

CODE ENFORCEMENT BOARD
CITY COMMISSION MEETING ROOM
100 NORTH ANDREWS AVENUE
SEPTEMBER 22, 2009
9:00 A.M. – 2:11 P.M.

<u>Board Members</u>	<u>Attendance</u>	<u>2/2009 through 1/2010</u>	
		<u>Present</u>	<u>Absent</u>
Sam Mitchell, Chair	P	8	0
Genia Ellis, Vice Chair	P	8	0
Howard Elfman	P	2	3
Joan Hinton	P	3	1
Howard Nelson	P	5	0
Ronald Perkins	P	6	2
Jan Sheppard	P	8	0
Chad Thilborger [Alternate]	A	2	1

Staff Present

Bruce Jolly, Board Attorney
Brian McKelligett, Clerk /Special Magistrate Supervisor
Lindwell Bradley, Code Enforcement Supervisor
Dee Paris, Administrative Aide
Deb Maxey, Clerk III
Lori Grossfeld, Clerk III
Yvette Ketor, Secretary, Code Enforcement Board
Burt Ford, Building Inspector
George Oliva, Building Inspector
Gerry Smilen, Building Inspector
Tammy Arana, Fire Inspector
Ron Tetreault, Fire Inspector
Jorg Hruschka, Building Inspector
J. Opperee, Recording Secretary

Communication to the City Commission

The Board asked the City Commission to fill the two open alternate positions on the Code Enforcement Board.

Respondents and Witnesses

CE07081409: Frank Pepe, investment company representative; Caryn Cohen Deri, owner
CE07100999: Gus Carbonell, architect, Eric Carbonell, contractor
CE06091178: Victor Estrada, owner
CE09010920: Melissa Mazzotta, owner
CE08040203: Rosana Theophin, owner
CE02080991: Alexandre Dominato, friend
CE06120242: Alexander Johnson, owner

CE09031097: Ralph Johnson, owner; Charles Jordan, general contractor
CE08021711: Solange Francois, owner
CE08110911: Evangelos Anthony, owner
CE08050335: Jeron Linder, owner
CE08072465: Diana Centorino, attorney
CE08100511: Paul Warner, owner
CE08051626: Dennis Weber, owner
CE08071153: Theon Eames, owner
CE08090676; CE07060475: Jose Hernandez, representative
CE08082317: Sauer Vandenberg, owner
CE09030940: John Holguin, husband; Mirnesa Martin, owner
CE07100943: Nestor Tamayo, general contractor
CE09011440: Carl Van Eyssen, bank representative
CE08061528: Todd Erwin, owner
CE08061782: Sheila Banach, owner
CE08011721: Eduardo Marquez, owner
CE08070983: Kevin Brunette, owner
CE08042519: Lisa Dumetz, owner
CE08102347: Joseph Scott, owner; Caprice Scott, owner
CE05111570: Anne Ginsburg, owner
CE08050944: Scott Mellow, contractor
CE08020172: Daniel Stein, attorney
CE08040805: Sonia Cooper Gumbs, owner
CE09010946: Henegie Rene, owner's daughter; Martine Paul, owner
CE09030900: Annette Walters, owner
CE07080650: Matthew Posner, owner

Chair Mitchell called the meeting to order at 9:04 a.m., introduced Board members and explained the procedures for the hearing.

Chair Mitchell welcomed Mr. Elfman back to the Board.

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

Case: CE08050944

Patricia Ann T & Steven J Miga
3209 Northeast 36 Street # 4B

This case was first heard on 2/24/09 to comply per stipulated agreement by 4/28/09. Violations and extensions were as noted in the agenda. Certified mail sent to the owner was accepted on 9/8/09. The property was not complied and the City was requesting imposition of an \$11,000 fine, which would continue to accrue until the property complied.

Mr. Scott Mellow, contractor, said he had taken this job on September 10 and the owners were in Pennsylvania with an ill parent. Mr. Mellow had spoken with Inspector Ford regarding the issues. He had pulled the window and door permits and would order the door as soon as the owner sent him a check. Mr. Mellow informed Mr. Nelson the new windows were code-compliant.

Mr. Burt Ford, Building Inspector, clarified Mr. Mellow had pulled a permit to replace a door that had been removed so the home could be secured when he removed the doors and windows that could not be permitted. Inspector Ford said it appeared the work was moving along now. He reminded the Board that the owner had not sent checks to the previous contractor.

Mr. Mellow said he had received a minimum retainer for the work and had explained the severity of the situation to the owner. He agreed to fax a copy of the door order to Inspector Ford after he received the funds and placed the order. Mr. Mellow requested a 6-week extension because the door would take four to six weeks to come in. He informed Ms. Sheppard that the property was occupied.

Motion made by Mr. Nelson, seconded by Ms. Hinton to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a roll call vote motion passed 6 – 1 with Mr. Perkins opposed.

Case: CE06120242

Alexander P Johnson
420 Southeast 13 Street

This case was first heard on 1/22/08 to comply by 7/22/08. Violations and extensions were as noted in the agenda and the order had been recorded. Certified mail sent to the owner was accepted on 9/9/09. The property was complied, fines had accrued to \$2,400 and the City was recommending the fine be reduced to \$765.

Mr. Alex Johnson, owner, requested the fines be waived

Mr. Gerry Smilen, Building Inspector, confirmed Mr. Johnson had worked diligently to comply.

Mr. Johnson said he had complied by vacating the premises and demolishing the rear parking area.

Motion made by Mr. Nelson, seconded by Mr. Perkins to find that the violations were not complied by the Order date, and to impose a fine of \$765 for the time the property was out of compliance. In a voice vote motion passed 7 - 0.

Case: CE07100999

Jeffrey & Michele Hanft
201 Southeast 22 Street

This case was first heard on 9/23/08 to comply by 10/28/08. Violations and extensions were as noted in the agenda and the order had been recorded. Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09. The property was not complied and the City was requesting imposition of the fine, which would begin on 9/23/09 and would continue to accrue until the property complied.

Mr. Gus Carbonell, architect, explained the contractor on this job had open permits for another job and the Building Department would not release these permits until he closed the others. The owner in this case might need to hire another contractor, and Mr. Carbonell requested another 30 days to resolve the contractor issues.

Mr. Burt Ford, Building Inspector, confirmed the plans had passed all approvals and there was a problem with the contractor. He recommended an extension no longer than 35 days.

Inspector Ford said the plans had been ready for months but the owner had not had them picked up. He added a lis pendens had been filed against the property, and he was unsure the owner would continue with the repairs after foreclosure.

Mr. Jolly explained to the Board that a foreclosure on the mortgage would cut the City out and they would start a new case against the new owner. Mr. McKelligett said they were seeing many foreclosed properties go back to the owners, so they filed the lien against the current owner.

Motion made by Mr. Perkins, seconded by Ms. Sheppard to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 9/23/09 and would continue to accrue until the violations were corrected. In a voice vote motion passed 7 - 0.

Case: CE08011721

Centurion Park Holdings LLC
2300 Northwest 55 Court #114

This case was first heard on 4/22/08 to comply by 7/22/08. Violations and extensions were as noted in the agenda and the order had been recorded. Certified mail sent to the owner was accepted on 9/10/09. The property was complied, fines had accrued to \$1,750 and the City was recommending the fine be abated.

Ms. Tammy Arana, Fire Inspector, said the owner had worked diligently to comply and she supported abatement of the fines.

Motion made by Ms. Ellis, seconded by Ms. Sheppard, to abate the fine. In a voice vote motion passed 7 - 0.

Case: CE07081409

Richard & Gloria Gold
15 Fort Royal Isle

This case was first heard on 6/24/08 to comply per stipulated agreement by 9/23/08. Violations were as noted in the agenda and the order had been recorded. Fines had accrued to \$129,300.

Mr. Frank Pepe, investment company representative, explained the owner had died, the house had been in foreclosure and Mr. Pepe's company had taken it over and sold it. He stated the new owners were pulling the permits and doing the work. They had already submitted an application to the County for the dock permit.

Mr. Gerry Smilen, Building Inspector, stated there were 2007 permits that were incomplete. The new owner had renewed the permits and all work and inspections were done, except for the paver driveway and the rebuilt dock. The new owner had shown Inspector Smilen that she was working to get the after-the-fact dock permit and paver permit. Inspector Smilen recommended a 63-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09010920

Fort Lauderdale Learning Center LLC
1904 Southwest 4 Avenue

This case was first heard on 6/23/09 to comply by 8/25/09. Violations were as noted in the agenda and the order had been recorded. The City was requesting the Board amend the 6/23/09 Final Order compliance deadline to 9/22/09. This would result in there being no fines on the property.

Motion made by Mr. Nelson, seconded by Ms. Ellis to amend the Final Order compliance deadline to 9/22/09. In a voice vote, motion passed 7 – 0.

Ms. Melissa Mazzotta, owner, said she was working on getting the master plan approved. She had recently fired her architect and hired a new one. The new architect had revised the plans and resubmitted them the previous day. Ms. Mazzotta presented a certificate from the architect stating the work done without permits was structurally sound. She requested additional time to get the plans back and hire a contractor.

Mr. Gerry Smilen, Building Inspector, confirmed that the plans had been out since August 26 and had been resubmitted the previous day. Inspector Smilen recommended a 63-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08110911

Evangelos Anthony
729 West Las Olas Boulevard

This case was first heard on 4/28/09 to comply by 6/23/09. Violations and extensions were as noted in the agenda.

Mr. Evangelos Anthony, owner, reported that after the last hearing, he had hired a surveyor and purchased the doors. He was having difficulty securing a loan for home improvement and anticipated an answer from the bank within the next week. Mr. Anthony requested 63 days.

Mr. Gerry Smilen, Building Inspector, explained the permits must be pulled and the work must be done to comply. He recommended a 63-day extension.

Motion made by Mr. Nelson, seconded by Ms. Hinton to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08071153

Theon Eames
1300 Northwest 2 Avenue

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda.

Mr. Theon Eames, owner, stated the engineer was making corrections to the drawings to resubmit the plans. Mr. Eames said the house was empty and boarded and had been vandalized. He informed Ms. Sheppard that he had paid the mortgage last month but not this month, and was waiting to hear from the bank about renegotiating his mortgage.

Mr. George Oliva, Building Inspector, said the engineer had informed him the plans would be resubmitted that day and requested a 63-day extension, which Inspector Oliva endorsed.

Motion made by Ms. Sheppard, seconded by Ms. Ellis to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08021711

Solange Francois
431 Southwest 31 Avenue

This case was first heard on 8/26/08 to comply by 9/23/08. Violations and extensions were as noted in the agenda and the order had been recorded.

Ms. Solange Francois, owner, requested additional time.

Mr. Gerry Smilen, Building Inspector, reported the owner had pulled the permit to repair the vehicular damage, but the illegally enclosed carport and rear porch still existed. Ms. Francois had brought the house out of foreclosure and was working to comply and Inspector Smilen recommended a 126-day extension. He explained Ms. Francois could hire a design professional to draw plans to legalize the work done without permits, or she could demolish the work done without permits.

Chair Mitchell requested a translator for Ms. Francois. Ms. Rosana Theophin, respondent for another case, agreed to translate for Ms. Francois. She explained to Ms. Francois that if the property were returned to its original state, the violations would be complied.

Ms. Theophin indicated that Ms. Francois did not understand exactly what must be done to comply and asked an inspector to explain this to her. Mr. Lindwell Bradley, Code Enforcement Supervisor, informed Ms. Francois that whenever she came to a Code Enforcement hearing or to the Building Department, a translator could be arranged for her.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 126-day extension to 1/26/10, during which time no fines would accrue. In a roll call vote motion passed 5 – 2 with Ms. Sheppard and Chair Mitchell opposed.

Inspector Smilen submitted photos of the property into evidence.

Case: CE08061782

Richard A & Sheila Banach
2151 Southwest 23 Terrace

This case was first heard on 1/27/09 to comply per stipulated agreement by 4/28/09. Violations and extensions were as noted in the agenda. Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09. The property was complied, fines had accrued to \$11,000 and the City was recommending fines be reduced to \$433.

Ms. Sheila Banach, owner, confirmed the property was complied. She stated the work had been done before she bought the house and the violations had been missed during the purchase. Ms. Banach noted the survey company had made a mistake on the first survey and she had hired five electrical contractors before finding one who would follow through. She requested abatement of the fine because she was in a difficult financial position and this had been expensive to repair.

Mr. George Oliva, Building Inspector, recommended reducing the fines to \$433.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to abate the fines to \$0. In a voice vote motion passed 7 - 0.

Case: CE08040203

Rosana & Rooveline Theophin
208 Northwest 16 Street

This case was first heard on 6/24/08 to comply by 8/26/08. Violations and extensions were as noted in the agenda. Fines had accrued to \$75,750.

Ms. Rosana Theophin, owner, explained the windows had been a special order, and all but one had been installed. The last window was scheduled to arrive on September 30. Ms. Theophin stated her cousin lived in the house, and her daughter also lived there when she was in town from her traveling nursing job. She informed Mr. Elfman that she had put the house on the market this month.

Mr. Gerry Smilen, Building Inspector, confirmed the construction was progressing and recommended a 63-day extension. Ms. Theophin requested more time to finish the work because of her financial situation.

Motion made by Mr. Nelson, seconded by Mr. Perkins to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08020172

HSBC Bank USA Trustee
3221 Southwest 20 Court

This case was first heard on 6/23/09 to comply by 7/28/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Mr. George Oliva, Building Inspector, said he had been working with the bank. The house had been destroyed by a fire and they were currently awaiting the replacement roof trusses. The master permit had been returned for corrections on September 15 and the engineer estimated he could resubmit the plans in two weeks. Inspector Oliva recommended a 63-day extension.

Mr. Daniel Stein, attorney, said the repairs would cost the bank \$35,000 and he estimated the work would take more than 63 days.

Motion made by Mr. Nelson, seconded by Mr. Perkins to grant a 126-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

[Mr. Elfman stepped down from the dais at 10:08 a.m.]

Case: CE07100943

Middle River Builders LLC
C/O Doris Cortes
1451 Northeast 10 Avenue

This case was first heard on 9/23/08 to comply by 10/28/08. Violations and extensions were as noted in the agenda. Fines had accrued to \$35,250.

Mr. Nestor Tamayo, general contractor, said they had pulled the permits and demolished all illegal work. They had found conditions during the demolition that required repair and had submitted plans to address this, which were already approved. He requested 90 days to complete the repair work. Mr. Tamayo said someone was present on the property to protect it from vandals.

Mr. Burt Ford, Building Inspector, said the contractor was being diligent in complying the violations and making the needed repairs. He recommended a 126-day extension.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 126-day extension to 1/26/10, during which time no fines would accrue. In a voice vote, with Mr. Elfman out of the room, motion passed 6 - 0.

Case: CE08040805

Norrell Gumbs
3811 Southwest 11 Street

This case was first heard on 7/22/08 to comply by 9/23/08. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$23,025 and the City was recommending the fines be reduced to \$479.

Ms. Sonia Cooper Gumbs, owner, waived the right to notice of a Massey hearing so the Board could address the fines. She apologized to Inspector Smilen for not communicating with him, and explained that her mother had recently passed away.

Mr. Gerry Smilen, Building Inspector, confirmed the property was complied, and said he supported a reduction of the fines to \$479.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to find that the violations were not complied by the Order date, and to impose a fine of \$479 for the days the property was out of compliance. In a voice vote, with Mr. Elfman out of the room, motion passed 5 – 1 with Mr. Perkins opposed.

Case: CE08042519

Lisa Dumetz
2506 Northeast 30 Street

This case was first heard on 2/24/09 to comply per stipulated agreement by 5/26/09. Violations and extensions were as noted in the agenda. Ms. Paris noted one of the five items under FBC 105.1 was now complied.

Ms. Lisa Dumetz, owner, said the only permit outstanding was for the cabinets. She said she was having financial difficulties and requested additional time.

Mr. Burt Ford, Building Inspector, confirmed Ms. Dumetz had submitted electrical and plumbing permits, but these must be attached to the cabinet permit. Inspector Ford recommended an extension to November 24, 2009.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote, with Mr. Elfman out of the room, motion passed 6 - 0.

[Mr. Elfman returned to the dais at 10:17]

Case: CE07060475

Bernardo Rodriguez &
Marena Moreira
1380 Southwest 34 Avenue

This case was first heard on 7/28/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded.

Mr. Jose Hernandez, representative, stated the architectural plans were complete and he needed to get bids from the subcontractors as required by the City before submitting the plans. He estimated this would take three months. Chair Mitchell advised Mr. Hernandez to submit the plans before obtaining bids from the subcontractors. Mr. Hernandez believed he needed to provide the contractor information before submitting the plans.

Mr. Hernandez informed Ms. Sheppard that they would legalize the two additions, not remove them. The result would be a single-family dwelling.

Mr. Burt Ford, Building Inspector, confirmed the general contractor did not need to wait for subcontractor bids before submitting the plans. The plans could be submitted and approved but the permits could not be issued until the subcontractors came in and filled out an application. Mr. Hernandez said in his dealings with the City over the past five years, the subcontractors were required. He said he could submit the plans Monday morning.

Motion made by Mr. Nelson, seconded by Ms. Hinton to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE06091178

Victor M Estrada
211 Southeast 16 Avenue

This case was first heard on 3/24/09 to comply by 5/26/09. Violations and extensions were as noted in the agenda.

Mr. Victor Estrada, owner, said he had converted the property back to a two-bedroom

and all items had been removed from the shed. He had also repaired the stairs and removed the air conditioning. Mr. Estrada had left the overhang.

Mr. Burt Ford, Building Inspector, agreed the stairway had been repaired and the shutters installed, but this work required permits Mr. Estrada had not pulled. Leaving the overhang would probably be allowed, but this required a permit as well. Inspector Ford recommended a 63-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09011440

Citigroup Global Markets
C/O Americas Servicing
1527 Northwest 11 Street

This case was first heard on 3/24/09 to comply by 4/28/09. Violations were as noted in the agenda and the order had been recorded. Certified mail sent to the owner was accepted on 9/8/09. The property was complied, fines had accrued to \$44,000 and the City was recommending the fines be reduced to \$387.

Mr. Carl Van Eyssen, bank representative, explained the property was complied and under contract to be sold.

Mr. George Oliva, Building Inspector, confirmed the property was complied and recommended reducing the fines to \$387.

Motion made by Mr. Nelson, seconded by Mr. Elfman to find that the violations were not complied by the Order date, and to impose a fine of \$387 for the days the property was out of compliance. In a voice vote motion passed 7 - 0.

[The Board took a ten-minute break]

Case: CE05111570

Annieopa LLC
3051 Northeast 32 Avenue

This case was first heard on 8/26/08 to comply per stipulated agreement by 11/25/08. Violations and extensions were as noted in the agenda.

Ms. Anne Ginsburg, owner of the property, Taverna Opa, stated the plans had been submitted to the City and they were working to find the funds for the work. She was unsure when the plans had been submitted since Michael Kasdaglis had handled this. She believed the plans addressed all of the violations. Ms. Ginsburg said the current contractor, David Mancini, had proven to be the only reliable contractor of the three they had hired since the damage was done in three hurricanes. She stated a City Inspector

had “tried to get us to use his contractor, so that fell through.”

Mr. Burt Ford, Building Inspector, confirmed three permit applications were in for demolition only. He noted it would be satisfactory if the owner removed all of the unpermitted work. So far, the application had passed plumbing and electrical but failed building. When they came back, Inspector Ford said he would look at them and ensure that all violations would be addressed by the demolitions.

Ms. Ginsburg confirmed that they intended to address all of the violations through demolition.

Mr. Jorg Hruschka, Building Inspector, said Ms. Ginsburg had indicated earlier that he had recommended an architect or general contractor to her. He said this was “a blatant falsification of what happened.” He explained that when he had an appointment to meet an architect at the business next door, the architect had shown up early and introduced himself to the owner of Taverna Opa. Inspector Hruschka said he was unaware of what had happened between the owner and the architect. Lindwell Bradley, Code Enforcement Supervisor, confirmed that no City Building Inspector or Supervisor would recommend a contractor.

Ms. Ginsburg stated, “We were not open on the day that the architect came by. It was very suspicious that he was at Shooters; why would he stop by to another place, how did he know we were looking for anybody? Why did he say, and I will say this on the record, ‘If you go with us, some of these things will go away?’”

Mr. Nelson remarked that this was not the appropriate venue for this discussion. Chair Mitchell warned Ms. Ginsburg, “If you continue to speak, then I will close the public hearing.”

Chair Mitchell was concerned that there had been a stipulated agreement and after 13 months there were still no plans in place. He said he would not concern himself with “all of the false claims or alleged false claims” and he would ask the Board to act accordingly.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion **failed** 0 - 7. Fines would begin to accrue on 9/23/09.

Case: CE08072465

Gillies & Hazel Graham
1201 Northwest 1 Avenue

This case was first heard on 9/23/08 to comply per stipulated agreement by 1/27/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Ms. Diana Centorino, attorney for the owners, explained the owners had been victims of an unscrupulous contractor, against whom they had filed a lawsuit. They had hired another architect, and Ms. Centorino presented a copy of correspondence between the architect and the Grahams describing progress made. According to the document, plans had been submitted and the windows had current product approval. A general contractor had been hired as well. Ms. Centorino requested a 63-day extension. She confirmed that this was an occupied, single-family dwelling.

Mr. Nelson disclosed that the new contractor hired by the Grahams had done work on his home and was a friend. He stated this did not present a conflict.

Mr. George Oliva, Building Inspector, supported the request for 63 days.

Motion made by Ms. Sheppard, seconded by Ms. Ellis, to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08090676

Rigoberto & Miriam E Roque
1341 Southwest 24 Avenue

This case was first heard on 7/28/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded.

Mr. Jose Hernandez, representative, stated the plans had been submitted and should be ready soon. He confirmed the plans addressed all of the violations.

Mr. George Oliva, Building Inspector, confirmed that when the permit was approved the case would be complied. He recommended a 35-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08100511

Paul Warner
1211 Northwest 12 Street

This case was first heard on 1/27/09 to comply by 4/28/09. Violations and extensions were as noted in the agenda and the order had been recorded. Certified mail sent to the owner was accepted on 9/10/09. The property was not complied and the City was requesting imposition of the fine, which would begin on 9/23/09 and would continue to accrue until the property complied.

Mr. Paul Warner, owner, requested additional time and explained that the architect had delivered the plans the previous evening.

Mr. George Oliva, Building Inspector, recommended a 63-day extension.

Motion made by Ms. Sheppard, seconded by Ms. Hinton, to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09031097

Ralph L Lynch
425 Northeast 8 Street

This case was first heard on 7/28/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded. Ms. Paris noted that one item under FBC(2007) 105.10.3.1 was complied.

Mr. Ralph Lynch, owner, stated 75% of the violations were complied. He had hired a contractor to repair the fence. Mr. Lynch said he had run into a problem with the lattice, and it appeared it must be removed because it could not comply. The windows contractor would address that violation. Mr. Lynch said he was facing foreclosure and a financial hardship and requested an additional 30 days.

Mr. Burt Ford, Building Inspector, confirmed Mr. Lynch was working hard to comply. He recommended a 126-day extension.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 126-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08051626

Dennis E Weber
1221 Southwest 6 Street

This case was first heard on 7/28/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded. Ms. Paris noted that two items under FBC 105.1 were now complied.

Mr. Dennis Weber, owner, said the contractor had filed the permit application the previous day. Mr. Weber stated he had been unable to rent the house for nine months because the City had damaged the property and asked whom he should contact regarding compensation. Mr. McKelligett advised Mr. Weber to contact the City Attorney's Office.

Mr. Gerry Smilen, Building Inspector, confirmed that only the violation regarding the structural posts for the front porch remained, and the permit had been applied for the previous day. He recommended a 35-day extension.

Motion made by Mr. Nelson, seconded by Mr. Perkins, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09030940

Mirnesa Martin
1412 Northwest 19 Avenue

This case was first heard on 7/28/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded.

Mr. John Holguin, husband, stated they had removed the shed and the only outstanding violation was the roof, for which they had hired a contractor. He requested 126 days to complete the work.

Mr. George Oliva, Building Inspector, agreed that the roof was the only remaining violation. He recommended a 126-day extension.

Motion made by Mr. Perkins, seconded by Mr. Nelson to grant a 126-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08050335

Jeron F Linder Jr
1061 Northwest 25 Avenue

This case was first heard on 2/24/09 to comply by 4/28/09. Violations and extensions were as noted in the agenda and the order had been recorded. The City was requesting the Board amend the 2/24/09 Final Order compliance deadline to 5/26/09.

Motion made by Mr. Nelson, seconded by Ms. Sheppard, to amend the Final Order compliance deadline to 5/26/09. In a voice vote, motion passed 7 – 0.

Mr. Jeron Linder, owner, said he had paid a contractor to board up the house. He stated he had been unable to get a loan to repair the house, and he was paying rent elsewhere.

Ms. Ellis advised Mr. Linder to speak to staff regarding agencies to which he could apply for assistance.

Mr. Gerry Smilen, Building Inspector, confirmed the house was secured and inspected. He recommended a 217-day extension.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 217-day extension to 4/27/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08061528

Todd Erwin, ½ Interest
Christine B Erwin
2010 Southwest 23 Terrace

This case was first heard on 6/23/09 to comply by 7/28/09. Violations and extensions were as noted in the agenda and the order had been recorded. Certified mail sent to the owner was accepted on 9/5/09. The property was not complied and the City was requesting imposition of the fine, which would begin on 9/23/09 and would continue to accrue until the property complied.

Mr. Todd Erwin, owner, said he had been working in Texas for a year and his wife had been working on the Code Enforcement issues while caring for their children on her own. He requested a 126-day extension. Mr. Erwin said they had purchased the house in 2003 and had "serious issues" with the contractor who had continued to work despite failing four inspections. Mr. Erwin said he had plans to move the shed off the property. He stated the pavers were present when they bought the house.

Chair Mitchell asked Mr. Erwin what they had done to comply the property. Mr. Erwin said his wife had addressed the air conditioner problem. They had hired an engineer to resolve the pool issue.

Mr. George Oliva, Building Inspector, confirmed the air conditioner issue was complied and Mr. Erwin had agreed to remove the shed. He recommended a 126-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 126-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08062585

James White
3019 Northeast 19 Street

This case was first heard on 2/24/09 to comply per stipulated agreement by 5/26/09. Violations and extensions were as noted in the agenda. Fines had accrued to \$5,400. The City was requesting the Board amend the 5/26/09 Extension Order compliance deadline to 9/22/09.

Motion made by Mr. Nelson, seconded by Ms. Sheppard, to amend the 5/26/09 Extension Order compliance deadline to 9/22/09. In a voice vote motion passed 7 - 0.

Ms. Paris stated the City was requesting a 63-day extension to 11/24/09 due to problems in the Building Department.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Ms. Paris stated the next nine cases were for the same violation at the same condo complex.

[Ms. Ellis left the dais at 11:20]

Case: CE09050449

Richard Andress & Peter Young
3220 Bayview Drive # 101

This case was first heard on 7/28/09 to comply by 8/25/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Ms. Tammy Arana, Fire Inspector, explained the unprotected vertical opening violation remained. She had spoken with the condo management company and they were supposed to pull a permit that day. She said there had been a misunderstanding regarding how many doors must be replaced. Inspector Arana recommended a 35-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote with Ms. Ellis out of the room, motion passed 6 - 0.

Case: CE09050456

Donald Gross
3220 Bayview Drive # 103

This case was first heard on 7/28/09 to comply by 8/25/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Ms. Hinton, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote with Ms. Ellis out of the room, motion passed 6 - 0.

Case: CE09050460

Juan G Calderon
3220 Bayview Drive # 104

This case was first heard on 7/28/09 to comply by 8/25/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Mr. Perkins, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote with Ms. Ellis out of the room, motion passed 6 - 0.

Case: CE09050462

Andrea Esno
3220 Bayview Drive # 111

This case was first heard on 7/28/09 to comply by 8/25/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote with Ms. Ellis out of the room, motion passed 6 - 0.

Case: CE09050467

Yrsa Rincones Roberts
3220 Bayview Drive # 112

This case was first heard on 8/25/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Ms. Hinton, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote with Ms. Ellis out of the room, motion passed 6 - 0.

[Ms. Ellis returned to the dais at 11:26]

Case: CE09050469

Steven L & Donna J Ranner
3220 Bayview Drive # 114

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Mr. Perkins, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050475

Joseph R Proto
3220 Bayview Drive # 115

This case was first heard on 8/25/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Ms. Ellis, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050525

Ana R & Michael J Corsaro
3220 Bayview Drive # 201

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Ms. Ellis, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050527

Alfredo & Aura M Alvarado
3220 Bayview Drive # 202

This case was first heard on 8/25/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded.

Motion made by Mr. Nelson, seconded by Ms. Hinton, to grant a 35-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08041398

Karen Sheppard, 1/4 Interest
Miles Dearden, & Michael Sheppard
1792 Northeast 19 Street

This case was first heard on 8/25/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded. Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09. The property was not complied and the City was requesting imposition of the fine, which would begin on 9/23/09 and would continue to accrue until the property complied.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 9/23/09 and would continue to accrue until the violations were corrected. In a voice vote motion passed 7 - 0.

Case: CE09040090

Sidberry #720 Res Land Trust
Cezar Mancao, Trustee
720 Southwest 19 Street

This case was first heard on 7/28/09 to comply by 9/22/09. Violations were as noted in the agenda and the order had been recorded. Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09. The property was not complied and the City was requesting imposition of the fine, which would begin on 9/23/09 and would continue to accrue until the property complied.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 9/23/09 and would continue to accrue until the violations were corrected. In a voice vote motion passed 7 - 0.

[The Board took a break from 11:43 to 12:05]

Case: CE08070983

Kevin Brunette Jr
2481 Southwest 15 Court

Certified mail sent to the owner was accepted on 9/5/09.

Mr. George Oliva, Building Inspector, testified to the following violations:
FBC 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. REAR PORCH HAS BEEN ENCLOSED INTO A LAUNDRY ROOM.
2. OUTSIDE DOOR HAS BEEN PLACED IN THE ILLEGAL LAUNDRY ROOM.
3. WOOD FENCE WAS EXPANDED TO THE WEST AND TWO DOORS WERE INSTALLED.
4. THERE IS A NEW DRIVEWAY ON THE WEST SIDE AND THE FRONT DRIVEWAY WAS REDONE.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC 1604.1

THE STRUCTURE FOR THE LAUNDRY AND THE WOOD FENCE DO NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC 1612.1.2

THE DOOR INSTALLATIONS IN THE ENCLOSED PORCH HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained the owner had submitted drawings for the screen enclosure, but the application had failed and the permit expired. Nothing had been done since then. Inspector Oliva requested a finding of fact and recommended ordering compliance within 126 days or a fine of \$10 per day, per violation and to record the order.

Mr. Kevin Brunette, owner, said Inspector Oliva had advised him to hire an engineer, which he had done. He said he had not heard from the engineer for three months and his other house had burned down. The contractor performing the fire restoration on the other house now had his in-house architect working on these plans. He anticipated the architect would submit something within 30 days.

Mr. Brunette said when the driveway was installed, the contractor had informed him that the driveway was not a permanent structure and did not require a permit. He admitted that when he replaced the fence after hurricane Wilma, he had extended it a bit farther than the original installation.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 126 days, by 1/26/10 or a fine of \$25 per day, per violation would be imposed. In a voice vote motion passed 7 - 0.

Case: CE02080991

Croissant Park Dry Storage
211 Southwest 15 Street

Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violation:
FBC(2007) 105.4.1

THE FOLLOWING BUILDING COMPONENTS ON THE WAREHOUSE
STRUCTURE HAVE BEEN REPAIRED OR ALTERED WITHOUT A
PERMIT:

1. A NEW WINDOW AND FRAME HAVE BEEN INSTALLED.
2. A SPACE ABOVE AN EXTERIOR DOOR HAS BEEN BLOCKED
UP AND STUCCOED.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated the owner was in Massachusetts, but a permit application for the window replacement had been submitted. He requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$25 per day.

Mr. Alexandre Dominato, friend of the owner, said the engineer was behind schedule with the paperwork. He requested additional time. Mr. Dominato said it would take 45 more days to get the permit for the stucco over the door. Inspector Smilen informed the Board that the permit application required the owner's notarized signature, and this could cause a slight delay, since the owner was in Massachusetts.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 11/24/09 or a fine of \$25 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE08102347

J Randolph & Caprice Scott
2848 Southwest 4 Street

Certified mail sent to the owner was accepted on 9/5/09.

Mr. George Oliva, Building Inspector, testified to the following violations:
FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. WINDOWS WERE REPLACED WITH AN EXPIRED PERMIT.
2. SCREEN COVER OVER THE POOL WAS INSTALLED WITH AN APPLIED PERMIT.
3. SHUTTERS WERE INSTALLED WITH AN APPLIED PERMIT.

FBC 106.10.3.1

THERE ARE BUILDING PERMITS, WHICH FAILED INSPECTION AND/OR WERE LEFT TO EXPIRED AS:

1. P#06060672 FOR WINDOWS ISSUED 6/6/06 EXPIRED 1/5/07 - IT WAS RENEWED 2/2/09 AND EXPIRED 8/6/09.
2. P#06060747 FOR SHUTTERS ISSUED 6/6/06, EXPIRED 1/5/07.
3. P#09020860 APPLIED 2/11/09 WAS NEVER ISSUED. 3/11/09 WAS PICKED UP FOR CORRECTION AND NEVER RETURNED.

FBC 1604.1

THE STRUCTURE FOR THE PATIO SCREEN COVER DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC 1612.1.2

ALL THE WINDOWS, SHUTTERS, AND DOOR INSTALLATIONS HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC 1626.1

THE NEW WINDOWS AND DOOR WITH GLASS NEED TO BE IMPACT RESISTANT OR BE PROTECTED BY AN APPROVED HURRICANE PROTECTION SYSTEM.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained that a permit application had been submitted for the patio screen cover, but the permit was never issued and the work was completed without the permit. The windows and shutters were installed with an expired permit. Inspector Oliva requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation, and to record the order.

Mr. Joseph Scott, owner, said he had obtained a survey and was installing the shutters for which he had a permit. Mr. Scott agreed to hire an engineer to certify the screen enclosure. Inspector Oliva said Mr. Scott did not need to hire an engineer; he needed to provide an NOA for the screen enclosure. He stated he had been unable to speak with the owner.

Ms. Caprice Scott, owner, stated they had spoken with a woman at the City regarding the violations after receiving a postcard. Inspector Oliva said Code Enforcement Officer Aretha Davis had spoken with the owner three times before she had transferred the case to him.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 11/24/09 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09030900

Glenn R La Favor, 1/3 Interest
A La Favor & S La Favor
1770 Northwest 26 Terrace

Certified mail sent to the owner was accepted [no date].

Mr. George Oliva, Building Inspector, testified to the following violations:
FBC(2007) 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING
MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR
INSPECTIONS:

1. PROPERTY WAS RE-ROOFED BETWEEN 2005 AND 2006.
2. INTERIOR REMODELING WORK AND WINDOWS WERE
REPLACED. ATF PERMIT EXPIRED IN 1999.

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED REMODELING PERMIT #99090632,
WHICH FAILED FINAL INSPECTION ON 12/2/1999.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING
THE REQUIRED APPROVALS THROUGH THE PERMITTING AND
INSPECTION PROCESS.

FBC(2007) 1612.1.2

THE STRUCTURE FOR THE ROOF DOES NOT MEET THE
STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN
DEMONSTRATED TO WITHSTAND THE REQUIRED WIND
LOADING THROUGH THE PERMITTING PROCESS.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated the violations began in 1999

when the kitchen was remodeled with an expired permit. Inspector Oliva requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Ms. Annette Walters, owner, said her brother had replaced the roof and she did not know if he had pulled a permit. She explained her husband was in the hospital after heart surgery, and requested additional time to comply.

Chair Mitchell advised Ms. Walters she would need an engineer and a contractor to resolve the violations.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 182 days, by 3/23/10 or a fine of \$10 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE07080650

Janet L Erlick
3580 Southwest 16 Street

Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violations:

FBC(2007) 105.4.1

THE SINGLE FAMILY DWELLING HAS BEEN REMODELED AND ALTERED DUE TO WATER DAMAGE IN THE FOLLOWING MANNER WITHOUT A PERMIT:

1. A NEW KITCHEN AND LAYOUT.
2. NEW BATHROOMS AND LAYOUTS.
3. WATER DAMAGED DRYWALL REPLACEMENT.

FBC(2007) 105.4.11

THE AIR HANDLER HAS BEEN RELOCATED WITHOUT A PERMIT.

FBC(2007) 105.4.5

THE FOLLOWING ELECTRICAL WORK WAS DONE WITHOUT A PERMIT:

1. PREMISE WIRING.
2. AIR HANDLER RELOCATION CONNECTION.
3. WATER HEATER RELOCATION CONNECTION.
4. NEW KITCHEN AND BATHROOM WIRING.

FBC(2007) 105.4.4

THE FOLLOWING PLUMBING WORK HAS BEEN DONE WITHOUT A PERMIT:

1. PLUMBING FOR A REMODELED KITCHEN.
2. PLUMBING FOR REMODELED BATHROOMS.
3. PIPING FOR A WATER HEATER RELOCATION.

Inspector Smilen submitted the Notice of Violation detailing the violations and corrective action into evidence. He reported the roofing permit had been issued on July 21, 2006; it had failed inspection on July 23 2008 and stood as an open permit. The remodeling permit was applied for on June 11, 2009 and had been out for corrections since July 1, 2009. Inspector Smilen stated the interior of the building was gutted. As there was an economic issue for the owner, he requested a finding of fact and recommended ordering compliance within 154 days or a fine of \$10 per day, per violation.

Mr. Matthew Posner, owner, explained the roof had been damaged in hurricane Wilma and the water was causing mold to form in the house. He had removed the bathroom walls to save the rest of the house from mold. No further work was done inside the house. Mr. Posner admitted they had repaired the roof. Mr. Posner explained they had applied for a line of credit, but this had been revoked.

Mr. Posner stated the air handler had not been moved; he had removed the closet around it. He said he had applied for all of the permits.

Mr. Posner informed Mr. Elfman that the outside of the house was maintained. He acknowledged to Chair Mitchell that a permit was required to make alterations, but stated he had made none. He believed that during a state of emergency, he was permitted to make certain changes related to life safety issues, and he felt removing the moldy walls was a life safety issue.

Mr. Posner stated he had done no electrical or plumbing work. He had not replaced the bathroom walls after he removed them. Mr. Posner said he had been unable to continue paying his architect for the drawings and had created his own. He had not wanted to apply for the permit when he knew he could not afford to have the work done.

Mr. Posner informed Mr. Nelson that the kitchen cabinets and bathrooms had been removed.

Inspector Smilen presented a drawing of the proposed remodeling and said no permits had been issued for the interior remodeling or demolition and there was still an open roofing permit from 2007. Inspector Smilen said the City understood the economic situation, and wanted Mr. Posner to apply for the demolition permit to cover the work that had already been done.

Inspector Smilen informed Mr. Nelson that only the interior demolition had been accomplished, the actual remodeling had not been done yet. Mr. Perkins noted that the violations stated work had been done, such as moving the air handler. The owner had not been cited for not having a demolition permit.

Mr. Jolly pointed out that the property had been cited for remodeling, not demolition. Inspector Smilen stated the work had begun for the remodeling by the demolition. Mr. Nelson said he could not find that the code had been violated by the owner's presenting

the sketch indicating this intent to move the air handler when he had not actually moved it yet.

Mr. Lindwell Bradley, Code Enforcement Supervisor, advised the Board that if the City had not presented sufficient proof to the Board, they could decide there was no violation.

Chair Mitchell pointed out the owner had admitted the kitchen and bathrooms had been demolished, and asked if the Board should address this. Mr. Jolly stated this was problematic, because this was not the action for which the owner had been cited. Mr. Nelson noted the City could withdraw the case and re-present it in a clearer form on the Board's next agenda.

Ms. Ellis asked Mr. Posner why no progress had been made since this damage occurred after the hurricane. Mr. Posner explained his family had lost \$20 million in the real estate bust and his wife was the director of the Fort Lauderdale Children's Theatre, which had also been affected by the economic crisis. Mr. Posner had also suffered medical problems.

Ms. Ellis asked Mr. Posner how long he felt he would need to comply. Mr. Posner said he would need approximately one year.

Mr. Posner informed Supervisor Bradley that he had done no re-routing of plumbing in the house, no additional or re-routing of electrical wiring and he had not changed the bathroom. He had only removed the bathroom walls and kitchen cabinets.

Supervisor Bradley withdrew the case.

Case: CE09010946

Martine Paul
451 Southwest 30 Terrace

Service was via posting on the property on 9/2/09 and at City Hall on 9/10/09. Ms. Paris announced that a translator was present for the owner.

Mr. George Oliva, Building Inspector, testified to the following violations:
FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING
MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR
INSPECTIONS:

1. THE WINDOWS AND FRONT DOOR WERE REPLACED ON THE
PROPERTY.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING
THE REQUIRED APPROVALS THROUGH THE PERMITTING AND
INSPECTION PROCESS.

FBC 1612.1.2

ALL THE WINDOWS, SHUTTERS, AND DOOR INSTALLATIONS
HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE
REQUIRED WIND LOADING THROUGH THE PERMITTING
PROCESS.

FBC 1626.1

THE NEW WINDOWS AND DOOR WITH GLASS NEED TO BE
IMPACT RESISTANT OR BE PROTECTED BY AN APPROVED
HURRICANE PROTECTION SYSTEM.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He said the owner had phoned him a week and a half ago and informed him she did not know what to do about the windows. He requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Ms. Henegie Rene, the owner's daughter, said she had tried unsuccessfully to contact Inspector Oliva several times. Ms. Rene said they had begun the paperwork and obtained the NOA for the doors. She said they were in the process of hiring a contractor to help pull the permits. Ms. Rene presented the NOA for the windows and Inspector Oliva said shutters would be required.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 126 days, by 1/26/10 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

[The Board took a ten-minute break]

Case: CE09021706

John E Eckard
2780 Southwest 3 Court

Service was via posting on the property on 8/31/09 and at City Hall on 9/10/09.

Ms. Paris informed the Board that she had received a letter from the owner, an attorney, requesting a continuance. In the letter, the owner indicated he was unable to attend the hearing because he had depositions scheduled in another state.

Motion made by Mr. Nelson, seconded by Ms. Hinton, to continue the case to the Board's next meeting.

Chair Mitchell asked Mr. Jolly to explain how an attorney's scheduling was handled. Ms. Ellis asked if the Board needed to consider this information. Mr. Jolly said the Board did not need to consider this, but it was worth knowing.

Mr. Jolly felt Mr. Eckard's request for another continuance was "somewhat disingenuous." He explained that the Court rarely scheduled depositions for attorneys. Mr. Jolly remarked that "When I'm trying to hide from something, I make sure I've got something scheduled." He added that Mr. Eckard could have had someone attend this hearing on his behalf. Mr. Jolly said if Mr. Eckard chose not to appear due to a professional conflict "he does that at his peril." Mr. Jolly advised the Board to treat this as the would any other individual's request for a continuance.

Mr. Nelson stated he had been an attorney for 18 years, and they had been taught that they must learn to manage scheduling conflicts. They had also been taught never to miss an appearance to address one's own request for a continuance.

In a voice vote, motion to grant a continuance **failed** 0 – 7.

Mr. George Oliva, Building Inspector, testified to the following violations:
FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. THE WOOD FENCE WAS REPLACED WITH A PVC FENCE.
2. POOL AND PATIO SCREEN COVERS WERE DONE WITH AN EXPIRED PERMIT. (WITHDRAWN)

FBC 105.2.11

THE MECHANICAL SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. THERE IS A NEW CENTRAL A/C CONDENSER UNIT THAT WAS INSTALLED REPLACING THE EXISTING ONE ACCORDING TO THE OWNER, BUT THERE IS NO RECORD OF ANY PERMIT TO INSTALL A CENTRAL A/C UNIT WITH DUCT WORK AND ELECTRIC HEATER ON THE PROPERTY.

FBC 105.2.5

THE ELECTRICAL SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. ELECTRICAL LOAD DEMAND WAS INCREASED BY ADDING A CENTRAL A/C UNIT WITH AN ELECTRICAL HEATER THAT HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC 1604.1

THE STRUCTURE FOR THE PVC FENCE DOES NOT MEET THE
STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN
DEMONSTRATED TO WITHSTAND THE REQUIRED WIND
LOADING THROUGH THE PERMITTING PROCESS.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He also presented copies of the receipt for the air conditioner replacement and the fence. Inspector Oliva stated he and his supervisor had offered Mr. Eckard a stipulated agreement that he had never accepted. Inspector Oliva requested a finding of fact and recommended ordering compliance within 126 days or a fine of \$10 per day, per violation and to record the order.

Inspector Oliva said Mr. Eckard had provided the City with the fence and air conditioner receipts so the City could contact the company to comply, but Inspector Oliva had found no record of the company.

Inspector Oliva presented the response he had received from Mr. Eckard regarding the violations in March after he had posted the inspection report on the property. Mr. Nelson noted Mr. Eckard had indicated that no permit was needed if the air conditioner compressor location, size or capacity was not changed. Inspector Oliva explained that the compressor was inside the condenser unit. The receipt indicated replacement of a compressor/condenser.

Inspector Oliva informed Ms. Ellis that this property was homesteaded and Mr. Eckard resided there. He presented the permit history and stated the fence and the air conditioner replacement were done when Mr. Eckard was the owner.

Inspector Oliva said the fencing company on the receipt, Good Neighbor Fencing, was not shown in the corporation records and the license number was a County license but there was no record of it in Broward County. The air conditioner contractor license number provided had not been issued to any contractor.

Chair Mitchell asked if any code changes had taken effect since hurricane Wilma that applied to this case. Inspector Oliva explained the Florida Building Code and the Florida Mechanical Code had come out in March 2007. Even in an emergency, when an air conditioning condenser unit was replaced, the contractor must notify the mechanical chief inspector and obtain a permit within 24 hours. This had existed in the South Florida Building since 1997.

Motion made by Mr. Nelson, seconded by Mr. Perkins to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$250 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE04120647

Connie Medina Revocable Trust
Arael Medina, Sr Trustee
2325 South Federal Highway

Certified mail sent to the owner was accepted on 9/5/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violations:

FBC(2007) 11-4.6.3

THE PROPERTY DOES NOT HAVE ANY HANDICAP PARKING SPACES.

FBC(2007) 11-4.6.4

THE PROPERTY DOES NOT HAVE ANY SIGNAGE DISPLAYED FOR HANDICAP PARKING OR MARKINGS.

Inspector Smilen stated the striping permit had not been issued and the sign had not been installed. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact.

Chair Mitchell noted this was a minor issue the owner could have addressed months ago.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$250 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050128

David Eiler & Don Stevens
3000 Southwest 15 Avenue

Service was via posting on the property on 9/8/09 and at City Hall on 9/10/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violation:

105.1

A FENCE HAS BEEN INSTALLED ON THE PROPERTY WITHOUT OBTAINING THE REQUIRED PERMITS.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He had inspected the property earlier in the day and noted the fence sections had been removed but the fence posts remained in violation. Mr. Elfman pointed out the property was for sale and expected to close in October. Inspector Smilen requested a finding of fact and recommended ordering compliance within 35 days or a fine of \$25 per day.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violations existed as alleged and to order the property owner to come into compliance

within 35 days, by 10/27/09 or a fine of \$25 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE07032115

Michael Fiermonte &
E Daniel Morton
2153 Northeast 62 Street

Service was via posting on the property on 9/2/09 and at City Hall on 9/10/09.

Mr. Burt Ford, Building Inspector, testified to the following violations:

FBC(2007) 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. NEW EXTERIOR DOORS HAVE BEEN INSTALLED.
2. NEW WINDOWS HAVE BEEN INSTALLED.
3. THE KITCHEN HAS BEEN REMODELED.

FBC(2007) 105.10.3.1

THE FOLLOWING PERMITS HAVE EXPIRED:

1. REMODEL PERMIT 05041695.
2. PLUMBING PERMIT 0605194.
3. ELECTRICAL PERMIT 05060024 WAS VOIDED, BUT HAD BEEN APPROVED TO BE ISSUED.

FBC(2007) 105.4.4

THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. PIPING AND FIXTURES HAVE BEEN REPLACED DURING THE KITCHEN REMODELING.

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. CIRCUITS HAVE BEEN ALTERED/ADDED DURING THE KITCHEN REMODELING.
2. NEW ELECTRICAL SERVICE HAS BEEN INSTALLED.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford explained three permits were applied for in 2005, issued in 2006 and later expired. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 35 days or a fine of \$10 per day, per violation.

Mr. Elfman stated this property had changed hands in 2008 and there was a lis pendens on the property.

Motion made by Mr. Nelson, seconded by Mr. Elfman to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE08032088

Max Weiss
2900 Northeast 30 Street # L-6

Service was via posting on the property on 9/2/09 and at City Hall on 9/10/09.

Mr. Burt Ford, Building Inspector, testified to the following violations:

FBC(2007) 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. A BATHROOM WAS REMODELED.
2. DRYWALL HAS BEEN REPLACED.

FBC(2007) 105.4.4

THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. PIPING AND FIXTURES HAVE BEEN ALTERED/REPLACED DURING THE BATHROOM REMODELING.

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. CIRCUITS WERE ADDED/ALTERED DURING THE BATHROOM REMODELING.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford had received an email from the owner explaining that since he had been unable to rent or sell the property, he had stopped paying all expenses over a year ago and the bank was foreclosing. Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 35 days or a fine of \$20 per day, per violation.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violations existed as alleged and to order the property owner to come into compliance

within 35 days, by 10/27/09 or a fine of \$20 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

The following five cases were for the same condo complex:

Case: CE09050529

Ivan De Biase & Monica Trujillo
3220 Bayview Drive # 203

Certified mail sent to the owner was accepted on 9/5/09.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:4.4.5

There is an unprotected vertical opening.

Ms. Tammy Arana, Fire Inspector, recommended ordering compliance within 35 days or a fine of \$500 per day.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050530

Charles F Peel
3220 Bayview Drive # 204

Service was via posting on the property on 9/14/09 and at City Hall on 9/10/09.

NFPA 1:4.4.5

There is an unprotected vertical opening.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050531

Andrea Capponi & Rossana Rossi
3220 Bayview Drive # 211

Service was via posting on the property on 9/14/09 and at City Hall on 9/10/09.

NFPA 1:4.4.5

There is an unprotected vertical opening.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050533

Alan Flora
3220 Bayview Drive # 212

Certified mail sent to the owner was accepted [no date].

NFPA 1:4.4.5

There is an unprotected vertical opening.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050535

Angela Ligitori
3220 Bayview Drive # 214

Service was via posting on the property on 9/14/09 and at City Hall on 9/10/09.

NFPA 1:4.4.5

There is an unprotected vertical opening.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 10/27/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Communication to the City Commission

The Board asked the City Commission to fill the two open alternate positions on the Board.

Approval of Meeting Minutes

Motion made by Ms. Ellis, seconded by Ms. Hinton, to approve the minutes of the Board's August 25, 2009 meeting. In a voice vote motion passed 7 - 0.

Motion made by Mr. Nelson, seconded by Ms. Sheppard, to approve the minutes of the Board's August 21, 2009 Workshop. In a voice vote motion passed 7 - 0.

For the Good of the City

December meeting

Regarding the Board's suggestion at their workshop that they hold a December hearing, Mr. McKelligett explained that there were insufficient expired permit cases or 40-year inspection cases ready for a hearing, so it was unlikely they would meet in December to hear those. They were also sufficiently caught up on regular cases that they would not need to meet in December.

Board Attorney's Remarks

Mr. Jolly cautioned the Board that they must always act to avoid any appearance of impartiality or impropriety to demonstrate that they were not influenced by outside factors. To accomplish this, Mr. Jolly advised Board members to avoid contact with information other than that provided to the Board at the meeting. He asked Board members to refrain from mentioning that they had seen a particular property, and to "minimize consideration of your personal information, your personal experiences with a specific piece of property or with a specific individual." He reminded the Board that their findings should be based solely on the evidence presented at the meeting.

Mr. Jolly further cautioned the Board to avoid personal or anecdotal comments to avoid a respondent's feeling that he/she had been treated unfairly.

Mr. Jolly advised the Board against speaking to an inspector or a property owner regarding a specific piece of property. If someone contacted a Board member, Mr. Jolly recommended he/she indicate the matter may come before the Board and he/she was prohibited from discussing it outside the Board's meeting.

Ms. Paris reminded Board members that there had been concern expressed to her that Board members were communicating behind their microphones and there was concern that comments that pertained to a case were not being voiced on the record. Mr. Jolly reminded the Board that perception was very important.

Chair Mitchell asked if it was proper to ask Mr. Elfman if a property was in foreclosure or for sale. Mr. Jolly said this was proper, as long as it was made public.

Cases Complied

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

CE07080497
CE06041034

CE08091278

CE08082317

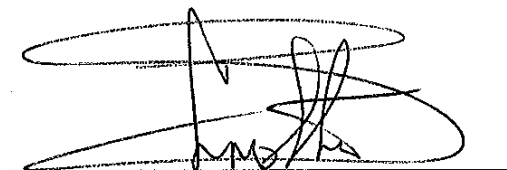
CE09020692

Cases Withdrawn

Ms. Paris 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:

CE09031232	CE09010703	CE09031359	CE09031804
CE09031807	CE09031808		

There being no further business to come before the Board, the meeting adjourned at **2:11 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.