

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

July 24, 2007

10:00 A.M. – 1:10 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	5	1
Myrnabelle Roche, Vice Chair	P	5	1
Howard Elfman	P	5	0
Genia Ellis	P	5	0
John Greenfield	P	3	0
Sam Mitchell	P	5	1
John Phillips	P	5	1
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Patricia Rathburn [alternate]	A	0	
Jan Sheppard [alternate]	A	3	
Doug White [alternate]	A	1	

Staff Present

Ginger Wald, Assistant City Attorney

Bruce Jolly, Board Attorney

Farida Mohammed, Clerk, Code Enforcement Board

Mark Campbell, Secretary, Code Enforcement Board

Debra Maxey, Clerk III

Lindwell Bradley, Code Supervisor

Brian McKelligett, Administrative Assistant II

Wayne Strawn, Building Inspector

Jorg Hruschka, Building Inspector

Mohammed Malik, Building Inspector

Wilfret Anderson, Fire Inspector

Thomas Clements, Fire Inspector

Robert Kisarewich, Fire Inspector

Jorge Mederos, Fire Inspector

Ivett Spence-Brown, Fire Inspector

Jamie Opperlee, Recording Secretary

Also Present:

CE05120450: Cesar Rojas, tenant

CE05092124; CE05092015; CE05092038; CE05092046; CE05092051; CE05092093;

CE05100037; CE05092144; CE05100033; CE05100048; CE05100074; CE05100097;

CE05100374; CE05100380; CE05100382; CE05100391; CE05100446; CE05100394;

CE05100462; CE05100465; CE05100467; CE05100471; CE05100474; CE05100479;

CE05100483; CE05100484: Larry Wolk, attorney

CE05092038: Robert Benson, owner; Pablo Martin, owner

CE05100097: Tony Bernard, owner

CE05100380; CE05100382: Kevin Irish, owner; Michael McClure, owner

CE05100391: Carlos Bastidas, owner  
CE05100033: Mark Lobar, owner  
CE05080204; CE05021843: Jeffrey Cartwright, general contractor  
CE07030738: Chris Cartwright, owner  
CE05100483: Ronald Walker  
CE06030776: Sheryl Melson, owner  
CE07012044: Albert Manning, tenant  
CE06080836: Daniel Stein, attorney  
CE06050647: Gina Villavicencio, owner  
CE04051739, CE04051740: Anthony Zannini, owner  
CE04040071: Latasha Franklin, owner's sister-in-law  
CE04101430: Patrick Sullivan, owner, Mark Cervasio, FXE Assistant Airport Manager  
CE05121203: Audrey Demuth, owner; Joseph Titone, attorney  
CE06111044: Renate Flik, representative  
CE04060813: Constantin Foca, owner; Cesar Sordo, attorney  
CE05090061: Mark Benjamin, property manager  
CE06091348: John Pineres, employee  
CE03120005: John Bria, owner  
CE06050413: Jerome Teppes, attorney  
CE06061888: John Jackson, president  
CE05100479: Ray Schindler, William Lackey, owners  
CE03082110: Shelly Acoca, owner  
CE06111002: John Gerecs, owner  
CE06050522: Richard Muldoon, owner  
CE05081210: Simeon Jacobs, general contractor; Larry Shendell, attorney  
CE05080073; CE05080021; CE05080022: Larry Shendell, attorney  
CE06021206: Phillip Bagicalluppi, owner  
CE05121985: Victor Hechavarria, vice president; Gus Carbonell, architect

Chair Rafter called the meeting to order at 10:03 a.m., introduced the Board and explained the procedures for the hearing.

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

**Case: CE05120450**

Request for Extension

D & D Resources LLC  
400 Northeast 13<sup>th</sup> Street  
Tenant: Valvoline Express

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. Extensions had been granted from 2/27/07 to 3/27/07, from 3/27/07 to 5/22/07, and from 5/22/07 to 7/24/07. The property was not complied and the owner was requesting an extension.

Mr. Cesar Rojas, the tenant, explained that the sign company was now on their third subcontractor. Regarding the paving, Mr. Rojas said that business had been so bad in June to due a street closing, he had been unable to afford the paving work. Mr. Rojas

requested an additional 60 days to locate the plans and find a contractor to secure the after-the-fact permits.

Mr. Mohammed Malik, Building Inspector, confirmed that the street has been closed, and said he had seen no activity in the past two months.

Mr. Rojas explained to Mr. Mitchell he had lost approximately \$6,000 during the month of June due to the road closure. He said he had already spoken to three contractors regarding the after-the-fact permit.

**Motion** made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 30-day extension, the tenant to return for a progress report. Board unanimously approved.

Mr. Phillips arrived at 10:10.

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

**Case: CE05081210** Request for Extension  
Asoka Condo Association Inc.  
1330 Holly Heights Drive

**Case: CE05080073** Request for Extension  
Asoka Condo Association Inc.  
1336 Holly Heights Drive

**Case: CE05080021** Request for Extension  
Asoka Condo Association Inc.  
1342 Holly Heights Drive

**Case: CE05080022** Request for Extension  
Asoka Condo Association Inc.  
1348 Holly Heights Drive

Ms. Mohammed stated that these cases were first heard on 9/27/05 to comply by 10/25/05: 7 sections at \$250 per day, per violation. Extensions had been granted as stated on the agenda. The property was not complied and the owner was requesting additional time to comply.

Mr. Simeon Jacobs, general contractor, stated they were awaiting final inspection. He explained they had needed to reapply for two fence permits which were still in plan review, and this had caused a delay.

Mr. Jorg Hruschka, Building Inspector, had no objection to a 30-day extension.

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

**Case: CE05121985**

## Request for Extension

Lucy's Meat Market Corp.  
1708 Northwest 6<sup>th</sup> Street

Ms. Mohammed announced that this case was first heard on 2/28/06 with compliance ordered by 7/25/06: 17 sections at \$50 per day, per violation. Extensions had been granted from 7/25/06 to 8/22/06, from 9/26/06 to 1/23/07, and from 1/23/07 to 7/24/07. The property was not complied and the owner was requesting an extension.

Mr. Gus Carbonell, architect, described work already completed at the property. He informed the Board that plans were complete for the next phase, which would cost the owner approximately \$100,000. He stated they were having difficulty finding a contractor.

Mr. Carbonell described work that still needed to be done, and explained that the owner might need to apply to the Board of Adjustment to erect a fence instead of a wall pursuant to a request from FPL. Mr. Carbonell requested a 6-month extension.

Ms. Roche arrived at 10:23.

Mr. Mitchell asked if the owner would purchase the equipment himself, or leave this to the general contractor. Mr. Victor Hechavarria, owner, said they were considering which of their options was the most cost efficient. Mr. Mitchell said he wanted to be sure that when the owner appeared before the Board again, he had something "etched in stone" and was ready to move forward, and he therefore did not want to extend it for six months. Mr. Hechavarria apologized for the delays, reminding the Board that this was a very complicated, expensive project.

Mr. Carbonell did not expect the work would be complete in six months, but hoped they would have permits, contractors and work underway.

Mr. Wayne Strawn, Building Inspector, explained that for an after-the-fact permit, all of the subcontractors must be named, but that was not the case here; only the general contractor must be identified. Inspector Strawn said the City recognized this project's complexity and acknowledged the owner's efforts and he therefore did not object to an extension.

**Motion** made by Mr. Phillips, seconded by Mr. Greenfield, to grant a 6-month extension. Motion passed 4 – 3 with Mr. Elfman, Mr. Mitchell and Ms. Roche opposed.

**Case: CE04101430**

## Request for Extension

Performance Trading, Inc.  
2800 Northwest 62<sup>nd</sup> Street

Ms. Mohammed announced that this case was originally heard on 11/23/04 with compliance ordered by 1/25/05: 12 sections at \$250 per day, per violation. The actions

of the Code Enforcement Board were stated on the agenda. The property was not complied and the owner was requesting additional time to comply.

Mr. Patrick Sullivan, lessee, reported that the property was now complied. He thanked the Board for their patience.

Mr. Jorg Hruschka, Building Inspector, said only the electrical still required sign-off, which was being done now.

Mr. Sullivan reminded the Board of the many delays throughout the course of the project, and asked them to abate the fines. He noted that he was the only business owner in the past 10 years who had taken action to comply the property.

Mr. Mark Cervasio, Fort Lauderdale Executive Airport Assistant Manager, stated the airport was pleased Mr. Sullivan had made the improvements and supported the request for abatement of fines.

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

**Case: CE06091348**

Request for Extension

Donald Goldstein

3733 Southwest 12th Court

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 11/28/06: 3 sections at \$250 per day, per violation. Extensions had been granted from 11/28/06 to 2/27/07 and from 6/26/07 to 7/24/07. The property was not complied and the respondent was requesting an extension.

Mr. John Gomez, representative of the owner, requested additional time to comply. He explained that they had one final inspection scheduled for today. He stated they had experienced problems with the air conditioning and were now changing the entire system.

Mr. Jorg Hruschka, Building Inspector, said he had reviewed the property permit history. He did not object to a 30-day extension.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 30-day extension. 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 this case was originally heard on 9/27/05 with compliance ordered by 10/25/05: 9 sections at \$250 per day, per violation. The actions of the Code Enforcement Board were noted on the agenda. The property was not complied and the respondent was requesting an extension.

**Case: CE04051740**

Request for Extension

Oasis Falls Condo Association Inc.  
1430 Holly Heights Drive

Ms. Mohammed announced that this case was originally heard on 9/27/05 with compliance ordered by 10/25/05: 7 sections at \$250 per day, per violation. The actions of the Code Enforcement Board were noted on the agenda. The property was not complied and the respondent was requesting an extension.

Mr. Anthony Zannini, owner, informed the Board that they had installed and had inspection on a French drain at the property. At 1430 Holly Heights, the plans were approved, and at 1424 Holly Heights, only the electrical review was pending. The City had requested that they resubmit drawings that had been misplaced. Mr. Zannini hoped to have the architect resubmit those plans this week. Mr. Zannini requested a 30-day extension for both properties.

Mr. Jorg Hruschka, Building Inspector, did not object to a 30-day extension.

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

The following six cases were heard together:

**Case: CE05092124**

Request for Extension

Villa Sun Ray Condo Association Inc.  
720 Northeast 13 Court

**Case: CE05092015**

Request for Extension

Michael Bland  
720 Northeast 13 Court # 1

**Case: CE05092038**

Request for Extension

Pablo R. Martin  
720 Northeast 13 Court # 2

**Case: CE05092046**

Request for Extension

Jamie Schetter  
720 Northeast 13 Court # 3

**Case: CE05092051**

Request for Extension

Eric Von Karaschan  
720 Northeast 13 Court # 4

**Case: CE05092093**

## Request for Extension

Marc A. Kantor

720 Northeast 13 Court # 5

Ms. Mohammed announced that these cases were first heard on 1/24/06 with compliance ordered by 4/25/06: 10 sections at \$100 per day each. Extensions had been granted from 4/25/06 to 10/24/06, from 10/24/06 to 4/24/07, and from 4/24/07 to 7/24/07. The property was not complied and the owners were requesting extensions.

Mr. Larry Wolk, attorney, explained that the developer had walked away, stating he had run out of funds, and the owners were now on their own regarding repairs at their properties. The owners had collected the funds for the permits and picked them up, and had also hired a contractor. Mr. Wolk hoped the repairs would be completed within 90 days, and stated the inspector did not object to an extension.

Mr. Phillips remembered Mr. Wolk had been representing the developers, and felt this was a conflict of interest. He wanted to hear from the individual unit owners. Mr. Wolk explained that all of the owners were part of the association. Mr. Phillips wanted waivers from the individual unit owners authorizing Mr. Wolk to represent them. Mr. Jolly noted that individual owners were present to request an extension, and advised the Board to hear from the City first.

Ms. Roche agreed with Mr. Phillips, and thought each owner should appear individually; she believed Mr. Wolk had a "very clear conflict of interest." Mr. Mark Lobar, unit owner, explained that he was also authorized to represent the Condo Board. He stated the developer had notified the condo association 10 days ago that they were withdrawing financial support for the project, but the individual unit owners had not been notified in writing yet. Mr. Lobar said the Condo Board had given Mr. Wolk a very narrow scope of responsibility, limited to representing them before the Code Enforcement Board to request extensions.

Mr. Phillips feared Mr. Wolk's representation of the unit owners presented a conflict regarding liens the City might impose and Mr. Phillips did not want to set a precedent by allowing Mr. Wolk to represent individuals who were not present. Ms. Roche noted it was one thing for Mr. Wolk to speak for the developer and the association, and something else for Mr. Wolk to represent individual owners. She felt this did not comply with state condo statutes.

Mr. Jolly explained that while the issues brought up by Mr. Phillips and Ms. Roche might be technically valid, the Board could still grant the owners a 90-day extension to resolve their issues, regardless of how the application was made.

Mr. Jorg Hruschka, Building Inspector, reminded the Board that the owners were victims of circumstances over which they had no control. He wanted to grant the owners a 90-day extension, which he felt would be the first of many. He confirmed there were no life safety issues.

**Motion** made by Mr. Phillips, seconded by Ms. Ellis, to grant a 180-day extension for all 6 cases. Board unanimously approved.

The following 20 cases were heard together:

**Case: CE05100037** Request for Extension  
Villa Sun Ray Condo Association Inc.  
728 Northeast 13 Court

**Case: CE05092144** Request for Extension  
Bruce Darcy  
728 Northeast 13 Court # 6

**Case: CE05100033** Request for Extension  
John M. Weiss & Mark Lobar  
728 Northeast 13 Court # 7

**Case: CE05100048** Request for Extension  
Frank Rubino  
728 Northeast 13 Court # 8

**Case: CE05100074** Request for Extension  
Kenneth Goodwin & Jesus A. Margarinos  
728 Northeast 13 Court # 9

**Case: CE05100097** Request for Extension  
Tony Bernard  
728 Northeast 13 Court # 10

**Case: CE05100374** Request for Extension  
Sandra Sullivan  
728 Northeast 13 Court # 11

**Case: CE05100380** Request for Extension  
Kevin D. Irish & Michael W. McClure  
728 Northeast 13 Court # 12

**Case: CE05100382** Request for Extension  
Kevin D. Irish  
728 Northeast 13 Court # 13

**Case: CE05100391** Request for Extension  
Carlos Bastidas  
728 Northeast 13 Court # 14



**Case: CE05100446** Request for Extension  
Villa Sun Ray Condo Association Inc  
736 Northeast 13 Court

**Case: CE05100394** Request for Extension  
Sidney Jamila  
736 Northeast 13 Court # 15

**Case: CE05100462** Request for Extension  
Marc A. Kantor  
736 Northeast 13 Court # 16

**Case: CE05100465** Request for Extension  
Miguel A. Mato-Camacho  
736 Northeast 13 Court # 17

**Case: CE05100467** Request for Extension  
Michael Robinson  
736 Northeast 13 Court # 18

**Case: CE05100471** Request for Extension  
Jeremy S. Joiner & Carlos A. Mejia  
736 Northeast 13 Court # 19

**Case: CE05100474** Request for Extension  
Miguel A. Schiaffino & Ana T. Aubry  
736 Northeast 13 Court # 20

**Case: CE05100479** Request for Extension  
William Lackey & Ray J. Schindler  
736 Northeast 13 Court # 21

**Case: CE05100483** Request for Extension  
Ronald E. Walker  
736 Northeast 13 Court # 22

**Case: CE05100484** Request for Extension  
Sidney Jamila  
736 Northeast 13 Court # 23

Ms. Mohammed announced that this case was first on 1/24/06 to comply by 4/25/06; 10 sections at \$100 per day, per violation. Extensions had been granted from 4/25 to 10/24/06, from 10/24/06 to 4/24/07, and from 4/24/07 to 7/24/07. The properties were not complied and the owners were requesting additional time.

Mr. Larry Wolk, attorney, explained to the Board that the situation for these properties was the same as for the previous properties, and the owners were requesting a 180-day extension.

**Motion** made by Ms. Ellis, seconded by Mr. Phillips, to grant a 180-day extension for all 20 cases. Board unanimously approved.

**Case: CE05121203**  
Audrey Lynn Demuth  
2902 Northwest 69 Court

Hearing to Impose fine

Ms. Mohammed announced that this case was first heard on 1/23/07 with compliance ordered by 4/24/07: 4 section at \$10 per day, per violation. The property was not complied and the City was requesting imposition of a \$3,600 fine and its continued accrual until the property was complied.

Mr. Joe Titone, attorney, said he had spoken with Inspector Strawn, who suggested his client apply for a variance at the Board of Adjustment. Mr. Titone admitted that no movement had been made on the matter since the Board first heard the case in January.

Mr. Wayne Strawn, Building Inspector, explained that the property used to be located in Broward County where the fence had been legal, but after a hurricane, the fence was rebuilt in its original location, which was not allowed per Fort Lauderdale codes. Inspector Strawn informed the Board that most of the neighbors had fences exactly like this one. He explained that inside the fence, the owner had built up the elevation of the property to create a back yard; this would prevent the gate from swinging in.

Mr. Mitchell seriously doubted the Board of Adjustment would grant a variance for the fence. Inspector Strawn thought Ms. Demuth would be able to get on the Board of Adjustment agenda within a couple of months.

Ms. Audrey Demuth, owner, confirmed that many of her neighbors had the same fence, with the same gate. Chair Rafter remarked that it would be simple enough to stop the gate swinging onto the walkway; Ms. Demuth could permanently close the gate.

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

**Case: CE03120005**  
John & Georgiann Bria  
219 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 3/23/04 with compliance ordered by 7/21/04: 2 sections at \$100 per day, per violation. The actions of the Code Enforcement Board were noted on the agenda. The property was not complied and the owner was requesting additional time.

Mr. John Bria, owner, informed the Board he had passed plan review for the plumbing permit this morning and was going to pick it up later in the day or in the morning. He already had a contractor and hoped to complete work within 60 days.

Mr. Jorg Hruschka, Building Inspector, stated he had no objection to an extension.

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

**Case: CE06050413**

Request for Extension

Phillip R. & 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. Extensions had been granted from 11/28/06 to 1/23/07 and from 5/22/07 to 7/24/07. The property was not complied and the owner was requesting an extension.

Mr. Jerome Teppes, attorney, explained that his client's first contractor had "taken the money and run." The owner had hired a new contractor to do the work and the inspection was scheduled for the previous day. Inspector Kisarewich had informed Mr. Teppes the property had not passed final inspection. Mr. Teppes requested a 30-day extension.

Mr. Robert Kisarewich, Fire Inspector, informed the Board that he had no objection to an extension.

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

**Case: CE06111002**

Request for Extension

Carter Property Enterprises Inc.  
841 Northwest 57<sup>th</sup> 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. An extension had been granted from 5/22/07 to 7/24/07. The property was not complied and the respondent was requesting an extension.

Mr. John Gerecs, tenant, said the City had given mechanical approval on the plans; they still must pass electrical and fire. He requested a 30-day extension.

Ms. Ivett Spence-Brown, Fire Inspector, had no objection to a 30-day extension.

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

**Case: CE06080836**

Hearing to Impose Fine

South Point Inc.  
C/O Wilshire Credit Corp  
1121 Northeast 2nd Avenue

Ms. Mohammed announced that this case was first heard on 2/27/07 with compliance ordered by 3/27/07: 6 sections at \$150 per day, per violation. The property was not complied and the City was requesting imposition of a \$70,800 fine and its continued accrual until the property was complied.

Mr. Daniel Stein, attorney, informed the Board that his client had obtained ownership via foreclosure, and intended to make the required repairs in order to sell the property. He requested a 120-day extension.

Mr. Wayne Strawn, Building Inspector, said he had no objection to the requested extension.

**Motion** made by Mr. Mitchell to find the violations were not complied by the ordered date, and to impose the fine, continue its accrual, and record the order.

Mr. Jolly advised the Board to consider the owner's request for an extension first.

Mr. Mitchell withdrew his motion.

Mr. Phillips was concerned because the order recorded March 12 was against the prior owner. Mr. Jolly advised the Board not to be concerned with this issue today. Assistant City Attorney Wald stated the City did not object to the request for extension.

**Motion** made by Ms. Ellis, seconded by Mr. Greenfield, to grant a 120-day extension. Motion passed 6 – 1 with Mr. Mitchell opposed.

Mr. Phillips suggested that South Point Credit be re-noticed in this case. He felt that the City would not collect any of the fines, and the building would never be repaired unless Wilshire Credit Corp. was told new fines would accrue.

**Motion** made by Mr. Phillips that the City re-cite Wilshire Credit Corporation. Motion failed for lack of a second. Mr. Jolly advised this was not within the Board's purview.

The following two cases were heard together:

**Case: CE05080204**

Request for Extension

Viren Amin  
1341 Holly Heights Drive

Ms. Mohammed announced that this case was first heard 9/27/05 to comply by 10/25/05: 8 sections at \$250 per day, per violation. Extensions of time for compliance

were noted on the agenda. The property was not complied, and the owner was requesting additional time to comply.

**Case: CE05021843**

Request for Extension

Viren Amin  
1351 Holly Heights Drive

Ms. Mohammed announced that this case was first heard 9/27/05 to comply by 10/25/05: 10 sections at \$250 per day, per violation. Extensions of time for compliance were noted on the agenda. The property was not complied, and the owner was requesting additional time to comply.

Mr. Jeffrey Cartwright, general contractor, requested a 60-day extension to complete the projects.

Mr. Jorg Hruschka, Building Inspector, had no objection to a 60-day extension for both cases.

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

**Case: CE03082110**

Request to vacate order dated 2/24/04  
and impose fine

Shelley Acoca  
801 Southeast 16 Court # 1

Ms. Mohammed announced that this case was originally heard on 11/25/03 with compliance ordered by 1/29/04: 3 sections at \$100 per day, per violation. The property was not complied and the City was requesting vacation of the order to impose fines dated 2/24/04. The owner was present to request time to comply.

**Motion** made by Mr. Mitchell and seconded by Mr. Elfman to vacate the order to impose fines dated 2/24/04. Board unanimously approved.

Ms. Sally Acoca, owner, stated someone who previously lived with her had made the alterations and informed her that the problems had been corrected. She had sued this person for money he had misappropriated from her. Ms. Acoca had become aware the previous month that the permits had not been properly handled, and stated she was working with Mr. Jerry Jordan, former Code Enforcement Board Chair and contractor, to resolve the issues at her property. She had also spoken with Inspector Strawn, who felt a 120-day extension was needed.

Mr. Wayne Strawn, Building Inspector, said he had spoken with Mr. Jordan. Since plans must be drawn and submitted for the permits, he had no objection to an extension.

**Motion** made by Mr. Greenfield, seconded by Mr. Phillips, to grant a 120-day extension. Board unanimously approved.

**Case: CE04060813**  
Constantin Foca  
3040 Northeast 40<sup>th</sup> Court

Request to vacate order dated 5/24/05  
and impose fine

Ms. Mohammed announced that this case was originally heard on 10/26/04 with compliance ordered by 4/24/05: 4 sections at \$50 per day, per violation. The property was not complied and the City was requesting vacation of the order to impose fines dated 5/24/05 and imposition of a \$164,000 fine and its continued accrual until the property was complied. Notice of this hearing was posted on the property on 7/2/07 and at City Hall on 7/5/07. The owner was present to request time to comply.

**Motion** made by Mr. Phillips and seconded by Mr. Mitchell to vacate the order to impose fines dated 5/24/05. Board unanimously approved.

Mr. Cesar Sorro, attorney, informed the Board that the owner had all of the permits, and all but one had passed final inspection. He requested another 30 days to comply.

Mr. Jorg Hruschka, Building Inspector, stated he did not object to the extension.

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

**Case: CE05090061**  
Harbourage Place Condo Association Inc.  
3055 Harbor Drive

Request for Extension

Ms. Mohammed announced that this case was first heard 2/28/06 to comply by 5/23/06: 1 section at \$250 per day. Extensions were granted from 7/25/06 to 10/24/06, from 10/24/06 to 1/23/07, from 1/23/07 to 4/24/07, and from 4/24/07 to 7/24/07. The property was not complied and the respondent was requesting additional time to comply.

Mr. Mark Benjamin, property manager, reported he had hired a new contractor, who had begun the work. He informed the Board that 30 damper motors must be replaced and so far 19 were completed. He requested a 90-day extension.

Mr. Jorge Mederos, Fire Inspector, said this building had many problems, and he hoped 90 days would be sufficient time to complete the work.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 90-day extension. Board unanimously approved.

**Case: CE06021206**  
Phillip Bagicalluppi  
1406 Northwest 13<sup>th</sup> Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on 9/26/06 with compliance ordered by 10/24/06: 4 sections at \$100 per day, per violation. Extensions

had been granted from 2/27/07 to 3/27/07 and from 4/24/07 to 7/24/07. The property was not complied and the owner was requesting an extension.

Mr. Phillip Bagicalluppi, owner, requested a 90 day extension. He stated there was a question about the fence, which he believed to be complied, that he intended to discuss with Inspector Strawn.

Mr. Wayne Strawn, Building Inspector, said the permit to remodel the kitchen had been issued last January, but no inspections had been requested. Mr. Bagicalluppi also had an application in for plans to put an addition on the house, which were about to be approved. Inspector Strawn said the kitchen permit should be reactivated to resolve the issues. He agreed to discuss the fence issue with Mr. Bagicalluppi and said he had no objection to a 90-day extension.

**Motion** made by Mr. Phillips, seconded by Ms. Roche, to grant a 90-day extension. Motion passed 6 – 1 with Mr. Mitchell opposed.

**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. Extensions had been granted from 3/27/07 to 5/22/07 and from 5/22/07 to 7/24/07. The property was not complied and the representative was requesting an extension.

Ms. Renate Flik, manager, requested a 60-day extension. She explained that the stairs were fixed but the other work was progressing slower than she had anticipated. Ms. Flik confirmed for Chair Rafter that there were now two exits from every unit.

Mr. Robert Kisarewich, Fire Inspector, confirmed the permit had been issued on 6/18/07. The stairs were repaired but the hand railing was not yet installed. He did not object to the extension.

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

**Case: CE07012044**

Request for Extension

Stanley Baumwald Trust  
841 Northwest 57<sup>th</sup> Place

Ms. Mohammed announced that this case was first heard 3/27/07 to comply by 6/26/07: 1 section at \$100 per day. Fines had been suspended from 6/26/07 to 7/24/07. The property was not complied, and the tenant was requesting additional time to comply.

Mr. Albert Manning, tenant, reported that he had the permit and he hoped to have the work complete and call for inspection in the next few weeks.

Ms. Ivett Spence-Brown, Fire Inspector, explained that Mr. Manning had submitted plans and obtained an after-the-fact permit, and had therefore complied.

**Case: CE06050647**

Request for Extension

Gina Villavicencio  
1145 Northeast 5<sup>th</sup> 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. An extension had been granted from 5/22/07 to 7/24/07. The property was not complied and the owner was requesting additional time to comply.

Ms. Gina Villavicencio, owner, showed Inspector Malik the applications for the windows and shutters, and explained she still needed to submit plans for the fence permit. She asked to keep the fence until she obtained the permit because passers-by threw trash on the property.

Mr. Mohammed Malik, Building Inspector, did not object to an extension. He recommended 30 days.

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

**Case: CE04040071**

Request to vacate order dated 10/29/04  
and impose fine

Norman & Andrea Williams  
1517 Northwest 19<sup>th</sup> Avenue

Ms. Mohammed announced that this case was originally heard on 5/25/04 with compliance ordered by 8/23/04: 2 sections at \$25 per day, per violation. The property was not complied and the City was requesting vacation of the order to impose fines dated 10/29/04 and imposition of a \$51,400 fine and its continued accrual until the property was complied. Certified mail sent to the owner was accepted on 7/5/07. The owner was present to request time to comply.

**Motion** made by Mr. Phillips and seconded by Mr. Mitchell to vacate the order dated 10/29/04. Board unanimously approved.

Ms. Latasha Franklin, the owner's sister-in-law, explained they had purchased the house with the violations and not discovered them until years later. They had hired one contractor to do the work, who had taken their deposit and never returned. They were now in the process of finding a new contractor. She requested a 90-day extension.

Mr. Wayne Strawn, Building Inspector, explained that the carport had been enclosed by a previous owner. He had no objection to a 90-day extension.

**Motion** made by Mr. Phillips, seconded by Ms. Ellis, to grant a 90-day extension. 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. Service for today's hearing was via the appearance of a representative. The property was complied and the City was requesting imposition of a \$26,500 fine.

Mr. John Jackson, president, explained that the building was only open at night; this was why the inspectors had never been able to gain access during the day.

Mr. Mitchell reminded Mr. Jolly that two months ago, he had requested the case be continued so he could try to get in touch with someone who might know a lodge member who could help resolve the issue. He asked Mr. Jolly if he should recuse himself.

Mr. Jolly explained that per statute, recusals were compelled when a Board member had a direct financial or pecuniary interest. The statute was very carefully written so a recusal would not be used by a Board member to avoid voting on a difficult issue. Mr. Jolly advised Mr. Mitchell to recuse himself and complete a recusal form if he felt he could not be impartial. Mr. Mitchell stated he felt he could rule impartially in this case, so Mr. Jolly advised him to remain for the vote. Mr. Phillips felt that Board members should never contact anyone regarding cases that came before them.

Mr. Wilfret Anderson, Fire Inspector, reported he had been granted access to the building on May 24 to perform the inspection, and everything was in compliance.

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

**Case: CE06030776**

Request for Extension

Capital Innovations Inc  
812 Northwest 15<sup>th</sup> Terrace

Ms. Mohammed announced that this case was first heard 4/25/06 to comply by 10/24/06: 9 sections at \$50 per day, per violation; extensions had been granted from 10/24/06 to 1/23/07, from 1/23/07 to 4/24/07, and from 4/24/07 to 7/24/07. The property was not complied and the owner was requesting an extension.

Ms. Sheryl Melson, president of Capital Innovations, informed the Board that another individual had purchased the property at a foreclosure sale in her name. She had been unaware of any liens from prior owners until the previous month. Ms. Melson reported that the condition of the property was much safer and cleaner than when she had purchased it.

Ms. Melson said she was now facing almost insurmountable obstacles but was determined not to walk away, as previous owners had. She felt the property was worth \$250,000 to \$275,000, which was the amount she had invested in it already. There were liens on the property now totaling \$425,000. Ms. Bazer had informed her the chances of having the fines abated were "slim to none." Ms. Melson felt it would cost another \$50,000 to bring the property into compliance.

Ms. Ginger Wald, Assistant City Attorney, confirmed that there were substantial liens on the property. She did not have the complete case file with her, so she did not know the exact amount. Ms. Wald said the City was working with Ms. Melson to get the property complied and the lien issues resolved.

Ms. Melson described work she had already done at the property. Mr. Phillips asked about the building's lack of a footer. Mr. Wayne Strawn, Building Inspector, explained that the engineer had discovered that even though the building had not been built to plan, it did have a monolithic slab and most of the building had proper footings. Only the electric meter room was on a simple slab. To resolve this problem, the meter room could be removed and the remaining outside wall re-insulated.

Mr. Phillips and Ms. Roche had questions about the existing liens, and Ms. Wald advised that when the Board's usual Assistant City Attorney returned, she could fully explain the lien situation to the Board.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 90-day extension. Board unanimously approved.

**Case: CE06050522**  
D & J Invest LLC  
1300 Northwest 65<sup>th</sup> 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 of time for compliance were listed on the agenda. The property was not complied, and the owner was requesting additional time to comply.

[Mr. Elfman left the dais at 12:41]

Mr. Richard Muldoon, owner, informed the Board he now had the permit and they must still construct the exit and replace the windows. He had informed his contractor that he must make these repairs a priority. Mr. Muldoon felt they should complete work within 30 days.

Ms. Ivett Spence-Brown, Fire Inspector, confirmed Mr. Muldoon had the permit.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 60-day extension. Motion passed 6 – 0 with Mr. Elfman absent from the dais.

**Approval of Meeting Minutes**

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to approve the minutes of the Board's June 2007 meeting. Board unanimously approved.

**Case: CE06060130**

Continued from the 3/27/07 hearing

Dana Dickinson

716 Northeast 19<sup>th</sup> Avenue

Ms. Mohammed announced that this case was continued from the 3/27/07 hearing.

[Mr. Elfman returned to the dais at 12:44]

Mr. Jorg Hruschka, Building Inspector, stated Ms. Dickinson had informed him that she had been granted the fence variance from the Board of Adjustment, and was in the process of obtaining the permit.

Mr. Phillips wanted to continue the case for proof Ms. Dickinson had the variance.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 30-day continuance. Board unanimously approved

**Case: CE07061037**

S & R Ribler Properties LLC

204 Southwest 21<sup>st</sup> Terrace

Ms. Mohammed announced that certified mail sent to the owner was accepted on 6/25/07 and certified mail sent to the registered agent was accepted on 6/26/07.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

NFPA 1 1.12.1

ALTERATIONS HAVE BEEN DONE WITHOUT A PERMIT.

Inspector Clements stated that he had a stipulated agreement with the owner to comply within 60 days or a \$100 per day thereafter.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to find in favor of the City, approve the stipulated agreement, and order compliance within 60 days or \$100 per day. Board unanimously approved.

**Case: CE07061040**

A & M Investments Of America LLC

3224 West Broward Boulevard

Ms. Mohammed announced that certified mail sent to the owner and registered agent were accepted [no date].

Mr. Thomas Clements, Fire Inspector, testified to the following violations:

NFPA 1 1.12.1

ALTERATIONS DONE WITHOUT A PERMIT.

NFPA 1 11.1.5

EXTENSION CORDS ARE BEING USED AS A SUBSTITUTE FOR PERMANENT WIRING.

NFPA 1 13.6.6.1.1

FIRE EXTINGUISHERS ARE NOT PROVIDED WITHIN 50 FOOT TRAVEL DISTANCE.

Inspector Clements informed the Board that he had a stipulated agreement with the owner to comply within 60 days or \$50 per day, per violation.

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

**Case: CE96060761**

Sylvia Harris Ralston,  
Judith R. Weir & N. R. Zamadics  
505 Hendricks Isle

Request to vacate orders dated  
7/23/96 and 11/23/04 and all previous orders

Ms. Mohammed announced the City was requesting vacation of the orders dated 7/23/96 and 11/23/04 and all previous orders.

**Motion** made by Ms. Ellis, seconded by Mr. Mitchell, to vacate the orders dated 7/23/96 and 11/23/04 and all previous orders. Board unanimously approved.

**Case: CE97070883**

Sylvia Harris Ralston,  
Judith R. Weir & N. R. Zamadics  
505 Hendricks Isle

Request to vacate orders dated  
8/26/97 and 11/23/04

Ms. Mohammed announced the City was requesting vacation of the orders dated 8/26/97 and 11/23/04.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to vacate the orders dated 8/26/97 and 11/23/04. Board unanimously approved.

**Case: CE97010186**

Norman Taylor  
820 Northeast 19<sup>th</sup> Terrace

Request to vacate orders dated  
1/23/01 and 9/28/04

Ms. Mohammed announced the City was requesting vacation of the orders dated 1/23/01 and 9/28/04.

**Motion** made by Mr. Phillips, seconded by Ms. Ellis, to vacate the orders dated 1/23/01 and 9/28/04. Board unanimously approved.

**Case: 9110548**

E.H. & Jeanne Lawrence  
1526 Southwest 20th Avenue

Request to Vacate Orders dated  
10/22/91 and 9/28/04 and dismiss case

Ms. Mohammed announced the City was requesting vacation of the orders dated 10/22/91 and 9/28/04.

**Motion** made by Ms. Roche, seconded by Ms. Ellis, to vacate the orders dated 10/22/91 and 9/28/04. Board unanimously approved.

**Case: CE04020709**

Nils Olsen  
3804 Southwest 12<sup>th</sup> Court

Vacate Order to Impose Fines dated  
2/22/05  
Hearing to impose fine

Ms. Mohammed announced that this case was first heard 7/27/04 to comply by 1/19/05: 6 sections at \$100 per day, per violation. The property was not complied, and service was via posting at the property on 7/2/07 and at City Hall on 7/5/07. The City was requesting vacation of the order to impose fines dated 2/22/05 and imposition of a \$549,000 fine and its continued accrual until the property was complied.

Ms. Roche felt they were “arbitrarily deciding which [fines] get imposed and which ones don’t.” Mr. Jolly did not feel this was a concern. Ms. Mohammed explained that service was not proper for the original imposition of the fine, and service for today’s hearing was proper. The fines stood at \$549,000 because the property was still not complied.

Ms. Ginger Wald, Assistant City Attorney, read a copy of the notice the owner had received, informing him that the records indicated the property was not in compliance, advising him of today’s hearing, and explaining that the Board may issue an order constituting a lien on the owner’s property. Mr. Phillips felt the notice was “a little vague.”

**Motion** made by Ms. Ellis to vacate.

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to find the violations were not complied by the ordered date, to impose the \$549,000 fine and its continued accrual until the property was complied. Motion passed 5 – 2 with Mr. Phillips and Ms. Roche opposed.

**Case: 9501662**

Archie Hamilton  
2121 Northwest 6th Place

Vacate Orders dated 2/28/95 and 8/25/98

[Ms. Ellis left the dais at 12:55]

**Motion** made by Mr. Mitchell, seconded by Mr. Phillips, to vacate the orders dated 2/28/95 and 8/25/98. Motion passed 6 – 0 with Ms. Ellis absent from the dais.

**Case: 9005095**

Patricia Harris  
1408 Northwest 2nd Avenue

Vacate Orders dated 3/14/91 and 9/28/04

**Motion** made by Mr. Phillips, seconded by Mr. Greenfield, to vacate the orders dated 3/14/91 and 9/28/04. Motion passed 6 – 0 with Ms. Ellis absent from the dais.

**Case: 9302865**

Charlie J. Smith  
1604 Northwest 11th Court

Vacate Orders dated 4/8/93, 8/25/98 and  
9/28/04

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to vacate the orders dated 4/8/93, 8/25/98 and 9/28/04. Motion passed 6 - 0 with Ms. Ellis absent from the dais.

**Case: 9001042**

Rufus & Carolyn Terry  
1621 Northwest 18th Avenue

Vacate Order dated 9/28/04 and all  
previous orders

**Motion** made by Mr. Phillips, seconded by Mr. Mitchell, to vacate the order dated 9/28/04 and all previous orders. Motion passed 6 - 0 with Ms. Ellis absent from the dais.

**Case: CE02101072**

John P. Mink Revocable Trust  
Kevin Mink, Trustee  
5780 Northwest 9 Avenue

Vacate Orders dated 7/22/03 and 11/25/03

[Ms. Ellis returned to the dais at 1:05]

**Motion** made by Mr. Phillips, seconded by Ms. Roche, to vacate the orders dated 7/22/03 and 11/25/03. Board unanimously approved

**Case: CE06111045**

John Dokimos, &  
Middle River Oasis LLC  
524 Bayshore Drive

Hearing to impose fine

Ms. Mohammed announced that this case was first heard on 1/23/07 to comply by 2/27/07: 2 sections at \$250 per day, per violation. The property was complied and the City was requesting imposition of a \$29,000 fine. Certified mail sent to the registered agent was accepted on 7/11/07 and notice was posted at the property on 7/11/07 and at City Hall on 7/12/07.

Mr. Phillips remarked that they were imposing a \$29,000 fine “over a circuit breaker and a light.”

Mr. Robert Kisarewich, Fire Inspector, said this was correct, and remarked that the owner had "other personal issues" and was not present at the property. Inspector Kisarewich said there was currently a foreclosure action against this property.

**Motion** made by Ms. Ellis, seconded by Mr. Phillips to find the violations were not complied by the ordered date and to impose the \$29,000 fine. Motion passed 6 – 1 with Mr. Mitchell opposed.

**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:

CE07030738

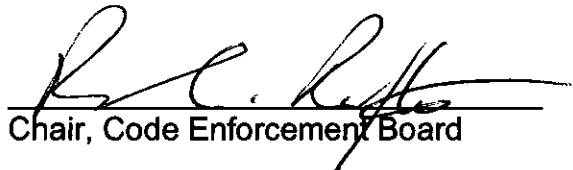
CE07061036

**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:

CE07061043

There being no further business to come before the Board, the meeting adjourned at 1:10 P.M.

  
Chair, Code Enforcement Board

ATTEST:

  
Clerk, Code Enforcement Board

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