

**CODE ENFORCEMENT BOARD**  
**CITY COMMISSION MEETING ROOM**  
**100 NORTH ANDREWS AVENUE**  
**JANUARY 26, 2010**  
**9:00 A.M. – 2:02 P.M.**

<b><u>Board Members</u></b>	<b><u>Attendance</u></b>	<b>Cumulative attendance 2/2009 through 1/2010</b>	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
Sam Mitchell, Chair	P	11	0
Genia Ellis, Vice Chair	P	11	0
Howard Elfman	P	5	3
Joan Hinton	P	5	2
Howard Nelson	P	8	0
Jan Sheppard	P	11	0
Chad Thilborger	P	5	1
Paul Dooley [Alternate]	P	3	0

**Staff Present**

Bruce Jolly, Board Attorney  
 Brian McKelligett, Clerk /Code Enforcement Board Supervisor  
 Lindwell Bradley, Code Enforcement` Supervisor  
 Ginger Wald, Assistant City Attorney  
 Dee Paris, Administrative Aide  
 Deb Maxey, Clerk III  
 Lori Grossfeld, Clerk III  
 Yvette Ketor, Secretary, Code Enforcement Board  
 George Oliva, Building Inspector  
 Gerry Smilen, Building Inspector  
 Junia Jeantilus, Haitian Comm. Programs Coordinator  
 Mario Sotolongo, Code Enforcement Officer  
 J. Opperlee, Recording Secretary

**Communication to the City Commission**

By unanimous voice vote, the Board requested that:

- 1) The City Commission consider adoption of a "Super Lien" ordinance.

**Respondents and Witnesses**

CE08061528: Todd Erwin, owner  
CE08100091: Sean Frampton, owner  
CE07071088: Jerome Petrisko, owner's husband  
CE06081617: Richard Lawrence, contractor  
CE09010707: Leones Mertilus, owner  
CE08051038: Carlos Benitez, owner  
CE08101015: James Hollingsworth, architect; Melanny DeMoura, owner  
CE08080683: Tyler Tuchow, owner  
CE08020172: Daniel Stein, attorney; Ivan Saldana, general contractor  
CE08021711: Solange Francois, owner  
CE08072031: Michael Gelety, attorney  
CE08100515: Abe Bourujedi, owner  
CE09031097: Ralph Lynch, owner  
CE08042519: Lisa Dumetz, owner  
CE09010946: Henegie Rene, owner's daughter  
CE08040779: Jake Watkins, owner  
CE08060101: Jose Cruz, owner  
CE09030940: Mirnesa Martin, owner  
CE04061463: Nirma Motwani, owner; Raj Motwani, owner's son  
CE07030137: Cleris Nascimbeni, owner's mother  
CE08100511: Paul Warner, owner  
CE07081409: Caryn Deri, owner; Frank Pepe, seller  
CE08041544: Michael Kean, attorney; James John Nolan, tenant  
CE04081060: Howard Sussman, owner; David Verdeanna, tenant  
CE09020153: Olive Waugh, owner  
CE08110858: Mike Soueid, part owner  
CE09011358: Kristopher McKenney, owner  
CE07081643: Alba Bentancur, owner  
CE09011970: Joey Partin, buyer; Barbara Acree, owner  
CE05120725: Jeremy Merkin, owner's representative  
CE07100943: Nestor Mario Tamayo, general contractor  
CE06110950: Daniel Sieloff, owner's agent  
CE09080140: Jon Russell, bank representative  
CE09121195: Lara Diskin, bank representative

Chair Mitchell called the meeting to order at 9:00 a.m., introduced Board members and explained the procedures for the hearing.

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

Chair Mitchell distributed City of Fort Lauderdale lapel pins to Board members. He reminded residents that they were all eligible to serve on City Advisory Boards and encouraged them to do so.

**Case: CE07081409**

Richard Gold &  
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 and extensions were as noted in the agenda. Service was via posting on the property on 1/11/10 and at City Hall on 1/14/10. The property was complied, fines had accrued to \$129,300 and the City was recommending no fine be imposed.

Mr. Gerry Smilen, Building Inspector, explained that a previous owner had been responsible for the violations and the current owner had worked to get the property into compliance. He recommended no fine be imposed.

Ms. Caryn Deri, owner, confirmed they had done all of the work to comply the property.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to impose no fine. In a voice vote, motion passed 7 - 0.

**Case: CE06110950**

Fram Fed Five Inc  
1611 North Federal Highway

This case was first heard on 10/27/09 to comply by 11/24/09. Violations and extensions were as noted in the agenda and the order had been recorded.

Mr. Daniel Sieloff, the owner's agent, reported they needed one inspection to comply.

Mr. George Oliva, Building Inspector, stated the property only needed final inspection, and recommended a 56-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 56-day extension to 3/23/10, 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. Certified mail sent to the owner was accepted on 1/8/10.

The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. Todd Irwin, owner, stated two of the violations were complied already. He was working with an engineer to get the pool complied. He requested another 60 days.

Mr. George Oliva, Building Inspector, recommended a 56-day extension. He confirmed that the shed and dock had already been removed.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08100091**

Jonathan Olsen &  
Sean Frampton  
414 Southeast 12 Court

This case was first heard on 8/25/09 to comply by 10/27/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Sean Frampton, owner, said final inspection was scheduled for later that day for plumbing, electrical and gas. The window violations were not yet complied and the contractor was not returning Mr. Frampton's calls. He said he had recently hired a project management company who had sent a letter requesting a 90-day extension to deal with the window violations.

Mr. Gerry Smilen, Building Inspector, agreed there were inspections scheduled that day for the water heater, and said he supported a 56-day extension. Mr. Frampton explained that aside from the water heater, Inspector Ford had advised that the property also needed plumbing and electrical revisions, which had been done. Inspector Smilen explained that after the inspections, the windows and the window and wall air conditioning units would remain in violation.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a voice vote, motion passed 6 – 1 with Chair Mitchell opposed.

**Case: CE07071088**

Dana A Fahey  
3500 Vista Park

This case was first heard on 1/27/09 to comply per stipulated agreement by 3/24/09. Violations and extensions were as noted in the agenda. Certified mail sent to the owner was accepted on 1/9/10. The property was not complied and the City was requesting imposition of a \$9,300 fine, which would continue to accrue until the property complied.

Mr. Jerome Petrisko, the owner's husband, reported most of the violations were complied, and requested another 30 days to comply the landscaping. He said he had faxes showing that the electrical, plumbing and mechanical had final permits.

Mr. Gerry Smilen, Building Inspector, acknowledged that Mr. Petrisko had encountered obstacles, but noted work was progressing and recommended a 28-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE06081617**

Sheldon Friedberg  
9 Fort Royal Isle

This case was first heard on 2/24/09 to comply by 5/26/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded. Mr. McKelligett noted violations that were now complied.

Mr. Richard Lawrence, contractor, said he had submitted a new engineering package and the Building Official had made suggestions after it was rejected, none of which was working out. He was in the process of pricing new impact doors and windows for replacements, and requested 56 days to pull a permit.

Mr. Elfman stated there was a sale pending on the property that was set to close in February. He asked if the buyers knew about the problems, and Mr. Lawrence said he had notified the broker, and the violations had been recorded, so the buyer would be notified.

Mr. George Oliva, Building Inspector, confirmed he had received a call from the broker asking about the violations and informing him of their intent to provide the disclosure in the contract. Inspector Oliva recommended a 56-day extension.

Inspector Oliva said the owner could not produce an engineering certificate for the side windows and he believed the issue had existed prior to February 24, 2009. Mr. Lawrence explained that for the first several months of the permit process, he had never gotten past Code Enforcement and to the Building Department to review the documents. In approximately September or October, the lack of the engineering document became an impediment to the permit process.

Chair Mitchell wanted to grant no further extension and bring this case back as a hearing to impose the fines to motivate the owner to make the correction. Mr. Lawrence drew Chair Mitchell's attention to the number of violations that had already been complied. Mr. Nelson was concerned about "killing" the sale of the property, which he believed would result if an extension were not granted.

**Motion** made by Ms. Ellis, seconded by Mr. Nelson, to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a roll call vote, motion **failed** 2 - 5 with Mr. Elfman, Ms. Hinton, Ms. Sheppard, Mr. Thilborger and Chair Mitchell opposed.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to grant a 28-day extension to 3/23/10, during which time no fines would accrue. In a roll call vote, motion passed 5 - 2 with Ms. Sheppard and Chair Mitchell opposed.

Mr. Jolly advised Mr. Lawrence to report next month that he had contacted the prospective buyer regarding the violations. Mr. Lawrence remarked that the owner had hired him because a previous pending sale on the property had fallen through due to a permit left open by the prior owner.

**Case: CE09010707**

Leones & Melagette Mertilus  
341 Southwest 29 Terrace

This case was first heard on 11/24/09 to comply by 1/26/10. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Leones Mertilus, owner, requested a 91-day extension. So far, Mr. Mertilus had pulled the permit and purchased the windows, but he still needed to install them. Mr. Nelson remarked that the electrical permit for the air conditioner was still open.

Mr. George Oliva, Building Inspector, confirmed that the permit for the windows and shutters had been issued on December 4. Mr. Mertilus still needed the stucco permit and a renewed electrical permit. Inspector Oliva recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 4/27/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08051038**

Carlos Benitez  
1507 Northeast 15 Avenue

This case was first heard on 5/26/09 to comply by 7/28/09. Violations and extensions were as noted in the agenda. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting imposition of a \$24,800 fine, which would continue to accrue until the property complied.

Mr. Mario Sotolongo, Code Enforcement Officer, acted as translator for the owner.

Mr. Carlos Benitez, owner, stated his contractor was out of the country, and requested a 56-day extension. Mr. Benitez said he thought permit applications had been submitted in December.

Mr. George Oliva, Building Inspector, informed Officer Sotolongo that there were no permit applications in the system for this property. Mr. Benitez said he had hired the contractor approximately two months ago. He stated he was living in one side of the duplex. Inspector Oliva said the plan sets had not been sent to him from the contractor. He stated the Jacuzzi had been removed from the property, and he believed the shed would be permitted. Inspector Oliva had received an email from the contractor informing him that he would return in mid-February. He had left the country because his son had been involved in an accident in Russia.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find the violations were not complied by the Order date, and to impose the \$24,800 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 6 – 1 with Chair Mitchell opposed.

**Case: CE08101015**

Washington Mutual Bank  
1522 Davie Boulevard

This case was first heard on 8/25/09 to comply by 10/27/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. James Hollingsworth, architect, said his client had closed on the property in October and appeared at the October Code Enforcement Board hearing. Plans had been submitted in December and the permit issued on January 11. The owner had cleaned the property and boarded it. Since the permit was issued, the demolition had been done and a new roof installed. Mr. Hollingsworth estimated it would take three months to complete work on the property and requested a 90-day extension.

Mr. Gerry Smilen, Building Inspector, confirmed the permits had been issued, complying some of the violations. He supported a 90-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 91-day extension to 4/27/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08080683**

Tyler Tuchow  
1538 Northeast 3 Avenue

This case was first heard on 10/27/09 to comply by 1/26/10. Violations were as noted in the agenda. Certified mail sent to the owner was accepted [no date]. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. Tyler Tuchow, owner, said he was in bankruptcy, but he was maintaining the property as promised. He had been unsuccessful in seeking a contractor who would

live at the property in exchange for doing the work, but had found a contractor who would work with him regarding payment.

Mr. Jolly said generally, an owner needed to obtain authority to do work on his property while he was in bankruptcy; Mr. Tuchow said, "They won't allow me to spend any funds for doing something like this."

Mr. Gerry Smilen, Building Inspector, said as long as the property was maintained and secured, he would not object to a 90-day extension.

Mr. Tuchow could not say how long the bankruptcy would take. Chair Mitchell suggested that 90 days would not be sufficient time to comply.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 147-day extension to 6/22/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Ms. Wald arrived at 9:50

**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. Certified mail sent to the owner was accepted on 1/11/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. Daniel Stein, attorney, reported his client had hired a contractor and most of the permits were done. Mr. Stein requested more than 56 days.

Mr. George Oliva, Building Inspector, stated the master drawings had failed review earlier in the month and were now out for corrections. He said an engineer's letter was needed and the air conditioner permit must be finalized. Inspector Oliva agreed the property was being maintained. He recommended a 56-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 56-day extension to 3/23/10, during which time no fines would accrue.

Mr. Stein estimated the property would be complied in 60 days after the plans were approved. Chair Mitchell did not feel a 56-day extension would be sufficient.

Mr. Nelson amended his motion to a 119-day extension, and Mr. Elfman agreed to the amendment. 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. The property was not complied, the order had been recorded and fines had accrued to \$75,000.

Ms. Solange Francois, owner, stated the work was finished, but Inspector Smilen informed her it was not.

Ms. Junia Jeantilus, Haitian Programs Coordinator, acted as translator for Ms. Francois.

Mr. Gerry Smilen, Building Inspector, reported the vehicular damage to the garage, which was an illegally converted carport, was complete, but the illegal garage remained. He continued that the front porch had also been enclosed without a permit, a wall air conditioner had been installed without a permit and electric work had been added to the garage illegally. He said the garage must be converted back to a carport. Inspector Smilen knew of no pending permit applications for the remaining work.

Ms. Francois informed Chair Mitchell that she did not understand what was going on. She said she had "opened back up" the garage.

Inspector Smilen reiterated that the garage walls and door must be removed; the front porch must be addressed as well. He agreed to meet at the property with Ms. Francois and a nephew who had attended a previous meeting.

Ms. Ellis suggested that an impartial translator could tell Ms. Francois exactly what Inspector Smilen said must be done to comply. She felt this case had not shown sufficient progress since they had first heard it. Ms. Wald advised that a coordinator could arrange for a translator to meet with Ms. Francois and Inspector Smilen. Mr. Nelson requested that the City do this and Ms. Jeantilus agreed to set this up.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Mr. Elfman, Ms. Sheppard and Chair Mitchell opposed.

**Case: CE08072031**

Ronald Elor  
Marie Christophe Estate  
1041 Indiana Avenue

This case was first heard on 6/23/09 to comply by 7/28/09. Violations and extensions were as noted in the agenda. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting imposition of a \$70,800 fine, which would continue to accrue until the property complied.

Mr. Michael Gelety, attorney for Chase Home Finance, explained that one of the owners had died. Inspector George Oliva had informed him that there were people living in the building and he did not know who they were. Mr. Gelety said the property had been in foreclosure, but there had been a modification and the foreclosure was dismissed.

Ms. Wald explained that the bank Mr. Gelety represented was an interested party and had been noticed along with the owner because a lis pendens had been filed.

Inspector Oliva said the woman living at the property informed him she was paying rent, but he did not know if she was a tenant or the owner. He recommended imposing the fines.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to find the violations were not complied by the Order date, and to impose the \$70,800 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE08100515**

Zahra Bahrami  
2197 North Ocean Boulevard

This case was first heard on 11/24/09 to comply by 1/26/10. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Abe Bourujedi, owner, stated the permit had been issued the previous day. He explained that additional work needed to be done on the property and requested 90 days.

Mr. Gerry Smilen, Building Inspector, confirmed that the permits had been issued, which left two open violations until the final inspections.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 3/23/10, 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 and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Ralph Lynch, owner, informed the Board that the fence had been removed, and the roof and stucco had been repaired. He had contacted the owner of the window company because an engineer had found that the window installation was incomplete, but the owner of the window company did not want to do the work to comply the

windows. Mr. Lynch requested a two-month extension to either get the window company to do the work or have someone else do it.

Mr. Gerry Smilen, Building Inspector, stated the owner claimed to have a permit card for the paving permit with two signatures, but the City did not show that the paving had ever passed, so if Mr. Lynch provided this, that item would be complied. Inspector Smilen added that the windows were the other potential outstanding violation.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 91-day extension to 4/27/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**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. The property was not complied.

Ms. Lisa Dumetz, owner, said since the last meeting, she had submitted a permit application, which had been returned and she had resubmitted. She said she had tried to contact Inspector Ford and received no response.

Mr. George Oliva, Building Inspector, said a few permits had been issued but the master had been returned for corrections on 1/21. He supported a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 91-day extension to 4/27/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

The Board took a 10-minutes break.

**Case: CE08060101**

Jose Cruz, 1/2 Interest  
Maria Cruz  
1210 Northwest 1 Avenue

This case was first heard on 11/25/08 to comply by 2/24/09. Violations and extensions were as noted in the agenda. Certified mail sent to the owner was accepted on 1/8/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. Jose Cruz, owner, requested a 91-day extension because his contractor would be out of the country until February. He said his contractor would apply for the air conditioner permits when he returned.

Chair Mitchell noted that this case had been ongoing since November 2008. The contractor had been hired just two months ago.

Mr. George Oliva, Building Inspector, informed the Board that the remaining violations included "the laundry area and the water heater in the back of the property with the central AC." The contractor intended to submit plans for a small closet addition for the laundry. The contractor had sent Inspector Oliva an email indicating he would return in mid-February. He reminded the Board that Mr. Cruz had brought the property out of foreclosure and had surgery, and recommended a 56-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07100943**

Middle River Builders LLC  
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. The property was complied, the order had been recorded, fines had accrued to \$34,700 and the City was recommending no fine be imposed.

Mr. Gerry Smilen, Building Inspector, recommended no fine be imposed.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to impose no fine. In a voice vote, motion passed 7 - 0.

**Case: CE09010946**

Martine Paul  
451 Southwest 30 Terrace

This case was first heard on 9/22/09 to comply by 1/26/10. Violations were as noted in the agenda. Certified mail sent to the owner was accepted on 1/9/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. George Oliva, Building Inspector, reported he had approved the plans, and the permits would be issued in seven days.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton, to grant a 28-day extension to 2/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08040779**

Jake Watkins Jr  
1028 Northwest 7 Terrace

This case was first heard on 6/24/08 to comply by 7/22/08. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded and fines had accrued to \$21,700.

Mr. Jake Watkins, owner, said he had submitted a permit application after the last hearing, and the plans had been returned for corrections. He said his architect's phone had recently been disconnected. Mr. Watkins requested 91 more days.

Mr. George Oliva, Building Inspector, said Mr. Watkins had removed the illegal addition. The other violations were included in the master permit. Inspector Oliva said the plans had gone back for corrections on January 19 and he thought they should be returned in three weeks. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 4/27/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07030137**

Adriana Nascimbeni  
5712 Northeast 17 Terrace

This case was first heard on 11/24/09 to comply by 1/26/10. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Cleris Nascimbeni, the owner's mother, stated they had submitted permit applications, but they had failed. She explained that they had changed the doors on the property.

Mr. George Oliva, Building Inspector, said the master drawing had failed review and been returned on 1/22 for corrections. He recommended a 56-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 56-day extension to 3/23/10, 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. Certified mail sent to the owner was accepted [no date]. The property was not complied and the City was requesting imposition of an \$18,600 fine, which would continue to accrue until the property complied.

Mr. Paul Warner, owner, said his architect was making corrections to the plans, which had been submitted two months ago and returned on 1/20/10. Mr. Warner explained that his first contractor had been red-flagged by the City and he had needed to find another one.

Mr. George Oliva, Building Inspector, said the master permit application had been submitted on October 9, 2009 and had been returned for corrections on 1/20/10. He did not know why the review had taken so long. Inspector Oliva confirmed that issuance of the permit would comply the violations.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 56-day extension to 3/23/10, 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. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Ms. Mirnesa Martin, owner, requested a 91-day extension because her contractor was out of the country. She said she had hired him on December 9, 2009. Ms. Martin explained that between July and December, she had obtained quotes from contractors who wanted to replace the entire roof, but she only needed someone to confirm that the roof work had been done properly.

Mr. George Oliva, Building Inspector, confirmed that Ms. Martin's contractor was Jose Ares, who had three other customers appearing at the hearing. Inspector Oliva recommended a 56-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 6 – 1 with Ms. Ellis opposed.

**Case: CE02102410**

Marthenia T Coley  
700 Northwest 14 Terrace

This was a request to vacate the Order imposing a fine dated 8/26/03 and the Order dated 2/25/03.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard, to vacate the Order imposing a fine dated 8/26/03 and the Order dated 2/25/03. In a voice vote, motion passed 7 - 0.

**Case: CE07040072**

Evian Cuellar &  
Cecilio R Matias  
701 Northeast 17 Court

This was a request to vacate the Order imposing a fine dated 6/24/08.

**Motion** made by Mr. Nelson, Seconded by Ms. Ellis, to vacate the Order imposing a fine dated 6/24/08. In a voice vote, motion passed 7 - 0.

**Case: CE08070983**

Kevin Jr Brunette  
2481 Southwest 15 Court

This case was first heard on 9/22/09 to comply by 1/26/10. Violations were as noted in the agenda. The property was not complied.

Mr. McKelligett read a letter that had been received from Mr. Brunette requesting an extension.

Mr. George Oliva, Building Inspector, stated the owner had picked up the plans for corrections on 1/8/10. He recommended a 56-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07120459**

Riverside Condo Association Of Broward Inc  
1556 Southwest 5 Place

This was a request to vacate the Order imposing a fine dated 5/27/08 and the Final Order dated 2/26/08.

**Motion** made by Mr. Nelson, Seconded by Ms. Hinton, to vacate the Order imposing a fine dated 5/27/08 and the Final Order dated 2/26/08. In a voice vote, motion passed 7-0.

**Case: 9119039**

Jessie Walden  
2336 Northwest 15 Street

This was a request to vacate the Order imposing a fine dated 1/25/05 and the Order imposing a fine dated 4/27/99.

**Motion** made by Mr. Nelson, Seconded by Ms. Ellis, to vacate the Order imposing a fine dated 1/25/05 and the Order imposing a fine dated 4/27/99. In a voice vote, motion passed 7 - 0.

**Case: CE07071156**

Larry Schwartz  
3431 Jackson Boulevard

This case was first heard on 10/28/08 to comply by 11/25/08. Violations were as noted in the agenda. Certified mail sent to the owner was accepted on 1/11/10. The property was not complied and the City was requesting imposition of a \$213,000 fine, which would continue to accrue until the property complied.

Mr. Gerry Smilen, Building Inspector, stated there was no progress at the property and recommended imposition of the fines.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to find the violations were not complied by the Order date, and to impose the \$213,000 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE09011033**

John Francavilla  
1001 Southwest 4 Street

This case was first heard on 7/28/09 to comply by 10/27/09. Violations and extensions were as noted in the agenda. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting that the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the violations were corrected.

Mr. Gerry Smilen, Building Inspector, said the owner had pulled a window permit on 4/4/08, but there had been no inspections and no work done. He recommended imposition of the fines. Staff showed Mr. Nelson the notice that had been posted on the property.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE08072176**

Waltraud Pawlik  
1221 Northeast 1 Avenue

This case was first heard on 8/25/09 to comply by 10/27/09. Violations and extensions were as noted in the agenda. Service was via posting on the property on 1/5/10 and at



City Hall on 1/14/10. The property was not complied and the City was requesting imposition of a \$1,240 fine, which would continue to accrue until the property complied.

Mr. McKelligett read a letter from Ms. Pawlik indicating she had injured her leg and foot in a car accident and was unable to attend this hearing.

Mr. Gerry Smilen, Building Inspector, confirmed that one violation had been complied, but the other additional items on the property must be removed. In light of Ms. Pawlik's letter, he recommended a 91-day extension.

Ms. Sheppard referred to the November meeting minutes, when Ms. Pawlik had stated her cousin would visit in January and help her remove items in the carport.

**Motion** made by Mr. Nelson to grant a 91-day extension. Motion died for lack of a second.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 56-day extension to 3/23/10, during which time no fines would accrue. In a roll call vote, motion **failed** 3 - 4 with Ms. Ellis, Ms. Sheppard, Mr. Thilborger and Chair Mitchell opposed.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 28-day extension to 2/23/10, during which time no fines would accrue. In a roll call vote, motion passed 4 - 3 with Ms. Sheppard, Mr. Thilborger and Chair Mitchell opposed.

**Case: CE08060235**

Thomas Douglas & Bobby Hempstead  
2210 Southwest 36 Avenue

This case was first heard on 10/27/09 to comply by 1/26/10. Violations were as noted in the agenda. Certified mail sent to the owner was accepted on 1/9/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. George Oliva, Building Inspector, recommended imposition of the fines.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE08071795**

Deutsche Bank National Trust Co., Trustee  
C/O Florida Default Law Group P L  
3512 Riverland Road

This case was first heard on 10/27/09 to comply by 1/26/10. Violations were as noted in the agenda. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. George Oliva, Building Inspector, recommended imposition of the fines.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE08110624**

Jessica Heimbaugh  
950 Southwest 39 Avenue

This case was first heard on 6/23/09 to comply by 7/28/09. Violations were as noted in the agenda. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting imposition of a \$181,000 fine, which would continue to accrue until the property complied.

Mr. George Oliva, Building Inspector, recommended imposition of the fines.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find the violations were not complied by the Order date, and to impose the \$181,000 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE09030939**

Loretta L & William L Smith  
C/O Prudential California Realty  
1301 Northwest 12 Street

This case was first heard on 11/24/09 to comply by 1/26/10. Violations were as noted in the agenda. Service was via posting on the property on 1/5/10 and at City Hall on 1/14/10. The property was not complied and the City was requesting the fines as stated in the Order would begin on 1/27/10 and would continue to accrue until the property complied.

Mr. George Oliva, Building Inspector, recommended imposition of the fines.

**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 1/27/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

The Board took lunch from 11:29 – 11:57

**Case: CE04061463**

Raj Hotels LLC  
3081 Harbor Drive

Service was via posting on the property on 12/24/09 and at City Hall on 1/14/10.

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

FBC(2007) 105.4.7

A REQUIRED HANDICAP PARKING SIGN HAS BEEN REMOVED.

FBC(2007) 11-4.6.4

THE HANDICAP SIGN HAS BEEN REMOVED FROM THE DESIGNATED HANDICAPPED PARKING SPACE ALLOWING COMMON PARKING TO OCCUR.

FBC(2007) 105.1

1. THE PARKING LOT HAS BEEN RESURFACED AND RESTRIPEDED WITHOUT A PERMIT.
2. THE DESIGNATED HANDICAPPED SPACE DOES NOT CONFORM TO THE REQUIREMENTS OF CHAPTER 11 OF THE FLORIDA BUILDING CODE.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and explained that an after-the-fact permit application had been voided in 2004 and a new permit application had been submitted on January 19, 2010. Inspector Smilen recommended ordering compliance within 56 days or a fine of \$25 per day, per violation.

Mr. Raj Motwani, owner, explained that he was not aware that a permit was needed to re-stripe the parking lot. He requested more than 56 days to make sure everything was done properly. Chair Mitchell advised Mr. Motwani to return to request additional time if he could not comply by the deadline.

**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 56 days, by 3/23/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE09011970**

Barbara Acree  
1133 Southwest 5 Place

Service was via posting on the property on 12/23/09 and at City Hall on 1/14/10.

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

FBC(2007) 105.4.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT PERMITS INCLUDING BUT NOT LIMITED TO:

1. A CARPORT HAS BEEN ENCLOSED.
2. NEW DOORS HAVE BEEN INSTALLED.
3. NEW WINDOWS HAVE BEEN INSTALLED.

FBC(2007) 105.4.4

PLUMBING FOR A BATHROOM AND KITCHEN HAS BEEN COMPLETED WITHOUT A PERMIT.

FBC(2007) 105.4.5

ELECTRICAL PREMISE WIRING WAS COMPLETED WITHOUT OBTAINING A PERMIT.

FBC(2007) 1612.1.2

THE WINDOW AIR CONDITIONING UNITS HAVE NOT BEEN PROVEN TO SUFFICIENTLY WITHSTAND ESTIMATED OR ACTUAL IMPOSED DEAD, LIVE, WIND, OR ANY OTHER LOADS THROUGH THE PERMIT AND INSPECTION PROCESS.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and explained that the garage must be converted back to a garage instead of an efficiency. The rest of the house, which had been separated into units for rent, had already been converted back to a single-family residence.

Ms. Barbara Acree, owner, explained that the home was undergoing a short sale, and the prospective buyer was present. The sales contract included the provision that the buyer was responsible to obtain any needed permits. Ms. Acree stated she had left her home at the end of October and asked someone to trim the trees, paint the interior and clean the floors so she could put the house on the market. She had returned in December to find four people living in her house that she had no knowledge of. These people produced identification with her address and demanded \$5,000 to leave. Ms. Acree had put the unit letters on the doors so the Sheriff would know whom to evict. In retaliation, the squatters had called Code Enforcement and the Property Appraiser, and she was now forced to short sell the house. Until all squatters were evicted at the end of November, Ms. Acree had no access to her property.

Ms. Acree informed Ms. Ellis that the contract for the sale, which had been signed on 1/2/10, specified that the buyer assumed any and all permit issues.

Mr. Joey Partin, buyer, said they were waiting to hear from the bank that his offer had been accepted. He stated he already had an after-the-fact permit application, and was prepared to do whatever was necessary to comply the property. Ms. Acree requested time to hear from the bank regarding the sale.

**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 119 days, by 5/25/10 or a fine of \$25 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE09080140**

MTG Finance LLC  
1624 Southwest 28 Way

Certified mail sent to the owner was accepted on 12/21/09.

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. THE PROPERTY WAS CHANGED INTO A THREE APARTMENT RENTAL.
2. THERE IS A CARPORT ENCLOSED INTO LIVING SPACE.
3. INTERIOR WALLS WERE CREATED AND SOME WERE REMOVED TO BUILD THE THREE APARTMENTS.
4. THERE ARE ADDITIONAL KITCHEN AREAS AND BATHROOMS THAT WERE CREATED.
5. THERE ARE STRUCTURAL AREAS THAT WERE BUILT OUT OF 2X4'S AND PLYWOOD THAT DO NOT MEET ANY CURRENT OR PAST CODE. THERE ARE TWO SHEDS ON THE EAST SIDE AND ONE IN THE NORTH SIDE OF THE PROPERTY.
6. OUTSIDE DOORS WERE INSTALLED TO MAKE ONE ENTRANCE TO ONE OF THE APARTMENTS AND ANOTHER WAS PLACED INTO THE ENCLOSED CARPORT.

FBC(2007) 105.4.11

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

1. CENTRAL A/C PACKAGE UNIT TYPE SUPPORTING PLATFORM NOT TO CODE.

FBC(2007) 105.4.4

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

1. HOT AND COLD WATER SUPPLIED TO ALL THE ILLEGAL KITCHENS, BATHROOMS AND LAUNDRY AREAS.
2. DRAIN LINES AND VENT STACK FROM KITCHEN AND BATHROOMS. LAUNDRY IS DRAINING GRAY WATER INTO THE GROUND.

(2007) 105.4.5

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 ADDITIONAL KITCHENS, LIGHTS AND WALL OUTLETS THAT HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

FBC(2007) 109.10

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

FBC(2007) 1604.1

THE STRUCTURE FOR THE CARPORT CONVERSION, SHED AND LAUNDRY 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, and recommended ordering compliance within 56 days or a fine of \$10 per day, per violation and to record the order. He informed Mr. Nelson that two of the units were still occupied.

Mr. Jon Russell, bank representative, said the bank had been trying to gain possession of the property since July of last year. The property had been posted for eviction and one tenant was protesting the eviction. If the tenant's protest were successful, this would delay their taking possession by another 90 days; if he was not successful, he could be immediately evicted. Mr. Russell did not know how much of the property the tenant occupied.

Inspector Oliva informed the Board that the electrical violations were life safety issues.

**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 56 days, by 3/23/10 or a fine of \$25 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE04081060**

700T Seacloud LLC  
700 Northwest 7 Terrace

Certified mail sent to the owner was accepted on 12/24/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violations:  
47-34.1.A.1.

THE WAREHOUSE BUILDING IS BEING USED FOR  
AUTOMOBILE REPAIR WITHOUT THE REQUIRED APPROVAL.

FBC(2007) 105.1

THE WAREHOUSE BUILDING HAS BEEN ALTERED WITH THE INSTALLATION OF AUTOMOBILE REPAIR LIFTS WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC(2007) 105.4.5

ELECTRICAL CIRCUITS AND CONNECTIONS HAVE BEEN INSTALLED FOR SERVICING THE AUTOMOBILE REPAIR LIFTS 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, and explained that an after-the-fact permit application submitted in 2004 for the auto lifts had been returned for corrections and never resubmitted, so the permit package had been purged in May 2007. Inspector Smilen had met with the tenant in September 2009 and informed him he needed permits for the car lifts and approval for a change of use. The tenant had promised to get a contractor to pull the permits, and stated he was not operating a car repair business.

Inspector Smilen stated a new permit package had been submitted that day, and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

Mr. Howard Sussman, owner, reported he had applied for a permit for the second and third violations. He said the work had been done by a contractor and could pass final inspection. Regarding the first violation, Mr. Sussman explained that this was a towing yard, not a vehicle repair shop. He presented the property's occupational license showing it was a towing yard, and displayed photos of the lifts and said these were used for additional storage. He informed Chair Mitchell that the tenant did not perform car repairs on the premises. Mr. Sussman said the change of use from warehouse was voided on one of his sheets, and he wanted this a matter of record so he did not need to address this again.

Inspector Smilen said the change of use violation had been based on the fact than a previous inspector had seen the lifts, and he withdrew that violation.

**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 28 days, by 2/23/10 or a fine of \$25 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE09020153**

Olive Waugh  
941 Southwest 29 Avenue

Certified mail sent to the owner was accepted on 12/21/09.

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 APPLIED PERMIT ONLY.

FBC 106.10.3.1

THERE IS AN EXPIRED PERMIT APPLIED FOR AFTER THE FACT WINDOWS ON 6/1/00, NEVER ISSUED. THE WORK WAS DONE.

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 AND SHUTTER 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, and a copy of a contract the owner had with a window contractor who had installed the windows but never pulled the permits. Inspector Oliva explained that the contractor's license had been revoked, and the owner was now responsible to pull the permits. Inspector Oliva was willing to work with the owner to help her obtain an owner/builder permit. He recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Ms. Olive Waugh, owner, explained that she had replaced a broken window, unaware she needed a permit. She then tried unsuccessfully to pull a permit to replace four windows, and ended up calling a contractor from the Yellow Pages. This contractor had disappeared after installing the windows without pulling the permit.

**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 119 days, by 5/25/10 or a fine of \$5 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE07081643**

Alba Loaiza  
1100 Southwest 15 Terrace

Certified mail sent to the owner was accepted on 12/17/09.



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

FBC(2007) 105.1

THE FOLLOWING WORK WAS COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

2. THE FRONT SCREENED PORCH WAS ENCLOSED.
3. A NEW FRONT DOOR WAS INSTALLED.

Withdrawn:

1. A NEW FENCE WAS INSTALLED.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and explained that a fence permit had been issued, so that violation was withdrawn. Inspector Smilen said the house had been legally converted into a duplex years ago, and a screened porch legally added, but that screened porch had been enclosed illegally. Inspector Smilen recommended ordering compliance within 119 days or a fine of \$10 per day. He was unsure if permits could be obtained for the work already done.

Ms. Alba Bentancur, owner, said they were unaware they needed a permit to enclose the porch. They were working on the fence, and intended to put the front door and porch back the way they had been. She requested three months to complete the work.

**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 119 days, by 5/25/10 or a fine of \$25 per day would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE08041544**

Stacie Murray  
619 Northeast 13 Avenue

Service was via posting on the property on 12/24/09 and at City Hall on 1/14/10.

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

FBC 105.1

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

1. THE INTERIOR WALLS AND CLOSET THAT SEPARATED THE TWO BEDROOMS IN THE COTTAGE UNIT HAVE BEEN REMOVED TO CREATE ONE LARGER BEDROOM.
2. A NEW DOOR HAS BEEN INSTALLED THAT CONNECTS THE COTTAGE TO THE BREEZEWAY IN THE BACK.
3. WOOD FLOORS, JOISTS, AND SHEATHING HAVE BEEN REMOVED DUE TO ROTTING AND A CONCRETE SLAB/FLOOR HAS BEEN POURED.

4. AN ENCLOSUREMENT HAS BEEN BUILT AROUND A GAS WATER HEATER THAT WAS INSTALLED OUTSIDE AND BEHIND THE COTTAGE.

ENCLOSED GARAGE:

1. THE ORIGINAL SINGLE WINDOW HAS BEEN CHANGED TO A DOUBLE WINDOW IN WHAT IS NOW THE BEDROOM SECTION.
2. THE ORIGINAL BATHROOM HAS BEEN SPLIT INTO A KITCHEN AND A BATHROOM BY REMOVING THE LINEN CLOSET WALLS AND INSTALLING CABINETS.

COMMON AREA:

1. A SHED HAS BEEN INSTALLED AT THE BACK OF THE PROPERTY WHICH ENCROACHES ONTO THE SETBACK.

FBC 105.2.11

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

FRONT COTTAGE:

1. A NEW VENT INSTALLED ON THE TOP OF THE GAS WATER HEATER INSTALLED AT THE BACK OF THE BUILDING.

GARAGE ENCLOSURE:

1. NEW DUCTS AND VENTS HAVE BEEN INSTALLED TO COOL THE ENCLOSED GARAGE.

BACK APARTMENT:

1. A NEW DUCT HAS BEEN INSTALLED DURING THE GAS WATER HEATER INSTALLATION.

FBC 105.2.4

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

FRONT COTTAGE:

1. A NEW GAS WATER HEATER HAS BEEN INSTALLED AT THE BACK OF THE BUILDING.
2. NEW FIXTURES HAVE BEEN INSTALLED IN THE BATHROOM.

ENCLOSED GARAGE:

1. PIPING AND FIXTURES HAVE BEEN INSTALLED FOR THE ADDED KITCHEN.

FBC 105.2.5

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

FRONT COTTAGE:

1. CIRCUITS HAVE BEEN UPDATED IN BOTH THE KITCHEN AND BATHROOM.

2. CIRCUITS FOR THE FIRE DETECTORS HAVE BEEN INSTALLED.
3. CIRCUITS HAVE BEEN REMOVED WHEN THE INTERIOR WALLS AND CLOSET WERE TAKEN OUT THAT SEPARATED THE ORIGINAL TWO BEDROOMS.

ENCLOSED GARAGE:

1. CIRCUITS HAVE BEEN ADDED IN THE ILLEGAL KITCHEN.

LAUNDRY:

1. THE INTERIOR BREAKER BOX HAS BEEN RELOCATED ON THE WALL BUILT TO INCREASE THE SIZE OF THE LAUNDRY ROOM.

COMMON AREA:

1. CIRCUITS HAVE BEEN ADDED TO POWER THE FOUNTAIN IN THE FRONT YARD.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC 110.1.1

THE USE AND THE OCCUPANCY OF THE BUILDING HAVE CHANGED FROM THE ORIGINALLY PERMITTED OCCUPANCY CLASSIFICATION WITHOUT OBTAINING THE REQUIRED CERTIFICATE OF OCCUPANCY.

FBC 1612.1.2

THE SHED HAS NOT BEEN PROVEN TO SUFFICIENTLY WITHSTAND ESTIMATED OR ACTUAL IMPOSED DEAD, LIVE, WIND, OR ANY OTHER LOADS, THROUGH THE PERMIT AND INSPECTION PROCESS.

FBC 708.3

FIRE SEPARATIONS BETWEEN THE ENCLOSED GARAGE APARTMENT, THE COMMON LAUNDRY ROOM, AND THE BACK APARTMENT HAVE NOT BEEN VERIFIED THROUGH THE PERMIT AND INSPECTION PROCESS.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 91 days or a fine of \$25 per day, per violation.

Mr. Michael Kean, attorney, explained that a prior owner had submitted plans for an addition to the property, done the work and received a Certificate of Occupancy in January 1999. Mr. Kean's client, the present owner, subsequently purchased the property and rented it out. When the property was cited, Mr. Nolan, the tenant and a licensed contractor, had agreed to coordinate having plans drawn and hiring people to do the work. Sometime during this process, the owner had decided not to keep the house as a multi-family dwelling, but to revert back to single family to ultimately sell it

that way. Mr. Kean noted that a significant number of violations no longer existed because the property would not be used as a multi-family.

Mr. Kean reported an after-the-fact permit application had been submitted and approved, but had not been issued because they had overstated the amount of work that must be done.

Mr. James John Nolan, tenant, said seven of the violations related to the 1998 addition that had received a Certificate of Occupancy in 1999. He stated other violation were included on a permit that still had fees due, while other violations had been removed. Inspector Smilen stated the City needed to confirm the violations that were complied.

Mr. George Oliva, Building Inspector, said they were concerned about the illegal efficiency and pool bathroom.

Mr. Lindwell Bradley, Code Enforcement Supervisor, said the City would withdraw this case since it had many ramifications.

**Case: CE08110858**

US Pavers & Suppliers Inc  
1000 Northwest 52 Street

Service was via posting on the property on 12/24/09 and at City Hall on 1/14/10.

Mr. George Oliva, 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 CHAIN LINK FENCE HAS BEEN INSTALLED.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING  
THE REQUIRED APPROVALS.

Withdrawn:

FBC(2007) 105.1

2. PAVERS HAVE BEEN INSTALLED.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and said the City wanted the owner to pull the permit for the fence and remove the razor wire. He recommended ordering compliance within 56 days or a fine of \$10 per day, per violation.

Mr. Mike Soueid, part owner, explained he had given the owner a second mortgage on the property. He said they were in the foreclosure process now, and the owner had agreed to sign a lease with Mr. Soueid to give him access to the property.

Inspector Oliva informed Mr. Soueid that the owner must either get a permit for the fence or remove it, and he must remove the razor wire.

Mr. Nelson announced he had a conflict and stepped down; Mr. Dooley took his place on the Board for this case.

**Motion** made by Mr. Thilborger, 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 56 days, by 3/23/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

Mr. Nelson returned for the remainder of the meeting.

**Case: CE09011358**

Kristopher J Mckenney  
1040 Southwest 17 Street

Service was via posting on the property on 12/23/09 and at City Hall on 1/14/10.

Mr. Gerry Smilen, Building Inspector, testified to the following violations:  
FBC 105.1

THE FOLLOWING WORK HAS BEEN COMPLETED WITHOUT PERMITS:

1. NEW KITCHEN CABINETS AND COUNTERTOPS HAVE BEEN INSTALLED.
2. A SHED HAS BEEN PLACED IN THE REAR OF THE PROPERTY.
3. VINYL EAVES HAVE BEEN INSTALLED IN THE OVERHANGS.
4. NEW WINDOWS AND DOORS HAVE BEEN INSTALLED.
5. FASCIA BOARD HAS BEEN REPLACED.

FBC 105.2.18

1. A VINYL FENCE HAS BEEN INSTALLED AT THE REAR OF THE CARPORT WITH A GATE.

FBC 105.2.4

THE PLUMBING FOR THE NEW KITCHEN HAS BEEN DONE WITHOUT A PERMIT.

FBC 105.2.5

ELECTRICAL WORK HAS BEEN PERFORMED TO CONNECT AND COMPLETE THE NEW KITCHEN WITHOUT A PERMIT.

FBC 105.2.8

NEW AWNINGS HAVE BEEN INSTALLED ON THE SINGLE FAMILY DWELLING WITHOUT A PERMIT.

Withdrawn:

FBC 105.2.18

2. THE WOOD FENCE IS IN NEED OF REPAIR.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and explained that after the owner pulled the permits for the fence and septic tank abandonment and complied the fence violation, the owner had stopped working to comply the property. Inspector Smilen remarked that the owner had done an outstanding job with the property, but the work must be legitimized.

Inspector Smilen informed Mr. Nelson that Mr. McKenney purchased the property with some of the work already done, unaware of the violations. Inspector Smilen recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Kristopher McKenney, owner, said he had purchased the property in 2008 unaware of the problems. He said the title company had not noted any outstanding permits. Mr. McKenney stated there were five unresolved permits and he wanted to comply, but he had financial limitations and was out of town often. He requested as much time as possible.

Inspector Smilen confirmed that there was no evidence that the shed had ever been permitted. Mr. McKenney had investigated pulling an after-the-fact permit for the shed, but this would require architectural plans and he felt this would be impossible.

**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 119 days, by 5/25/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE05120725**

Greenwich Capital LLC  
1430 Northwest 7 Street

Certified mail sent to the owner was accepted on 12/17/09.

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. NEW ELECTRICAL BREAKER PANEL IN THE KITCHEN WHERE A FUSE PANEL USED TO BE.
2. WINDOWS AND ENTRANCE DOORS WERE REPLACED.

FBC(2007) 105.4.4

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

1. PLUMBING FIXTURES WERE REPLACED IN THE KITCHEN

AND BATHROOM.

FBC(2007) 105.4.5

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

1. FUSE PANEL WAS REPLACED WITH BREAKERS.
2. THE ELECTRICAL LOAD DEMAND WAS INCREASED BY ADDING ADDITIONAL LIGHTS AND WALL OUTLETS IN THE KITCHEN AREA WHICH HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

FBC(2007) 1612.1.2

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

FBC(2007) 1626.1

THE NEW WINDOWS 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, and explained that the tenant had filed a complaint about the work the owner had done without permits: the breaker box had been changed. The tenant had called FPL, and FPL made a statement that the work had not been done properly. Inspector Oliva said there was no record of a permit for any electrical work, windows or entrance doors at the property, and he considered the electrical violations to be a life safety issue.

Inspector Oliva recommended ordering compliance within 28 days for the electrical permit violations and 56 days for the window and door permit violations, or fines of \$25 per day, per violation. He confirmed that there was a tenant in the property at present.

Mr. Jeremy Merkin, the owner's representative, said the owner had been misled by a contractor regarding what had to be done. The owner did not contest the violations and requested time to hire a new contractor to check the work and apply for the permits.

Inspector Oliva informed Chair Mitchell that a previous inspector had cited the property for these violations on December 9, 2005.

**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 28 days, by 2/23/10 or a fine of \$100 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE08121202**

2727 East Oakland Park Boulevard LLC  
2721 East Oakland Park Boulevard

Certified mail sent to the owner was accepted on 12/17/09.

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

FBC(2007) 105.10.3.1

STUCCO PERMIT 03090405 HAS EXPIRED. WORK WAS COMPLETED WITHOUT HAVING OBTAINED THE REQUIRED APPROVALS THROUGH THE INSPECTION PROCESS.

FBC(2007) 105.4.11

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

1. ROOF MOUNTED A/C UNITS WERE REPLACED WITHOUT A PERMIT AND THE ELECTRICAL CONNECTIONS ARE UNSAFE.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and remarked that this was a life safety issue and a fire waiting to happen.

**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 28 days, by 2/23/10 or a fine of \$500 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE09062588**

Derwent O Grant  
911 Arizona Avenue

Service was via posting on the property on 12/29/09 and at City Hall on 1/14/10.

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. FLOOR RESTORATION WORK WAS BEING DONE. THERE IS REPLACEMENT OF JOIST AND SHEETING.
2. NEW FRONT DOOR AND WINDOWS WERE INSTALLED.
3. SCREEN PORCH ON THE REAR IS BEING ENCLOSED WITH DRYWALL AND FRAMING WORK.
4. CENTRAL A/C IN THE MAIN HOUSE AND WALL A/C ON THE ENCLOSED PORCH WAS BEING INSTALLED.



FBC(2007) 1604.1

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

FBC(2007) 1612.1.2

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

FBC(2007) 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, and informed the Board that a Stop Work Order had been issued but contractors had continued work. Inspector Oliva had spoken to the owner, who requested time but had never applied for permits. Inspector Oliva recommended ordering compliance within 56 days or a fine of \$10 per day, per violation and to record the order.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger, to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 56 days, by 3/23/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

**Case: CE09080202**

LaSalle Bank NA Trustee  
C/O Florida Default Law Group  
419 Carolina Avenue

Certified mail sent to the owner was accepted on 12/18/09.

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. ONE FRONT DOOR WAS REMOVED AND THE OPENING WAS ENCLOSED.
2. THERE IS A NEW DOUBLE FRENCH STYLE GLASS DOOR ON THE REAR.
3. NEW SHINGLED ROOF.
4. SOME OF THE PROPERTY WINDOWS WERE REPLACED.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING

THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC(2007) 1604.1

THE STRUCTURE FOR THE ROOF, DOOR OPENING THAT WAS ENCLOSED AND THE GLASS FRENCH DOUBLE DOOR DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC(2007) 1626.1

ALL THE WINDOWS AND DOOR INSTALLATIONS HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS. ALL THE NEW WINDOWS AND DOOR WITH GLASS NEED TO BE IMPACT RESISTANT.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and said the case had been going on since 2006. Mr. McKelligett said the bank had taken control of the property in July 2009. Mr. Elfman stated a sale was supposed to close on the property on December 31, 2009, and the buyer was aware of the violations and would be responsible to comply them.

**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 28 days, by 2/23/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote motion passed 7 - 0.

### **Approval of Meeting Minutes**

[This item was heard out of order]

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

### **Board Elections**

[This item was heard out of order]

Ms. Ellis nominated Mr. Nelson for Chair, seconded by Mr. Elfman.  
Mr. Mitchell nominated Ms. Ellis for Chair.  
Ms. Sheppard nominated Mr. Mitchell for Chair, seconded by Ms. Hinton.  
Ms. Ellis withdrew her name from consideration for Chair.

In a voice vote, Mr. Mitchell was elected unanimously.

Ms. Sheppard nominated Mr. Nelson for vice Chair, seconded by Ms. Hinton. In a voice vote, Mr. Nelson was elected unanimously.

**Communication to the City Commission**

Mr. Nelson suggested the City adopt a “super lien” ordinance that would allow any orders of the Board to have priority over the mortgage, as long as the ordinance was adopted prior to the recording of the mortgage. This would prevent foreclosure from wiping out the Board’s orders. Mr. Nelson agreed to email a copy of the Miami Beach ordinance to staff and Board members.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to recommend the City Commission consider adoption of a “Super Lien” ordinance. In a voice vote, motion passed unanimously.

**For the Good of the City**

None

**Cases Complied**

Mr. McKelligett 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:

CE08020079

**Cases Withdrawn**

Mr. McKelligett 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:

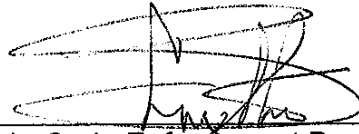
CE08031925

CE08100204

CE09091321

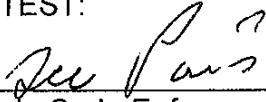
CE09121195

There being no further business to come before the Board, the meeting adjourned at **2:02 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.

Minutes prepared by: J. Opperlee, ProtoType Inc.