

SPECIAL MASTER HEARING
City Commission Meeting Room
Judge Daniel Futch, Presiding
April 17, 2003
9:00 A.M. – 11:30 A.M.

Staff Present:

Susan Batchelder, Administrative Assistant II
Todd Hiteshew, Community Code Supervisor
Lindwell Bradley, Community Code Supervisor
Maurice Murray, Community Code Supervisor
Assistant City Attorney
Jennifer Chenault, Secretary
Leonard Ackley, Community Inspections Officer
Alberto Benavides, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Andre Cross, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
Robert Guilford, Community Inspections Officer
Deborah 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
Dan Mullarkey, Community Inspections Officer
Todd Nobles, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Kenneth Tyson, Community Inspections Officer

Also Present:

Teresa Godet, CE02061993
Cornelius Greene, CE03030069
Edward Roberts, CE02120828
Pamela Pilson, CE02040020
Ben Stroman, CE02041937
Pamela Fraley, CE02111016
Charles Everett, CE02080668
Alex Wadis, CE02111008
L.D. Happel, CE03021501
James Hunter, CE02080871

Quinn Goodchild, CE03021304
Daniel Setton, CE03021319
Michael Comastro, CE01121904
Vanessa Prieto, CE01121904
David Sorensen, CE03022148
Adele Sheddy, CE03030938
Les Stracker, CE02061207
E. Ploski, CE02061207

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 CE02061993

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| Perry & Patricia Smith 101 Southwest 28 th Terrace | Sec. 47-21.8: Landscape maintenance; Sec. 9-304(b): Maintenance of parking area |
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Mr. Hiteshew announced that certified mail had been accepted on February 28, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that there was missing ground cover on the property, and the driveway was in disrepair.

Ms. Teresa Godet informed Judge Futch that she had been in the hospital, but intended to make repairs as soon as possible, beginning with the driveway. Ms. Burks acknowledged Ms. Godet's difficulties, and agreed to allow 60 days for her to comply.

Judge Futch 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 CE02080668

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| John Rebhan 649 Idlewyld Drive | Sec. 8-91(b): Seawall in disrepair; |
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Mr. Hiteshew announced that certified mail had been accepted on April 8, 2003.

Mr. Robert Guilford, Community Inspections Officer, testified that the seawall was collapsing onto the Intracoastal.

Mr. Charles Everett, representative for the respondent, stated that the property should be taken care of within 90 days.

Judge Futch found in favor of the City and ordered compliance within 90 days, or a fine of \$25.00 per day would be imposed.

Reference CE02111016

RK Associates #5 Inc.
840 Northeast 5th Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.8 A: Required landscape maintenance

Mr. Hiteshew announced that certified mail had been accepted on April 9, 2003, and certified mail addressed to the registered agent had been accepted on April 1, 2003 for RK Associates and certified mail had been accepted on April 2, 2003 addressed to the Registered Agent.

Mr. Skip Margerum, Community Inspections Officer, testifying on behalf of Inspector John Gossman, stated that the parking area was in need of re-striping, and the ground cover was in need of maintenance. He explained the three properties made up the parking lot for Sears Town on Federal Highway.

Ms. Pamela Fraley, property manager, stated that the owner had contracted someone to repair the entire parking area, but was unsure how long the job would take to complete.

Judge Futch found in favor of the City and ordered compliance within 90 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03030069

New Life Christian Fellowship, Inc.
2158 Northwest 6th Court

Sec. 47-22.9: Signs without permits;
Sec. 9-306: Peeling paint/stained surfaces

Mr. Hiteshew announced that certified mail had been accepted on April 4, 2003.

Mr. Lee Kaplan, Community Inspections Officer, testified that there was dirt and mildew on the building; Section 47-22.9 was now in compliance. He recommended 30 days to comply with Section 9-306, or a fine of \$25.00 per day.

Mr. Cornelius Greene, representative of the church, asked Judge Futch for more time to repaint the entire building.

Judge Futch found in favor of the City and ordered compliance with Section 9-306 within 45 days or a fine of \$25.00 per day would be imposed.

Reference CE02111018

R K Associates #5 Inc.
847 Northeast 5th 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 April 9, 2003, and certified mail addressed to the registered agent had been accepted on April 1, 2003.

Mr. Skip Margerum, Community Inspections Officer, testifying on behalf of Inspector Gossman, stated that the parking area lacked the required striping, and the ground cover required maintenance. He recommended 90 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 90 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03021501

John & Ann Denoble
1406 Northeast 57th Place

Sec. 9-306: Screen enclosure in disrepair;
Sec. 47-21.8 A: Missing ground cover

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

Mr. Burt Fletcher, Community Inspections Officer, testifying on behalf of Inspector Stockinger, stated that the screen enclosure had torn/missing screen sections, and ground cover required maintenance.

Ms. L.D. Happel stated that she had been uncertain what was required to bring the lawn area into compliance. She had completed the ground cleanup and had installed pavers. She asked for additional time to buy sod. She was also in the process of removing the tenant responsible for the screen damage. Until the tenant left, it was useless to perform repairs, as the tenant was responsible for this and various other incidents of damage to the property. Mr. Fletcher 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 \$50.00 per day, per violation would be imposed.

Reference CE03021319

Clothes Connection, Inc.
227 South Ft. Lauderdale Beach Boulevard

Sec. 47-19.9 A.2.c: Outside displays

Ms. Batchelder announced that certified mail addressed to an officer of the company had been accepted on April 3, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, testified that there were outside displays of merchandise on the property. Mr. Lin Bradley, Code Supervisor, testified that he had been out to the business, explained the problem personally to the owner, but to no avail.

Mr. Daniel Setton, owner, explained that he had visited the store and warned his manager not to put no merchandise outside the store, and the manager was complying. Mr. Bradley suggested 3 days to comply, or a fine of \$100.00 per day. The Supervisor wanted to be sure that an order was entered because this was a recurring problem.

Judge Futch found in favor of the City and ordered compliance within 3 days or a fine of \$100.00 per day would be imposed.

Reference CE03021304

Fredrico Fazio
645 Northeast 10th Avenue

Sec. 47-20.20 H: Parking area in disrepair

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

Ms. Deborah Haskins, Community Inspections Officer, testified that the driveway was in disrepair and lacked the required striping. She presented photographs of the property to Judge Futch. Ms. Haskins had spoken with the owner, who felt that the problem on the swale was a City problem, and requested time to sort this out with the City. Ms. Haskins recommended 90 days to comply, or a fine of 25.00 per day.

Ms. Quinn Goodchild, owner, informed Judge Futch that she had already spoken with a contractor before receiving the violation. She felt 90 days would be sufficient time to sort out the problems and complete repairs.

Judge Futch found in favor of the City and ordered compliance within 90 days, or a fine of \$25.00 per day would be imposed.

Reference CE03021458

Steele Oceanside Property Inc.
445 South Ft. Lauderdale Beach Boulevard

Sec. 47-19.9 A.2.c: Outside displays

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on April 2, 2003; certified mail addressed to the owner had been accepted on April 2, 2003, and certified mail addressed to an officer of the company had been accepted on April 4, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, testified that there were outside displays of merchandise on the property. Mr. Lin Bradley, Code Supervisor, testified that they were seeking consistency of compliance from all businesses in the area.

Mr. David Sorensen, owner, informed Judge Futch that he had warned the store manager that no merchandise should be put out on the sidewalk. He stated that he would do his best to prevent the manager from putting merchandise outside in the future. He suggested that the City fine the tenants as well as the property owners to ensure compliance. Judge Futch explained that this was not possible.

Judge Futch found in favor of the City and ordered compliance within 3 days or a fine of \$100.00 per day would be imposed.

Reference CE03022148

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| Sophia Enterprises Inc. | Sec. 47-19.9 A.2.c: Outside displays |
| 435 South Ft. Lauderdale Beach Boulevard | |

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on April 2, 2003 and certified mail addressed to an officer of the company had been accepted on April 2, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, testified that there were outside displays of merchandise on the property.

Judge Futch found in favor of the City and ordered compliance within 3 days or a fine of \$100.00 per day would be imposed.

Reference CE03030938

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| James Shaffell | Sec. 9-281(b): Rubbish, trash, and debris |
| 1711 Southwest 38 th Avenue | scattered on property; Sec. 47-21.10: Required ground cover |

Ms. Batchelder announced that personal service was made by Inspector Stockinger on March 29, 2003.

Mr. Gil Lopez, Community Inspections Officer, testified that the property was missing required ground cover; Section 9-281(b) was now in compliance.

Ms. Adele Shedly, wife of the owner, stated that she had just paid her taxes and requested some additional time to buy new ground cover.

Judge Futch found in favor of the City and ordered compliance with Section 47-21.10 within 90 days or a fine of \$25.00 per day would be imposed.

Reference CE02041937

C & Florilla Stroman
2305 Northwest 6th Place

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on February 6, 2003, with compliance ordered by March 23, 2003. Sections 9-306 and 47-20.20.H were in compliance on March 24, 2003. Fines had accrued in the amount of \$1,725.00. The City opposed an extension for the three remaining violations.

Mr. Ben Stroman, owner, stated that he had approximately $\frac{3}{4}$ of the work completed and asked for 30 more days to comply.

Mr. Lee Kaplan, Community Inspections Officer, stated that the City opposed any extension; he felt enough time had already been given.

Judge Futch granted an extension of 30 days for Sections 9-280(b), 9-281(b), and 47-21.8.

Reference CE02111008

Wadis Santana
1345 North Andrews Avenue

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on January 16, 2003 with compliance ordered by January 23, 2003. The property was complied on February 5, 2003. Fines had accrued in the amount of \$3,000.00; the City recommended abating the fines to \$500.00.

Mr. Wadis Santana, owner, stated that the first he heard of the violation was the registered letter informing him that he was being fined. He had taken a few days to get the dog situation under control. He was doing the best he could to keep on top of the situation now.

Ms. Deborah Haskins, Community Inspections Officer, testified that the first certified mail was returned to the Inspections Office unclaimed, but personal service had been made to Mr. Santana's wife on December 29th, 2002.

Judge Futch abated the fines to \$500.00.

Reference CE02120828

Bradco Supply Corp.
1150 Northwest 23rd Avenue

Continued from January 16, 2003

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property was in violation of a Planning and Zoning Board of Adjustment agreement dated February 9, 1994. She had met with the owner on several occasions, and noted that he had diligently worked to bring the property into compliance. She had an agreement with him to complete compliance within 30 days. She presented photographs of the property to Judge Futch.

Mr. Edward Roberts, Facilities Manager, requested an additional 30 days to bring the property into compliance.

Judge Futch found in favor of the City and ordered compliance with Section 47-34.2.D within 30 days, or a fine of \$25.00 per day would be imposed.

Reference CE02040020

William & Pamela Peterson
1636 Northwest 16th Street

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on March 6, 2003, with compliance ordered by April 5, 2003. Fines had accrued in the amount of \$2,000.00.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the owner had done most of the work to bring the property into compliance, and needed a bit more time to buy sod. Ms. Pamela Pilson, owner, asked for an additional 60 days to comply.

Judge Futch granted an extension of 45 days.

Reference CE02080871

Joyce Tingloff
2901 Northwest 18th Street

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on December 19, 2002, with compliance ordered by December 29, 2002, January 18, 2003, and February 17, 2003. Six of the seven original violations were now in compliance: 24-27(f); 24-28(g); 47-19.4 c.8; 9-280(g); 9-281(b), and 9-306. Section 47-20.20 H was still not complied. Fines had accrued in the amount of \$4,900.00.

Mr. James Hunter, representative of the respondent, informed Judge Futch that he had experienced problems obtaining permits to repair the driveway. Ms. Pingitore had spoken with the engineering inspector, who assured her that he would reinspect the property as soon as Mr. Hunter called him. She felt 30 days should be sufficient to comply.

Judge Futch granted an extension of 30 days for Section 47-20.20 H.

Reference CE01121904

Angela Marangelli
734 Northwest 4th Avenue

Present Motions

Ms. Batchelder announced that Judge Futch wanted to hear arguments in this case. Ms. Vanessa Prieto, attorney for the property owner, reminded Judge Futch that she was here to review the history of the citations to prove that the property should never have been fined in the first place.

The Assistant City Attorney announced the City's objection to the motion for re-hearing and the attempt to review the history of the case; which Special Master Conner had heard on February 20, 2003. She felt this was an attempt to re-litigate a case that had already been heard and decided, as the request for abatement had been. Special Master Conner had entered a ruling on February 20, 2003. The respondent's motion did not state that there had been an error, or that there was new evidence to consider; there were no grounds to warrant reconsideration of the February 20, 2003 order.

Ms. Prieto stated that she was not here to re-litigate the case. She provided Judge Futch with copies of an Attorney General opinion, which she claimed indicated that a re-hearing was permitted. She wanted to go through the history of the case and prove that her client should not have been fined. She stated that the history of the fines had either been overlooked or not considered. She explained the work her client had done to bring the property into compliance.

Ms. Batchelder then called another case.

Upon returning to the case, the Assistant City Attorney stated that the cases cited by Ms. Prieto involved the PSC and those statutes did not apply here. The Attorney General's decision concerned cases with an absence of statutory authority regarding a re-hearing. There had been no assertion that there was an error committed, the property owner simply did not like the finding of the Special Master.

Ms. Prieto insisted that there was City error. The Assistant City Attorney interrupted, stating that these were not part of the motion, but referred to facts of the case. Ms. Prieto noted that the City had not recorded the original order. The Assistant City Attorney replied that it was the City's discretion to record an order; one was not always recorded. When property owners made an effort to comply, the order was often not recorded immediately because that made it more difficult to abate fines later on. That is exactly what had happened in this case; the property owner had appeared and received an abatement of fines in February 2003.

The Assistant City Attorney reiterated that nowhere in the motion for re-hearing did Ms. Prieto state how Special Master Conner had erred. There was no authority for a Special Master to re-hear the request for an abatement of fine.

The Assistant City Attorney felt that Inspector Gossman should be present if the facts of the case were going to be presented, as he was the original inspector. Judge Futch agreed. Ms. Prieto insisted again that her client should never have been fined.

Judge Futch granted the motion for a re-hearing, to be scheduled for May 1, 2003.

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. If not in compliance, the fines were to be retroactive back to the August 1, 2002 date. On November 7, 2002, the date was extended to March 7, 2003; on March 6, 2003 the date was extended to April 20, 2003. Fines had accrued in the amount of \$9,800.00.

Mr. Les Stracker, representative for the respondent, informed Judge Futch that Mr. Ploski would explain the timeline of events. He explained that the property owner had applied for a change of use, and this had resulted in many new code requirements. The last extension they had been granted had not allowed time for them to attend the next meeting of the Planning and Zoning Board. He noted that they had been working very hard to bring the property into compliance.

Mr. Ed Ploski, land planner and agent of the owner, explained that two buildings had been used in the past for furniture retail and storage. In July of last year, the present owner had entered into a lease on the property for a doggie day care facility and accessory shop. In August, they received notice that they had to undergo a change-of-use process. The application had been submitted in August; they subsequently attended a Planning and Zoning Board meeting where they were informed that the driveway did not meet code. It had taken until September to receive approval to reduce the width of the driveway. They then met with Greg Brewton, who suggested they apply for a parking reduction, which they did on November 25. On January 15, they resubmitted the application for parking reduction. They had then been informed that parking lot for the adjacent building must be included as well. The owner had been contacted, and had stated that he would not rent or lease the adjoining building until it had sufficient parking.

Their parking lot had been totally redesigned to bring it up to current code. They were appearing at the Planning and Zoning Board next week with their parking reduction application for final approval. He felt they just needed a bit more time to complete the process.

The Assistant City Attorney noted that no neighbors had complained about noise or odors from the property. The City did not support the request for an extension. She presented a copy of a letter sent to the Mayor of Fort Lauderdale by the President of the Sailboat Bend Homeowners Association stating that the association was not opposed to any business that complied with the City's codes. Mr. Stracker noted that the Association did support the business.

Judge Futch granted a 90-day extension.

Reference CE03011738

Michael Sill
320 Southwest 14th Court

Sec. 9-281(b): Rubbish, debris and inoperable, unlicensed vehicles on property; repeat violation of the Section, previous order issued 7/20/00, case CE00060143

Ms. Batchelder announced that personal service was made by Inspector Benavides on March 25, 2003.

Mr. Alberto Benavides, Community Inspections Officer, testified that there was trash, rubbish, and debris on the property, including numerous inoperable, unlicensed vehicles. He noted that this was a repeat violation of CE00060143. He presented photographs of the property to Judge Futch. He recommended 10 days to comply, or a fine of \$250.00 per day.

Judge Futch found in favor of the City and ordered compliance within 10 days, or a fine of \$250.00 per day would be imposed.

Reference CE03022269

Mark McLennan
1800 Southwest 23rd Avenue

Sec. 9-281(b): Three inoperable trailers on property

Ms. Batchelder announced that certified mail had been accepted on April 4, 2003.

Mr. Dan Mullarkey, Community Inspections Officer, testified that there were three inoperable trailers on the property. He had spoken with the owner, who requested some time to obtain registrations of the trailers. Mr. Mullarkey recommended 30 days to comply, 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 CE02091359

Ohio Savings Bank
2717 Southwest 9th Street

Sec. 9-329(d): Board up certificate has not been renewed, nor has building been repaired, rehabilitated or sold per 9-329(d)

Ms. Batchelder announced that certified mail had been accepted on April 3, 2003, and certified mail addressed to the registered agent had been accepted on April 2, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that the board up certificate had not been renewed, nor had the building been repaired, rehabilitated or sold. She recommended 30 days to comply, or a fine of \$50.00 per day.

Judge Futch found in favor of the City and ordered compliance within 30 days or a fine of \$50.00 per day would be imposed.

Reference CE03011620

Shahid Nagi
590 Southwest 27th Avenue

Sec. 24-7(b): Trash in dumpster enclosure

Ms. Batchelder announced that certified mail had been accepted on April 4, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that there was trash scattered inside the dumpster enclosure. She recommended 7 days to comply, or a fine of \$50.00 per day.

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 CE03020851

Kerry / Mark Investments, Inc.
518 Northwest 8th Avenue

Sec. 9-281(b): Rubbish, trash, and debris scattered on property

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on April 3, 2003, and certified mail addressed to an officer of the company had been accepted on April 3, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was rubbish, trash, and debris scattered on the property. He recommended 7 days to comply or a fine of \$100.00 per day.

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

Reference CE03020852

Bruce Telbert
520 Northwest 8th Avenue

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

Ms. Batchelder announced that service was by certified mail that was unclaimed dated February 20, March 5 and March 10, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was rubbish, trash, and debris scattered on the property. He recommended 7 days to comply or a fine of \$200.00 per day.

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

Reference CE03032094

Light of Hope Financial Inc.
421 Northwest 13th Avenue

Sec. 9-328(b): Required certificate of boarding

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on April 1, 2003, and certified mail addressed to an officer of the company had been accepted on April 2, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the property was a nuisance as it was boarded with no valid certificate. He recommended 10 days to comply or a fine of \$50.00 per day.

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 CE03030752

Inderjit Singh Malhotra
3001 Davie Boulevard

Sec. 47-21.8: Landscape maintenance

Ms. Batchelder announced that certified mail had been accepted on April 4, 2003.

Mr. John Hudak, Community Inspections Officer, testified that the property and swale had areas of dead and/or missing ground cover. He had spoken with the owner, who requested 7 days to comply. Mr. Hudak recommended 7 days to comply or a fine of \$25.00 per day.

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

Reference CE02121873

Elizabeth Messer
1314 Southeast 1st Street

Sec. 9-281(b): Rubbish, trash, and debris scattered on property and inoperable, unlicensed vehicle on property

Ms. Batchelder announced that service was made via certified mail that was unclaimed on February 21 and March 14, 2003, and certified mail was accepted on March 7, 2003.

Mr. Robert Guilford, Community Inspections Officer, testified that there was trash, rubbish, and debris scattered on the property; the derelict vehicle had been removed. He recommended 10 days to clean up the trash and debris, or a fine of \$25.00 per day.

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

Reference CE02111017

Sears Roebuck and Company
820 Northeast 5th Avenue

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

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on April 2, 2003, and certified mail addressed to an officer of the company had been accepted on April 7, 2003.

Mr. Skip Margerum, Community Inspections Officer, testifying on behalf of Inspector John Gossman, stated that the parking area was in disrepair and the property lacked the required ground cover. He recommended 90 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 90 days or a fine of \$25.00 per day, per violation, would be imposed

Reference CE02102329

Roschell Franklin
771 Northwest 22nd Road

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 47-20.20 H: Parking area in disrepair

Ms. Batchelder announced that certified mail had been accepted on April 5, 2003.

Mr. Lee Kaplan, Community Inspections Officer, testified that the paint on the building was peeling and chipping, and the parking area was in disrepair. 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 CE03011450

Leon James
721 Northwest 19th Terrace

Sec. 9-281(b): Rubbish, trash, and debris scattered on property; 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 April 4, 2003.

Mr. Lee Kaplan, Community Inspections Officer, testified that there was trash, rubbish, and debris scattered on the property; the parking area was in disrepair, and there was missing ground cover. He recommended 30 days to comply with Sections 47-20.20 H and 47-21.7, 7 days to comply with Section 8-281(b), or a fine of \$50.00 per day, per violation.

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

- Sections 47-20.20 H and 47-21.7.A within 30 days;
 - Section 8-281(b) within 7 days,
- or a fine of \$50.00 per day, per violation would be imposed.

Reference CE03020695

Rodrigo Rocha
1311 Chateau Park Drive

Sec. 18-27(a): Trash on property; lawn is overgrown

Ms. Batchelder announced that personal service had been made by Inspector Malik on April 12, 2003.

Andre Cross, Community Inspections Officer, testified that there was trash and overgrowth on the property. He recommended 7 days to comply, or a fine of \$50.00 per day.

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 CE03020780

Gisela Robinson
1205 Northwest 18th Avenue

Sec. 47-21.8: Landscape maintenance;
Sec. 9-281(b): Rubbish, trash, and debris scattered on property

Ms. Batchelder announced that personal service had been made by Inspector Margerum on April 13, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, testified that there were outside displays of furniture at this business. He presented photographs of the property to Judge Futch. He recommended 3 days to comply, or a fine of \$100.00 per day.

Judge Futch found in favor of the City and ordered compliance within 3 days or a fine of \$100.00 per day would be imposed.

Reference CE03031536

Quarterdeck Properties
239 Almond Avenue

Sec. 47-19.9 A.2.c: Outside displays

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on April 1, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, testified that there were outside displays of a beach buggy at this business. He presented photographs of the property to Judge Futch. He recommended 3 days to comply, or a fine of \$100.00 per day.

Judge Futch found in favor of the City and ordered compliance within 3 days or a fine of \$100.00 per day would be imposed.

Reference CE03030513

Robert Saporiti
1519 Northeast 4th Avenue

Sec. 18-27(a): Trash on property;
Sec. 24-28(a): Garbage accumulated around
dumpster

Ms. Batchelder announced that certified mail had been accepted on April 4, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was garbage accumulated around the dumpster; Section 18-27(a) was now in compliance. She recommended 14 days to comply with Section 24-28(a), or a fine of \$50.00 per day.

Judge Futch found in favor of the City and ordered compliance with Section 24-28(a) within 14 days or a fine of \$50.00 per day would be imposed.

Reference CE03031850

Scot Owsley
1351 Holly Heights Drive

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-281(b): Rubbish, trash, and debris
scattered on property; Sec. 9-314: Debris on fence

Ms. Batchelder announced that personal service had been made by Inspector Fletcher on April 11, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was missing ground cover; there were missing or torn screens; there was trash and rubbish scattered on the property, and there was debris strewn on the fence. He presented photographs of the property to Judge Futch. He recommended 30 days to comply, or a fine of \$50.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance within 30 days or a fine of \$50.00 per day, per violation would be imposed.

Reference CE02081601

Venri D'Aiguillon
1617 Northwest 15th Street

Sec. 9-281(b): Rubbish, trash, and debris scattered on property; Sec. 47-21.8 A: Missing ground cover; Sec. 9-306: Peeling paint/stained surfaces; Sec. 18-27(a): Property overgrown; Sec. 24-27(c): Garbage carts left out after service

Ms. Batchelder announced that service was by personal appearance of the owner earlier today.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property and swale were overgrown; garbage carts were left out after service; there were areas of dead or missing ground cover, and there was trash, rubbish, and debris scattered on the property. Section 9-306 was now complied. She recommended 10 days to comply with Sections 18-27(a), 24-27(c), and 9-281(b), or a fine of \$50.00 per day per violation; for Section 47-21.8 A she recommended 30 days to comply, or a fine of \$25.00 per day

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

- Sections 18-27(a), 24-27(c), and 9-281(b) within 10 days, or a fine of \$50.00 per day, per violation;
- Section 47-21.8 A within 30 days, or a fine of \$25.00 per day would be imposed.

Reference CE03030769

Vincent La Bella
1021 Northwest 25th Way

Sec. 9-281(b): Rubbish, trash, and debris scattered on property; from Special Master ruling 2/6/03, CE02111464: this is a constant, repetitive violation;
Sec. 9-279(f): Plumbing drains onto ground

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash, rubbish, and debris scattered on the property. This was a constant and repetitive violation per Special Master ruling dated 2/6/03; the washing machine plumbing also drains onto the ground. She recommended a fine of \$250.00 per day for Section 9-281(b), with jurisdiction maintained for 5 years. For Section 9-2789(f), she noted that the owner had applied for a permit, and recommended 14 days to comply, or 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 \$250.00 per day, per violation would be imposed.

Reference CE02121743

August Perez
1063 Northwest 13th Street

Sec. 9-281(b): Property has become overgrown

Ms. Batchelder announced that certified mail had been accepted on March 12, 2003. A letter to reschedule was mailed on April 1, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property was overgrown. She recommended 7 days to comply, or a fine of \$50.00 per day.

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.

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:

| | | | |
|------------|------------|------------|------------|
| CE02050011 | CE03021724 | CE03030675 | CE03031424 |
| CE02061949 | CE03022098 | CE03030701 | CE03031653 |
| CE02121108 | CE03022149 | CE03030725 | CE03031704 |
| CE02121464 | CE03022182 | CE03030965 | CE03032409 |
| CE02121874 | CE03030079 | CE03030991 | CE03032412 |
| CE03012142 | CE03030084 | CE03030995 | CE03032413 |
| CE03020377 | CE03030258 | CE03031006 | CE03032414 |
| CE03020559 | CE03030281 | CE03031314 | |
| CE03021103 | CE03030420 | CE03031316 | |
| CE03021535 | CE03030561 | CE03031337 | |

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:

| | | | |
|------------|------------|------------|------------|
| CE01081972 | CE03012376 | CE03021254 | CE03031851 |
| CE03011842 | CE03020094 | CE03030601 | |
| CE03011862 | CE03020819 | CE03030941 | |

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:

| | | | |
|------------|------------|------------|------------|
| CE01062520 | CE02111014 | CE03011645 | CE03031128 |
| CE02091049 | CE03011425 | CE03020504 | |

Approved for Enforcement

Ms. Batchelder presented Judge Futch with 16 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 11:30 A.M.

Special Master

ATTEST:

Clerk, Special Master