

**CODE ENFORCEMENT BOARD  
CITY COMMISSION MEETING ROOM  
100 NORTH ANDREWS AVENUE  
NOVEMBER 23, 2010  
9:00 A.M. – 12:57 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative attendance 2/2010 through 1/2011</u>	
		<u>Present</u>	<u>Absent</u>
Sam Mitchell, Chair	P	10	0
Howard Nelson, Vice Chair	P	8	2
Howard Elfman	P	10	0
Genia Ellis	P	10	0
Joan Hinton	P	9	1
Jan Sheppard	P	9	1
Chad Thilborger	P	10	0
Paul Dooley [Alternate]	A	9	1
Frank Marino [Alternate]	A	4	6
Joshua Miron [Alternate]	A	6	2

**Staff Present**

Bruce Jolly, Board Attorney  
 Ginger Wald, Assistant City Attorney  
 Brian McKelligett, Clerk /Code Enforcement Board Supervisor  
 Dee Paris, Administrative Aide  
 Yvette Ketor, Secretary, Code Enforcement Board  
 Deb Maxey, Clerk III  
 George Oliva, Building Inspector  
 Burt Ford, Building Inspector  
 Gerry Smilen, Building Inspector  
 Lori Grossfeld, Clerk III  
 Alex Hernandez, Chief Mechanical Inspector  
 J. Opperlee, Recording Secretary

**Communication to the City Commission**

None

**Respondents and Witnesses**

CE08041544: Stephen Todaro, architect  
 CE10062108; CE01010525: Goran Dragoslavlic, owner; Connie Hersch, manager  
 CE09060554: Jeffrey Yoham, owner  
 CE08061524: Joseph Quaratella, owner  
 CE08071578: Todd Volpe, owner

CE07031444: Jared Flournoy, contractor; John Duffin, contractor; Richard Maynard, contractor; John Annis, contractor; Allan Kozich, engineer  
CE09040018: Eve Kearse, owner; Etheridge Lenell, owner's son  
CE08050335; CE10042849: Chuck Weidner, engineer; Daniel Swaney, owner, Jeffrey Waters, owner  
CE09011970: Joey Partin, owner  
CE08010523: Rickey Bright, owner; Rusty Carter, contractor  
CE08110556: Orville Morris-Jarrett, owner's son  
CE09010899: Ian Seitel, attorney  
CE10020493: John Ross, general contractor  
CE09101075: Charles Burkett, owner  
CE10050006: Blendi Turku, co-owner  
CE07031580: David Kendall, bank representative  
CE09111017: Jeffrey Mack, owner  
CE09021699: Marcia Davis, contractor  
CE09010081: Jennifer Brait, owner's representative; Rudolfo Estefano  
CE09011358: Kristopher McKenney, owner  
CE07110906: Johnnie McCullough, owner, Odessa Graham, owner  
CE10010865: Jean Francois, owner  
CE09030895: Kent Chamberlain, owner; Juan Castellanos Garcia, employee of the engineer and architect  
CE10020466: Alan Gordon, owner  
CE10080921: Jayson Oneschuk, prospective buyer; Nicholas Saavedra, listing agent  
CE08101015: James Hollingsworth, architect; Mellyzye Haas, co-owner  
CE08121202: Thomas Handy, receiver  
CE09111134: Marlon Ferguson, owner  
CE06032073: John Allen, owner  
CE10062109: Gary Longchamp, owner's representative  
CE09120485: LittleQunya Long, owner  
CE09020197: Carl Van Eyssen, bank's realtor  
CE04061463: Gopal Motwani, owner  
CE10060558: Dennis Neff, former owner

Chair Mitchell called the meeting to order at 9:02 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.**

Mr. Elfman arrived at 9:03.

**Case: CE09060554**

1121 Guava Isle  
YOHAM, JEFFREY

This case was first heard on 9/28/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

Gerry Smilen, Building Inspector, felt there was some miscommunication; the owner had provided the packet to Inspector Smilen instead of re-submitting it to the Building Department.

Mr. Jeffrey Yoham, owner, requested an extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE01010525**

1315 Northwest 7 Street  
1311 Northwest 7 Street LLC

This case was first heard on 6/22/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,050 fine, which would continue to accrue until the property complied. Personal service was made to the manager on 11/5/10.

George Oliva, Building Inspector, reported progress was being made and only two violations remained. He recommended an extension to the next hearing.

Ms. Connie Hersch, manager, requested an extension because their general contractor was out of town.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07031444**

2491 State Road 84  
BILL RICHARDSON TR

This case was first heard on 11/25/08 to comply by 1/27/09 and 2/24/09. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Richard Maynard, contractor, said they had made progress but hit a snag. The architect was no longer on the job and the new engineer and the City Fire Department

indicated the drawings would not work. The Fire Marshall had stated he would support an extension.

George Oliva, Building Inspector, said he had heard from the Fire Marshall, who asked him to request an extension to the next hearing date.

**Motion** made by Ms. Ellis, seconded by Mr. Thilborger to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Mr. Nelson, Ms. Sheppard and Chair Mitchell opposed.

**Case: CE08071578**

1731 Northeast 3 Avenue  
VOLPE, TODD D

This case was first heard on 4/27/10 to comply by 6/22/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$680.

Mr. Todd Volpe, owner, requested additional time. He said he had yet to determine if his deck could be considered a dock, which would put it under a different set of rules. He conformed that all other violations were complied.

Burt Ford, Building Inspector, said he had spoken with Mr. Burgess, who believed the deck might be considered a dock, which a survey was needed to confirm. He had advised Mr. Volpe to speak to Mr. Burgess to confirm this. Inspector Ford did not object to the request for an extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08041544**

619 Northeast 13 Avenue  
COX, 2009 TRUST  
COX, PAUL A & STACIE RENEE TRSTEE

This case was first heard on 9/28/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

Mr. Stephen Todaro, architect, said he had submitted plans approximately one month ago. The plans had been approved and as soon as he supplied the Notice of Commencement, he would get the permit. He requested a 60-day extension.

Burt Ford, Building Inspector, confirmed the plans had passed all reviews, and recommended 91 days.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09010899**

2864 Northeast 24 Place  
SMALL, GREG M

This case was first heard on 7/27/10 to comply by 9/28/10. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Ian Seitel, attorney, said the owner had already taken significant steps to comply and requested a 60-day extension.

Burt Ford, Building Inspector, said the architect was not supplying the correct documents. He did not oppose a two-month extension.

**Motion** made by Ms. Sheppard, seconded by Ms. Hinton to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Mr. Elfman, Mr. Nelson and Mr. Thilborger opposed.

**Case: CE09040018**

3220 Northwest 63 Street  
KEARSE, EVE

This case was first heard on 3/23/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied.

Ms. Eve Kearse, owner, said she now had a job, and requested an extension. She said a member of her church had spoken with Inspector Ford and would be helping her.

Mr. Etheridge Lenell, the owner's son, said he had recently moved in with his mother and was seeking employment.

Burt Ford, Building Inspector, said he felt Ms. Kearse was sincere.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE10010865**

1205 Northeast 5 Avenue  
FRANCOIS, JEAN R

This case was first heard on 10/26/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

George Oliva, Building Inspector, reported the owner had addressed the expired permit but the AC permit issue remained. He explained the electrical permit could not pass final inspection before the electrical inspection for the AC. Inspector Oliva recommended an extension.

Mr. Jean Francois, owner, confirmed the AC was the outstanding issue. He stated he must go back to Haiti to do some missionary work, and requested 120 days. Mr. Francois confirmed the property was being rented. He informed Mr. Nelson he would leave for Haiti the following week and would return in approximately 45 days.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a roll call vote, motion passed 5 – 2 with Mr. Elfman and Ms. Sheppard opposed.

**Case: CE08061524**

1650 Northeast 60 Street  
QUARATELLA, JOSEPH F

This case was first heard on 6/22/10 to comply by 9/28/10. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Joseph Quaratella, owner, stated he had removed the cabinets, plumbing and electricity and the engineer was drawing plans for a shade structure to replace the building.

Burt Ford, Building Inspector, said he had stopped by the previous day but had been unable to see the work that was done. He did not oppose an extension.

Mr. Quaratella was aware of the roof setback issue and intended to apply for a variance.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Ms. Ellis, Mr. Nelson and Mr. Thilborger opposed.

**Case: CE08121202**

2721 E Oakland Park Boulevard  
2727 E OAKLAND PARK BOULEVARD LLC

This case was first heard on 2/23/10 to comply by 3/23/10. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Thomas Handy, receiver, stated they had re-filed the permit application with the proper documents on 11/5, but they had been rejected for administrative reasons. He explained that they must determine who owned the sidewalk because they might need a

right-of-way permit for a scaffold. As soon as he knew this, he would pull the permit. Mr. Handy said the work had been authorized by the bank, based on his estimates. He said the court must be petitioned to actually spend the money; this would take two to three weeks.

Mr. Handy said in order to comply with the comments for the rejected mechanical permit, the plans examiner required proof that the mismatched AC units complied with the standards of the Air Conditioning, Heating and Refrigeration Institute, and his engineer had determined that six of the seven did not comply. Since it was not feasible to try to find appropriate replacements for the condensers, Mr. Hernandez had suggested Mr. Handy's engineer and contractor perform output testing. Mr. Handy requested an extension.

Burt Ford, Building Inspector, confirmed what Mr. Handy had said, and stated they would resolve the MOT issue. Inspector Ford thought it best to explore testing, because the mechanical chief could allow it if testing showed they were compatible. Inspector Ford said he did not oppose an extension. He confirmed there were no life safety issues.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE10042849**

1122 Northwest 23 Terrace  
1122 Northwest 23 TERRACE TR  
SWANEY, DANIEL TRSTEE

This case was first heard on 10/26/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

George Oliva, Building Inspector, reported the permit application had been submitted and recommended an extension to the next hearing. He informed Mr. Nelson that the columns were decorative, not weight bearing.

Mr. Daniel Swaney, owner, said they were taking care of things as quickly as possible.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08050335**

1061 Northwest 25 Avenue  
LINDER, JERON F JR

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 City was requesting imposition of the fine, which would begin on 11/24 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 11/12/10. Ms. Paris informed the Board that the property had been purchased on 7/9/10 by 1061 NW 25 Avenue Trust, Catalina Management LLC Trustee.

Gerry Smilen, Building Inspector, reported that the application had been submitted the previous day. He had spoken with the new owner, who informed him there had been a delay with the drawings. He recommended a 91-day extension. Inspector Smilen confirmed that the building was vacant.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 6 – 1 with Mr. Elfman opposed.

**Case: CE09011358**

1040 Southwest 17 Street  
MCKENNEY, KRISTOPHER J

This case was first heard on 1/26/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied.

Gerry Smilen, Building Inspector, said the owner had experienced problems regarding the new windows and had changed contractors.

Mr. Kristopher McKenney, owner, confirmed that the violations pre-dated his ownership of the property. He had submitted two permit applications earlier that day, and recited the numbers. Mr. McKenney requested an extension.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08101015**

1522 Davie Blvd  
WASHINGTON MUTUAL BANK

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. Ms. Paris stated the property had been bought on 9/25/09 by TLC Experts Inc.

Gerry Smilen, Building Inspector, reminded the Board that this was the case of the contractor who had gone home to Brazil and been unable to return. He reported there



had been some activity on the property and the permits were still active. Inspector Smilen stated the property was well kept and secure.

Mr. James Hollingsworth, architect, said the Immigration Service was preventing the owner from returning to the United States. The Immigration Service had informed the owner they should have an answer within 60 days and Mr. Hollingsworth requested a 90-day extension. He said work had stopped in the owner's absence.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08110556**

2716 Middle River Drive  
JARRETT, ROSE  
ROSE JARRETT REV LIV TR

This case was first heard on 4/27/10 to comply by 7/27/10. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Orville Morris-Jarrett, the owner's son, stated the letter from the architect needed to close the case had been submitted to the Building Department, so the case should be closed soon.

Burt Ford, Building Inspector, confirmed the City had anticipated the engineer's letter, which would be reviewed by the structural chief.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09101075**

4520 Northeast 18 Avenue # 300  
BURKETT-SCHOLL PROPERTIES II

This case was first heard on 9/28/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

Mr. Charles Burkett, owner, said there had been a fire at the property, so there were issues he must resolve with the insurance company. He reported two of three items were complied and requested a 90-day extension.

Burt Ford, Building Inspector, stated he did not oppose an extension.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 217-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08010523**

2251 Southwest 27 Lane  
BRIGHT, RICKEY DEAN

This case was first heard on 9/28/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

George Oliva, Building Inspector, reported the Master Permit application had been submitted on 11/8. He recommended a 91-day extension.

Mr. Rickey Bright, owner, described problems he had experienced with the property and said he had the documents for the permit.

Mr. Rusty Carter, contractor, thought it would take three to four months to complete the work.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09030895**

1369 Southeast 14 Street  
CHAMBERLAIN, KENT T

This case was first heard on 8/24/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

Mr. Juan Castellanos Garcia, employee of the engineer and architect, said they had submitted the permit application.

Burt Ford, Building Inspector, confirmed the window and door permit application had been submitted. He said the application referred to a porch but the drawings showed the carport, so one or the other must be corrected. Inspector Ford said the owner was on the January agenda for the Board of Adjustment to address the porch issue.

Mr. Kent Chamberlain, owner, said his contractor was supposed to be present, but he was not. He felt he needed to make a change.

Mr. Garcia explained the porch was encroaching into the front yard setback and he had recommended applying for the variance.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 119-day extension to 3/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE10020493**

3000 State Road 84  
VY MARINA MILE LLC  
C/O RUDEN, MCCLOSKEY, SMITH, SCHUSTER  
& RUSSELL, P.A.

This case was first heard on 5/25/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied.

George Oliva, Building Inspector, reported the permits had been renewed on 11/18/10. Only two items were missing, but this would take time because a new NOA or engineering letter was required.

Mr. Nelson disclosed that he had represented Mr. Ross prior to this, but he had no voting conflict.

John Ross, general contractor, stated they had changed the contractor and pulled the after-the-fact permits. The architect was determining what work had been completed and what still needed to be done. Mr. Ross requested 90 days.

**Motion** made by Ms. Sheppard, seconded by Ms. Hinton to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09011970**

1133 Southwest 5 Place  
ACREE, BARBARA

This case was first heard on 1/26/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of the fine, which would begin to accrue on 11/24 and would continue to accrue until the property complied. Service was via posting on the property on 11/9/10 and at City Hall on 11/10/10. Ms. Paris reminded the Board that the property had been purchased on 4/20/10 by Kamerin Cook and Joey Partin.

Gerry Smilen, Building Inspector, reported the permit applications had been submitted. He recommended a 63-day extension.

Mr. Joey Partin, owner, said he was working on the permits.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09021699**

680 Southwest 29 Terrace  
TELCY, EUGENA

This case was first heard on 3/23/10 to comply by 4/27/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$1,020.

Ms. Marcia Davis, contractor, explained the owner was having severe financial difficulties. She said she needed to reapply for some permits. Ms. Davis was moving and requested a 91-day extension to re-apply for the permits and work on the stamped concrete.

George Oliva, Building Inspector, agreed the owner did not have money now to pay for the work being done. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07110906**

1132 Northwest 5 Court  
MCCULLOUGH, JOHNNY  
HALL, ODESSA

This case was first heard on 11/24/09 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied.

George Oliva, Building Inspector, reported the fence permit had been issued on 11/17/10. Only the AC remained, and this was an expensive process. He recommended a 91-day extension.

Mr. Johnnie McCullough, owner, remarked that the fence permit had been expensive. He said they would perform the work as quickly as they could afford to. He felt three months would be sufficient.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE10020466**

1391 Southwest 33 Terrace  
GORDON, ALAN DAVID

This case was first heard on 7/27/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Alan Gordon, owner, reported the permit applications had been submitted. He requested a 90-day extension.

George Oliva, Building Inspector, said all permits were in process and should be issued soon. He recommended a 63-day extension.

**Motion** made by Ms. Ellis, seconded by Mr. Nelson to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09010081**

901 West Las Olas Boulevard  
BRAIT, KAREN L

This case was first heard on 10/26/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied.

Ms. Jennifer Brait, the owner's representative, said they had hired a new architect, who was working on the plans.

Gerry Smilen, Building Inspector, reported the house was in the historical district, and the owner had needed to find a new architect. He recommended a 91-day extension.

Ms. Wald confirmed the property was in the Sailboat Bend Historic District, so any renovation must be approved by the Historic Preservation Board [HPB] before it went forward with the Building Department. Ms. Brait said she was now aware of the process they must go through with the HPB.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 154-day extension to 4/26/11, during which time no fines would accrue. In a roll call vote, motion **failed** 2 – 5 with Mr. Elfman, Ms. Hinton, Ms. Ellis, Mr. Nelson and Chair Mitchell opposed.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 91-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE09111017**

340 Southwest 29 Terrace  
PRIESTER, ETTA M  
MACK, JEFFREY

This case was first heard on 6/22/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied.

At 10:21 Mr. Elfman left the dais; he returned at 10:23.

Mr. Jeffrey Mack, owner, said he needed to find a contractor he could pay over time, since he was having financial problems. He described the work that needed to be done. Chair Mitchell was concerned that work was not progressing. Mr. Mack said he had the drawings for the work.

George Oliva, Building Inspector, informed Ms. Sheppard that the roof permit had been issued.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 63-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 4 – 2 with Mr. Elfman abstaining and Mr. Nelson and Mr. Thilborger opposed.

The Board took a brief break.

**Case: CE10062108**

711 Southwest 15 Avenue  
LUMAX USA LLC

Personal service was made to the manager on 11/2/10.

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

FBC(2007) 105.1

THE FOLLOWING WORK HAS BEEN COMPLETED WITHOUT PERMITS:

1. KITCHEN REMODELINGS.
2. BATHROOM REMODELINGS.
3. A NEW FENCE HAS BEEN INSTALLED. **WITHDRAWN**

FBC(2007) 105.4.4

THE FOLLOWING PLUMBING WORK HAS BEEN DONE WITHOUT A PERMIT:

1. NEW PLUMBING CONNECTIONS AND FIXTURES FOR THE KITCHENS.
2. NEW PLUMBING CONNECTIONS AND FIXTURES FOR THE BATHROOMS.
3. A NEW WATER HEATER WAS INSTALLED.

FBC(2007) 105.4.5

THE FOLLOWING ELECTRICAL WORK HAS BEEN DONE WITHOUT PERMITS:

1. WATER HEATER CONNECTION.
2. CONDENSING UNIT CONNECTIONS.
3. AIR HANDLER CONNECTIONS.

Withdrawn:

FBC(2007) 105.4.11

Inspector Smilen submitted photos of the property and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Ms. Connie Hersch, manager, stated they had fence and AC permits and they were waiting for their general contractor to return to finish up the permits. She said she would call the following week for inspections on the issued permits. Ms. Hersch requested an extension.

**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 1/25/11 or a fine of \$25 per day, per violation would begin to accrue. In a voice vote, motion passed 7 – 0.

**Case: CE07031580**

209 Southwest 22 Street  
U S BANK NATIONAL ASSN  
C/O FIDELITY/SELECT

Certified mail sent to the owner was accepted on 11/5/10.

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

FBC 105.1

THE SINGLE FAMILY DWELLING HAS BEEN ALTERED IN THE FOLLOWING WAY WITHOUT OBTAINING THE REQUIRED PERMITS:

1. NEW WINDOWS HAVE BEEN INSTALLED.
2. A NEW FRONT DOOR HAS BEEN INSTALLED.
3. NEW DRYWALL HAS BEEN INSTALLED ON CEILINGS AND WALLS.
4. GLASS BLOCK HAS BEEN INSTALLED.

FBC 105.2.11

WALL A/C UNITS HAVE BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC 105.2.5

ELECTRICAL WIRING HAS BEEN INSTALLED FOR HI-HAT CEILING LIGHTING WITHOUT OBTAINING THE REQUIRED PERMITS.

Inspector Smilen submitted photos of the property and stated he did not have photos of the interior violations, but he had the word of Inspector Hruschka that those violations existed. He recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. David Kendall, bank representative, said they had a contract with a buyer who was aware of the violations and would remediate them. He requested a 154-day extension. Mr. Kendall said he had notified the bank when they became aware of violations. They had also taken care of overgrowth on the property so it would look presentable from the street. He said they had received no instructions from the bank other than to "aggressively reduced the list price to attract an investor that would want to come in and do the work themselves." Mr. Kendall stated this was zoned multi-family; the front house was a 2/1 and the cottage in the rear was a 1/1. He did not know the history of work done at the property.

Mr. Kendall informed Mr. Nelson that he had reviewed the list of violations over the phone with the potential buyer and he would email a copy of the Final Notice to the potential buyer. He agreed to allow Inspector Smilen access to the property for inspection prior to the conclusion of 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 3/22/11 or a fine of \$25 per day, per violation would begin to accrue, and to record the order. In a roll call vote, motion passed 5 – 2 with Mr. Elfman and Mr. Thilborger opposed.

**Case: CE10050006**

204 Northwest 16 Street  
LARA & BLENDI LLC

Service was via posting on the property on 11/2/10 and at City Hall on 11/10/10.

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. CARPORT ENCLOSED INTO A GARAGE.
2. GARAGE DOOR WAS INSTALLED.
3. PROPERTY WINDOWS AND DOUBLE GLASS DOOR AT THE REAR WERE REPLACED.
4. KITCHEN WAS REMODELED WITH NEW CABINETS AND FIXTURES.

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 WAS INSTALLED.



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. PLUMBING STACKS ARE REROUTED AROUND THE ROOF.
2. FIXTURES WERE REPLACED IN THE KITCHEN. WASHER HOOK-UP TO NEW DRAIN AND SUPPLY LINES.
3. A TRAP WAS INSTALLED INGROUND WITH THE ELECTRICAL AND PLUMBING SUPPLY.

FBC(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 A CENTRAL A/C WITH AN ELECTRIC HEATER AND ADDITIONAL 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) 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 into evidence, and explained that the changes had been made by the previous owner. The new owner had indicated he would try to work with Inspector Oliva.

Inspector Oliva recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Blendi Turku, co-owner, said he had not been aware of all of the violations when he purchased the property. He stated he would work to comply the property. Mr. Turku said since May, the electrical for the Jacuzzi had been removed, the car cover had been removed, the house had been painted and the windows repaired. He stated he would meet with Inspector Oliva the following week to make a plan for the repairs. Mr. Turku

said he had the property listed for sale but he did not anticipate any interest. The property was currently rented.

**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 63 days, by 1/25/11 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: CE10080921**

1432 Southwest 30 Street  
DEUTSCHE BANK NATL TR CO TRSTEE  
C/O HOMEQ SERVICING

Service was via posting on the property on 11/2/10 and at City Hall on 11/10/10.

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

FBC(2007) 105.1

THE FOLLOWING WORK HAS BEEN COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. A CARPORT HAS BEEN ENCLOSED.
2. THE KITCHEN HAS BEEN REMODELED.
3. AN EXTERIOR DOOR HAS BEEN SEALED OFF.

FBC(2007) 105.4.4

THE FOLLOWING PLUMBING WORK HAS BEEN COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. NEW PLUMBING FOR THE REMODELED KITCHEN.
2. NEW WATER HEATER INSTALLATION.
3. NEW WATER SUPPLY HOSE BIBS INSTALLED ON THE EXTERIOR.

FBC(2007) 105.4.5

THE FOLLOWING ELECTRICAL WORK HAS BEEN COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. NEW ELECTRICAL WIRING FOR THE KITCHEN REMODEL.
2. ELECTRICAL CONNECTION FOR THE HOT WATER HEATER.
3. EXTERIOR OULETS INCLUDING A 220 VOLT HAVE BEEN INSTALLED.
4. PREMISE WIRING FOR THE ENCLOSED CARPORT.

Inspector Smilen described violations at the property and recommended ordering compliance within 91 days or a fine of \$10 per day, per violation. He confirmed that the property was vacant, secure and maintained.

Mr. Nicholas Saavedra, listing agent, requested an extension. He said the prospective buyer was aware of the violations. He did not know when improvements had been made.

Mr. Jayson Oneschuk, prospective buyer, said he had reviewed the details with Inspector Smilen. He explained he had put down a \$30,000 non-refundable deposit on the property and the contract had no contingency so he was locked into the purchase. Mr. Oneschuk promised to open all of the permits needed within 90 days of closing.

**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 3/22/11 or a fine of \$5 per day, per violation would begin to accrue. In a voice vote, motion passed 7 – 0.

**Case: CE10060558**

1372 Southwest 22 Avenue  
NEFF, DENNIS N &  
NEFF, DEBRA

Service was via posting on the property on 11/2/10 and at City Hall on 11/10/10.

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. FLAT ROOF DECK IS BEING REPLACED.
2. THE WOOD JOIST WERE REPAIRED BUT NOT TO CODE.
3. THE PLYWOOD SHEATHING WAS REPLACED.

FBC(2007) 1604.1

THE STRUCTURES FOR THE FLAT DECK ROOF DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS. ALL THE STRUCTURES THAT WERE DONE ILLEGALLY ARE DEEMED UNSAFE AND THE CONSTRUCTION IS UNDERDESIGNED. IT WOULD NOT PROVIDE THE REQUIRED RESISTANCE TO UPLIFT WHICH THE CODE PROTECTS NEIGHBORS FROM FLYING DEBRIS IN A STORM AND WHICH THIS STRUCTURE MAY BECOME. THEY MUST BE REMOVED.

Inspector Oliva said he had issued a stop work order on the property on 6/7/10 when he discovered a roofer had removed the flat deck above the carport and utility room. He said the owners had informed him they would get a roofer to pull the permit but this had

never happened. He submitted photos of the property into evidence, and recommended ordering compliance within 63 days or a fine of \$50 per day, per violation.

Mr. Dennis Neff, former owner, reported he had an agreement for deed dated December 1993 and they had sold the property to Rosanne Kractu [phonetic] who had taken over the payments and moved her relatives into the house. Since then, Mr. Neff said they had "been getting nightmares over the many years for violations." Mr. Neff said he had not been permitted on the property.

Mr. Neff said the agreement for deed specified that the owner could not allow code violations, so the new owner was in violation of the agreement. He informed Ms. Ellis that Ms. Kractu paid the property tax.

Ms. Wald said according to the Broward County Property Appraiser, the last recording regarding this property was a quitclaim deed from the Neffs to the Neffs on 7/16/95, but the document dated to 1993. The property was not homesteaded and the taxes were being paid.

Mr. Neff informed Mr. Nelson that the new owner had not completely paid the second note to Mr. Neff, and Mr. Nelson stated this meant he still owned the property. Mr. Neff said permits had not been issued, and Ms. Kractu informed him that she could not get permits because the property was not in her name. Mr. Neff said he had been involved in litigation for 14 years regarding this situation.

**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 1/25/11 or a fine of \$50 per day, per violation would begin to accrue. In a voice vote, motion passed 7 – 0.

The Board took a break from 11:47 until 12:07

**Case: CE09020197**

2917 Northeast 33 Avenue # 3A  
HSBC BANK USA NAT'L ASSN TRSTEE

Certified mail sent to the owner was accepted on 11/4/10.

Burt Ford, Building Inspector, testified to the following violation:  
FBC(2007) 105.4.11

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

1. INSTALLED A NEW WALL PACKAGE UNIT AC SYSTEM.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 63 days or a fine of \$25 per day.

Mr. Carl Van Eyssen, the bank's realtor, stated the property was under contract. He said they were working with a contractor to pull permits for the property and the sale would go through after the permits were pulled.

**Motion** made by Mr. Elfman, seconded by Ms. Hinton to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 63 days, by 1/25/11 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: CE06032073**

1518 Northeast 17 Terrace  
ALLEN, JOHN S

Personal service was made to the owner's son on 11/2/10.

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 RE-ROOF HAS BEEN COMPLETED.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING  
THE REQUIRED APPROVALS.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation. He stated the property appeared to be occupied.

Mr. John Allen, owner, stated the contractor was supposed to pull the permit and was now out of business. He asked that the permit requirement be waived.

**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 63 days, by 1/25/11 or a fine of \$5 per day, per violation would begin to accrue. In a voice vote, motion passed 7 – 0.

**Case: CE09120485**

2450 Southwest 7 Street  
LONG, LITTLEQUUNYA

Service was via posting on the property on 11/2/10 and at City Hall on 11/10/10.

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

FBC 704.3

THE REQUIRED FIRE-RESISTANCE RATINGS AND SEPARATIONS BETWEEN THE SEPARATE UNITS HAVE NOT BEEN PROVIDED.

FBC(2007) 105.1

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

1. THE HOUSE SUFFERED GREAT DAMAGE FROM AN ELECTRICAL FIRE. THE ROOF TRUSSES AND DECK WERE BURNED MAKING THE ROOF UNSAFE.
2. THE PROPERTY HAS BEEN CONVERTED INTO FOUR ILLEGAL RENTAL APARTMENTS. THERE ARE 2 ILLEGAL BATHROOMS AND 3 ILLEGAL KITCHEN AREAS.
3. TWO OUTSIDE DOORS WERE INSTALLED TO GRANT ENTRANCE TO THE ILLEGAL APARTMENT.

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. A CENTRAL FIVE TON A/C WAS INSTALLED WITH DUCT WORK AND ELECTRICAL HEATERS.
2. ILLEGAL BATHROOM VENTILLATION.

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. KITCHENS AREA AND BATHROOMS WERE ADDED TO THE PROPERTY WITH ALL NEW FIXTURES AND PLUMBING PIPES.

FBC(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 A CENTRAL A/C WITH ELECTRICAL HEATER, ADDITIONAL LIGHTS AND WALL OUTLETS THAT HAVE

NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

FBC(2007) 110.1.1

THE USE AND THE OCCUPANCY OF THIS RESIDENTIAL DWELLING HAVE BEEN CHANGED FROM THE ORIGINALLY PERMITTED OCCUPANCY CLASSIFICATION WITHOUT OBTAINING THE REQUIRED PERMITS AND CERTIFICATE OF OCCUPANCY INTO FOUR RENTAL APARTMENTS.

FBC(2007) 1604.1

THE STRUCTURE FOR THE ROOF DECK DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS. ALL THE STRUCTURES THAT WERE DAMAGED BY FIRE ARE DEEMED TO BE UNSAFE AND THE CONSTRUCTION IS UNDERDESIGNED. IT WOULD NOT PROVIDE THE REQUIRED RESISTANCE TO UPLIFT FOR WHICH THE CODE PROTECTS NEIGHBORS FROM FLYING DEBRIS IN A STORM AND WHICH THE ROOF MAY BECOME. IT MUST BE REMOVED.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and explained a fire had been caused by electrical overload due to the previous owner's conversion of the house into four apartments. He believed the Building Department would require an engineer's letter and a survey of the electrical system to ensure it was safe to turn the power back on. Inspector Oliva recommended ordering compliance within 91 days or a fine of \$10 per day, per violation and to record the order.

Inspector Oliva said electrical wires had been damaged by the fire. The fire had occurred on 5/6/08, the bank had taken possession of the property on 9/23/09 and this owner had taken the property over from the bank on 3/3/10.

Ms. LittleQunya Long, owner, said she had pulled a permit for the roof and had an engineering report. She said she intended to bring everything into compliance. Inspector Oliva explained that in this zoning district, only one-family residences were allowed. Ms. Long said this was her plan.

**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 119 days, by 3/22/11 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: CE10062109**

1601 Southwest 20 Street  
EAST YARD PARTNERS LLC

Personal service was made to the manager on 11/2/10.

Gerry Smilen, Building Inspector, testified to the following violations:  
FBC(2007) 105.1

THE WAREHOUSE BAY WAS ALTERED IN THE FOLLOWING  
WAYS WITHOUT OBTAINING THE REQUIRED PERMITS:

1. WOODEN STORAGE LOFTS WERE CONSTRUCTED.
2. AN OFFICE SPACE WAS CONSTRUCTED WITH STORAGE ABOVE.

FBC(2007) 105.4.11

AN A/C SYSTEM WITH DUCT WORK HAS BEEN INSTALLED  
WITHOUT A PERMIT.

FBC(2007) 105.4.5

THE FOLLOWING ELECTRICAL WORK HAS BEEN COMPLETED  
WITHOUT OBTAINING THE REQUIRED PERMITS:

1. PREMISE WIRING FOR THE OFFICE SPACE.
2. LIGHTING FOR THE OFFICE SPACE.
3. ELECTRICAL CONNECTION FOR THE A/C SYSTEM FOR THE OFFICE.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained he had met with the tenant and Mr. Longchamp, the Lauderdale Marine construction manager, on August 11 to review the violations. The tenant said he had hired an architect, but no permits had been applied for to date. Inspector Smilen recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Gary Longchamp, the owner's representative, said this had been the first tenant in this warehouse. The tenant had been informed that a permit was required for work, and the Fire Department had inspected the property and identified the violations. The tenant said he would take care of the problem, but had been hospitalized. Mr. Longchamp said they had permission to perform the work, and an architect had reviewed the work to determine what work could be salvaged. He requested 180 days.

**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 154 days, by 4/26/11 or a fine of \$10 per day, per violation would begin to accrue. In a voice vote, motion passed 7 – 0.



**Case: CE09111134**

500 Long Island Avenue  
FERGUSON, MARLON

Service was via posting on the property on 11/2/10 and at City Hall on 11/10/10.

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. WINDOWS WERE REPLACED AT THE DWELLING.

FBC(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 A CENTRAL A/C WITH A 7.5 KW ELECTRICAL HEATER THAT HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

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. A CENTRAL A/C WAS INSTALLED WITH DUCT WORK.

FBC(2007) 1612.1.2

ALL THE WINDOW 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 recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Marlon Ferguson, owner, said he had just gotten the house out of foreclosure. He had a permit for the windows but needed time to get the permit for the AC. Mr. Ferguson requested three to four months.

**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 3/22/11 or a fine of \$10 per day, per violation would begin to accrue. In a voice vote, motion passed 7 – 0.

**Case: CE04061463**  
3081 Harbor Drive  
RAJ HOTELS LLC

This case was first heard on 1/26/10 to comply by 3/23/10. Violations and extensions were as noted in the agenda. The property was not complied.

Gerry Smilen, Building Inspector, said this was about a hotel on Harbor Drive, where the City had a problem with “the parking situation and the zoning situation and the right-of-way situation and many situations.” Inspector Smilen said this issue affected the entire street and Bob Dunckel, Assistant City Attorney, had asked Inspector Smilen to request a lengthy extension to give Mr. Dunckel time to address this problem at every hotel in the area. Inspector Smilen recommended a 182-day extension.

Mr. Gopal Motwani, owner, said he had been advised not to replace the handicapped sign on the parking space.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 182-day extension to 5/24/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE05111159**  
1117 Northeast 11 Avenue  
STEPHENS, JAMES L

This case was first heard on 8/24/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$810 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 11/13/10.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger, to find the violations were not complied by the Order date, and to impose the \$810 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE06020654**

2828 Southwest 2 Court  
SAINT LOUIS, GIRONIE &  
MORTIMER, EDIT

This case was first heard on 3/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,025 fine, which would continue to accrue until the property complied. Personal service was made to the owner on 11/8/10.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson, to find that the violations were not complied by the Order date, and to impose the \$2,025 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE09120479**

3710 Southwest 18 Street  
DIOR MIRABELLA SMANJAK IRREV TR  
C/O JARVIS & KRLEGER PC

This case was first heard on 8/24/10 to comply by 10/26/10. Violations and extensions were as noted in the agenda. The property was not complied. Certified mail sent to the owner was accepted on 11/5/10.

**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 11/24/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE06040110**

1407 Southwest 10 Street  
NIES, SHAWN

This case was first heard on 9/28/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$675 fine, which would continue to accrue until the property complied. Service was via posting on the property on 11/9/10 and at City Hall on 11/10/10.

**Motion** made by Ms. Sheppard, seconded by Ms. Hinton, to find that the violations were not complied by the Order date, and to impose the \$675 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE07101002**

500 Southwest 11 Street  
LENTZ, RICK

This case was first heard on 10/27/09 to comply by 2/23/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$135 and the City was requesting no fine be imposed. Service was via posting on the property on 11/3/10 and at City Hall on 11/10/10.

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

**Case: CE10080897**

1524 Northeast 15 Avenue  
MONTEIRO, RICARDO

This case was first heard on 10/26/10 to comply by 11/23/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of the fine, which would begin to accrue on 11/24/10 and would continue to accrue until the property complied. Service was via posting on the property on 11/9/10 and at City Hall on 11/10/10.

Gerry Smilen, Building Inspector, reported he had heard nothing from the owner. Ms. Paris said a lis pendens had been filed on 9/25/08.

**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 11/24/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Approval of Meeting Minutes**

[This item was heard out of order]

The Board noted corrections to the minutes.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to approve the minutes of the Board's October 2010 meeting as amended. In a voice vote motion passed 7 - 0.

**Communication to the City Commission**

Mr. Nelson referred to the cost to get a property into compliance, and said he would like input from the Commission whether the Board should be trying to recoup the administrative costs. Mr. McKelligett said recently the Commission had been adamant that they recoup at least the administrative costs during lien settlement discussions. Mr.

McKelligett said it was possible to calculate administrative costs for every case.

Ms. Ellis doubted the benefit of asking the Commission about this, since it was the Board's job to make these decisions as they saw fit. Mr. Nelson withdrew his suggestion to request direction from the Commission.

Mr. McKelligett agreed to calculate the administrative costs for all of the Massey hearings for which fines had accrued.

### **For the Good of the City**

Ms. Wald explained that the Board's votes to record their first orders had resulted in an increase in expenses. She said there had also been an increase in the success of getting properties complied without having to impose fines. The orders the Board voted to record stayed with the property and title companies called to request their release, even though they carried no imposed fines, and this incurred additional costs. Ms. Wald wanted the Board to consider whether recording their first orders was truly necessary.

Mr. Nelson said he liked to record the Board's first orders for the "Mom and Pop, single family home purchases who don't really otherwise do an adequate due diligence, and that title search that they get for their title policy is, in many cases, the only review." He felt a lot of the Code Enforcement Orders on single-family home sales would be missed. He suggested they "take another look when we are reducing fines or abating fines in their entirety, that we take a look at these administrative costs that the City had incurred, not just with the recordation of the notice and not just with the release of the notice, but the additional staff time..."

Mr. Jolly remarked that properties for sale were candidates for recording of Orders, and he would have recommended continuing to record these. Mr. Jolly was unsure if lawyers routinely checked Code Enforcement liens for closings. Mr. Nelson admitted that his office did not routinely perform searches for Code Enforcement liens when performing closings, and most firms did not. Ms. Wald said the City Website listed Code Enforcement cases. Mr. McKelligett said the "vast majority" of closing agents researched open permits and open Code cases.

Mr. Nelson asked Ms. Wald if she was comfortable "...in terms of a non-foreclosure house sale where we've got a Code Enforcement issue and we haven't recorded the original finding of fact of having adequate notice to that subsequent purchaser that we can enforce against them." Ms. Wald stated she was, and added that an owner was required by Code to inform a purchaser about an active Code Enforcement case.

Mr. McKelligett informed Ms. Sheppard that the Board's order could be recorded at any time, and once there was a lien, it was always recorded. Mr. McKelligett added that Broward County routinely recorded these orders as liens.

Mr. Elfman asked if the agendas could be printed on both sides. Ms. Paris agreed.

**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:

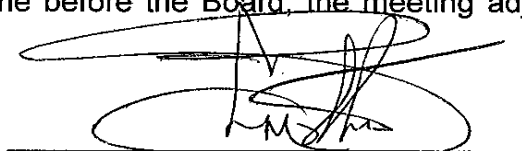
CE08061254

**Cases Withdrawn**

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

CE05110225	CE08080933	CE10040096	CE09040981
CE06061099	CE10012131	CE10062102	

There being no further business to come before the Board, the meeting adjourned at **12:57 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.