

**CITY OF FORT LAUDERDALE  
NUISANCE ABATEMENT BOARD MINUTES  
CITY HALL, CITY COMMISSION CHAMBERS, 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
THURSDAY, OCTOBER 11, 2012, 7:00 P.M.**

<b><u>Members</u></b>	<b><u>Attendance</u></b>	<b>Cumulative Attendance 3/2012 through 2/2013</b>	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
D. Ryan Saunders, Chair	P	6	0
Dale Hoover, Vice Chair	P	6	0
Lorraine Saunders	P	6	0
Cindy Smith	P	6	0
Tom Wolf	P	5	1

**Alternates**

Adriane Reeseey	P	3	1
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**Staff Present**

Det. Maniates  
Don Londeree, Assistant City Attorney  
Bruce Jolly, Board Attorney  
Joyce Hair, Board Clerk  
Brigitte Chiappetta, Recording Clerk, Prototype Inc.

**Communication to the City Commission**

None

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	<b><u>Case Number</u></b>	<b><u>Respondent</u></b>	<b><u>Page</u></b>
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5.	11-12-09	91 Southwest 31 Avenue, Business Plaza – The Compound Barber Shop	<a href="#"><u>3</u></a>
6.	11-10-08	519 NW 23 Avenue, Parisian Motel	<a href="#"><u>3</u></a>
7.	12-07-01	201 Southwest 11 <sup>th</sup> Court – Mary Ann Kerr	<a href="#"><u>4</u></a>
8.	12-08-02	217 Southwest 19 <sup>th</sup> Avenue – Luby Hargrett	<a href="#"><u>6</u></a>
9.	12-08-03	1923 S Federal Highway - Oriental Red Pearl Massage	<a href="#"><u>7</u></a>
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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 wished Ms. Smith and her husband a happy 33<sup>rd</sup> wedding anniversary.

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

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

**Witnesses were sworn in.**

**3 Approval of Minutes for September 2012**

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

**Cases:**

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

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- **Notice of Status Hearing**

Det. Maniates stated the property owner, Ghulam Usman, had not accepted the notice of this hearing.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. He had visited the property in the past 30 days and found no issues. Det. Maniates advised that the property would come off jurisdiction on October 18, 2012. He thanked the owner and his staff for their work and cooperation to effect positive change at the hotel and wished Mr. Usman luck.

Mr. Usman thanked the Board for their time and lauded Det. Maniates for all his efforts. He said he was trying to combine his small property with an adjacent property to make it more developable. He discussed the burdensome City building permit procedures and costs.

Chair Saunders opened the public hearing portion of the meeting. As no one spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

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

Det. Maniates stated the property owner, New Global Holdings, had accepted receipt of the meeting notice on 9/24/12.

Det. Maniates announced that in the past 30 days there had been no calls for service to the barbershop and 12 calls for service to the Rainbow Supermarket, none of which was nuisance related. He recommended a status hearing for November 2012.

Chair Saunders opened the public hearing portion of the meeting. As no one spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

**6. Case Number 11-10-08** [Index](#)  
**519 Northwest 23<sup>rd</sup> Avenue**  
**Parisian Motel**  
• **Notice of Status Hearing**

Det. Maniates announced that the owner, Tania Ouaknine, had not accepted receipt of the meeting notice.

Det. Maniates reported that in the past 30 days there had been two calls for service to the property, which were not nuisance related. He stated the business remained closed.

Det. Maniates had visited the property on October 3 and spoken with the owner, who reported the building had been vandalized again and the plumbing issues had not been addressed. Det. Maniates had not heard back from Code Enforcement on the plumbing issue. Ms. Ouaknine had indicated she would not attend this hearing, as she felt there was no need because the business was closed.

Det. Maniates had visited the property earlier in the day and found one of the signs had been removed, resulting in non-compliance with the nuisance abatement order. He confirmed that the owner was only visiting the property to pick up mail.

Chair Saunders opened the public hearing portion of the meeting. As no one spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

Det. Maniates could not say whether the cameras were still operating.

Chair Saunders felt the owner's absence from the meeting also violated the Order.

Det. Maniates informed Ms. Reese that at one time, the owner indicated she would sell the property. Ms. Reese felt the property posed a hazard and could attract vagrants. Mr. Jolly said the City, but not the Nuisance Abatement Board might be able to address this issue. He indicated that the items for which the property had been originally cited had been corrected.

Ms. Smith wished the property to be secured and Det. Maniates agreed to address this issue with Ms. Ouaknine. Mr. Wolf questioned whether it would be worth the effort to reinstate the fines as long as the business stayed closed, since there were so many existing liens on the property.

**Motion** made by Mr. Hoover, seconded by Ms. Smith, to impose a \$250 per day fine for non-compliance.

Chair Saunders recalled that the investigative fees had been held in abeyance and recommended adding that \$672.23 fee to the \$250 per day fine. Mr. Hoover agreed to amend his motion to include that fee and Ms. Smith agreed.

In a roll call vote, motion passed 5-0.

Det. Maniates reported a status hearing for the property would be held in November.

7. **Case Number 12-07-01**  
**201 Southwest 11<sup>th</sup> Court**  
**Residence**  
**Owner: Mary Ann Kerr**
  - **Notice of Status Hearing**

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Det. Maniates announced the owner, Mary Ann Kerr, had accepted receipt of the meeting notice on 9/24/12 and was present.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property.

Det. Maniates informed the Board that he had delivered the signs to the owner on 9/19 and provided the owner with the list of the 13 requirements from the Board's Order on 9/24. He said he had found the yard had been cleaned up and he had discussed the addendum and sign installation with the owner and the tenant. The signs had been installed but had not been laminated first, and Det. Maniates had not received the addendum yet, so the property was not in compliance with the Board's Order. He displayed photos of the property showing "complete improvement" in the backyard.

Chair Saunders opened the public hearing portion of the meeting.

Lisa Gutierrez, neighbor, said her children were the only kids living on the block. She was concerned for her family's safety, and reported that her husband's vehicle had been vandalized twice. Ms. Gutierrez stated there had been a death at Ms. Kerr's house, as well as drug activity. She informed Ms. Smith that people had been constantly visiting the property in the past 30 days.

Chris Chittero, neighbor, said there had been two deaths and one murder at Ms. Kerr's property. He said it seemed that Ms. Kerr's primary occupation had been drug trade and she had spent time in jail. Mr. Chittero wondered how Ms. Kerr could manage the property if she were incarcerated again. He added that when she was in jail, it seemed the house was used for prostitution.

Edward Ice, neighbor, said the property had been a constant problem with drug dealing.

As no one else spoke, Chair Saunders closed the public hearing and brought discussion back to the Board.

Chair Saunders advised neighbors to call the Police whenever they saw activity on the property so it was documented and Det. Maniates could make the Board aware of any incidents.

Ms. Kerr stated she had the addendum at home. She said she was constantly turning people away from the property, whether they were looking for drugs or just visiting her. She said she was attending AA and NA meeting. Ms. Kerr invited Ms. Gutierrez to speak to her if she experienced any problems. She stated she would have the signs laminated the next day.

Chair Saunders was not concerned with the lamination of the signs. He was encouraged to see the progress at the property and advised Ms. Kerr to call the Police if unwanted people stopped by the property.

Ms. Reeseey was impressed with progress at the property and asked about the addendums. Ms. Kerr stated she had them and she and her tenant had both signed them. Det. Maniates agreed to pick up the addendums.

**8. Case Number 12-08-02**  
**217 SW 19 Avenue**  
**Owner: Luby Hargrett**

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- **Notice of Status Hearing**

Det. Maniates stated the property owner, Luby Hargrett, had not accepted receipt of the meeting notice.

Det. Maniates reported that in the past 30 days there had been no calls for service to the property.

Det. Maniates reported he had provided two signs to Ms. Hargrett's son and noticed a For Sale sign on the property. Ms. Hargrett had called and asked when the signs should be installed, thinking it was not until November. Det. Maniates had provided two more signs to Ms. Hargrett on September 27 and explained where to install them. He had also provided her with a copy of the 11 requirements with which she must comply. Det. Maniates stated when he visited the property, the bushes had not been trimmed to the fence line but two signs had been laminated and hung over the garage. On October 1, he observed the other two signs mounted on the fence but the bushes had still not been trimmed. He provided photos of the property and signs to the Board. Det. Maniates recommended a status hearing in November 2012.

Carl Louis, the owner's son, explained that his mother was busy with school and had asked him to attend the meeting for her. He said he was responsible to cut the hedges but had not understood that they must be at the fence line. He promised to take care of it the following day.

Ms. Smith said she was offended that Ms. Hargrett had accused the Board of being racist at the previous meeting.

Ms. Reeseey pointed out that the property was not in compliance and wanted to discuss the investigative costs.

Chair Saunders advised Mr. Louis to move the sign that was covering the house numbers.

Ms. Reeseey stated there was still debris on the property as well, which was a requirement. The Board discussed levying the investigative costs.

**Motion** made by Ms. Smith to revisit regarding the investigative costs payments. Motion died for lack of a second.

**Motion** made by Mr. Wolf, seconded by Ms. Smith, to require the hedges to be trimmed within five days; if this did not occur, a fine of \$250 per day would begin to accrue.

Ms. Reeseey did not understand why the property was not in compliance regarding the hedges and the debris in the yard.

Chair Saunders did not feel the property owner was working with the Board. Ms. Smith agreed.

In a roll call vote, motion failed 2-3 with Ms. Smith, Ms. Saunders and Chair Saunders opposed.

**Motion** made by Chair Saunders, seconded by Ms. Smith, to find the property was not in compliance with the Board's Order regarding the height of the hedges and that a fine of \$100 per day would accrue until the property was brought into compliance. In a roll call vote, motion passed 4-1 with Mr. Hoover opposed.

Chair Saunders asked Mr. Louis to advise his mother that the Board wished her to attend the next meeting. Mr. Louis said his mother would be out of town for the next meeting as well. Ms. Hair provided Mr. Louis with an invoice for the investigative costs installment and informed him it should be paid prior to the next meeting.

9. **Case Number 12-08-03**  
**1923 S Federal Highway**  
**Business: Oriental Red Pearl Massage**
  - **Notice of Evidentiary Hearing**

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Det. Maniates announced that personal service was made to the property owner, Ted Koster, on 10/9/12.

Det. Maniates reported that in the past six months there had been three calls for service to the property, all of which were nuisance related. On April 25, August 2 and August

30 2012, arrests had been made for solicitation of prostitution. The August 30 arrest involved one of the business owners.

Mr. Londeree had spoken with the property owner, who agreed to work with the Nuisance Abatement Board to get the property into compliance.

Det. Maniates read the list of Police recommendations:

1. The owner will display and provide copies to the Nuisance Abatement Board, all current licenses (City and business licenses) and Department of Health license for both the business and massage therapists.
2. The owner will clearly display, within ten (10) days and for the duration of jurisdiction, both in the front and back of the business in the window, 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 of the signs will be directed by the investigating detective.
3. The owner will maintain a trespass affidavit on file with the Police Department and post "No Trespassing" signs on the property within ten (10) days. Placement of the signs will be directed by the investigating detective.
4. The owner will maintain the property free of debris.
5. The owner will require all massage therapists employed by the business to be licensed by the State of Florida.
6. The business owner will maintain a roster of employees and their license numbers and a copy of their driver's license or a photo ID available for inspection by law enforcement officers during business hours.
7. The investigative costs total a dollar amount of **\$1493.90**. The owner(s) is assessed 50% of this amount, which equals (\$746.95). This cost is to be paid prior to the November Nuisance Abatement Board Meeting (November 8, 2012). If no meeting occurs in November, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance (\$746.95) of the investigative costs if the owner complies with the Board Order within the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 50% (\$746.95) of the investigative costs will be assessed.
8. If any arrests are made on the property for the solicitation of prostitution the remaining 50% of the investigative costs in the amount of (\$746.95) will immediately be assessed.
9. 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 per day will be imposed for each day of non-compliance.



10. The owner will appear before the Nuisance Abatement Board at the November 8, 2012 Nuisance Abatement Meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for a Status Hearing.
11. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year from the date of this order.

Regarding item 7, Det. Maniates recommended holding the investigative costs in abeyance. If an arrest was made for prostitution on the property, he recommended assessing 100% of the investigative costs.

Mr. Koster said he had become aware of the second and third incidents two days ago. He said there was a new business owner on the property and there had been no problems.

Terrance Ma translated for Angela Xua Wang, business owner. She reported that only one massage therapist, Wanxin Li, worked at the shop, and she was licensed. Ms. Wang said her license was from Tokyo Massage School on Lyons Road in Coconut Creek. Ms. Wang said she was unaware she needed to display the licenses but would post them on the wall. Mr. Ma and Ms. Wang confirmed that no one lived on the premises. Ms. Wang explained there was a security camera on the premises.

Chair Saunders recommended that the Board wait until November to have the business owner answer additional questions and requested the City provide a Mandarin translator for the business owner. Mr. Jolly remarked that the owner had already stipulated to the Police recommendations so the Board could proceed. If the Board wished to continue questioning the business owner, notice for the next meeting should be sent to her as well.

Mr. Koster said he had not run a background check on Ms. Wang. He said he did not own any other properties out of which a massage parlor operated.

Mr. Koster informed the Board that the business had a front and rear entrance; parking was near the rear entrance. There were cameras at the back of the building and a secondary interior door for security. The front entrance did not have a security door. Chair Saunders requested interior photos of the building for the November meeting. Mr. Koster said there had been a scooter store on the premises for the first two years he owned it. In the past seven months, there had been three massage parlor operators in the building and the first two had each had prostitution arrests. Ms. Wang had begun operations approximately three weeks ago. Chair Saunders recommended Mr. Koster "look into who you do business with ...because you're going to have some problems if this continues."

Chair Saunders wanted to amend the recommendations to allow the Police access to the security cameras. Chair Saunders asked Mr. Koster to bring information on the business owner to the next meeting.

Mr. Koster stated he had a five-year lease with the business owner, which was renewed every year. Penalty for breaking the lease was forfeiture of the security deposit, which was equal to one month's rent, \$2,600.

**Motion** made by Ms. Smith, seconded by Ms. Saunders, to declare the property a nuisance and to reserve jurisdiction for one year. In a roll call vote, motion passed 5-0.

Det. Maniates restated his recommendation to hold the investigative costs in abeyance and if there was any prostitution arrest made on the property, the full amount would be assessed.

Mr. Hoover requested amending the recommendations to allow Police to monitor the security cameras.

Ms. Smith requested amending the recommendations to require the business owner to perform a background check on any employees. Mr. Jolly was not comfortable with this because the Order was directed to the property owner. Chair Saunders suggested requiring the property owner to perform a background check on the business owner.

Ms. Reese was concerned about a high turnover of business owners and operators and possible human trafficking. Mr. Jolly noted that the Board's Order would provide a basis for action. He added that if prostitution recurred on the property while it was under the Board's jurisdiction, the Order could be modified to specifically address the continuing problem.

Chair Saunders asked if the recommendations could include a prostitution addendum similar to the one often included regarding drugs. Mr. Jolly thought this was acceptable.

Det. Maniates informed the Board that the camera on the property was a live feed that allowed the operator to see who was entering the property; there was no recording device. Chair Saunders withdrew his suggestion regarding Police access to the security cameras. He did not want to change item 7 regarding the investigative costs.

**Motion** made by Ms. Smith, seconded by Ms. Saunders, to accept the Police recommendations as presented.

Chair Saunders recommended amending item 2 to include a requirement to laminate the sign in the rear of the building. Ms. Smith and Ms. Saunders accepted this amendment.

In a voice vote, motion passed unanimously.

Mr. Jolly agreed to modify the drug addendum as discussed earlier to address prostitution.

**10. Board Discussion**

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None.

**11. Communication to the City Commission**

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None.

**Adjournment**

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:57 PM.

**Next Meeting: November 8, 2012**

[Minutes prepared by Jamie Opperee, Prototype, Inc.]