

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, OCTOBER 23, 2008 AT 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/08 through 2/09	
		<u>Present</u>	<u>Absent</u>
Douglas Reynolds, Chair	P	7	0
Laurie Watkins, Vice Chair	A	3	4
Linda Dawkins [Alternate]	P	5	1
Pat Mayers	A	5	2
David C. Svetlick	P	7	0

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Det. Joel Maney, Liaison
 Scott Walker, Assistant City Attorney
 H. Testa, Recording Clerk, Prototype, Inc.

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1. Call meeting to order; Pledge of Allegiance

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited.

2. Roll call; witnesses sign log; swearing in

Ms. Testa called roll and determined a quorum was present.

Witnesses were sworn in.

3. Approval of minutes for September 2008

Motion made by Mr. Svetlick, seconded by Ms. Dawkins, to approve the minutes of the Board's September 2008 hearing. In a voice vote, the motion passed 3 - 0.

4. Case Number 08-10-07
800 Northwest 11 Avenue - Residence
• **Notice of Evidentiary Hearing**

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Det. Maney informed the Board that there had been 46 calls for service to the property in the past six months, 6 of which were nuisance abatement related, and there had been 8 calls for service to the property in the past month, none of which was nuisance-abatement related.

Det. Maney explained that the calls for service statistic might be inflated because this was a busy intersection and arrests and traffic incidents in the immediate area were attributed to 800 NW 11 Avenue.

Det. Maney related the facts of the case: A confidential informant had purchased crack cocaine and cannabis from two suspects on the property on June 23, 2008, which resulted in two arrests. The arrestees were not residents of the apartment complex. On June 25, the Narcotics Division utilized a confidential informant to purchase crack cocaine and cannabis from two other suspects on the property, resulting in two more arrests. After a lengthy investigation, a total of eight suspects were arrested.

Det. Maney stated all recommendations appeared to be in place on the property and activity was very minimal. The Police recommendations were as follows:

1. The owner will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
2. The owner will conduct a tenant screening process utilizing an outside service prior to renting the residence. This process will include a criminal records search.
3. Only tenants and people listed as occupants may reside in the premises.
4. The owner will maintain and keep in good working order all exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements) prior to the November Nuisance Abatement Board meeting; if no

meeting occurs in November then prior to the next scheduled Nuisance Abatement Board meeting.

5. The owner will maintain and keep in good working order the existing light fixtures and attached lights which are currently located adjacent to the front entrance/exit doors.

6. The owner will install exterior lighting that will illuminate the entire parking lot area on the south and west side of the structure. Said lighting will be illuminated from dusk to dawn seven days a week (according to all City of Fort Lauderdale Code requirements) prior to the November Nuisance Abatement Board meeting; if no meeting occurs in November then prior to the next scheduled Nuisance Abatement Board meeting.

7. The owner(s) is assessed 50%, which equals (\$605.98) of the investigative costs to be paid prior to the November Nuisance Abatement Board meeting (November 13) if no meeting occurs in November then prior to the next scheduled Nuisance Abatement Board meeting. The Board will waive the balance (\$605.98) of the investigative costs if the owner complies with the Boards Order within the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 50% of the investigative costs will be assessed. (Total costs \$1,211.96)

8. If any of the above listed items are not complied with within the time frame set forth, a fine in the amount of \$250.00, per day, per item, not to exceed \$250.00 per day, will be imposed for each day of non-compliance.

9. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year, ending in October 2009.

Det. Maney presented photos of the property and noted it was very well-kept.

Mr. Walker said he had received a call from the owner's representative the previous week, when the property was already complied. The owner did not contest any items and agreed to all of the recommendations.

Mr. Guy Strempack, the owner's representative, asked that the \$605.98 investigative fee be waived due to the cost of the lighting the owner had installed. Chair Reynolds explained that the recommendations were agreed to between the Police Department and the owner, and the Board could not waive the fine. Mr. Strempack stated his client agreed to the stipulations.

Mr. Goran Dragoslavic, owner, informed the Board that he had a maintenance crew visit the property every day and he inspected the property twice per day. Chair Reynolds reminded Mr. Dragoslavic that since criminal activity had taken place there, the Board was permitted to establish jurisdiction over the property. Mr. Dragoslavic stated he had lost money on this property and worked with his tenants to keep them rather than to evict them; this was why he had asked for leniency regarding the investigative costs.

Mr. Walker and Mr. Dragoslavic agreed to the stipulation.

Motion made by Mr. Svetlick, seconded by Ms. Dawkins, to accept the stipulations agreed to by the City and the owner and for the Board to maintain jurisdiction over the property for one year. In a roll call vote, the motion passed 3 - 0.

Det. Maney requested a status conference on this case in November.

- 5. Case Number 08-07-05**
524 Northwest 13 Avenue - Residence
Owner: Rosamine Sirius
- **Notice of Status Hearing**

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Det. Maney reported the owner had accepted notice of this hearing on October 6, 2008.

Det. Maney informed the Board that there had been 13 calls for service to the property in the past six months, 2 of which were nuisance abatement related, and there had been 3 calls for service to the property in the past month, 3 of which were nuisance-abatement related.

Det. Maney stated the property was an unoccupied apartment building and was not in compliance with the stipulations listed in the 8/20/08 order. He presented photos of the property, and noted that some of the items were not applicable since the building had no tenants.

Det. Maney stated the dates the stipulation items were out of compliance for the purpose of calculating the fines: item 1 – 9/12/08; item 5 – 8/21/08; item 6 – 8/21/08; item 7 – 8/21/08; item 8 – 8/21/08; item 9 – 8/30/08; item 10 – 8/30/08; item 11 – 8/21/08; item 12 – 8/21/08; item 13 – 9/10/08. As of September 11, 2008, fines had accrued to \$5,550 and no payments had been received to date.

Det. Maney stated the board-up order was subject to approval of the City Commission, but this had never been presented to the City Commission for vote. The property was completely boarded up, so that item was complied.

Mr. Walker said the fines were accruing and the case would eventually be turned over to the City Attorney's office for foreclosure.

Motion made by Mr. Svetlick, seconded by Ms. Dawkins, to find the property was not complied by the ordered dates and to impose a fine of \$250 per day, not to exceed \$15,000. In a roll call vote, the motion passed 3 - 0.

6. Case Number 08-08-06
1026 Northwest 3 Avenue - Residence
Owner: Celestin & Viergeline Mercurieu
• **Notice of Status Hearing**

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Det. Maney reported the owner had accepted notice of this hearing on October 6, 2008.

Det. Maney informed the Board that there had been 50 calls for service to the property in the past six months, 11 of which were nuisance abatement related, and there had been 2 calls for service to the property in the past month, one of which was nuisance-abatement related.

Det. Maney said this building had been the target of the Street Crimes Unit for drug activity and the area had seen a significant decrease in crime. He noted that the only change at the property since October 6 was that the grass was now shorter.

Det. Maney displayed photos of the property and stated it was not in compliance with stipulation items 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16; items 2, 3, 4 were not applicable, and Det. Maney did not know if item 15 was complied.

Mr. Walker said the City had discovered that there was a tenant on the premises, so boarding was not an issue.

Ms. Pam Roloff reported that drug deals were still being conducted at the property. Ms. Roloff believed that the tenant was illegal and was "probably stealing electric and he doesn't belong there."

Motion made by Mr. Svetlick, seconded by Ms. Dawkins, to find the property was not complied by the 9/22/08 ordered date, and to impose a fine of \$250 per day, not to exceed \$15,000. In a roll call vote, the motion passed 3 - 0.

7. Case Number 07-11-10
The Parisian Motel
519 Northwest 23 Avenue
Owner: Tania Ouaknine

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- **Notice of Status Hearing**

Det. Maney reported the owner had accepted notice of this hearing on October 18, 2008.

Det. Maney informed the Board that there had been 4 calls for service to the property in the past six months, 1 of which was nuisance abatement related, and there had been no calls for service to the property in the past month.

Det. Maney stated the property was not in compliance with stipulation items 7 and 8, the sale of condoms and the hourly room rentals.

Mr. Jolly reported there had been a hearing on September 29 regarding the Motion for Relief from Stay, and Judge Tobin had denied it. The City's case could therefore go forward on the items for which a Stay Order had not been granted: items 1, 3, 7, 8 and 9. Enforcement of the other items was Stayed.

Mr. Walker called Det. Jensen to testify. Det. John Jensen stated he had made contact with a prostitute, Ms. Clark, online and she had directed him to meet her at the Parisian Motel on September 11. When he arrived at the motel, the prostitute stated they would only be in the room for one hour, and Ms. Ouaknine [the owner] had informed Det. Jensen that the room would cost \$20. In the motel room, Ms. Clark had produced a condom from her purse. Det. Jensen told her he must retrieve a phone number from his car and given the signal for other detectives arrest Ms. Clark and Ms. Ouaknine.

Mr. Louis Ugaz, attorney for the owner, questioned Det. Jensen. Det. Jensen explained that he had contacted Ms. Clark through BackPage.com, a site commonly used by prostitutes for advertising. Det. Jensen described Ms. Clark's ad, and noted he had responded to her ad because she had stated she operated in the City of Fort Lauderdale. He confirmed that neither the Parisian Motel nor Ms. Ouaknine was mentioned in the ad. Det. Jensen stated he had paid Ms. Clark \$200 up front. He confirmed that Ms. Ouaknine had not offered condoms for sale.

Det. Ed Cruz testified that on September 3, 2008, he had picked up a local prostitute and she directed him to the Parisian Motel. The prostitute told him the Motel usually charged \$18 for one hour. Det. Cruz said Ms. Ouaknine had buzzed them into the Motel office and stated the charge would be \$18 plus a \$2 security deposit when he inquired the rate for one hour. Det. Cruz then requested two condoms, which Ms. Ouaknine produced and charged him \$2. When he entered the room, he informed the prostitute he was not going to use her services, left the room and met Det. Maney at another location.

Det. Cruz testified he had picked up the prostitute approximately 11 blocks from the Motel. Mr. Cruz confirmed that he had suggested renting the room for one hour only.

Mr. Ugaz called the owner, Ms. Tania Ouaknine, to testify. She stated the first prostitute, Ms. Clark, was petit, but she did not believe she was black; she described her as Hispanic. Mr. Ugaz asked if Ms. Ouaknine rented any room more than once within a 24-hour period. Ms. Ouaknine stated, "They come, they give the money, they don't ask questions, I take the money, I give them the room." She stated she did sell patrons condoms if they requested but she did not offer them. Ms. Ouaknine said she did not have any relationship with either of the prostitutes referred to by the detectives, and she was unaware that the women were prostitutes.

Mr. Ugaz pointed out that the notice for this hearing did not state that this was an evidentiary hearing, or that testimony would be heard. Mr. Jolly stated the notice indicated a status hearing would be held on this date "to determine compliance with items numbered 1, 3, 7, 8 and 9 as contained in paragraph three of the order."

Mr. Walker agreed not to make any recommendations to the Board this evening if Mr. Ugaz wanted to present something else at another hearing. Mr. Ugaz made a motion to continue the case to the Board's next hearing to give him time to prepare. Mr. Walker did not oppose this motion.

Motion made by Ms. Dawkins, seconded by Mr. Svetlick, to continue this case to the Board's November hearing. In a roll call vote, with Chair Reynolds opposed, motion passed 2 – 1.

8. Board Discussion

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Ms. Hair informed the Board that Laurie Watkins had been removed from the Board because she had exceeded the allowed absences, but the Board could request that she be reinstated. Chair Reynolds remembered Ms. Watkins had announced that she would be working on a campaign this fall, and he suggested the Board reinstate her.

Motion made by Mr. Svetlick, seconded by Ms. Dawkins, to reinstate Ms. Watkins to her Board position, effective immediately. In a roll call vote, motion passed 3 – 0.

Thereupon, with no additional business to come before the Board, the meeting adjourned at **8:16** p.m.