

SPECIAL MASTER HEARING
City Commission Meeting Room
Judge Daniel Futch, Presiding
March 20, 2003
9:00 A.M. – 12:30 P.M.

Staff Present:

Susan Batchelder, Administrative Assistant II
Jennifer Chenault, Secretary
Maurice Murray, Code Supervisor
Assistant City Attorney
Leonard Ackley, Community Inspections Officer
Andre Cross, Community Inspections Officer
Alberto Benavides, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Mike Donovan, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
Karl Lauridsen, Community Landscape Officer
Dan Mullarkey, Community Inspections Officer
Ursula Thime, Community Inspections Officer
John Gossman, Community Inspections Officer
Deborah DiMaggio-Haskins, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Ken Reardon, Building Inspector
Frank Stockinger, Community Inspections Officer
Tim Welch, Engineering Design Manager

Also Present:

Sam Caliendo, CE02091101
Ari Glazer, CE0290306
Sam Kelly, CE02091191
Rozanne Owens, CE020705399
Suzanne Zimmer, CE02092365
Peter Boinis, CE02110264
Jacques Cherenfant, CE03021066
Cynthia Bulk, CE02031196
Vincent Panico, CE02070521
Nathaniel Hauster, CE03010549
Angela Marangelli, CE03022013
Michael Comastro, CE03022013
Billy Johnson, CE03022013
Dawn Boneta, CE02040891

Stan Pfeifer, CE03011080
Jason Brown, CE03021350
Daniel Reinfeld, CE02071350
Tracey Graham, CE03011423, CE03011424
Gloria Pitters Alfred, CE02110673

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. Judge Futch 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 CE02071350

Swiss Beach Holdings, Inc. Continued from 2/20/03
229 South Ft. Lauderdale Beach Boulevard

Mr. Daniel Reinfeld, attorney for the respondent, asked Judge Futch to consult his copy of the motion for continuance and noted that the respondent had a Proposed Order of Continuance.

The Assistant City Attorney stated that she had read the motion for a continuance and had no disagreement with it. Judge Futch had no objection.

Judge Futch granted the 60-day continuance.

Reference CE02092365

Suzanne Zimmer Request for Abatement of Fines
2001 Northeast 59th Place

Ms. Batchelder announced that this case was originally heard on November 21, 2002 with compliance ordered by December 21, 2002. The property was complied on February 17, 2003. Current fines stood at \$1,425.00 and the City had recommended abatement of fines to \$400.00.

Ms. Suzanne Zimmer, respondent, explained that there had been a misunderstanding with Mr. Stockinger concerning compliance. She had made numerous attempts to contact Mr. Stockinger to understand exactly what was necessary to bring the property into compliance.

Mr. Frank Stockinger, Community Inspections Officer, explained that Ms. Zimmer had not understood that the pool surround must have new ground cover, but she did complete this

when she found out it was necessary. The Assistant City Attorney informed Judge Futch that the City had recommended reducing the fine to \$400.00.

Judge Futch abated the fine to \$100.00.

Reference CE02110264

P & D Inc.
2660 East Commercial Boulevard

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on February 20, 2003 with compliance ordered by February 27 and March 6, 2003. Current fines stood at \$3,000.00 and the City had recommended no abatement of the fines.

Mr. Peter Boinis, respondent, explained that there had been trouble with the current tenant whom he had diligently tried to replace. The tenant had been evicted. He explained that all leases with his tenants for the past ten years had required the tenants to be responsible for maintaining the property. The property was now under contract for sale and the tenant would vacate the premises by March 30th. Mr. Boinis had not known about the violations until after the fines had already started but he had called Mr. Stockinger and corrected the problems as soon as he was aware of them. Mr. Stockinger pointed out that Mr. Boinis had immediately taken care of the problems as soon as he was aware of them.

Judge Futch abated the fines to \$100.00.

Reference CE02110237

Plaza Beach Hotel Corp.
4060 Galt Ocean Drive

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.8 A: Landscape Maintenance

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on March 6, 2003, and certified mail addressed to an officer of the corporation had been accepted on March 11, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that the parking area had numerous potholes and lacked striping; wheel stops were missing, broken, or not anchored properly; landscaping was not maintained; the ground was covered with weeds and trees and shrubbery were missing. He had spoken with the hotel manager about proposed renovations that would require time in order to draw up plans and obtain permits. Mr. Stockinger suggested allowing 120 days, or a fine of \$50.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance within 120 days or a fine of \$50.00 per day, per violation would be imposed.

Reference CE03011061

Arthur & Joanne Pelton
5719 Northeast 17th Terrace

Sec. 47-21.8 A: Landscape Maintenance

Ms. Batchelder announced that personal service had been made by Inspector Stockinger on March 18, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that the yard consisted of weeds and bare ground. He had spoken with the owner, who was replacing the driveway and sprinkler system, which would require obtaining permits. He suggested allowing 60 days or a fine of \$25.00 per day.

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

Reference CE02091191

L.D. Lusk Jr. Trustee
1830 West Broward Boulevard

Continued from January 16, 2003

Ms. Batchelder announced that this case was continued from January 16, 2003.

Mr. Karl Lauridsen, Community Landscape Officer, testified that a permit had been required for tree removal. The owners also needed to submit a plan for the replacements and mitigation for the removal of the on-site trees. The tenants would be evicted on July 19th, and Mr. Lauridsen suggested allowing 30 days from that date, or a fine of \$25.00 per day.

Mr. Sam Kelly, attorney for the owner, informed Judge Futch that a case against the tenant had been settled three weeks ago. The owner wanted to wait until the tenant vacated the premises to plant new trees and shrubberies for fear that the tenant would not care for the plantings. Therefore, the deadline needed to be after the tenant was gone.

Judge Futch found in favor of the City and ordered compliance within 30 days of July 19, 2003, or a fine of \$25.00 per day would be imposed.

Reference CE03020266

J. & Margaret Papp
613 Southeast 15th Street

Continued from March 3, 2003

Ms. Batchelder announced that this case was continued from March 6, 2003.

Mr. Tim Welch, Engineering Design Manager, testified that a speed bump was installed by a condo resident to hold back runoff onto his property. This was not authorized by or put in

by the Engineering Department. He presented a photograph of the property. He recommended compliance within 60 days or a fine of \$25.00 per day.

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

Reference CE03022018

Marangelli Investments
825 Northwest 10th Terrace

Sec. 9-281(b): Trash and debris on property;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-280(b): Doors and windows not in water/weather tight condition; Sec. 47-21.8: missing ground cover; Sec. 47-19.4 D.8: Dumpster enclosure in disrepair; Sec. 24-27(c): Open dumpster lids; Sec. 47-19.4 D.4: Trash and rubbish around and inside dumpster enclosure. Sec. 47-20.20 H: Parking Lot in disrepair. All sections are repeat violations with the previous case CE02031489 – Final order signed 4/18/02

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on March 9, 2003.

Mr. Mike Donovan, Community Inspections Officer, testified that this was the third time this property was before the Special Master, and this was the second repeat case. Seven of the violations had continued for 21 days; 1 was still continuing as of yesterday. He described the violations: There was trash, rubbish and debris scattered on the property; there were missing/torn screens in the windows; doors and windows were not weather/water tight; the parking area was not maintained; there were areas of dead or missing ground cover; the dumpster enclosure had missing slats and was in general disrepair; dumpster lids remained open; there was trash, rubbish, and litter around and inside the dumpster enclosure. He presented photographs of the property taken on four occasions. Mr. Donovan had met with Mr. Comastro and agreed to give the owners one more opportunity to stop the dates of the fines. All fines would be stopped except the fine for Section 47-21.8 as of March 17, 2003. Based on the previous Special Master Order signed on April 18, 2002 on case CE02031489, Mr. Donovan asked for a fine of \$200.00 per day for 21 days between February 24, 2003 and March 17, 2003 on 7 of the violations. He asked that the \$200.00 per day fine for Section 47-21.8 continue until this violation was corrected.

Mr. Michael Comastro, property manager, stated that he was unaware of the violation until March 9, 2003. The property was maintained every day, but was in a very high-maintenance area. He was unable to keep the property clean or intact on a constant basis. Mr. Comastro had worked with Mr. Lauridsen and brought the landscaping into compliance in July; Mr. Donovan had informed Mr. Comastro that he had different criteria for landscape

compliance than Mr. Lauridsen. Mr. Comastro reiterated that he was unaware of the violations until March 9, and had brought everything into compliance within 5 days. He did not feel a fine should have been imposed.

Mr. Billy Johnson, Maintenance Man for the property, stated that there were commercial properties across the street that had also contributed to the garbage problems. He stated that this was a very difficult property to maintain. Mr. Comastro stated that he had hired two police officers to stay on site for six weeks, but no arrests had been made.

Mr. Donovan stated that he had witnessed some garbage remaining on the property for long periods of time. He had given Mr. Comastro almost one month to correct violations before starting fines. Mr. Comastro stated that there was some equipment belonging to a tenant that he had immediately moved to a storage area after Mr. Donovan asked him to remove it – this was not garbage.

Mr. Donovan stated that Mr. Comastro was not maintaining the landscaping that might have been in compliance when Mr. Lauridsen inspected it. Mr. Lauridsen testified that he barely remembered the property, but if there was bare soil, sod needed to be replaced. Mr. Comastro discussed specifics with Mr. Lauridsen and Mr. Donovan.

Judge Futch clarified that the only outstanding violation concerned the landscaping. The Assistant City Attorney stated that these were repeat violations; in such cases, the Special Master could order the violator to pay a fine for each day the repeat violation continues beginning with the date the repeat violation is found to occur by the inspector, which in this case was February 24, 2003. She requested that Judge Futch find that the violation occurred as presented, the violations were repeat violations, and impose a fine according to the schedule described by Inspector Donovan.

Mr. Comastro cited State Statute 162.23-2 concerning notice to appear and the imposition of fines. There was a delay of more than one month between Mr. Donovan's citing of the repeat violation and Mr. Comastro's receipt of the notice. The Assistant City Attorney noted that this was outside of the local government's Code Enforcement Board's act that was followed in Ft. Lauderdale. Mr. Comastro again told Judge Futch how difficult it was to maintain this property. He asked if he could receive notice of Mr. Donovan's visits in order to meet with him to address any problems.

Judge Futch asked Mr. Donovan if any fines were imposed on the property for the previous cases. Mr. Donovan stated that the City had a lien on the property for approximately \$300,000.00. Judge Futch felt that a fine of \$200.00 per day for the 7 violations was "a bit steep", but noted that since this was a repeat violation, a fine of \$100.00 per day was appropriate.

Judge Futch found in favor of the City and ordered:

- compliance with Section 47-21.8 within 10 days or a fine of \$100.00 per day;

- a fine of \$100.00 per day for the period between February 24, 2003 and March 17, 2003 for each of the other 7 violations.

Reference CE03021350

Arthur & Joy Davis
414 Northwest 15th Way

Sec. 9-281(b): Trash, litter and debris on property

Ms. Batchelder announced that certified mail had been accepted on March 11, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was trash, rubbish and debris strewn on the property. He presented photographs of the property. Mr. Ackley had spoken to the tenants, who refused to remove the debris.

Mr. Jason Brown, Property Manager, informed Judge Futch that the tenant Mr. Ackley had spoken with was probably a tenant who was currently being evicted. Mr. Brown requested 7 days to remove the debris.

Judge Futch found in favor of the City and ordered compliance within 7 days or a fine of \$50.00 per day would be imposed.

Reference CE03011424

Ronald & Tracey Graham
1022 northwest 6th Avenue

Sec. 47-21.8: Missing ground cover

Ms. Batchelder announced that certified mail had been accepted on March 8 and 10, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that there was missing ground cover on the property. She presented a photograph of the property. Ms. Thime had spoken to the owner of the property, who was in the process of complying.

Ms. Tracey Graham, respondent, informed Judge Futch that the property should be in compliance within 10 days.

Judge Futch found in favor of the City and ordered compliance within 10 days or a fine of \$50.00 per day would be imposed.

Reference CE03021066

Jacques Cherenfant
1729 Northwest 8th Avenue

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-281(b): Inoperable, unlicensed vehicles on property

Ms. Batchelder announced that certified mail had been accepted on March 8, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that there were large areas of bare sand in the front yard. Section 9-281(b) was now in compliance.

Mr. Jacques Cherenfant, respondent, informed Judge Futch that he had almost completed the landscaping, and requested 7 days to finish.

Judge Futch found in favor of the City, and ordered compliance with Section 9-281(b) within 7 days, or a fine of \$25.00 per day would be imposed.

Reference CE03010549

Carrie & Charlie Houston
1613 Northwest 14th Street

Sec. 47-21.8: Missing ground cover;
Sec. 47-34.4 A.1: Commercial vehicles stored on property; Sec. 9-281(b): Trash and debris on property; Sec. 9-306: Areas of bare concrete and faded paint

Ms. Batchelder announced that certified mail had been accepted on March 10, 2003..

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of missing ground cover on the property; there were commercial vehicles stored on the property; there was trash, rubbish and debris scattered on the property, and there were areas of bare concrete and faded paint. She had returned to the property on March 17 and noted that the house had been partially painted, but the other violations remained.

Mr. Carrie Houston, son of the owner, stated that the house painting was now complete. He stated that the brother sharing the house with his mother was taking advantage of her and was responsible for the trash on the property. The other family members were attempting to remove his name from the deed to the house in order to force him to move out. Mr. Houston informed Judge Futch that neither his mother nor the family could afford to re-sod the lawn right now. The interior of the house had required significant improvements recently because his mother had become disabled.

Ms. Pingitore informed judge Futch that she wanted to work with Mr. Houston. She suggested allowing 7 days to comply with Sections 47-34.4 A.1, 9-281(b), and 9-306, and 90 days to comply with Section 47-21.8, or a fine of \$25.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance with:

- Section 47-21.8 within 90 days;
 - Sections 47-34.4 A.1, 9-281(b), and 9-306 within 7 days,
- or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03010201

Jean Beauplan
3831 Southwest 12th Place

Sec. 9-280(b): Roof, ceiling, exterior doors and windows in disrepair, missing screens;
Sec. 9-280(f): Leaking bathtub faucet;
Sec. 9-281(b): Trash and rubbish on property

Ms. Batchelder announced that certified mail had been accepted on March 6, 2003, and personal service had been made by Inspector Donovan on February 22, 2003.

Mr. Kenneth Reardon, Community Inspections Officer, testified that he was called to the building by the Fire Department on January 3rd, 2003 because of a ceiling collapse. Mr. Reardon determined that the building was safe for occupancy, but he found violations at the property. He had left a voicemail and mailed an inspection notice to the owners allowing 10 days to comply. The owners had not taken any action to correct the violations, so the Special Master notice was mailed on February 14. The owner had still not corrected the problems, and a notice was hand-delivered on February 22. Mr. Reardon had visited the property yesterday, and conditions were the same. He suggested allowing 7 days to comply, or a fine of \$250.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance within 7 days or a fine of \$250.00 per day, per violation would be imposed.

Reference CE03010221

F. & R. Louisgenor & W. Pierre
1532 Northwest 3rd Avenue

Sec. 47-21.12 D.1.b: Tree abuse

Ms. Batchelder announced that certified mail had been accepted on March 6, 2003, and personal service had been made by Inspector Malik on March 3, 2003.

Mr. Karl Lauridsen, Community Landscape Officer, testified that there was a chain saw-type cut in the trunk of a pine tree on the property. He requested that the tree be removed within 45 days, or a fine of \$25.00 per day. He had originally informed the owner that a permit was needed to remove the tree, but had learned that the tree was under the size specifications requiring a permit to remove. Mr. Lauridsen had left a message for the owner that the permit was not required, and it should be removed within 45 days or a fine of \$25.00 per day would be imposed.

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

Reference CE03021797

The Brandywine Organization LLC
124 Royal Palm Drive

Sec. 47-21.12.A.7: Required replacement
for tree removal

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on March 6, 2003.

Mr. Karl Lauridsen, Community Landscape Officer, testified that the owner had removed a Royal Palm from the City right-of-way and had not replaced it. The replacement must be a minimum of 20 feet of trunk. He requested replacement of the tree within 30 days or a fine of \$25.00 per day.

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

Reference CE03021802

General Mills Restaurant Group
5950 north Federal Highway

Sec. 47-21.6 J: Allowable percentage of
decorative stone; Sec. 47-21.12.A.7: Required
replacement for tree removal

Ms. Batchelder announced that certified mail addressed to the owner had been accepted on March 7, 2003; certified mail addressed to the registered agent had been accepted on March 10, 2003, and certified mail addressed to an officer of the corporation had been accepted on March 7, 2003.

Mr. Karl Lauridsen, Community Landscape Officer, testified that decorative gravel comprised more than the allowed 10% of landscaping. The rocks must be removed and replaced with mulch. The owner had also failed to provide a replacement for tree removal. He suggested allowing 45 days to comply, or a fine of \$25.00 per day, per violation.

Judge Futch 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 CE02031196

William & Florence Brewer
301 East Sunrise Boulevard

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on October 17, 2002, with compliance ordered by January 15, 2003. Fines had accrued in the amount of \$650.00. Ms. Batchelder noted that the City objected to any abatement.

Ms. Cindy Berbalk, daughter of the owners and property manager, informed Judge Futch that the property had been leased to Cole Muffler, who was responsible for the property maintenance while occupying the property. She had misunderstood what type of work needed to be done on the landscaping and had planted shrubberies and mulched instead of putting down ground cover. She had been informed by Ms. Haskins that ground cover must be put down and had immediately done so. The fine had started before she was aware that she was not in compliance.

Ms. Deborah Haskins, Community Inspections Officer, testified that the City objected to an abatement of fines based on the past cases involving the property. Her experience with the property was limited to this case, and she noted that the owners had worked with her from the beginning.

Judge Futch abated the fine to \$150.00.

Reference CE02070539

Rozanne Owens
1108 Northwest 8th Avenue

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on November 7, 2002, with compliance ordered by December 7, 2002. The property was in compliance on December 30, 2002 and January 13, 2003. Fines had accrued in the amount of \$5,400.00. The City recommended a settlement of \$800.00.

Ms. Rozanne Owens, respondent, stated that she thought that the violation concerned the house's needing painting, which she had done. She later spoke to inspector Haskins and had her son meet with her to clarify what needed to be done. She pointed out that she could not keep up with repairs because this was a bad neighborhood with many instances of vandalism.

Ms. Deborah Haskins, Community Inspections Officer, testified that this was a rental property; Mrs. Owens did not live on the property. Ms. Owens had been given notice first in July of 2002 and did not comply until January 2003. The violations were very simple, so should not have taken so long. Ms. Owens had brought a video of repairs done at the property. She claimed that the violations were due to a former tenant. Ms. Haskins pointed out that she was first contacted by that tenant because her air conditioner was not working. After Ms. Haskins cited the property, Ms. Owens had the tenant evicted. Ms. Haskins pointed out that Ms. Owens did not attend the hearing in November; this was probably why she did not understand what needed to be done.

Judge Futch abated the fines to \$800.00.

Reference CE02040891

William Boneta
1016 Southwest 22nd Terrace

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on December 5, 2002, with compliance ordered by January 6, 2003. On February 6, 2003, the date was extended to March 8, 2003. The property was in compliance on February 25, 2003. Fines had accrued in the amount of \$1,600.00. The City recommended a settlement of \$200.00.

Ms. Dawn Boneta, representative of the respondent, stated that the City's offer to reduce the fine to \$200.00 seemed fair.

Judge Futch abated the fine to \$200.00.

Reference CE02070520

Vincent Panico
123 Southwest 21st Way

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on February 6, 2003, with compliance ordered by March 8, 2003. Fines had accrued in the amount of \$300.00.

Mr. Vincent Panico, respondent, stated that he needed a bit more time to complete repairs to the walkway; it had taken longer than expected because he required a permit. He thought it might take 60 days to finish the walkway construction damage to the groundcover.

Judge Futch granted a 60-day extension.

Reference CE02090306

Rovic Properties
2758 Davie Boulevard

Request to Vacate Order

Ms. Batchelder announced that this was a request to vacate the previous order.

Mr. Ari Glazer, representative for the owner, explained the facts of the case: The hearing was held on February 20 with Special Master Conner presiding. An order dated February 20 and signed February 25 was subsequently entered. A transcript of the hearing was attached to Mr. Glazer's motion. In his opinion, the order did not reflect what Special Master Conner ruled at the hearing. The order included two findings of fact: that the property in question was in disrepair, and that there were banner signs present on the property. The order then included conclusions of law, providing that the parking area needed to be repaired, resurfaced, re-striped, and have wheel stops repaired. Permits

were also needed for these repairs. The deadline was May 21, 2003, or a fine of \$50.00 per day would be imposed. For the banner signs, action was required by February 25, 2003, or a fine of \$50.00 per day would apply.

In response to Mr. Glazer's motion to vacate the order, the City conceded that the Special Master had the authority to correct or modify an incorrectly entered order, but not to re-hear or re-argue the case. Mr. Glazer felt the order should be modified because it was not what Mr. Conner ruled. He read the section of his transcript of the hearing concerning the need to apply for a permit for work that had already been done. Neither Mr. Conner nor Mr. Glazer's partner, Mr. Moskowitz mentioned the parking area problems. This was, however, specifically mentioned in the order. This issue was never mentioned, addressed, or ruled upon by Mr. Conner, and should therefore never have been included in the order.

Concerning the banner signs, the only evidence presented at the hearing was that the banner signs had been removed, and the City had agreed with this. In the City's response to Mr. Glazer's motion, the City admitted that the order was incorrect, as the banner sign had been removed prior to the hearing.

The Assistant City Attorney agreed that the banner sign issue should not have been included in the order as Mr. Conner found that the sign had been removed prior to the hearing. Even though this represented a technical error on the order, it was the City's position that the error did not materially effect the respondent's position. Concerning the parking lot, the violation language stated that the parking lot needed to be repaired, resurfaced and re-stripped and have wheel stops repaired, pursuant to the ordinance. Conflicting testimony was presented at the hearing concerning the condition of the parking lot. The Inspector had presented photographic evidence that the parking lot was in disrepair. The respondent's attorney had presented evidence that the parking lot had been repaired. Mr. Conner did not know if the repairs had been done properly, so he suggested that a permit be obtained and an inspector should determine if the parking lot was repaired properly. At the hearing, it was agreed that 90 days was sufficient time to obtain a permit; Mr. Conner found that a violation existed as presented, and required a permit for the work.

Mr. Glazer claimed that nowhere in the transcript did Mr. Conner state that the parking lot was in disrepair or needed to be repaired or resurfaced, which is what the order had provided. Mr. Conner only ruled that the owner must obtain an after-the-fact permit for the striping. Mr. Glazer asked Judge Futch to consider this and issue an appropriate order to modify or vacate the original order.

Judge Futch read Mr. Glazer's transcript and agreed that no mention was made of the wheel stops' needing repair. The Assistant City Attorney agreed, and suggested that Judge Futch modify the order to state that the owner must obtain permits for the work that was done. Mr. Glazer asked Judge Futch to specify that a permit was required for the striping that was done. The Assistant City Attorney thought that the modified order should state that the owner must obtain a permit for the repairs to the surface of the parking lot and the re-striping in order to reflect what was discussed at the hearing. Mr. Glazer asked

that the modification specify that the permit was required for work already completed. Judge Futch agreed to this.

Mr. Glazer asked that the City Attorney work with his office to draft an order to reflect Judge Futch's ruling, which they would then submit to Judge Futch. Judge Futch agreed.

Reference CE02110673

Jean Celestin & Gloria Bonita Pitter
1460 Northwest 21st Street

Sec. 47-21.8: Areas of dead/missing ground cover; Sec. 9-281(b): Trash, debris and inoperable, unlicensed vehicles on property

Ms. Batchelder announced that certified mail had been accepted on March 12, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead or missing ground cover and bare sand on the property, and there were several unlicensed, inoperable vehicles stored on the property. There was also trash, rubbish, and debris scattered on the property. She had visited the property on March 17 and taken photographs of the property, which she presented to Judge Futch.

Ms. Gloria Pitter, respondent, stated that she shared ownership of this property with her mother. She had been responsible for taking care of the property but had moved, and her mother was now trying to take care of the property herself. Her mother had told her that two tenants had left the property but left vehicles behind. These had been removed, but the ground cover problem still existed. Ms. Pitter would handle this problem, but needed more time to do so. She felt 30 days would be sufficient. Ms. Pingitore recommended allowing 30 days to comply with Section 47-21.8 or a fine of \$25.00 per day, and allowing 10 days to comply with Section 9-281(b) or a fine of \$25.00 per day.

Judge Futch found in favor of the City and ordered compliance Section 47-21.8 within 30 days, and with Section 9-281(b) within 10 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE02041830

Chelsea Blaine
651 Southwest 26th Avenue

Sec. 18-1: Pool full of stagnant water;
Sec. 47-21.10: Missing ground cover

Ms. Batchelder announced that personal service had been made by Inspector Thime on February 14, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that Section 18-1 was now in compliance. She had visited the property yesterday, and it appeared that seed had been planted for ground cover. She requested 60 days to complete compliance with Section 47-21.10, or a fine of \$25.00 per day.

Judge Futch found in favor of the City and ordered compliance with Section 47-21.10 within 60 days, or a fine of \$25.00 per day would be imposed.

Reference CE02061076

CLA Real Estate Holdings
101 Southwest 29th Avenue

Sec. 47-21.8: Missing ground cover;
Sec. 9-304(b): Driveway in disrepair;
Sec. 9-306: Exterior walls have peeling
Paint

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on February 25, 2003, and certified mail addressed to the owner had been accepted on February 20, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that there was missing ground cover on the property; the other two violations had been corrected. She recommended 30 days to comply with the remaining section, or a fine of \$25.00 per day.

Judge Futch found in favor of the City and ordered compliance with Section 47-21.8 within 30 days or a fine of \$25.00 per day would be imposed.

Reference CE03011195

Drupattie Tejsingh
211 Southwest 29th Avenue

Sec. 9-281(b): Inoperable, unlicensed vehicle on
property; Sec. 47-21.8: Missing ground cover

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was missing ground cover on the property; Section 9-281(b) was now in compliance. She recommended 30 days to comply with Section 47-21.8 or a fine of \$25.00 per day.

Judge Futch found in favor of the City and ordered compliance with Section 47-21.8 within 30 days or a fine of \$25.00 per day would be imposed.

Reference CE03011604

Alba Morales
109 Southwest 21st Way

Sec. 47-21.8 A: Dead or missing ground
cover on property and swale

Ms. Batchelder announced that certified mail had been accepted on March 11, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that this was being presented as a repeat violation. There was dead and / or missing ground cover on the property and swale. The case had previously been taken to the Special Master and a Final order was issued in October 2002. She recommended 14 days to comply, or a fine of \$100.00 per day. She also asked for jurisdiction with a fine of \$250.00 per day.

Judge Futch found in favor of the City and ordered compliance within 14 days, or a fine of \$100.00 per day would be imposed. He also ordered jurisdiction maintained for 5 years, with a fine of \$250.00 per day.

Reference CE03020008

Todd Thomsen
146 Southwest 21st Way

Sec. 47-21.8 A: Missing ground cover;
Sec. 47-34.1 A.1: Unlicensed, inoperable vehicles
and commercial equipment stored on property

Ms. Batchelder announced that certified mail had been accepted on March 7, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that the property and swale were missing ground cover, and there were unlicensed, inoperable vehicles and commercial equipment stored on the property. She recommended 30 days to comply, or a fine of \$25.00 per day, per violation.

Judge Futch 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 CE02081299

West Lakeland Land Company
Limited Partnership

Sec. 9-329(d): Required renewal of Board Up
Certificate

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on March 7, 2003.

Mr. John Gossman, Community Inspections Officer, testified that the board-up certificate issued for the property had not been renewed, nor had the structure been sold, repaired, or rehabilitated as per the requirements of 9-329(d). He presented photographs of the property to Judge Futch. He recommended 14 days to comply, or a fine of \$25.00 per day.

Judge Futch found in favor of the City and ordered compliance within 14 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03011672

Michael Gordon & Jason Neitzel
705 Southwest 15th Avenue

Sec. 47-20.20H: Parking area not maintained;
Sec. 47-21.8: Missing ground cover;
Sec. 9-280(h) (1): Fence is in disrepair;
Sec. 9-281(b): Inoperable vehicles parked on
property

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

Mr. Dan Mullarkey, Community Inspections Officer, testified that the parking area was not maintained, there were large areas of missing ground cover, and the fence was in disrepair on this property. Section 9-281(b) was now in compliance. He recommended 30 days to comply, or a fine of \$25.00 per day, per violation.

Judge Futch 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 CE02070759

Jayson Henry
1629 Northwest 5th Avenue

Sec. 9-281(b): Trash and debris on property
Sec. 18-1: Pool filled with stagnant water;
Sec. 9-206: Fascia in disrepair; Sec. 9-280 (h)(1):
Fence in disrepair; Sec. 47-21.8 A: Landscape
maintenance

Ms. Batchelder announced that service was made via posting on the property and at City Hall on March 10, 2002.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was trash and debris on the property; the pool was filled with stagnant water, creating a breeding ground for mosquitoes; there was rotten fascia on the structure; there were sections of the chain link fence in disrepair, and portions of the lawn were bare sand and weeds. Ms. Haskins presented photographs of the property to Judge Futch. She recommended 7 days to comply, or a fine of \$100.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance within 7 days or a fine of \$100.00 per day, per violation would be imposed.

Reference CE02100181

Philip Bacigaluppi
1345 Northwest 7th Terrace

Sec. 47-21.8 A: Missing Ground cover;
Sec. 9-281(b): Trash, debris, appliances, engine parts and unlicensed, inoperable vehicles on property; Sec. 9-289(h)(1): Fence in disrepair

Ms. Batchelder announced that certified mail had been accepted on February 26, 2003, and posting at the property and City Hall on March 10, 2003..

Ms. Deborah Haskins, Community Inspections Officer, testified that Section 47-28.8 A was now in compliance; there was trash, rubbish, and debris on the property; as of yesterday, there was one derelict car left on the property, and a pile of bricks and several bags of trash. The chain link fence was also in disrepair. She recommended 7 days to comply with Sections 9-281(b) and 9-289(h)(1), or a fine of \$100.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance with Sections 9-281(b) and 9-289(h)(1) within 7 days or a fine of \$100.00 per day, per violation would be imposed.

Reference CE03020176

Lillie Bell & Keith Floyd
1340 Northwest 18th Avenue

Sec. 24-27(b): Garbage carts location;
Sec. 47-21.8: Missing ground cover;
Sec. 47-34.4 B.1: Commercial vehicle stored on property; Sec. 9-278(b): Required ventilation into building interior; Sec. 9-280 (g): Electrical wiring unsafe and not maintained; Sec. 9-281(b): Trash, debris, raw garbage, overgrowth and concrete blocks on property

Ms. Batchelder announced that certified mail had been accepted on March 6, 2003; personal service had also been made by Inspector Malik on February 23, 2003.

Mr. Andre Cross, Community Inspections Officer, testified that the garbage carts were left in public view after service; there were areas of dead or missing ground cover; there was a commercial vehicle stored on the property; there were several boarded windows, not allowing required ventilation into room; Section 9-289(g) was now in compliance; there was trash, rubbish, and debris on property, including raw garbage and a pile of concrete blocks; the property had become overgrown. He presented Judge Futch with photographs of the property. Mr. Cross recommended 30 days to comply, or a fine of \$25.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance with Sections 24-27(b), 47-21.8, 47-34.4 B.1, 9-278(b), and 9-281(b) within 30days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03011386

Flossie Robinson & Nathaniel McClain
1724 Northwest 7th Street

Sec. 9-281(b): Trash and rubbish on property;
Sec. 47-34.1 A.1: Unlicensed, inoperable vehicles
on property; Sec. 9-278(g): Missing/torn screens;
Sec. 9-206: Chipping, peeling paint and mildew on
walls; Sec. 9-280(b): Doors and windows are not
water/weather tight; Sec. 9-280(g): Outside
electrical sockets not maintained and improperly
installed A/C units

Ms. Batchelder announced that certified mail had been accepted on March 7, 2003 and personal service had been made by Inspector Malik on March 1, 2003.

Mr. Mike Donovan, Community Inspections Officer, testified that he had spoken with the owner and they had agreed to 45 days or a fine of \$25.00 per day per violation. The owner had agreed that all violations existed as stated.

Judge Futch 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 CE03011389

Martha Mosby
1719 Northwest 7th Street

Sec. 9-281(b): Trash, debris and unlicensed,
inoperable vehicles on property; Sec. 9-280(g):
Outside electrical sockets not maintained and
improperly installed A/C units; Sec. 9-278(g):
Missing/torn screens; Sec. 9-306: Chipping,
peeling paint and mildew on walls; Sec. 9-280(b):
Doors and windows not weather/water tight;
Sec. 47-21.8: Ground cover not maintained

Ms. Batchelder announced that certified mail had been accepted on March 11, 2003, and personal service had been made by Inspector Malik on March 1, 2003.

Mr. Mike Donovan, Community Inspections Officer, testified that he had been in contact with the owner, who agreed to 14 days to comply or a fine of \$25.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance within 14 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03011542

Robbie Shropshire
1714 Northwest 7th Place

Sec. 9-281(b): Trash, debris and unlicensed, inoperable vehicles on property; Sec. 9-280 (g): Outside electrical sockets not maintained and improperly installed A/C units; Sec. 9-306: Paint is peeling and chipping; Sec. 9-280(h)(1): Fence in disrepair; Sec. 47-34.1.A.1: Storage of unlicensed, inoperable vehicles not permitted in residential district

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

Mr. Mike Donovan, Community Inspections Officer, testified that he had not had any contact with the owner at all. There was trash, rubbish, and debris scattered on the property; outside electrical outlets were not maintained and there were improperly installed A/C units; the walls were dirty, with chipping, peeling paint; the fence was in disrepair; unlicensed, inoperable vehicles were being stored on the property. Mr. Donovan presented photographs of the property to Judge Futch. He recommended 30 days to comply or a fine of \$25.00 per day, per violation.

Judge Futch 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 CE02100612

Elizabeth Heard Hill Trust
1016 Northwest 2nd Street

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on December 19, 2002, with compliance ordered by January 9, 2003. The property was in compliance on January 14, 2003. Fines had accrued in the amount of \$200.00.

Mr. Leonard Ackley, Community Inspections Officer, recommended abating the fine to \$100.00.

Judge Futch abated the fine to \$100.00.

Reference CE02061136

Cavese Laval Williams
515 Northwest 20th Avenue

Sec. 9-329(d): Required renewal of Board-up certificate

Ms. Batchelder announced that service was made via posting at the property and City Hall on February 18 and March 10, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the board-up certificate had not been renewed, nor had the building been repaired, rehabilitated, or sold. He recommended 14 days to comply, or a fine of \$100.00 per day.

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

Reference CE02091563

Citimortgage Incorporated
1124 Northwest 2nd Street

Sec. 47-20.20 H: Parking lot in disrepair;
Sec. 9-276(b)(3): Insects and rodents in the building;
Sec. 9-280(g): Air conditioning units not installed properly; Sec. 9-281(b): Trash, rubbish, debris and overgrowth on property; Sec. 9-307(a): Broken and missing windows; Sec. 9-308(a): Leaking roof

Ms. Batchelder announced that certified mail had been accepted on March 10, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the parking lot was in disrepair; there were insects and rodents in the building; Section 9-280(g) was now in compliance since the property was vacant; the property was overgrown and littered with trash, rubbish and debris; Section 9-307(a) was now in compliance as the property was vacant and boarded; the roof was leaking. He recommended 30 days to comply with the remaining violations, or a fine of \$100.00 per day.

Judge Futch found in favor of the City and ordered compliance with Sections 47-20.20 H, 9-276(b)(3), 9-281(b), and 9-308(a) within 30 days or a fine of \$100.00 per day, per violation would be imposed.

Reference CE03012177

Albert & Harry Giles & Anna Owens
446 Northwest 8th Avenue

Sec. 9-281(b): Trash and debris on property ;
Sec. 47-34.4 A.2.c: Commercial vehicle parked overnight on property

Ms. Batchelder announced that certified mail had been accepted on February 24, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the owner had been present earlier, but had left. Section 9-281(b) was now in compliance, but there was a commercial vehicle parked overnight on the property. He recommended 10 days to comply with Section 47-34.4 A.2.c, or a fine of \$25.00 per day.

Judge Futch found in favor of the City and ordered compliance with Section 47-34.4 A.2.c within 10 days to comply or a fine of \$25.00 per day would be imposed.

Reference CE03011420

Joseph Giordano
1030 Northwest 6th Avenue

Sec. 47-21.8: Missing ground cover

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

Judge Futch granted a continuance of 2 weeks.

Reference CE03020444

Josephine & Guido Parente
1460 Northwest 23rd Avenue

Sec. 25-4: Sandwich sign on sidewalk;
Sec. 47-22.6 E.1: Non-permitted Banner signs;
Sec. 47-22.6 N.2: Wooden sandwich sign for
advertising on property; Sec. 9-280(g): Inoperable
electrical fixtures on the building

Ms. Batchelder announced that certified mail had been accepted on February 22, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that Sections 25-4 and 47-22.6 E.1 were now in compliance. There was a wooden sandwich sign used for advertising on the property, and there were inoperable electrical fixtures on the building. She had spoken with the owner and tenant concerning the sandwich sign; the tenant had been obstinate about not removing the sign. On March 5, the owner had promised to speak with the tenant about the sandwich sign and the electrical problem, but when Ms. Pingitore visited the property on March 14, the violations still existed. She recommended 7 days to comply with the remaining violations, or a fine of \$100.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance with Sections 47-22.6 N.2 and 9-289(g) within 7 days or a fine of \$100.00 per day, per violation 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:

| | | | |
|------------|------------|------------|------------|
| CE02040024 | CE03011080 | CE03020239 | CE03020651 |
| CE02072431 | CE03011286 | CE03020272 | CE03020688 |
| CE02100177 | CE03011390 | CE03020331 | CE03020871 |
| CE02102389 | CE03011423 | CE03020335 | CE03020943 |
| CE02111826 | CE03011428 | CE03020340 | CE03021287 |
| CE02120394 | CE03011770 | CE03020388 | CE03021289 |
| CE02120757 | CE03012433 | CE03020443 | CE03021290 |
| CE02121021 | CE03020007 | CE03020461 | CE03021357 |
| CE03010407 | CE03020041 | CE03020472 | CE03021502 |
| CE03010615 | CE03020089 | CE03020513 | CE03021820 |
| CE03010737 | CE03020102 | CE03020587 | CE03021822 |
| CE03010876 | CE03020185 | CE03020647 | CE03021823 |
| CE03011075 | CE03020218 | CE03020650 | |

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:

| | | | |
|------------|------------|------------|------------|
| CE01031442 | CE02091049 | CE03011673 | CE03020695 |
| CE01081972 | CE02111088 | CE03011738 | CE03020851 |
| CE02050011 | CE02121734 | CE03020094 | CE03020852 |
| CE02051771 | CE02121873 | CE03020377 | CE03021286 |
| CE02061949 | CE03011425 | CE03020504 | CE03021288 |
| CE02080668 | CE03011645 | CE03020512 | CE03021796 |

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:

| | | | |
|------------|------------|------------|------------|
| CE02061993 | CE03011743 | CE03011744 | CE03021256 |
| CE02120533 | | | |

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:

CE03021144

CE03010222

Approved for Enforcement

Ms. Batchelder presented Judge Futch with 12 cases that had not been brought into compliance as ordered. Judge Futch approved them for enforcement.

There being no further business, the hearing was adjourned at 12:30 P.M.

Special Master

ATTEST:

Clerk, Special Master