified mail sent to the owner was accepted on 4/21/07 and certified mail sent to the registered agent was accepted [no date].

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 101 13.3.1: 2ND FLOOR SOUTH AND EAST HAS UNENCLOSED, UNPROTECTED VERTICAL OPENING.
- NFPA 101 40.3.4.1: FIRE ALARM REQUIRED WITH A PERMIT.

Inspector Spence-Brown said the property was originally cited on 4/5/06, with an additional inspection on 12/24/06. The owner had been granted time extensions by the Fire Marshall during that time, but the violations still existed.

Mr. Bradley Young, project manager, said plans had been submitted approximately two weeks ago for a fire sprinkler system. Mr. Young had retrieved the comments from the City's website and sent these to the engineer. Inspector Spence-Brown said she did not object to the additional time requested by Mr. Young, because he was going above and beyond what was required and installing sprinklers.

Motion made by Ms. Roche, seconded by Mr. Phillips, to find in favor of the City and order compliance within 60 days or a fine of \$100 per day, per violation. With Mr. Mitchell out of the room, motion passed 6 – 0.

The Board broke for lunch from 12:42 to 1:07. Mr. Mitchell returned.

Case: CE06030088

Arthur Sandwen
1525 Southeast 12th Court

Request for Extension

Ms. Mohammed announced that this case was first heard 4/24/07 to comply by 5/22/07: 1 section at \$50 per day. The property was not complied and the owner was requesting additional time to comply.

Ms. Mohammed explained that the owner was hospitalized, and Inspector Malik would request a 60-day extension on his behalf.

Mr. Mohammed Malik, Building Inspector, said he had taken the case over from Inspector Pignataro. He recommended 60 days to allow him to "get to the bottom of this case." The owner was hospitalized with a stroke, and his nephew had called and stated the property was complied, but Inspector Malik thought this was not true. Inspector Malik said he must meet with the nephew.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 60-day extension. Board unanimously approved.

Case: CE07040523

Perry & Joyce Knight
% Kelly Parrish, Property Manager
776 Northwest 57th Court

Ms. Mohammed announced that certified mail sent to the owner and the tenant had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: SECOND FLOOR STORAGE LOFT WAS BUILT WITHOUT A PERMIT.

Inspector Spence-Brown stated the business was originally cited on 11/21/05 and had been granted extensions through 2006. She recommended ordering compliance within 30 days or \$250 per day.

Motion made by Mr. Elfman, seconded by Ms. Roche, to find in favor of the City and order compliance within 30 days or \$250 per day. Board unanimously approved.

Case: CE07040517

World Jet Inc
1020 Northwest 62nd Street
Tenant: GLE World

Ms. Mohammed announced that certified mail sent to the owner and the tenant had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 1 11.1.2: THERE ARE NO VOIDS IN THE ELECTRIC CIRCUIT BREAKER PANEL. THE COVER PLATE ON THE ELECTRIC JUNCTION BOX IS MISSING.

- NFPA 10 6.3.1: FIRE EXTINGUISHER IS PAST DUE FOR ANNUAL SERVICE.
- NFPA 101 7.10.1.1: EXIT SIGN IS MISSING IN THE OFFICE.
- NFPA 101 7.9.2.2: THE EXIT EMERGENCY LIGHT AND EMERGENCY LIGHT DOES NOT ILLUMINATE.

Inspector Spence-Brown stated the annual inspection was conducted on 9/29/06, with additional inspections in 2007. She recommended ordering compliance within 30 days or \$250 per day, per violation.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find in favor of the City and order compliance within 30 days or \$250 per day, per violation. Board unanimously approved.

Case: CE07040526

World Jet, Inc

1020 Northwest 62nd Street

Ms. Mohammed announced that certified mail sent to the owner had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 1 13.6.6.1.1: THERE ARE NO FIRE EXTINGUISHERS PROVIDED IN THE OFFICE. THERE ARE NO FIRE EXTINGUISHERS PROVIDED FOR THE HANGAR.
- NFPA 1 4.4.3.1.2: DOUBLE KEYED DEADBOLT IS ATTACHED TO EXIT DOOR.
- NFPA 101 7.10.5.1: EXIT SIGN DOES NOT ILLUMINATE.
- NFPA 101 7.9.2.2: EMERGENCY LIGHT DOES NOT ILLUMINATE.

Inspector Spence-Brown stated the annual inspection was conducted on 11/3/06 with additional inspections in 2006 and 2007. She recommended ordering compliance within 30 days or \$250 per day, per violation.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find in favor of the City and order compliance within 30 days or a fine of \$250 per day, per violation. Board unanimously approved.

Case: CE07040528

World Jet, Inc

1020 Northwest 62 Street

Tenant: Auto Team

Ms. Mohammed announced that certified mail sent to the owner and the tenant had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 1 11.1.2: THERE ARE VOIDS IN THE ELECTRIC CIRCUIT BREAKER PANEL.

- NFPA 101 8.3.3.1: WINDOWPANE GLASS SEPARATING HANGAR AND OFFICE IS NOT FIRE RATED.

Inspector Spence-Brown stated the annual inspection was conducted on 11/3/06, with additional inspections in 2007. She recommended ordering compliance within 30 days or \$250 per day, per violation.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find in favor of the City and order compliance within 30 days or \$250 per day, per violation. Board unanimously approved.

Case: CE07040529

World Jet, Inc
1020 Northwest 62nd Street

Ms. Mohammed announced that certified mail sent to the owner and the tenant had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- NFPA 101 7.8.1.2: EXIT/EMERGENCY LIGHT DOES NOT ILLUMINATE.

Inspector Spence-Brown stated the annual inspection was on 9/28/06, with additional inspections in 2006. She recommended ordering compliance within 30 days or \$250 per day.

Inspector Spence-Brown explained to Mr. Phillips that she first notified the tenants of the violations; if the tenant did not comply, she notified World Jet.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find in favor of the City and order compliance within 30 days or \$250 per day. Board unanimously approved.

Case: CE07040552

World Jet, Inc
1020 Northwest 62nd Street
Tenant: GLE

Ms. Mohammed announced that certified mail sent to the owner and the tenant had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 101 7.9.2.2: EMERGENCY LIGHTS DO NOT ILLUMINATE.
- NFPA 101 8.3.3.1: WINDOWPANE GLASS SEPARATING HANGAR AND OFFICE AREA IS NOT FIRE RATED.

Inspector Spence-Brown stated the annual inspection was on 9/29/06, with additional inspections in 2006 and 2007. She recommended ordering compliance within 30 days or \$250 per day, per violation.

Motion made by Mr. Phillips, seconded by Ms. Roche, to find in favor of the City and order compliance within 30 days or \$250 per day, per violation. Board unanimously approved.

Case: CE07040568

World Jet, Inc
1020 Northwest 62nd Street # 6
Tenant: Schmidt Av

Ms. Mohammed announced that certified mail sent to the owner and the tenant had been accepted on 5/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 1 4.4.3.1.2: KEYED LOCK IS ATTACHED TO EXIT DOORS.
- NFPA 101 7.5.2.1: EXIT SIGN DIRECTS EGRESS THROUGH A KEYED DOOR.

Inspector Spence-Brown stated annual inspection was on 10/13/06 with additional inspections in 2006. She recommended ordering compliance within 30 days or \$250 per day, per violation.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find in favor of the City and order compliance within 30 days or \$250 per day, per violation. Board unanimously approved.

Case: CE07012039

John Mink Revocable Trust
5782 Northwest 9th Avenue

Ms. Mohammed announced that service was via posting at the property and City Hall on 4/13/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

- NFPA 1 14.13.1.1: THERE ARE NOT ENOUGH EMERGENCY LIGHTS PROVIDED.
- NFPA 101 7.2.1.7.2: SECURITY BAR IS ATTACHED TO EXIT DOOR WITH PANIC HARDWARE.

The following violation was complied:

- NFPA 101 13.1.7.1: TOTAL SEATING EXCEEDS LICENSED MAX CAP.

Inspector Spence-Brown recommended ordering compliance with NFPA 1 14.13.1.1 and NFPA 101 7.2.1.7.2 within 30 days or \$250 per day, per violation.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find in favor of the City and order compliance with NFPA 1 14.13.1.1 and NFPA 101 7.2.1.7.2 within 30 days or \$250 per day, per violation. Board unanimously approved.

Case: CE07040572

Richard & Marcie Spreen
6680 Northwest 17th Avenue

Ms. Mohammed announced that certified mail sent to the owner had been accepted on 4/20/07, and the inspector had a stipulated agreement with the owner.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: INTERIOR ALTERATION WAS DONE WITHOUT FIRST OBTAINING A PERMIT.

Inspector Spence Brown stated she had a stipulated agreement with the owner to comply within 60 days or \$50 per day.

Motion made by Mr. Phillips, seconded by Ms. Roche, to approve the stipulated agreement, find in favor of the City and order compliance within 60 days or \$50 per day. Board unanimously approved.

Case: CE07040514

Bellamarc Investments Inc
6874 Northwest 9th Avenue

Ms. Mohammed announced that certified mail sent to the owner and registered agent had been accepted on 5/4/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- NFPA 1 1.7.5.1: UNABLE TO GAIN ACCESS FOR FIRE INSPECTION.

Inspector Spence-Brown stated the property was first cited on 3/8/06 with additional inspections in 2006. She recommended ordering compliance within 30 days or \$250 per day. Inspector Spence-Brown informed the Board that this was a church in a warehouse area, which was not allowed.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find in favor of the City and order compliance within 30 days or \$250 per day. Board unanimously approved.

Case: CE06061888

Hearing to Impose Fine

St. James Lodge #83 Inc
670 Northwest 22nd Road

Ms. Mohammed announced that this case was first heard on 8/22/06 to comply by 9/26/06: 1 section at \$100 per day. The property was not complied and the City was requesting imposition of a \$23,700 fine and its continued accrual until the property was complied.

Mr. Will Anderson, Fire Inspector, said he had taken over this case this morning.

Mr. Mitchell asked that the case be continued for 30 days and he would arrange access for the inspector to visit the premises. He stated he was not a member of that lodge, but was aware that the Masons leased this space for meetings. Mr. Mitchell stated he was a Mason and knew several Masonic families with whom he could get in touch to schedule the inspection.

Mr. Phillips felt Mr. Mitchell should recuse himself from this case and complete a conflict form, but Mr. Mitchell said he was not directly involved with this lodge. Ms. Roche also thought Mr. Mitchell should recuse himself, noting that Mr. Mitchell was effectively making a request on behalf of the property owner, and he should only do this after stepping down. Mr. Mitchell noted that he was not authorized to represent the owner, and reminded the Board that this was similar to another case for which he and Mr. Young had asked for time to contact a property owner. Inspector Anderson asked if Mr. Mitchell could provide him with contact information and he would get in touch with the lodge member, and Mr. Mitchell agreed.

Motion made by Mr. Phillips, seconded by Ms. Roche, to continue the case for 30 days. With Mr. Mitchell abstaining, motion passed 6 - 0.

Cases Complied

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

CE07040486	CE07040549	CE07040511	CE07040484
CE07040491	CE05010178	CE06081701	CE06081779

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:

CE07040513	CE06080836
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Cases Withdrawn

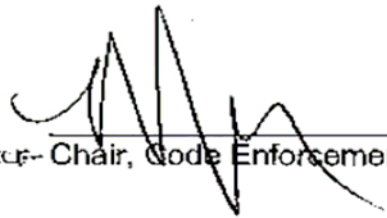
Ms. Mohammed announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE07040481

Approval of Meeting Minutes

Motion made by Mr. Phillips, seconded by Ms. Ellis, to approve the minutes of the Board's April 24, 2007 meeting. Board unanimously approved.

There being no further business to come before the Board, the meeting adjourned at 1:32 P.M.



Vice-Chair, Code Enforcement Board

ATTEST:



CLERK, CODE ENFORCEMENT BOARD

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