

SPECIAL MASTER HEARING
City Commission Meeting Room
Special Master Richard Conner, Presiding
March 6, 2003
9:00 A.M. – 1:10 P.M.

Staff Present:

Susan Batchelder, Administrative Assistant II
Jennifer Chenault, Secretary
Assistant City Attorney
Rose Reed, Code Supervisor
Lin Bradley, Code Supervisor
Todd Hiteshew, Code Supervisor
Leonard Ackley, Community Inspections Officer
Laurie Almy, Community Inspections Officer
Alberto Benavides, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Mike Donovan, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
John Gossman, Community Inspections Officer
Robert Guilford, Community Inspections Officer
Deborah DiMaggio-Haskins, Community Inspections Officer
John Hudak, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Frank Stockinger, Community Inspections Officer
Kenneth Tyson, Community Inspections Officer

Also Present:

Juanita Young Teal, CE03012373
Thomas Reynolds, CE02121360
Oscar Salter, CE02091545
Robert Salman, CE03020002
Richard Leach, CE03020417
Philip Shaffer, CE0207139
Marie Adcime, CE02060147
Patrick Rush, CE02121560
Tommy Horne, CE03011387
Donna Slebodnik, CE03012075

David Chrastek, CE03020567
Harold Stache, CE02121560
Scott Stringham, CE03020002
Lisa & Vincent Schettino
Jay Kellerman, CE02101584
Dirk Rahim, CE02101584
Frank Wilcosky, CE03020415
Luis Jarast, CE03020417
Adrianna Arenas, CE03020417
Frederick Abrams, CE03020417
Lonel Fortune, CE02121448
Steve Muffler, CE02080009
Larry Wald, CE02080009
Donald Holloway, CE02110551, 02111831
Michael Gordoner, CE03011549
Les Stracher, CE02061207
Edward Ploski, CE02061207
Betty Hurley, CE03020415

NOTE: All individuals who presented information to the Special Master during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:00 A.M. Mr. Conner introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

Reference CE03012075

FDG Lauderdale Inc.
1000 Northwest 6th Street

Sec. 9-281(b): Property overgrown; trash,
rubbish on property

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on February 14, 2003; certified mail addressed to the owner had been accepted on February 14 and 15, 2003.

Mr. Leonard Ackley, Community Inspections Officer testified that the property was overgrown and strewn with rubbish and trash. He presented photographs of the property taken on two occasions, which were accepted into evidence as Petitioner's exhibits 1 and 2 respectively. Mr. Ackley suggested one week, or a fine of \$200.00 per day.

Ms. Donna Slebodnik, attorney for the property owner, stated that she had discussed the situation with Mr. Ackley, and wondered if fencing would help solve the problem. She was in the process of securing a new hauling company to service the property on a regular basis.

Mr. Conner found in favor of the City, and ordered compliance within 7 days, or a fine of \$200.00 per day would be imposed.

Reference CE02080009

Mandr LLC
1301 East Las Olas Boulevard

Sec. 5-26(b): Business not operating as a full-time restaurant pursuant to special exception to distance requirements. Sale and service of alcohol is not incidental to the sale and service of food

Ms. Batchelder announced that certified mail had been accepted on February 26, 2003. She noted that this case had a request for a continuance and a request for dismissal.

Mr. Steve Muffler, attorney for the respondent, stated that the motion for continuance had been withdrawn; the second motion—a request for dismissal—was based on due process. The business had received two notices, the first of which was non-specific (did not contain code numbers). He explained that he did not believe the business was in violation of any of the six items cited in the second notice. He thought the second notice indicated that the violation was that the business was not a restaurant.

The Assistant City Attorney, explained that the statute required that the “courtesy notice” (the first the business received) did cite a section from the City Code of Ordinances. The ordinance stated that a business that receives an exemption from the distance requirements serves alcoholic beverages as an incidental part of the restaurant business. She felt the courtesy notice stated this. They were given 30 days to correct this; when it was not corrected, the City issued the standard Notice of Violation, which cited Sec. 5-26(b) again with a to wit clause explanation.

Mr. Conner asked Mr. Muffler what additional information would have been needed to understand the violation. Mr. Muffler stated that the business did not understand the violation from the first notice, as none was specified. Mr. Conner noted that the formal notice specifically set out the section in violation and an explanation. He denied the motion to dismiss.

Mr. Lin Bradley, Code Supervisor, testified that “Cathode Ray / Bar Amici” was not operating as a full-time restaurant. He presented a diagram turned in by the business to the Board of Adjustments explaining the business operations, which was accepted into evidence as City exhibit 1. He explained that the two businesses are adjacent and share a kitchen, but upon his inspection, the door between Bar Amici and the other section of the building was closed and blocked by a chair. Tables at Bar Amici also lacked utensils and other accompaniments for dining. He presented photographs of this, which were accepted into evidence as City exhibit 2. Mr. Muffler interjected that there was “hearsay galore here” concerning an overheard conversation with a patron; Mr. Conner noted this.

Mr. Larry Wald, owner, asked that Inspectors Cheryl Pingitore and Debora DiMaggio-Haskins be permitted to testify. Ms. Haskins testified that she and her husband had visited the club on Sunday, July 21, 2002. They had attempted to order food at approximately 9:30 p.m. in the bar area, but were informed by the bartender that the kitchen was closed. Mr. Muffler asked her if they had felt this was a restaurant. She replied that they had not. When Mr. Muffler asked why, she stated that the ambiance was that of a night club, not a restaurant. There were no utensils or condiments on the tables and no one was eating. Mr. Muffler asked if she had ordered food or witnessed anyone eating anywhere on the premises; she replied that she had not been in any of the other rooms, but the Bar Amici side was closed.

Ms. Pingitore testified that she visited the club on Sunday March 17, 2002. She entered the Cathode Ray Club from Las Olas Boulevard between 5 and 6 p.m. She was invited in briefly, but was asked to pay \$13.50 to participate in the private party that was taking place. She saw no food, menus, or utensils. Mr. Muffler asked her definition of a restaurant. She stated that menus, salt and pepper shakers, and tableware would be in plain view in a restaurant. Mr. Muffler asked if food might have been served at some other time during the day; Ms. Pingitore replied that she did not know. He asked Ms. Pingitore to point out on the floor plan where she was on the premises. Mr. Muffler then called Inspection Supervisor Rose Reed to testify.

Ms. Rose Reed, Community Inspections Supervisor, testified that she had visited Cathode Ray at least twice with Code Supervisor Bradley; on both occasions, there was no tableware or evidence of food being served. They had spoken to the manager on one visit and asked when food would be served; the manager instructed the bar tender to set tables for food service. The door between the restaurant and bar was closed and blocked by a table; the manager moved the table, opened the door and instructed the bar tender that the door was to remain this way at all times. Mr. Muffler asked her definition of a restaurant; Ms. Reed replied that it was anywhere one could eat any kind of food.

Mr. Muffler quoted from the minutes of the Board of Adjustment meeting when the bar/restaurant was granted the exemption to the distance rule to operate as a restaurant. The City Attorney, Mr. Dunkle, was describing the criteria for a restaurant. Ms. Reed read from the minutes, "Mr. Dunkle stated that Chapter 5 did not contain a definition for restaurant, so one had to look further in the code...Mr. Dunkle stated that if the restaurant reached the point where alcohol sales surpassed the sale of food, it would no longer be incidental; the special exception would be lost." Mr. Muffler pointed out that ambiance and napkins on tables were not the criteria Mr. Dunkle mentioned-proportion of sales was. He asked if anyone had requested the sales records from the business; Ms. Reed replied that no one had, as far as she knew. Ms. Reed admitted that they had looked at the minutes, but had not determined the percentages of sales. Mr. Muffler asked if Ms. Reed would concede that the business was a restaurant if he presented sales figures. She replied that it was not up to her to concede.

Mr. Conner accepted the copy of the Board of Adjustment minutes of July 17, 200 as Respondent's exhibit 1.

Mr. Muffler asked Mr. Bradley if he had reviewed the minutes before citing the business. Mr. Bradley replied that he had, but the restaurant would have had to submit a statement to the Code Enforcement Board every month to prove compliance with the exception. No one had subsequently asked for these records. Mr. Muffler asked who made the decision on what constituted a restaurant, the Code Enforcement Officer or the Board of Adjustment. Mr. Bradley replied that he felt that was conjecture. Mr. Muffler asked if Mr. Bradley felt he had the authority to overrule the Board of Adjustment's definition of a restaurant; Mr. Bradley replied that he did not.

Mr. Muffler asked Mr. Wald to explain a document detailing sales records for the restaurant. He asked if there was anytime during 2002 when sales of alcohol exceeded sales of food. Mr. Wald explained that it had not. Mr. Muffler asked if the City had ever requested these records; Mr. Wald replied that they had not. Mr. Muffler offered the sales statements and tax documents, which were accepted into evidence as Respondent's exhibits 2 and 4 respectively. Mr. Conner accepted the Board of Adjustment notice of appeal into evidence as Petitioner's exhibit 3. Mr. Wald explained the floor plan and room use. He presented proof of a private fund raising event on the day one of the inspectors had visited, which was accepted into evidence as Respondent's exhibit 5. Mr. Wald presented several photographs of the interior, which were accepted into evidence as Respondent's exhibit 6. Mr. Wald stated that the Board of Adjustment had conducted a walk-through of the premises before issuing the special exception, and nothing substantial had been changed. Mr. Muffler presented ads for the restaurant, which stated that the business served food, which were accepted into evidence as Respondent's exhibits 7 and 8. Mr. Muffler presented copies of various licenses held by the business for food, alcohol, and entertainment, which were accepted into evidence as Respondent's exhibit 9. Mr. Muffler presented payroll documents, which were accepted into evidence as Respondent's exhibit 10; Mr. Conner noted that the kitchen staff payroll was between 37% and 49%. Case law documents submitted by Mr. Muffler were accepted into evidence as Respondent's exhibit 11.

Mr. Conner stated that he did not find a violation, and dismissed the case.

Reference CE03020002

Sammatsar Development Corp.
2600 West Broward Boulevard

Sec. 18-27(a): Trash on property;
Sec. 47-21.8 A: Missing ground cover;
Sec. 47-34.1 A.1: Permitted uses: Automobiles
stored on property

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on February 24, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, presented photographs of the property taken on two different dates, which were accepted into evidence as City exhibits 1 and 3 respectively. He noted that a contributing factor to the trash problem was the site's proximity to a bus stop. He informed Mr. Conner that the trash had been cleaned up, and the shrubbery replaced, but vehicles were still being stored on the property.

Mr. Lindwell Bradley, Code Supervisor, testified that he had accompanied Mr. Tyson on one inspection of the property. The property was licensed for vehicle leasing, but many of the vehicles stored on the property were inoperable and therefore not fit to be leased. Mr. Tyson presented copies of the business licenses for automobile rental and leasing, which were accepted into evidence as City exhibit 2. He also submitted parking plans for the business. These documents lacked dates and Mr. Conner would not accept them into evidence. Mr. Tyson suggested the fine be set at \$500.00 per day.

Mr. Robert Salamon, attorney for the respondent, stated that the property owners had entered into a lease with the current tenants. He stated that the owner had no control over the conduct of the current lessee. He stated that most of the vehicles located on the property are in serviceable condition. If Mr. Conner imposed a lien or penalty against the property, the owner would start immediate action to evict the tenant.

Mr. Tyson stated that when he had gone by yesterday the property had been cleaned up, the missing shrubbery had been replaced, and the vehicles were aligned as in a car lot. He felt this was a vast improvement over his previous inspection. He also noted that this was a repeat violation.

Mr. Scott Stringham, President of Sunrise Sportscars (the tenant), testified that the lease was converted to a month-to-month arrangement because the property was under contract to be sold. During the construction period last year on Broward Boulevard, the ingress and egress to and from the property had been totally blocked. The messy photographs of the property were taken during this period. Mr. Conner asked how long it would take to remove the inoperable vehicles. Mr. Stringham felt it would take 30 days to remove them.

Mr. Conner found in favor of the City and ordered compliance with Section 47-34.1 A.1 within 30 days, or a fine of \$250.00 per day would be imposed; because the City had stated that this was a repeat violation, the Special Master would maintain jurisdiction, and the future fine would be the same. He asked that the order be recorded.

Reference CE03011549

Hattie Mae Natson
871 Northwest 16th Terrace

Sec. 9-281(b): Trash, debris and an inoperable, unlicensed vehicle on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 9-280(g): Outside electrical components not maintained; Sec. 47-1.8: Landscape not maintained

Ms. Batchelder announced that certified mail had been accepted on February 19, 2003, and personal service had been made by Inspector Pingitore on February 15, 2003. Mr. Mike Donovan, Community Inspections Officer, testified that he had made an agreement with the owner to comply within 30 days, or a fine of \$25.00 per day, per violation would be imposed.

Mr. Conner found in favor of the City and order compliance within 60 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03020417

Adriana Arenas & Luis Jarast
1901 Northeast 56th Street

Sec. 6-7(b) (1): Barking dogs, nuisance

Ms. Batchelder announced that certified mail had been accepted on February 21, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that dogs barking at this location had resulted in at least seven complaints to the Police Department. He presented a history of the case, and a history of complaints to the Police Department, which were accepted into evidence as City exhibits 2 and 1 respectively.

Mr. Richard Leach, neighbor, testified that the dog often barked from 11:00 p.m. through the night. He had spoken with the tenants concerning the problem, but they had done nothing to stop the problem. He stated that there was always one dog, but on some occasions there had been additional dogs present.

Mr. Frederick Abrams, respondent, testified that the neighbor on the other side of his apartment had never complained to him about the dog, and the dog only barked briefly if someone approached his apartment or door. Mr. Leach had called Mr. Abrams at 3 a.m. to complain that he could hear Mr. Abrams speaking inside his apartment. Mr. Abrams had purchased an anti-bark collar for the dog to wear when Mr. Abrams was not at home.

Mr. Stockinger felt that one week should be allowed to be sure no additional complaints had been made about the dog.

Mr. Conner found in favor of the City and ordered compliance within 10 days or a fine of \$25.00 per day would be imposed.

Reference CE03020567

David Chrastek
1730 Northeast 63rd Court

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-280(b): Leaking roof; Sec. 9-281(b):
Disabled trailers on property; Sec. 47-21.8 A:
Landscape not maintained; Sec. 9-313(a):
Required display of address;

Sec. 9-308 (b): Roof dirty and moldy;
Sec. 9-280(d): Deteriorated/ missing screens in
pool area; Sec. 8-148(a): Boat in disrepair

Ms. Batchelder announced that personal service had been made by Inspector Malik on February 9, 2003, and noted that Mr. Chrastek had been present earlier.

Mr. Frank Stockinger, Community Inspections Officer, testified that the roof was dirty and leaking. He further testified that exterior walls were peeling and missing paint and fascia board was rotten; there were two disabled trailers on the property; the landscaping was not maintained; portions of the property were overgrown and others were bare sand. House numbers were missing; and screens for pool enclosure were missing. He noted that the boat was no longer at the dock; it had been moved to the driveway. He presented a history of the property, a history of this case, and photographs of the property, which were accepted into evidence as City exhibits 1,2, and 3 respectively. He had spoken with Mr. Chrastek, who was planning extensive work on the property, and had requested time to complete the work. He suggested 30 days for Section 9-308(b), 180 days for Sections 9-306, 9-280(b), 47-21.8A9-280(d), and 14 days for Sections 9-281(b) and 9-313(a), or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 9-308(b) within 30 days;
 - Sections 9-313(a) and 9-281(b) within 14 days;
 - Sections 9-306, 9-280(b), 47-21.8 A, and 9-280(d) within 180 days,
- or a fine of \$25.00 per day, per violation would be imposed.

Reference CE02121560

Patrick Rush
1212 Northeast 4th Street

Sec. 9-281(b): Trash, debris and an inoperable,
unlicensed boat and trailer on property;
Sec. 47-34.1 A.1: Permitted uses-property used
for outside storage of construction material

Ms. Batchelder announced that certified mail had been accepted on February 22, 2003, and personal service had been made by Inspector Malik on March 1, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was trash and rubbish scattered on the property including an unlicensed, inoperable boat and trailer; the property was being used for outside storage of construction material. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Patrick Rush, respondent, explained that the building materials at the house would be used for an addition he plans to build on the house. He did have available storage space to move these materials to, if needed. He stated that Section 9-281(b), under which he was cited for the inoperable, unlicensed boat pertains to vehicles and commercial watercraft

only. He said he would make the boat operable and register the trailer. The Assistant City Attorney was unsure about the requirements for licensing the boat. Mr. Rush didn't know if the boat was required to be operable if he did not intend to take it out; he was in the process of refurbishing it.

Mr. Hal Stash, neighbor, explained that when he added a second story to his home, Mr. Rush had removed an entire fence from his property which then revealed the extent of the trash on Mr. Rush's property. Mr. Conner explained that this would be covered by his ruling. Mr. Stash presented photographs of Mr. Rush's property, which were accepted into evidence as City exhibit 2.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$25.00 per day, per violation.

Reference CE03020415

Frank Wilcosky
701 Northeast 17th Way

Sec. 18-1: Detached garage infested with bees

Ms. Batchelder announced that certified mail had been accepted on February 19, 2003, and personal service had been made by Inspector Thime on February 6, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the detached garage was infested with bees, endangering the public health, safety, and welfare of adjacent properties. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Ms. Betty Hurley, neighbor, testified that the bee problem had existed for five months. Her tenant was unable to use the patio due to the bee's swarming. She feared some tenants might be stung, which could be life-threatening if one were allergic. She stated that the bees numbered in the thousands.

Mr. Frank Wilcosky, respondent, stated that he had signed a contract with Terminix to exterminate the bees. They had tented the garage yesterday to start the process. The Assistant City Attorney, stated that the contract with Terminix dealt with dry-wood termites, not bees.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$25.00 per day.

Reference CE02121360

Frances & Thomas Reynolds
1020 Southwest 22nd Terrace

Sec. 47-21.10: Required ground cover

Ms. Batchelder announced that certified mail had been accepted on February 20, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that the front yard was covered in gravel; there was no living ground cover. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Tom Reynolds, respondent, stated that the gravel was present for guest parking, and he asked that this be set aside. Ms. Burks stated that the whole front yard was gravel. Mr. Reynolds asked what percentage was permissible to keep gravel on. Ms. Burks stated that he was permitted to gravel 25%. Mr. Reynolds asked for 60 days to comply.

Mr. Conner found in favor of the City and ordered compliance within 60 days or a fine of \$25.00 per day.

Reference CE03012373

Juanita & Jerry Teal
1728 Northwest 18th Street

Sec. 47-19.9: Outside storage units prohibited in residential zone

Ms. Batchelder announced that service had been made by personal appearance of the respondent.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were outside storage units on the property, which were prohibited in a residential neighborhood. She presented photographs of the property, which were accepted into evidence as City Exhibit 1.

Ms. Juanita Teal, respondent, stated that she used the unit for storage of furniture. She thought it could be moved within two weeks.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$25.00 per day.

Reference CE02101584

Joy Kellerman
3827 Southwest 12th Court

Continued from February 20, 2003

Ms. Batchelder announced that this case was continued from February 20, 2003.

Mr. Skip Margerum, Community Inspections Officer, testified that the dumpster was left out after pickup. Mr. Dirk Rahim, property manager, stated that he knew the dumpster was supposed to be behind the building line, but that was not physically possible. He presented photographs, which were accepted into evidence as Respondent's exhibit 1. He claimed

that neighboring businesses and others would use his dumpster and that caused the overflow problem. Ms. Batchelder felt 30 days should be enough time to sort out how Mr. Rahim could resolve the problem.

Mr. Conner continued the case for 30 days.

Reference CE02061207

W & W LLC
808 West Broward Boulevard

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on August 1, 2002 with compliance ordered by October 30, 2002. Fines were retroactive to August 1, 2002. On November 7, 2002 the compliance date was extended to March 7, 2003. Current fines stood at \$9,800.00.

Mr. Les Stracher, representative of the respondent, stated that since the first fines were not assessed until October 30, 2003, the fines should not have begun until then. He explained that the facility was originally a motorcycle shop, but was then used for pet boarding. He wasn't sure if this would be included under Section 47-3.5 A.3, since the new use involved less impact than the prior permitted use. The owner was still going through the approval process, and Mr. Stracher requested 120 days to settle the issues.

The Assistant City Attorney, stated that the City did not want to grant any further extension. She thought the owners had been working through site-plan level 1 review, but the City felt that ample time had been provided since August to comply. The City therefore opposed the request for another extension.

Mr. Ed Plosky, land planner for the business, stated that pursuant to DRC requirements, the business had needed to modify the entrance and parking layout, which had led to confusion over what the actual parking requirements were according to the Engineering Department. There was a conflict between the new building code requirements and the parking area requirements. Mr. Brewton, Zoning Administrator, had suggested they apply for a parking reduction application. In December this was reviewed and a new study conducted, which was submitted to the Engineering Department in January. The plan and reduction application now needed to be presented to the Planning and Zoning Board for approval.

Mr. Stracher pointed out that the business was working to ensure compliance as quickly as possible. He again requested 120 days. The Assistant City Attorney informed Mr. Conner that the business was given 60 days on December 23, 2002 to bring information back the Planning and Zoning Department, and they had not completed this within the 60 days. She noted that they had submitted some of the requirements, but not all were correct. Mr. Stracher noted that it was normal for the City to have comments and request adjustments as the process progressed. Mr. Conner suggested 30 days to complete the process. The

Assistant City Attorney noted that the case could be placed on the agenda for the April Planning and Zoning Board meeting. Mr. Stracher noted that 30 days would not extend to the Planning and Zoning Board meeting. Mr. Conner suggested 45 days.

Mr. Conner granted an extension of 45 days.

Reference CE02071839

Philip Shaffer
1820 Southwest 21st Street

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on September 5, 2002 with compliance ordered by September 12, 2002. The property was complied on March 4, 2003. Current fines stood at \$12,900. The City recommended a reduction of fines to \$3,300.00.

Mr. Philip Shaffer, respondent, requested that the fines be abated; he said that he could not afford a \$3,000.00 fine. All of the cars had been licensed and insured.

Mr. Alberto Benavides, Community Inspections Officer, testified that the property was now in compliance. Mr. Conner asked Mr. Shaffer what happened between the last compliance deadline and March 4th. Mr. Shaffer stated that when the cars received stickers he removed them and did not understand what compliance was. He stated again that he could not afford a \$3,300.00 fine.

Mr. Conner abated the fine to \$3,300.00.

Reference CE02110551

R K Associates #5 Inc.
840 Northeast 5th Avenue

Request for Extension of Time

Ms. Batchelder announced that this case was nearly identical to the following case and they should be considered together. Both cases were originally heard on December 19, 2000 with compliance ordered by March 19, 2003. The City did not object to an extension of 60 days.

Mr. Don Holloway, Construction Manager for Sears, Robuck and Company, stated that permits had been secured to increase the size of the building; completion was expected in mid-May. The storage containers cited contained merchandize, not construction materials. He requested an additional 60-day extension.

Mr. Conner granted an extension of 60 days for both cases: CE02110551 and CE02111838 .

Reference CE02111838

R K Associates #5 Inc.
847 Northeast 5th Terrace

Request for Extension of Time

Mr. Conner granted an extension of 60 days.

Reference CE02091545

Oscar Salter
2755 Northeast 55th Street

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on November 21, 2002 with compliance ordered by November 28, 2002. The property was in compliance on December 11, 2002. Fines had accrued in the amount of \$600.00. The City recommended a settlement in the amount of \$200.00.

Mr. Oscar Salter, respondent, stated that the trailers had been moved and then removed as the Inspector informed him that moving and camouflaging them did not meet compliance. Mr. Salter had experienced difficulty in reaching Mr. Stockinger in time to meet the compliance date.

Mr. Frank Stockinger, Community Inspections Officer, informed Mr. Conner that when he reinspected the property, the original trailers were gone, but there were two new boat trailers on the property. Mr. Conner noted that the City supported a reduction of fines to \$200.00. Mr. Stockinger agreed with a reduction of the fine.

Mr. Conner abated the fines to \$200.00.

Reference CE02110243

Eric & Barbara Johnson,
Eric Johnson Trust
2740 East Oakland Park Boulevard

Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that certified mail had been accepted on February 15, 2003.

Ms. Laurie Almy, Community Inspections Officer, testified that portions of paint on the building were mildewed, faded, peeling, and dirty. She presented photographs of the property, which were accepted into evidence as City exhibit 1. Ms. Almy had received a phone call on February 19 from Mr. Eric Johnson, the building owner, who informed Ms. Almy that he would be in compliance by the due date. Ms. Almy visited the building yesterday and it was not in compliance. Mr. Johnson informed her that he had been denied access to some areas by a neighbor, but Ms. Almy noted that no work had been done to

accessible areas either. Ms. Almy suggested 30 days, or a fine of \$50.00 per day; Mr. Conner suggested \$250.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$250.00 per day.

Reference CE03020266

Margaret & J. Papp
613 Southeast 13th Street

Sec. 25-100(a): Interfering with public right-of-way

Ms. Batchelder announced that the City was requesting a 2-week continuance.

Mr. Conner granted a continuance of 2 weeks.

Reference CE02100997

Harris Andrew Small
6141 Northwest 32nd Terrace

Sec. 18-27(a): Trash on property;
Sec. 47-21.10: Required ground cover;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Inoperable, unlicensed vehicle on property

Ms. Batchelder announced that service was made via posting on the property and at City Hall on February 24, 2003 and February 25, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that the property was overgrown; the backyard was missing ground cover; the fence was in disrepair, and there was an unlicensed, inoperable vehicle on the property. He presented photographs of the property, which were accepted into evidence as City exhibit 1. He recommended 2 weeks, or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 47-21.10 within 30 days;
- Sections 18-27(a), 9-280(h)(1), and 9-281(b) within 14 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03012039

Phyllis Kelley Living Trust
Shaun Cockern, Trustee
3051 West Commercial Boulevard

Sec. 47-34.1 A.1: Vehicles displayed for sale on the property

Ms. Batchelder announced that certified mail had been accepted on February 27, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that vehicles were displayed for sale on the property. He informed Mr. Conner that he had spoken with the owner, who promised compliance, but upon his visit to the property yesterday, there was no compliance. In fact, an additional vehicle had been located to the property. He presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance within 14 days or a fine of \$100.00 per day would be imposed.

Reference CE02022054

Limbery Black
2200 Northwest 6th Court

Sec. 9-280(b): Windows/doors not in water/
weather tight condition; Sec. 9-306: Peeling
paint/stained surfaces; Sec. 9-281(b): Overgrowth
on property

Ms. Batchelder announced that certified mail had been accepted on February 14 and 15, 2003.

Mr. Lee Kaplan, Community Inspections Officer, testified that the windows and doors were not in water/weather tight condition; paint on the building was peeling and chipping; there was overgrowth on the property. He presented photographs of the property taken on 2 occasions, which were accepted into evidence as City exhibits 1 and 2. He recommended 30 days to comply, or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$25.00 per day, per violation, would be imposed.

Reference CE03010710

Frank Trovato
1069 Southeast 17th Street

Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that certified mail had been accepted on February 18, 2003.

Mr. John Hudak, Community Inspections Officer, testified that paint on the building was peeling and chipping. He presented a photograph of the property, which was accepted into evidence as City exhibit 1. He noted that he had visited the property yesterday, and the situation was the same.

Mr. Conner found in favor of the City and ordered compliance within 30 days, or a fine of \$100.00 per day.

Reference CE03011387

Verdell Tolbert
1825 Northwest 7th Street

Sec. 47-21.8: Landscape maintenance;
Sec. 47-34.1 A.1: Inoperable, unlicensed vehicles
on property; Sec. 9-280(g): Exposed electrical
components; Sec. 9-281(b): Trash, debris and an
inoperable, unlicensed vehicle on property;
Sec. 9-313(a): Required display of address

Ms. Batchelder announced that the respondent had been present earlier; as such, service was made through the presence of the respondent.

Mr. Mike Donovan, Community Inspections Officer, testified that he had made an agreement with Mr. Tolbert to comply within 45 days or a fine of \$25.00 per day per violation. He also presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance within 45 days or a fine of \$25.00 per day per violation, would be imposed.

Reference CE02062022

Jane Bosco Family Revocable Trust
5975 North Federal Highway

Sec. 47-25.3 A.3.d: Required landscaped buffer;

Ms. Batchelder announced that the City had requested a continuance of 60 days for this case.

Mr. Conner granted a continuance of 60 days.

Reference CE03020416

Richard Bieluwka
5200 Northeast 19th Avenue

Sec. 9-281(b): Inoperable, unlicensed vehicle on
property; Sec. 25-7(a): Sidewalk blocked by
trucks

Ms. Batchelder announced that personal service had been made by Inspector Thime on March 20, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle on the property; Section 25-7(a) was now in compliance. He recommended 7 days to comply or a fine of \$50.00 per day. He presented a list of violations at the property, a history of this case, and photographs of the property, which were accepted into evidence as City exhibits 1, 2, and 3 respectively. He recommended 7 days to comply, or a fine of \$100.00 per day for the remaining violation.

Mr. Conner found in favor of the City and ordered compliance with Section 9-281(b) within 7 days or a fine of \$100.00 per day would be imposed.

Reference CE03010053

Tab 700 Ltd.
544 North Federal Highway

Sec. 18-27(a): Trash, weeds and overgrowth on property; Sec. 47-21.8 A: Landscape maintenance; Sec. 9-280(h)(1): Fence in disrepair

Ms. Batchelder announced that certified mail addressed to the owner had been accepted on February 14, 2003; certified mail addressed to the registered agent had been accepted on February 19, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the only remaining violation was 47-21.8 A-one palm tree remained toppled onto the fence. She recommended 7 days or a fine of \$50.00 per day. She presented a photograph of the property, which was accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with the remaining violation within 7 days, or a fine of \$50.00 per day would be imposed.

Reference CE03020647

Jay Bolduc
1016 Northeast 17th Avenue

Sec. 10 4-4.1: Fire extinguisher maintenance;

Ms. Batchelder announced that the City had requested a continuance of 14 days.

Mr. Conner granted a continuance of 14 days.

Reference CE03020650

Glenn English
1710 Northeast 12th Street

Sec. 10 3-1.2.2: Missing fire extinguisher

Ms. Batchelder announced that the City had requested a continuance of 14 days.

Mr. Conner granted a continuance of 14 days.

Reference CE03020651

Kenneth Tewel
1345 Northeast 17th Avenue

Sec. 10 4-4.1: Fire extinguisher maintenance;
Sec. 1 1-4.5: Required sign on meter room door

Ms. Batchelder announced that the City had requested a continuance of 14 days.

Mr. Conner granted a continuance of 14 days.

Reference CE03020331

Federal Highway Holdings
777 South Federal Highway

Sec. 15-28: Required occupational license

Ms. Batchelder announced that the City had requested a continuance of 14 days.

Mr. Conner granted a continuance of 14 days.

Reference CE03020335

Federal Highway Holdings
777 South Federal Highway

Sec. 15-28: Required occupational license

Ms. Batchelder announced that the City had requested a continuance of 14 days.

Mr. Conner granted a continuance of 14 days.

Reference CE02060147

Patrick Fabien & Marie Alcime
310 Southwest 27th Terrace

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.8 A: Missing ground cover

Ms. Batchelder announced that certified mail had been accepted on February 4, 2003; the owner had also been present earlier.

Ms. Peggy Burks, Community Inspections Officer, testified that the parking area was now in compliance, but there were still areas of missing ground cover. She presented photographs of the property, which were accepted into evidence as City exhibit 1. Ms. Burks had spoken with the owner earlier and agreed to 60 days for Section 47-21.8 A or a fine of \$50.00 per day.

Mr. Conner found in favor of the City and ordered compliance with 47-21.8 A within 60 days, or a fine of \$50.00 per day would be imposed.

Reference CE02082148

Allen & Melony Roberts
1012 Southwest 22nd Terrace

Sec. 47-21.10 B.1: Front yard covered with
gravel

Ms. Batchelder announced that certified mail had been accepted on February 14, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that the front yard was covered with gravel. She presented photographs of the property, which were accepted into evidence as City exhibit 1. Ms. Burks had spoken with the owner earlier and agreed to 60 days or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 60 days, or a fine of \$25.00 per day would be imposed.

Reference CE02121353

Albert Lindsay
642 Southwest 27th Avenue

Sec. 47-18.4 E: Non-permitted outside repairs conducted on property; Sec. 47-19.9 4.a: Parking lot and City right-of-way used for storage

Ms. Batchelder announced that certified mail had been accepted on February 20, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that there were repairs being done outside at the property, and that the parking lot and City right-of-way were being used for storage. She presented photographs of the property, which were accepted into evidence as City composite exhibit 1. Ms. Burks had spoken with the owner earlier and agreed to 30 days or a fine of \$100.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$100.00 per day, per violation would be imposed.

Reference CE03011513

Robert Kerp
2511 Southwest 3rd Street

Sec. 47-21.10: Required ground cover

Ms. Batchelder announced that certified mail had been accepted on February 14, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that ground cover was missing on the property. She presented photographs of the property, which were accepted into evidence as City exhibit 1. Ms. Burks had spoken with the owner agreed to 60 days or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 60 days or a fine of \$25.00 per day would be imposed.

Reference CE02040220

Pam & William Peterson
1636 Northwest 16th Street

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 47-21.8: Missing ground cover;
Sec. 25-4: Obstruction of public sidewalk;
Sec. 24-27(c): Location of Garbage carts;
Sec. 18-27(a): Overgrowth on property

Ms. Batchelder announced that personal service was made by Inspector Malik on March 1, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of peeling, stained, mildewed paint; there were areas of dead or missing ground cover; the sidewalk was obstructed by overgrowth and leaves; garbage carts were left outside after service; and the yard and swale were overgrown past the 6" code ordinance. She presented photographs of the property, which were accepted into evidence as City Exhibit 1. Ms. Pingitore had spoken with the owner, who requested 30 days to comply, or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE02081071

Glen Martin
1526 Northwest 11th Court

Sec. 24-27(c): Location of Garbage carts;
Sec. 47-21.8: Landscape maintenance;
Sec. 9-281(b): Trash and debris on property

Ms. Batchelder announced that certified mail had been accepted on February 15, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that garbage carts were left out after service; and rubbish, trash and debris were scattered on the property. Section 47-21.8 was now complied. She presented photographs of the property, which were accepted into evidence as City exhibit 1. Ms. Pingitore recommended 7 days to comply with the remaining violations, or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance with Sections 24-27(c) and 9-281(b) within 7 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE02121742

Samuel Wright
1339 Northwest 9th Avenue

Continued from February 20, 2003

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was still an unlicensed, inoperable vehicle on the property. She presented photographs of the property, which were accepted into evidence as City exhibit 1. She suggested 7 days to comply or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$25.00 per day would be imposed.

Reference CE02121905

Alice Hughes
1750 Northwest 27th Terrace

Sec. 9-306: Stained, chipped faded paint;

Ms. Batchelder announced that certified mail had been accepted on February 25, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of chipped and peeling paint. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance within 30 days to comply or a fine of \$25.00 per day.

Reference CE02121606

Tony Coaxum
3371 Jackson Boulevard

Sec. 9-281(b): Wood, plywood and other trash on property; Sec. 9-305(b): Missing ground cover

Ms. Batchelder announced that certified mail had been accepted on February 15, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was wood, plywood and other debris on the property and there were areas of dead or missing ground cover. He presented photographs of the property, which were accepted into evidence as City exhibit 1. He had spoken with the owners, who asked for 60 days to complete the cleanup.

Mr. Conner found in favor of the City and ordered compliance within 60 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03010284

Rolanda Johnson
1010 Atkinson Avenue

Sec. 9-306: Dirty, stained and chipping paint;
Sec. 9-305(b): Required landscape maintenance;
Sec. 18-27(a): Trash and overgrowth on property;
Sec. 9-280(b): Roof leaks, stained ceilings and rotted soffits, broken or inoperable windows

Ms. Batchelder announced that certified mail had been accepted on February 15, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was dirty, stained and chipping paint on the walls; the rear yard was covered with dead grass and bare sand; the property and swale were overgrown with weeds and the property was littered with trash; the roof leaked, ceilings were stained; soffits were rotten and some windows were inoperable. He presented photographs of the property, which were accepted into evidence as City exhibit 1. He had a signed stipulated agreement with the owner to allow 30 days to comply, or a fine of \$25.00 per day, per violation. The copy of the stipulated agreement was accepted into evidence as City exhibit 2.

Mr. Conner found in favor of the City and ordered compliance within 30 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03011980

Mark Cheeley
901 Northeast 16th Street

Sec. 18-27(a): Trash on property;
Sec. 47-20.20 H: Parking area lacks wheel stops;
Sec. 47-21.8 A: Missing ground cover;

Ms. Batchelder announced that certified mail had been accepted on February 21, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that the parking area lacked the required wheel stops; ground cover was not properly maintained. He noted that Section 18-27(a) was now complied. He presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with Section 47-20.20 H within 14 days, and with Section 47-21.8 A within 30 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03012177

Amanda & Betty J Poole and Bettie E. Money
3801 Jackson Boulevard

Sec. 9-281(b): Inoperable, unlicensed vehicle on property;
Sec. 9-305(b): Required ground cover

Ms. Batchelder announced that certified mail had been accepted on February 19, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that the property and swale were missing ground cover; Section 9-281(b) was now complied. He recommended 30 days to comply with Section 9-305(b) or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance with Section 9-305(b) within 30 days, or a fine of \$25.00 per day would be imposed.

Cases Complied

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

CE02092342	CE03011396	CE03011987	CE03020336
CE02120564	CE03011404	CE03012050	CE03020338
CE02120783	CE03011437	CE03012118	CE03020342
CE02121448	CE03011444	CE03012176	CE03020416
CE02121863	CE03011610	CE03012219	CE03020648
CE03010140	CE03011642	CE03012262	CE03020649
CE03010151	CE03011688	CE03012264	CE03020854
CE03010193	CE03011893	CE03012270	CE03020856
CE03010468	CE03011984	CE03020249	CE03020857
CE03011007	CE03011985	CE03020328	CE03020858
CE03011376			

Cases Pending Service

Ms. Batchelder announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE02100330	CE02121874	CE03011315	CE03012192
CE02111832	CE03010820	CE03011746	CE03020145
CE02120400	CE03011251	CE03011804	CE03020652
CE02120782	CE03011312		

Cases Rescheduled

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

CE021118926	CE03021144	CE02100612	CE03010549
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Cases Withdrawn

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

CE02100572	CE02121464
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Approved for Enforcement

Ms. Batchelder presented Mr. Conner with 6 cases that had not been brought into compliance as ordered. Mr. Conner approved them for enforcement.

There being no further business, the hearing was adjourned at 1:10 P.M.

Special Master

ATTEST:

Clerk, Special Master