

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, FEBRUARY 9, 2012, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2011 through 2/2012	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	10	1
Sal Gatano, Vice Chair	P	9	2
Louise Dowdy	P	11	0
Dale Hoover	P	10	0
Tom Wolf	P	10	1
<u>Alternates</u>			
Cindy Smith	P	9	1
Lorraine Saunders	P	1	0

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Scott Walker, Assistant City Attorney
 Det. Paul Maniates
 Det. Paul Gowans
 Brigitte Chiappetta, Recording Clerk, Prototype Inc.

Communication to the City Commission

Motion made by Mr. Gatano, seconded by Ms. Dowdy to advise the City Commission to take action against the Parisian Motel property, 519 NW 23 Avenue, based on the Code Enforcement liens and to take into consideration how many times the property had been before the Nuisance Abatement Board, the fact that it was under their jurisdiction now and to instruct the City Attorney's Office to take action. Mr. Gatano also wanted the City to speak with the Fort Lauderdale Police Department to see if they could conduct surveillance on the property. In a roll call vote, motion passed 5-0.

Motion made by Mr. Wolf, seconded by Mr. Hoover, to recommended to the City Commission that alternate Cindy Smith be appointed a regular member of the Board. In a voice vote, motion passed 5-0.

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Purpose: Promote, protect, and improve the health, safety, and welfare of the citizens by imposing administrative fines and other non-criminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing ordinances under circumstances when a pending or repeated violation continues to exist.

1. **Call meeting to order; Pledge of Allegiance**

The meeting was called to order at 7:00 p.m.

Chair Saunders requested a moment of silence in memory of Richard Mancuso, who had passed away recently.

2. **Roll call; witnesses sign log; swearing in**

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

Witnesses were sworn in.

3. **Election of Chair and Vice Chair**

Motion made by Mr. Gatano, seconded by Mr. Wolf, to elect Mr. Saunders as Chair. In a roll call vote, motion passed unanimously.

Motion made by Mr. Gatano, seconded by Ms. Dowdy, to elect Mr. Hoover as Vice Chair. In a roll call vote, motion passed unanimously.

4 **Approval of minutes for January 2012**

Motion made by Ms. Dowdy, seconded by Mr. Hoover, to approve the minutes of the Board's January 2012 meeting. In a voice vote, the motion passed unanimously.

Chair Saunders stated the Board would hear Case 11-09-06 first.

Cases:

**5. Case Number 11-10-08
519 Northwest 23rd Avenue
Parisian Motel**

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• Notice of Evidentiary Hearing

This item was heard out of order.

Det. Maniates announced that the owner, Tania Ouaknine, had received notice of this hearing on 1/19/12 and was present.

Det. Maniates reported that in the past six months there had been seven calls for service to the property with three being nuisance related.

Det. Maniates reported on 9/23, 10/26 and 10/28 2011, using a confidential informant, three counts of renting space to be used for prostitution and two counts of resisting arrest without violence had occurred. The arrest involved Ms. Ouaknine. Det. Maniates stated the case was pending and it was an ongoing investigation. He presented photos of the property into evidence.

Det. Gowans reported he had begun investigating the property in September 2011 pursuant to concerns expressed at the nearby homeowners association meetings. On September 16, 2011 he had visited the property with Code Enforcement and a fire inspector and observed the rooms. He stated a TV in one of the rooms was playing pornographic videos. Det. Gowans said on 9/23, he had paid a confidential informant (CI) \$25 to rent a room at the Parisian for half an hour.

Nick Gentile, attorney for the owner, objected to this testimony as hearsay but Mr. Jolly stated hearsay testimony was permitted in this forum and suggested overruling the objection. Mr. Gentile claimed that hearsay was only permitted to supplement or explain direct evidence, and quoted from the Board's hearing procedures. Chair Saunders overruled the objection.

Det. Gowans confirmed that the CI had been wearing a wire and he could monitor her conversations. He said Ms. Ouaknine had agreed to rent the CI a room for \$20 for half an hour; \$17 for the room and \$3 for a deposit. Det. Gowans said the CI had informed Ms. Ouaknine that she needed the room to "turn a trick." Mr. Walker asked to play the audio/video for the Board and Det. Gowans described the activities while the DVD played. The CI was buzzed into the office and Ms. Ouaknine rented her a room for half an hour and handed her a condom, a hand towel and a bar of soap. Mr. Gentile objected to any narrative by Det. Gowans. Mr. Jolly advised the Board to allow Det.

Gowans to continue this in order to expedite the proceedings. Chair Saunders overruled the objection.

Det. Gowans then showed video from 10/26/11 when the CI again asked to rent a room for 30 minutes.

Det. Gowans confirmed the third DVD was audio only and was recorded on 10/28/11. On the audio, the CI was buzzed into the office and asked to rent a room for half an hour because she was "meeting my trick here." She was rented a room for \$22. The CI asked if "any guys come in here looking for girls" and Ms. Ouaknine advised her that the Police were there all the time and she should be careful.

Det. Gowans stated he had used three different CIs on those three dates. He said the first CI had used the motel previously for prostitution and was known to the owner and had received a lower room rate.

Det. Gowans said Ms. Ouaknine had been arrested by himself and Det. Hoffer on 10/28. He identified Ms. Ouaknine at the meeting.

Det. Gowans informed Mr. Gentile that the CIs were not accompanied by men; they were only equipped with audio and video recording equipment. Det. Gowans stated he could not discuss the reasons the CIs were working for the Police for their safety. Mr. Gentile said this was a violation of Ms. Ouaknine's due process rights. He stated the following objections: some of the audio was inaudible; he had no idea about the CIs' reputation for truth; he did not know that money given to the CIs wound up back in Fort Lauderdale Police's possession and the CI was sent to the motel office to commit a crime by renting a room for the purpose of prostitution. Mr. Jolly advised Mr. Gentile to continue with his questioning and make this argument after he had finished.

Det. Gowans confirmed that he had not been present during the time Ms. Ouaknine had rented the room and Mr. Gentile stated, "A Police officer cannot arrest for a misdemeanor unless it's committed in their presence." Mr. Jolly pointed out that this had no relevance to this proceeding.

Det. Gowans said he could hear the conversation between Ms. Ouaknine and the CI but he could not see the activity. He said he had clearly heard Ms. Ouaknine speaking to the CI and he believed she understood exactly why the CI was there. Det. Gowans explained that during the investigations, they performed more than one interaction in order to ensure this was not just a one-time event.

Mr. Walker asked the Board to declare the property a nuisance, based on the testimony and the evidence.

Mr. Gentile said the complaint stated Ms. Ouaknine was arrested under Florida Statute 893.138(2) but the alleged violation did not comport with that statute; Ms. Ouaknine had been charged under another statute. He added that the audio for the first two cases was inaudible.

Mr. Walker said the intention of the statute was to allow action against not only those committing the crime of prostitution, but also against people operating properties for the purposes of prostitution. He stated it was clear from the evidence that Ms. Ouaknine knew what would be occurring in her building.

Motion made by Mr. Hoover, seconded by Ms. Dowdy, to declare the property a nuisance. In a roll call vote, motion passed unanimously.

Chair Saunders opened the public hearing.

Phyllis Berry said this establishment was, “a nuisance, an eyesore and a disgrace” and stated the neighborhood had been battling with this for quite some time. She recalled that the Board had tried in the past to have the business make improvements.

Sharon Woods said the neighborhood had been working on this for a long time and thanked the Board.

Mr. Walker said the Board could not consider the fact that there had been no testimony from Ms. Ouaknine, but it could consider the record. He pointed out that when the property had been under Board jurisdiction before, “everything that is happening here was what we outlawed” but as soon as the Board lost jurisdiction, Ms. Ouaknine had gone back to hourly rentals and distributing condoms.

Chair Saunders referred to the record of the previous case, and said Ms. Ouaknine had been assessed fines for not complying with two items in the Board’s order.

Mr. Walker said the City had Code Enforcement liens on the property for more than it was worth and he would recommend the City Attorney’s Office foreclose on the property.

**Police Recommendations for Parisian Motel
519 NW 23 Avenue**

1. The owner will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on property within fourteen (14) days and thereafter enforce trespassing laws.

2. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, a sign measuring 16"x20" stating that the property is under the jurisdiction of the Nuisance Abatement Board and is being monitored by the Fort Lauderdale Police Department. Placement will be directed by the detective.
3. The owner will install and maintain exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements).
4. The owner will maintain all fencing surrounding the property (according to all City of Fort Lauderdale Code requirements).
5. The owner will maintain a minimum of three (3) exterior and (1) interior (at the reception desk) video cameras that can be monitored by the clerk while at the counter, (according to all Code requirements) and make video available to the Police Department during all business hours upon request.
6. The owner will maintain the property free of debris and trash.
7. The investigative fees total a dollar amount of \$672.23. The owner(s) is assessed **100%** of this amount, which equals \$672.23 to be paid prior to the March 8, 2012 Nuisance Abatement Board meeting, if no meeting occurs in March then prior to the next scheduled Nuisance Abatement Board meeting.
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 owner will provide the Police Department with receipt / sales records maintained for tax purposes and registration's verification upon request.
10. The owner will stop the sale and distribution of condoms from the office beginning February 10, 2012.
11. The owner will prohibit the rental of any rooms for less than one 24 hour period. No room will be rented more than once during any given day beginning February 10, 2012.
12. The owner(s) of the property will appear before the Nuisance Abatement Board at the March 8, 2012 Nuisance Abatement meeting (or if no meeting occurs in March, then at the next Nuisance Abatement Board meeting) for a status hearing.
13. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year, from the date of this order.

Chair Saunders said these were very similar recommendations to those made in the past. He asked if the owner had the tax records referred to in item 9. Mr. Gentile said the owner had these but they would need to be obtained by subpoena.

Mr. Gentile said guests at the motel did register to rent a room, but because of the criminal investigation, he could not produce these records. Det. Gowans confirmed that the CIs had not been given paperwork to fill out to rent a room. Mr. Gentile said only sometimes did the owner ask for ID from someone renting a room.

Ms. Smith asked how many times a property could be under the Board's jurisdiction before they could "just shut them down completely." Mr. Jolly advised this Board did not have the authority to do this, but could recommend the City authorize staff to do this.

Mr. Walker said under the statute, the owner must be given the opportunity to correct the issues.

Chair Saunders wanted the owner to file a trespass affidavit and put up the nuisance notice sign within 7 days. Mr. Wolf wanted the detectives to ensure that the sign be posted as close to the front door or buzzer as possible.

The owner confirmed there were seven outside and nine inside cameras and there was a camera at the reception desk and at the front door. Chair Saunders asked to update the recommendations to reflect the existing number of cameras.

Chair Saunders wanted to add the requirement that people registering must present photo ID.

Det. Maniates agreed to check on whether the property was licensed as a motel.

Regarding the front door buzzer system, Mr. Jolly said he discouraged the Board from telling the owner she could no longer use it.

Motion made by Mr. Wolf, seconded by Mr. Gatano, to accept the Police recommendations as amended. In a roll call vote, motion passed 4-1 with Mr. Hoover opposed.

- 6. Case Number 11-09-06**
2621 North Ocean Boulevard
Hurricane Motel
Owner: Ghulam Usman

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- **Notice of Status Hearing**

This item was heard out of order.

Det. Maniates stated the property owner, Ghulam Usman and the business manager, Jadoonanan Ramdahan, had received notice of this meeting on 1/20/12 and Mr. Ramdahan was present.

Det. Maniates announced that in the past 30 days there had been five calls for service to the property with none being nuisance related. Det. Maniates had visited the property several times in the past month and found it to be in compliance. He commended Mr. Ramdahan on his efforts and recommended a status hearing in April 2012.

7. Case Number 11-12-09 [Index](#)
91 Southwest 31 Avenue
Business Plaza – The Compound Barber Shop
• **Notice of Status Hearing**

This item was heard out of order.

Det. Maniates stated the property owner, New Global Holdings, had received legal notice of this meeting on 1/20/12. The owner of The Compound Barbershop had not taken receipt of the notice for this meeting but was present.

Det. Maniates announced that in the past 30 days there had been 25 calls for service, none of which was nuisance related. On January 24, Det. Maniates had visited the property and found part of the parking area had been sealed, the building exterior had been painted and the advertisements had been removed from the Rainbow Market front window. Det. Maniates had advised the Silver Spoon Restaurant owner to call the Police whenever someone loitered in front of his business. He had also advised the owner to padlock the fence to the outside store areas and keep it locked. Det. Maniates stated it had been reported that individuals had been granted access to the rear area to smoke crack cocaine and it also appeared someone was living behind the barbershop.

Det. Maniates had visited the property with Code Enforcement Officer Stephanie Bass, who noted there was a pool table, gum ball machines and soda machine in the barbershop, and that the business tax had been delinquent since October 10, 2011. The owner had paid the business tax fee the following day. Det. Maniates had been in contact with Selvyn Blair, the owner of the barbershop, who would address the Board this evening.

Officer Bass confirmed there had been code violations at the property when she inspected it. She reported the owner's request to get a permit for the pool table had been denied by the Zoning Department and it had been removed. She had allowed the owner 30 days to permit or remove the privacy fence in the rear of the building. Officer Bass said the building also had several violations, such as repairing the buffer wall and

roof and removal of a shed in the rear. She agreed the condition of the building had improved.

Mr. Blair said he had been a Melrose neighborhood resident for 25 years and a neighborhood business owner for 15 years. He stated he was working with Officer Bass and Det. Maniates to get the violations complied.

Mr. Gatano asked if Mr. Blair was aware of the neighborhood outrage about activities at his business, and Mr. Blair said he was "taking a lot of flak for stuff that doesn't really have nothing to do with me" but he was working to clear his name.

Mr. Blair said he was at the barbershop every day, but said he had never witnessed drug dealing in or outside the shop. Mr. Blair confirmed that the name of the barbershop business was The Compound, not Fresh Cuts.

Mr. Jolly noted that the Order was directed to the owner of the premises, not the barbershop owner, but it affected the barbershop. Mr. Jolly thought the owner was seeking relief from paragraph 8 of the Order. Det. Maniates said the owner had begun eviction proceedings as directed in the order. Mr. Blair stated there were 10 subcontractors working in the barbershop.

Bill Dahsheh, property owner, reported there were now six cameras inside and 15 cameras outside the building. He had also painted the building, sealed the parking lot, erected No Loitering signs and performed criminal background checks on all employees. He had also begun eviction action against the barbershop owner, but noted the owner was cooperating with compliance efforts and it would be up to the Board to determine whether he should continue with the eviction against the barbershop. Chair Saunders noted that the owner had suggested evicting the barbershop; the Board had not requested this.

Amjad Theeb, owner of the Rainbow Market, said he had eight cameras outside and 22 cameras inside the store, on their own system. Det. Maniates confirmed he had access to all cameras.

Det. Maniates had spoken with Donna Guthrie, President of Melrose Park Homeowners Association, who favored giving Mr. Blair a chance to clean up his act.

Ms. Guthrie said she had observed that the owners were cleaning up the area. She claimed that items stolen from neighborhood homes were taken to the corner store to be sold. She said the property needed constant monitoring. Ms. Guthrie said "little boys on bicycles" sold drugs at the property and the loitering must be discouraged.

Det. Maniates clarified that 5 of the 25 calls for service to the property had been from the Rainbow Market to report trespassing. No calls had been from the barbershop.

Ms. Guthrie said if Mr. Blair wanted to continue doing a valid business she wanted to give him the opportunity to continue, but he must ensure that no illegal business was being conducted.

Mr. Blair said he had contracts with his independent contractors and they handled their own taxes. He reiterated that since the Nuisance Abatement Board Order, he had performed background checks on all of his contractors and confirmed none had a felony conviction.

Chair Saunders said he would support a 30-day trial period, after which the Board could receive an update from Det. Maniates.

Motion made by Mr. Wolf, seconded by Ms. Dowdy, to continue this for 30 days, and at the Board's next meeting they could revisit the case to make a determination. In a roll call vote, motion passed 3-2 with Mr. Gatanio and Chair Saunders opposed.

Det. Maniates confirmed that there would be a status hearing scheduled for March 2012.

Communication to the City Commission

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Motion made by Mr. Gatanio, seconded by Ms. Dowdy to advise the City Commission to take action against the Parisian Motel property, 519 NW 23 Avenue, based on the Code Enforcement liens and to take into consideration how many times the property had been before the Nuisance Abatement Board, the fact that it was under their jurisdiction now and to instruct the City Attorney's Office to take action. Mr. Gatanio also wanted the City to speak with the Fort Lauderdale Police Department to see if they could conduct surveillance on the property. In a roll call vote, motion passed 5-0.

Motion made by Mr. Wolf, seconded by Mr. Hoover, to recommended to the City Commission that alternate Cindy Smith be appointed a regular member of the Board. In a voice vote, motion passed 5-0.

Board Discussion

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Chair Saunders announced that Mr. Gatanio would resign from the Board. Chair Saunders thanked Mr. Gatanio for his service.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 9:14 PM.

Nuisance Abatement Board Regular Meeting
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[Minutes prepared by Jamie Opperee, Prototype, Inc.]