

**SPECIAL MASTER HEARING**  
**City Commission Meeting Room**  
**Special Master Karen Zann, Presiding**  
**August 7, 2003**  
**9:00 A.M. – 2:55 P.M.**

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Staff Present:

Susan Batchelder, Administrative Assistant II  
Jennifer Chenault, Secretary  
Todd Hiteshow, Community Inspections Supervisor  
Assistant City Attorney  
Leonard Ackley, Community Inspections Officer  
Peggy Burks, Community Inspections Officer  
Andre Cross, Community Inspections Officer  
Mike Donovan, Community Inspections Officer  
Burt Fletcher, Community Inspections Officer  
Deborah Haskins, Community Inspections Officer  
John Hudak, Community Inspections Officer  
Lee Kaplan, Community Inspections Officer  
Doug Kurtock, Building Inspector  
Gilbert Lopez, Community Inspections Officer  
Dan Mullarkey, Community Inspections Officer  
Cheryl Pingitore, Community Inspections Officer  
Frank Stockinger, Community Inspections Officer  
Ursula Thime, Community Inspections Officer

Also Present:

Elliot Bressloer, CE05061439  
Richard Williams, CE03050322  
Mary Stephens, CE03030359  
Michael Moskowitz, CE02070306  
Barbara Hall, CE03022233  
Wilson Louigene, CE03021125  
Steven Fein, CE03050007  
Guido Parente, CE03060542  
Mark Trouba, CE03051362  
Abram Narkunske, CE03011124  
Alicia Zachman, CE03062052  
John Budhan, CE03042405  
Jerome Washington, CE03041046  
Vanessa Prieto, CE03070301  
Tim Lincoln, CE03051582

Franklin Tse, CE03051217  
Minnie Davis, CE02061796  
Judith Davis Christie, CE02061796  
Joy Robinson, CE03031217  
John Lacz, CE01040785  
Barry Smith, CE03021170  
Francois Leconte, CE03032356  
Ronnie Rolax, CE02091655  
John Doyle, CE03021569  
Alejandro Alvavado, CE03051871  
Nina Davidson, CE03020086  
Michael Comastro, CE03070821  
Richard Williams, CE03050822

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. Ms. Zann introduced herself and explained her role in ensuring adherence with the City's codes. She also pointed out that the proceedings were being recorded.

**Reference CE03051217**

Franklin & Norma Tse  
1101 Northeast 18<sup>th</sup> Street

Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 18-27(b): Overgrowth and trash on property;  
Sec. 9-281(b): Inoperable, unlicensed vehicles on property

Ms. Batchelder announced that service was by personal appearance of the respondent at this proceeding.

Mr. Burt Fletcher, Community Inspections Officer, testified that the parking area was in disrepair; there was trash and overgrowth on the property, and there were unlicensed, inoperable vehicles on the property. He recommended 15 days to comply or a fine of \$25.00 per day, per violation.

Mr. Franklin Tse, respondent, requested a copy of the statute that detailed the driveway requirements. Mr. Tse had received a letter from the owner of the vehicle promising to remove it. Ms. Zann reminded Mr. Tse that it was ultimately the property owner's responsibility to keep the property in compliance. He requested 15 working days, i.e., Monday through Friday, to comply and Ms. Zann agreed.

Ms. Zann found in favor of the City and ordered compliance within 15 working days, or a fine of \$25.00 per day, per violation would be imposed.

**Reference CE03050007**

Tarpon Arms Inc.  
2301 Northwest 9<sup>th</sup> Court

Sec. 9-281(b): Inoperable, unlicensed vehicles on property; Sec. 47-21.10: Required ground cover

Ms. Batchelder announced that certified mail had been accepted on July 23, 2003.

Mr. Lee Kaplan, Community Inspections Officer, testified that there were two unlicensed, inoperable vehicles on the property and the property lacked the required ground cover. . He presented photographs of the property to Ms. Zann. Mr. Kaplan recommended 5 days to comply with Section 9-281(b) and 30 days to comply with Section 47-21.10 or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Section 9-281(b) within 5 days and Section 47-21.10 within 30 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03050822**

Richard Williams  
708 Northwest 7<sup>th</sup> Terrace

Sec. 18-27(b): Overgrowth and trash on property;  
Sec. 47-34.1 A.1: Permitted uses

Ms. Batchelder announced that service was by personal appearance of the respondent at this proceeding.

Mr. Lee Kaplan, Community Inspections Officer, testified that there was overgrowth and trash on the property and there was outside storage on the property, which was unpermitted use. He recommended 14 days to comply or a fine of \$50.00 per day, per violation.

Mr. Richard Williams, respondent, informed Ms. Zann that he was not able to build on the property, but had been unable to get any relief from the Zoning department. He had rented the property to various businesses that had left trash on the property. Ms. Zann informed Mr. Williams that since the Inspector had cited the property and Mr. Williams agreed that the property was in violation, Mr. Williams was responsible to clean up the property. Mr. Williams thought that 14 days would be sufficient to bring the property into compliance.

Ms. Zann found in favor of the City and ordered compliance within 14 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03051582**

Parkson Property LLC  
5601 Northeast 14<sup>th</sup> Avenue

Continued from July 3, 2003

Mr. Frank Stockinger, Community Inspections Officer, testified that the board up certificate had expired and not been renewed. He remarked that the owner was experiencing a delay because asbestos needed to be removed from the building. He recommended 60 days to comply, or a fine of \$100.00 per day.

Mr. Tim Lincoln, representative for Parkson Property, felt it might take the contractor until September to remove the building. Mr. Stockinger had no problem with this.

Ms. Zann found in favor of the City and ordered compliance within 60 days or a fine of \$100.00 per day would be imposed.

**Reference CE03061439**

Elliot & Susan Bressloer  
5920 Northeast 21st Road

Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 9-304(b): Parking area in disrepair;  
Sec. 47-21.8 A: Missing ground cover

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

Mr. Frank Stockinger, Community Inspections Officer, testified that the paint was stained and peeling; the parking area was in disrepair, and there were large areas of missing ground cover. Mr. Stockinger noted that Mr. Bressloer had been working with him; he had put a new roof on the house and completed many repairs already. He recommended 90 days to comply, or a fine of \$25.00 per day, per violation.

Mr. Bressloer, respondent, agreed that the violations existed.

Ms. Zann 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 CE03062052**

Charles Erickson  
2270 Northeast 62<sup>nd</sup> Street

Sec. 47-21.8 A: Missing ground cover;  
trash on property

Ms. Batchelder announced that certified mail had been accepted on August 1, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that there was trash and overgrowth on the property, and ground cover was missing. He informed Ms. Zann that the owner had died a few months ago and there was someone living in the house, but this

person would need to be evicted before repairs were made. Mr. Stockinger recommended 90 days to comply or a fine of \$25.00 per day.

Ms. Alicia Zachman, attorney for the estate, noted that someone had already been contracted to perform the work. She felt that 90 days should be sufficient to complete repairs.

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

**Reference CE03070913**

Richard Williams  
817 Southwest 29<sup>th</sup> Street

Sec. 47-21.8 A: Missing ground cover;  
Sec. 9-278(g): Missing/torn screens;  
Sec. 9-280(b): Windows not weather-tight,  
improperly installed A/C units; Sec. 9-280(f):  
Deteriorated plumbing; Sec. 9-280(g): Unsafe  
electrical components; Sec. 9-281(b): Rubbish,  
debris and an unlicensed, inoperable vehicle on  
property; Sec. 15-28: Required occupational  
license; Sec. 47-21.9 G.1: Code-required  
landscaping; Sec. 47-20.20 H: Parking area in  
disrepair

Ms. Batchelder announced that personal service had been made by Supervisor Murray on July 15, 2003.

Mr. Andre Cross, Community Inspections Officer, testifying on behalf of Inspector Todd Nobles, stated that required ground cover was missing; windows were not weather-tight, some due to illegally installed A/C units, and the parking area lacked the required landscaping. Sections 9-278(g), 9-280(f), 9-280(g), 9-281(b), 15-28 and 47-20.20 H were now complied. He recommended 60 days to comply with the remaining violations or a fine of \$50.00 per day, per violation.

Mr. Richard Williams, respondent, stated that he was being harassed by Inspector Nobles, who had served papers to tenants at the property. Ms. Zann suggested that Mr. Williams write a letter to the City concerning Mr. Nobles.

Ms. Zann found in favor of the City and ordered compliance with Sections 47-21.8.A, 9-280(b), and 47-21.9 G.1 within 60 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03051362**

Keystone-Florida  
Property Holding Corp  
2620 East Sunrise Boulevard

Sec. 9-329(d): Required certificate of boarding

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on July 22, 2003; certified mail addressed to an officer of the company had been accepted on July 23, 2003, and certified mail addressed to the owner had been accepted on July 28, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the certificate of boarding had not been renewed, nor had the building been repaired, rehabilitated or sold. She recommended 180 days to comply, or a fine of \$100.00 per day.

Mr. Mark Trouba, the operations director for Keystone-Florida Corporation, agreed to correct the violations within 180 days.

Ms. Zann found in favor of the City and ordered compliance within 180 days or a fine of \$100.00 per day would be imposed.

**Reference CE03051871**

Alejandro Alvavado  
3433 Southwest 12<sup>th</sup> Place

Sec. 47-21.8 A: Missing ground cover;  
Sec. 47-20.13 A: Driveway in disrepair;  
Sec. 9-281(b): Rubbish and debris on property

Ms. Batchelder announced that certified mail had been accepted on July 22, 2003, and personal service had been made by Inspector Haskins on July 21, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the driveway was in disrepair; Sections 47-21.8 A and 9-281(b) were now complied. She recommended 30 days to comply with Section 47-20.13 A, or a fine of \$25.00 per day.

Mr. Alejandro Alvavado, respondent, spoke through an interpreter and informed Ms. Zann that he needed more than 30 days to repair the driveway. Ms. Zann agreed to allow 45 days.

Ms. Zann found in favor of the City and ordered compliance with Section 47-20.13 A within 45 days or a fine of \$25.00 per day would be imposed.

**Reference CE03041046**

Jerome Washington  
1531 Northwest 15<sup>th</sup> Street

Sec. 9-281(b): Rubbish, debris and inoperable, unlicensed vehicles on property; Sec. 47-21.8: Missing ground cover; Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that service was by appearance of the respondent at this proceeding.

Ms. Cheryl Pingitore, Community Inspections Officer, testified Section 9-281(b) was in compliance but the ground cover was missing, and there were areas of chipped paint and bare concrete on the building. She presented photographs of the property to Ms. Zann and the respondent. Ms. Pingitore recommended 30 days to comply or a fine of \$25.00 per day, per violation.

Mr. Jerome Washington, respondent, informed Ms. Zann that he had already planted grass and requested 45 days to comply. Ms. Zann agreed.

Ms. Zann found in favor of the City and ordered compliance within 45 days or a fine of \$25.00 per day for Section 47-21.8 and \$25.00 per day for Section 9-306, would be imposed.

**Reference CE03042405**

Nandkumar & Camille Bhudan  
1130 Northwest 15<sup>th</sup> Street

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

Ms. Batchelder announced that certified mail had been accepted (no date on card).

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash, rubbish, and debris on the property, including an unlicensed, inoperable vehicle, and the landscaping was not maintained. She noted that 47-21.8 was now partly complied. Ms. Pingitore presented photographs of the property to Ms. Zann and the respondent. She recommended 60 days to comply or a fine of \$25.00 per day, per violation.

Mr. Nandkumar Bhudan, respondent, informed Ms. Zann that he had performed some of the work already. He stated that he could not afford to re-sod the entire yard right now, and did not have a sprinkler system to water. He asked for 90 days to comply. Ms. Pingitore felt that 60 days would be sufficient time to comply. Mr. Bhudan claimed that the remaining car was registered.

Ms. Zann 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 CE03060542**

Guido & Josephine Parente  
1460 Northwest 23<sup>rd</sup> Avenue

Sec. 47-22.6 E.1: Banner signs on property

Ms. Batchelder announced that certified mail had been accepted on July 3, 2003 and personal service had been made by Inspector Malik on July 5, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was a banner sign attached to a chain link fence. Per Special Master order dated 3/20/03 CE03020444, this was a repeat violation. Ms. Pingitore had spoken once with the tenant, who was abusive, and several times with the owner. She had visited the property several times and taken photographs, which she presented to Ms. Zann and Mr. Parente. Ms. Pingitore recommended a fine of \$100.00 per day for 23 days (from June 9 to July 1) due to the repetitive nature of the violation.

Mr. Joseph Parente, respondent, informed Ms. Zann that he had removed the sign on the day he received the letter.

The Assistant City Attorney, noted that in the case of a repeat violation, the fine would begin from the first date the violation was noted by the inspector. She pointed out that with a repeat violation, the City was not required to send a courtesy notice. Ms. Zann asked if owners were ever given notice that a repeat violation would result in this type of fine. The Assistant City Attorney replied that they were not. Ms. Pingitore stated that she felt a fine of \$100.00 per day was reasonable. Ms. Zann reduced the fine to \$50.00 per day and reminded Mr. Parente to be more diligent in overseeing his property.

Ms. Zann found in favor of the City and ordered a fine of \$1,150.00 for the 23 days.

**Reference CE03070821**

Marangelli Investments Inc  
825 Northwest 10<sup>th</sup> Terrace

Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 47-21.8: Areas of dead or missing ground cover and bare sand; Sec. 9-278(g): Missing/torn screens; Sec. 9-280(b): Doors and windows not in water/weather tight condition; Sec. 9-280(g): Exposed electrical components; Sec. 9-281(b): Rubbish, trash, and debris on property;  
Sec. 47-19.4 D.4: Trash and rubbish around and inside dumpster enclosure; Sec. 47-19.4 D.8: Dumpster enclosure in disrepair; Sec. 24-27(f): Dumpster lids left open

Ms. Batchelder announced that certified mail addressed to the owner had been accepted on July 24, 2003.



Mr. Mike Donovan, Community Inspections Officer, detailed citation and compliance dates for the violations. He stated that most of the cites sections were repeat violations of those in Special Master cases CE03022018, heard on March 20, 2003 and CE02031489, final order signed on April 18, 2002. He stated the violations on this Notice of Violation run as follows: Section 47-19.4 D.8 started on 7/11/03 and was corrected on 7/31/03 (20 days); 47-19.4 D.4 started on 7/11/03 and was corrected on 7/31/03 (20 days); 9-281(b) started on 7/11/03 and was corrected on 7/31/02 (20 days); 9-280(g) started on 7/11/03 and was still in violation (26 days); 9-280(b) started on 7/11/03 and was still in violation (26 days); 9-278(g) started on 7/11/03 and was still in violation (26 days); 47-21.8 started on 7/11/03 and was corrected on 7/31/03 (20 days); 47-20.20.H started on 7/11/03 and was corrected on 7/31/03 (20 days). Mr. Donovan recommended \$200.00 per day for each violation. He presented a series of photographs of the property to Ms Zann, including photographs of improvements. He also presented a copy of a letter Mr. Marangelli had sent to tenants regarding the outstanding violations.

Ms. Vanessa Prieto, representative of the respondent, pointed out that the air conditioning units belonged to the tenants and the only remedy would be to evict all of the tenants or enlist the City's aid to remove the A/C units.

Ms. Prieto noted that all violations except those pertaining to the A/C units were complied by July 23; there had been difficulty getting in touch with Mr. Donovan to sort out the landscaping and parking area issues. Ms. Zann wanted to proceed violation by violation.

Regarding the dumpster enclosure violation, Mr. Donovan had stated that it was not repaired until July 31. Mr. Michael Comastro, property manager, stated that he had spoken with another inspector prior to July 23 regarding all of the violations. He visited the property on July 23 with the inspector to clarify what needed to be done and complete some repairs. He stated that all of the dumpster issues were resolved on July 23. Mr. Donovan stated that since he had not visited on July 23, he would concede that the dumpster repairs could have been made by then. This reduced the violation period to 12 days.

Ms. Prieto read from an Attorney General's opinion regarding repeat violation that stated that repeat violations may be fined only for those days the repeat violation continues after notice to the violator. Mr. Comastro was notified of the violations on July 24.

The Assistant City Attorney, stated that the property owner had appeared before the City Commission to have a previous fine reduced on July 15. On July 11, Inspectors had visited the property and noted violations. The staff report from July 15 noted the violations. She wondered how the owner could claim to have brought the property into compliance on the 23<sup>rd</sup> if the violations were unknown until the 24<sup>th</sup>. Ms. Zann solicited the Assistant City Attorney's assessment of the Attorney General's opinion Ms. Prieto referred to. Ms. Zann and the Assistant City Attorney discussed the opinion in regard to repeat violations. Ms. Zann felt this meant that the City should not have begun the fines until after July 24. The

Assistant City Attorney stated that the City would not request a fine for anything that was complied prior to July 24, but would request a finding that a violation did exist as of July 11.

Ms. Zann stated her concern in regard to the prior case in light of this issue and asked that the Assistant City Attorney reconsider the prior case.

Ms. Zann stated that 47-19.4 D.8 and 47-19.4 D.4 were corrected by July 23, so there would be no fine. Mr. Donovan stated that 9-281(b), 47-20.20 H, and 47-21.8 were in violation from July 24 to July 31.

Mr. Comastro testified that all trash and rubbish were removed on July 23. There was some confusion and discussion regarding a derelict vehicle. Ms. Zann noted that a derelict vehicle was not specifically cited. Ms. Zann found that 9-281(b) existed on July 11 but was corrected by July 24 and noted the conflict of testimony.

Mr. Donovan stated that the violation of 47-21.8 existed on July 11, and the correction was made by July 31. Mr. Comastro testified that he called the City on July 24 after receiving the notice, but had not been able to get in touch with Karl Lauridsen for some time despite calling every day. Mr. Lauridsen had met with him on July 31 and Mr. Comastro had corrected the problem that day. Ms Zann agreed to cut the fine period for 47-21.8 in half to 4 days.

Concerning 47-20.20 H, Mr. Comastro stated that he had redone the parking lot 4 times in the past year, and again he wanted to be sure of what needed to be done. He met with Mr. Donovan on July 29 and Mr. Comastro had completed compliance that day. Mr. Donovan agreed with this date. Ms. Zann pointed out that the City needed to be very specific in regard to the violations and corrections. She stated that she was going to cut the fine period in half to 2 days.

Ms. Zann clarified that 9-278(g), 9-280(b), and 9-280(g) were still not complied. Ms. Prieto stated that these were the 3 ongoing problems that she and the property owner had been trying to address. The illegal A/C units belonged to the tenants and could therefore not be removed by Mr. Comastro. This had been complied by another inspector on March 13 and he had noted that this would be a continuing issue. This left 3 options: the first was for the tenants to obtain permits for the units. Mr. Comastro had sent letters to the tenants explaining this option. The tenants could all be evicted, which would be very costly and lengthy as well. Mr. Comastro had included this possibility in his letter to the tenants as well. The third option was for Mr. Comastro to apply for the permits, which would be too costly for Mr. Comastro. Ms. Prieto felt that perhaps an extension could be granted for these violations to resolve the air conditioner issues. Ms. Zann wanted to hear testimony from the inspector that had sent the letter to Mr. Comastro in March admitting to the uncertainty of permit requirements for the air conditioners. She agreed to hear other cases until the inspector could be located and brought to the proceeding.

Inspector Doug Kurtrock was located and the hearing resumed.

Ms. Zann explained that the property manager claimed that Inspector Kurtock had informed him that permits requirements for the A/C units were unclear, but that the temporary fix he had recommended to Mr. Comastro would be sufficient.

Mr. Kurtock stated that 2 of the 14 air conditioners had concerned him because they interfered with the egress of the building. Also, most of the air conditioners were installed improperly. He had agreed on March 10 to a temporary fix with Mr. Comastro entailing the installation of brackets to secure the units. Mr. Comastro had informed him that some tenants had tried to obtain permits for the units but had been denied. Mr. Kurtock had asked the Building Department what the requirements were, and had been unable to obtain a definite answer because the person he needed to speak to was unavailable.

Mr. Kurtock had subsequently met with the chief mechanical inspector to discuss the problem. One of the requirements was to submit Dade County product approval, which was a form of certification for hurricane-worthiness. The problem was that there was no Dade County product approval for any window-installed A/C unit. This problem was compounded by the fact that installation of the units adversely affected the integrity of the windows. Mr. Kurtock and the other inspector had decided that the only recourse was to have an engineer design a profile of the unit. In order to obtain a permit, an analysis must be submitted regarding the unit and its impact on the structural integrity of the window. There were other options: a wall-mounted unit encased in a sleeve could be used. This would necessitate drilling into the walls. Additionally, a complete electrical circuit would have to be installed to service the unit to avoid electrical hazards. Mr. Kurtock detailed the problems faced in obtaining the permits: the units must conform to criteria set forth for all air conditioning units; the unit must either be code-restrictive or an engineer's analysis must be submitted; removing the units was also an option.

Mr. Kurtock admitted that his priorities had been to see that the other violations were corrected: loose wires, upkeep and maintenance issues and handicap accessibility. He did not feel it would be a rational decision on his part to determine that the tenants should go without air conditioning. State code for ventilation did not require air conditioners in an apartment or home if ambient temperature was below 91 degrees.

Mr. Kurtock acknowledged how difficult it was for Mr. Comastro to maintain the building. In regard to the other violations, but felt he and Mr. Donovan had clearly communicated the needed repairs to Mr. Comastro.

Ms. Prieto stated that she felt the property manager was being harassed by the City. She had informed the City that as the attorney of record, she needed to be notified of violations. She wondered why she had not heard anything between the March 13 email from Mr. Kurtock and the July 24 certified mail received by her client. She wondered what happened between March 13, when the property was complied and the July citation. She requested that the matter be continued until their lien appeal was resolved at which time her client may have the funds to upgrade the apartments.

Mr. Kurtock stated that he had warned Ms. Prieto that there would be problems with the air conditioning units at some point. Ms. Prieto again referred to the period when her client thought the property was in compliance and asked what had changed and when it had changed. Mr. Kurtock stated that the temporary fix was allowed because he had been unsure what the correct resolution would be.

Ms. Zann stated that she would allow 30 days to comply due to the possible confusion in March over what the correct remedy would be. The Assistant City Attorney stated that the City wanted Ms. Zann to find that violations existed from July 24 until August 7; she was allowing 30 days to comply, or a fine would be imposed beginning July 24.

Ms Zann stated that because of the possible confusion, she would reduce the fine imposed from July 24 and August 7 from \$250.00 per day to \$125.00 per day for 14 days. If the violations were not complied in 45 days, the fine would then be \$250.00 per day. In addition, Section 47-20.20 H would be fined for 2 days; Section 47-21.8 would be fined for 4 days; for Sections 9-281(b), 47-19.4 D.4 and 47-19.4 D8, Ms. Zann found that there had been a violation but there would be no fine.

Ms. Prieto wanted to state for the record that this was continued harassment.

Ms. Zann found in favor of the City and ordered compliance with Sections 9-278(g), 9-280(b), and 9-280(g) within 45 days, or a fine of \$250.00 per day would be imposed.

**Reference CE03021569**

Jamestown Square LLC  
1752 Northeast 12<sup>th</sup> Street

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on April 4, 2003 with compliance ordered by April 18 and May 3, 2003; on May 15, 2003 the date was extended to July 4. Fines had accrued in the amount of \$9,500.00.

Mr. John Doyle, property manager, stated that at the previous hearing, the Special Master had advised him to appear again to request more time if needed. He requested 60 more days to complete compliance.

Mr. John Gossman, Community Inspections Officer, stated that the City objected to any extension.

Ms. Zann stated that since the previous Special Master had told Mr. Doyle he could request more time, she would allow 30 more days, but reminded Mr. Doyle that in the future this would not be the case.

Ms. Zann granted an extension of 30 days.

**Reference CE01040785**

John T., John G. & Mary Lacz  
540 North Andrews Avenue

Request for Abatement of Fines

Ms. Batchelder announced that this case was originally heard on September 6, 2001, with compliance ordered by January 4, 2002; on February 7, 2002 the date was extended to May 8, 2002; on May 2, 2002 the date was extended to August 15, 2002; on September 19, 2002 the date was extended to November 18, 2002. The property was complied on November 14, 2002, and fines had accrued in the amount of \$1,700.00. The City recommended abating the fines to \$560.00.

Mr. John Lacz, respondent, stated that he had experienced delays and problems due to rezoning in the area. He presented photographs to Ms. Zann showing the present state of the property. Mr. Gossman informed Ms. Zann that he had been in constant contact with Mr. Lacz and he agreed that the fine should be reduced.

Ms. Zann abated the fines to \$300.00.

**Reference CE03022233**

Tarmac America LLC  
2660 Southwest 2<sup>nd</sup> Avenue

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on May 1, 2003 with compliance agreed to with a signed stipulated agreement by July 30, 2003. Fines had accrued in the amount of \$175.00.

Ms. Barbara Hall, attorney for the respondent, informed Ms. Zann that the original violation concerned a hedge that Tarmac had wanted to install in place of a chain link fence and some old hedges. The neighbors had been upset over the removal of the older, higher shrubbery and Tarmac had met with them to hear their concerns. Subsequent to that meeting, Tarmac had decided to instead erect a wall to screen the property better from the neighbors' view. They had applied for a variance, but the approval process was not yet complete. She requested 60 more days to determine exactly how the situation would be resolved.

Ms. Zann found granted a 60-day extension.

**Reference CE02090306**

Rovic Properties Inc  
2758 Davie Boulevard

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on February 20, 2003 with ordered by February 25 and May 21, 2003; on March 20, 2003 the order was modified but the compliance date for Section 47-20.20 H remained; on June 5, 2003 the date was extended to July 5, 2003. Fines had accrued in the amount of \$3,850.00.

Mr. Michael Moskowitz, attorney for the respondent, noted that the original violation regarded restriping the parking lot. There had been a disagreement at the previous hearing as to whether a permit had been required to restripe—by this time, the repairs had already been completed. Mr. Moskowitz maintained that there was no permit requirement to restripe a parking lot. He noted that at this hearing, he had heard other cases requiring restriping, and a permit had never been mentioned. His client had applied for an “after the fact” permit three times, beginning on February 25. Ms. Zann asked for the City’s opinion regarding permit requirements for restriping.

The Assistant City Attorney informed Ms. Zann that the case had already been litigated at a previous hearing and the final order was entered on April 3, 2003 by Judge Futch. The time to appeal the order to the circuit court had expired without action on the part of the respondent. That order stated that the respondent was required to obtain a permit. She stated that the three permit applications were returned to the respondent’s contractor with a request for additional information, but had never been returned with the information, so the application had expired. Ms. Zann asked why other cases she had heard had not required a permit; she thought it might be a matter of the size of the parking area. The Assistant City Attorney did not know, but the building department had been involved in this case and determined that a permit was required and Judge Futch had ruled as such.

Mr. Moskowitz felt that Ms. Zann did have ongoing jurisdiction over all cases. He explained the reasons that had been stated for refusing the permit: “new survey needed”, “landscape plan needed”. The only modification that had been needed and performed at the site was painting. Now Mr. Moskowitz wanted clarification of what the requirements were to paint.

Ms. Zann noted that an order had been entered requiring the permit. Ms. Moskowitz again asked what the conditions were to obtain a permit. The Assistant City Attorney stated that she had clarified the requirements with Mr. Glazer from Mr. Moskowitz’s office. She said that the permit department was always available for further clarification. The process just needed to be followed. The Assistant City Attorney stated the City’s objection to any extension of time.

Mr. Moskowitz presented a copy of a letter dated May 14, 2003 sent by his office to Mr. Charles Wygant, City Zoning Plans Examiner, requesting that Mr. Wygant inform Mr. Moskowitz in writing what provision of the code or ULDR he was relying on in refusing to issue the permit. This letter had not been answered. Ms. Zann pointed out that someone from that office had appeared at the hearing in June and explained what needed to be done. Mr. Moskowitz produced the transcript from the June meeting and did not find the specifics listed. Ms. Zann stated that she could see Mr. Moskowitz’s point, but the case had already been heard and an order entered stating that the permit must be obtained.

Mr. Moskowitz stated that he wanted Ms. Zann to clarify what should be submitted for the permit. Ms. Zann informed him that she could not do that; he must confer with the building department. Mr. Moskowitz felt that the City was using "fictitious" requirements in this case, and the remedy was a writ of mandamus. Ms. Zann felt that her hands were tied.

Ms. Moskowitz asked how fines had continued to accrue after the extension had been granted. The Assistant City Attorney stated that the fines had begun after the extension expired. Ms. Batchelder clarified that fines had begun accruing before the extension was granted and again after it expired.

Mr. Moskowitz requested an extension and Ms. Zann stated that the order was entered, the building inspector had appeared in June to clarify matters, and nothing had been done, so she must deny the extension.

Ms. Zann denied the extension.

**Reference CE03021170**

Barry Smith & Robin Goldberg  
801 Northeast 16<sup>th</sup> Avenue

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on May 15, 2003, with compliance ordered by July 14, 2003. Fines had accrued in the amount of \$4,600.00.

Mr. Barry Smith, respondent, stated that he had been informed at the previous hearing to appear if he required more time to comply. He had run into problems and delays obtaining a permit for the roof, which had caused postponements for the landscaping. He requested 60 days to finish the roof and landscaping and to remove a vehicle. Ms. Zann clarified with Mr. Smith exactly which repairs had been completed and which were outstanding. She reminded Mr. Smith that he could request abatement after the property was complied.

Ms. Zann granted an extension of 30 days.

**Reference CE03030854**

Mary Stephens  
930 Northwest 13<sup>th</sup> Street

Request for Abatement

Ms. Batchelder announced that this case was originally heard on May 15, 2003, with compliance ordered by May 30, 2003. The property was complied on June 24, 2003. Fines had accrued in the amount of \$600.00. The City objected to any abatement.

Ms. Mary Stephens, respondent, informed Ms. Zann that she had removed the car the first week in June, but was unaware that she needed to have the inspector visit to comply the property.

Mr. Andre Cross, Community Inspections Officer, stated that the City would agree to a reduction to \$200.00.

Ms. Zann abated the fine to \$200.00.

**Reference CE03031217**

Joy Robinson  
1531 Northwest 13<sup>th</sup> Street

Request for Abatement

Ms. Batchelder announced that this case was originally heard on May 15, 2003, with compliance ordered by May 25, 2003. The property was complied on June 23, 2003. Fines had accrued in the amount of \$1,400.00. The City recommended a settlement of \$700.00.

Ms. Joy Robinson, respondent, stated that she had experienced problems removing the vehicles and had them towed on approximately June 14.

Ms. Zann abated the fine to \$500.00.

**Reference CE02091655**

The Estate of Clyde Rolax  
427 Northwest 20<sup>th</sup> Avenue

Request for Abatement

Ms. Batchelder announced that that this case was originally heard on February 6, 2003 with compliance ordered by May 7, 2003; on May 15, 2003 the date was extended to July 14, 2003. The property was complied on July 15, 2003. Fines had accrued in the amount of \$175.00.

Mr. Ronnie Rolax, son of the respondent, stated that he was here to request abatement of \$175.00 in fines. Ms. Zann clarified the fine period and amount. Mr. Rolax stated that he had removed the boards from the property and replaced glass in the windows on May 8; since the house was not boarded during this time, he should not have been fined.

The Assistant City Attorney stated that Mr. Rolax had appeared on May 15<sup>th</sup> requesting an extension, knowing the house was not in compliance. She stated that simply removing the boards did not mean the property was in compliance. Mr. Rolax stated that he had requested additional time to settle ownership issues with his siblings. Ms. Zann pointed out that there were other requirements to comply the original violation.

Ms. Zann abated the fines to \$100.00.



**Cases for Imposition of Fine - Massey Hearings**

**Reference CE02061796**

Minnie J. Davies, Judith Davis, & Clifford Green  
1509 Northwest 24<sup>th</sup> Avenue

Ms. Batchelder announced that this case was originally heard on August 1, 2002, with compliance ordered by August 31, 2002. The property was complied on February 14, 2003.

Ms. Judith Davis Christie, respondent, stated that she was unaware of the hearing last August, and did not know fines were accruing until she received a letter in June 2003 concerning the fines. Ms. Zann explained the process to Ms. Christie. Ms. Batchelder produced the signature card sent to her address and signed pursuant to the August 2002 hearing. Ms. Christie stated that the work had been done but the inspector had not signed off on it. Ms. Batchelder noted that non-compliance was based on a technicality; the board up certificate was not issued by the compliance date.

The Assistant City Attorney asked Ms. Zann to record the second order to obtain a lien on the property.

Ms. Zann reduced the fine to \$2,075.00 and approved the order be recorded.

**Reference CE03021125**

Wilson Louigene  
1705 Northwest 8<sup>th</sup> Place

Ms. Batchelder announced that this case was originally heard on May 15, 2003 with compliance ordered by June 29, 2003. The affidavit of non-compliance was signed by Inspector Donovan on July 22, 2003.

Mr. Wilson Louigene, respondent, stated that he had left a message for the inspector requesting more time in July and the call had not been returned. Ms. Zann asked what violations were outstanding as of June 29; Mr. Louigene replied that the only remaining violation at that time had been the ground cover. The derelict vehicle had been removed for a time, but was now back. Ms. Batchelder informed Ms. Zann that the fine had not been totaled because the property was still not complied.

The Assistant City Attorney, informed Ms. Zann that the fines had begun June 30; none of the violations was corrected by the compliance date. She stated that the only issue at this hearing was whether or not the violations still existed after the ordered date. Ms. Zann countered that she should consider whether the violation continued after the compliance date; she could not tell by the paperwork that the violation still continued.

Mr. Mike Donovan, Community Inspections Officer, testified that all of the violations still existed as of yesterday morning. He presented photographs of the property to Ms. Zann taken the previous day showing missing ground cover, the derelict vehicle, and missing screens.

Ms. Zann noted that the violations continued. Mr. Louigene told Ms. Zann all of the repairs that he had completed himself. Ms. Zann confirmed with Inspector Donovan that all violations continued past the compliance date. She then asked Mr. Louigene if anything had been complied by the date. Mr. Louigene stated that he had removed the trash and fixed the outdoor lighting fixture, but Ms. Zann pointed out that according to the photographs, there was still trash on the property.

Mr. Donovan listed the six items that were still in violation as of the compliance date: Sec. 47-21.8 A: Missing ground cover; Sec. 47-34.1 A.1: Inoperable, unlicensed vehicles stored on property; Sec. 9-278(g): Missing/torn screens; Sec. 9-280(g): Electrical components not maintained; Sec. 9-281(b): Rubbish, trash, and debris scattered on property and inoperable, unlicensed vehicle on property. Ms. Zann asked when the outdoor sockets were complied. Mr. Donovan stated that the sockets were not complied on June 29.

Ms. Zann found that the violations were not in compliance on June 29.

**Reference CE03020086**

Jim & Nina Davidson  
1800 Northwest 27<sup>th</sup> Terrace

Ms. Batchelder announced that this case was originally heard on June 5, 2003, with compliance ordered on three sections by July 5, 2003; two of the sections complied with no fines, Section 9-281(b) was not complied as of July 22 when Inspector Pingitore signed the order of non-compliance and was still not complied.

Ms. Nina Davidson, respondent, informed Ms. Zann that she and her husband had performed all repairs, and the car had been removed when Ms. Pingitore reinspected.

The Assistant City Attorney stated that there were photographs proving that the car was present on July 5. Ms. Davidson countered that this was a different car. The Assistant City Attorney stated that this was the same as a trash violation; even if it was a different car, it was still a violation. Ms. Davidson said that she had trouble licensing this car. The Assistant City Attorney reiterated that the respondent had been ordered to remove all inoperable vehicles at the June 5, 2003 hearing; the fact that this was a different vehicle did not matter.

Ms. Zann stated that she would reduce the fine from \$50.00 per day to \$25.00 per day.

**Reference CE03032356**

Minority Development &  
Empowerment Inc.  
470 Northeast 13<sup>th</sup> Street

Ms. Batchelder announced that this case was originally heard on June 5, 2003, with compliance ordered by June 19, 2003; on July 21 Inspector Fletcher signed an affidavit of non-compliance stating that Section 47-21.8 A was still not complied

Mr. Francois Leconte, representative for the organization, stated that he had not been aware of the violations until the end of July. Ms. Zann informed Mr. Leconte that someone must have signed for the notice. This had happened, and no one had attended the June 5 meeting. A ruling was made that the property must be in compliance by June 19. She asked Mr. Leconte if the City was wrong about non-compliance.

Ms. Zann thought that if there was some problem with service, that was something she could consider. The Assistant City Attorney stated the registered agent's address to which the notice was mailed and signed for on May 23, 2003.

Ms. Zann explained the course of events to Mr. Leconte and stated that it appeared no mistakes had been made; the problem was simply that no one had done anything after receiving notice of the hearing.

**End of Hearings to Impose Fine – Massey Hearings**

**Reference CE02090019**

Cassandra Colby Tansey  
5800 North Federal Highway

Request for Vacation of Order

Ms. Batchelder announced that this case was originally heard on June 5, 2003 with compliance ordered by August 4, 2003.

The Assistant City Attorney requested that Ms. Zann vacate the order of the Special Master on June 5, 2003 because there had been a misunderstanding.

Ms. Zann vacated the order.

**Reference CE03040239**

Tavor Apartments Inc.  
1390 Riverland Road

Sec. 24-28(c): Required dumpster enclosure

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on July 7, 2003; the reschedule notice had been mailed on July 21, 2003, and certified mail had been returned unclaimed on June, 24, July 2 and July 8, 2003.

Mr. Dan Mullarkey, Community Inspections Officer, testified that the dumpsters were not kept in an approved enclosure and were constantly in public view. He recommended 30 days to comply, or a fine of \$25.00 per day.

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

**Reference CE03062002**

Gesner, G., L. Williamceau &  
W. Lavictoire  
735 Northeast 13<sup>th</sup> Court

Sec. 9-306: Roof tiles and fascia in disrepair

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

Mr. Burt Fletcher, Community Inspections Officer, testified that as of his reinspection earlier this week, the tiles had been replaced, but the fascia was still unpainted. He presented photographs of the property to Ms. Zann. He recommended 14 days to comply or a fine of \$25.00 per day.

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

**Reference CE03011124**

Markatia Equities Inc.  
3031 Davie Boulevard

Sec. 47-20.20 H: Parking area in disrepair

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

Ms. Peggy Burks, Community Inspections Officer, testified that the parking area had been redone, but a permit had not been obtained for the restriping. The respondent had been present earlier and she had agreed to allow 90 days to comply or a fine of \$50.00 per day.

Ms. Zann found in favor of the City and ordered compliance within 90 days, or a fine of \$50.00 per day would be imposed.

**Reference CE03062302**

Leroy & Brenda Dooling  
2016 Northwest 3<sup>rd</sup> Court

Sec. 9-281(b): Inoperable, unlicensed  
vehicle on property

Ms. Batchelder announced that personal service had been made by Inspector Guilford on August 3, 2003

Mr. Leonard Ackley, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle on the property. He recommended 14 days to comply or a fine of \$25.00 per day.

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

**Reference CE03070375**

Washington Mutual Home Loans Inc.  
509 Northwest 15<sup>th</sup> Avenue

Sec. 9-307(a): Broken windows;  
Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that certified mail addressed to Washington Mutual had been signed on July 23 and 25, 2003, and certified mail had been returned stamped "Received July 23, 2003 Washington Mutual".

Mr. Leonard Ackley, Community Inspections Officer, testified that there were broken and boarded windows in the building and the paint was dirty and peeling. He further stated Section 9-307(a) was now complied. He recommended 15 days to comply with Section 9-306, or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance within 15 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03060827**

Leslie Corn  
3400 Davie Boulevard

Sec. 9-280(h)(1): Fence in disrepair

Ms. Batchelder announced that certified mail had been accepted on July 23, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that the fence was in disrepair. He recommended 14 days to comply, or a fine of \$100.00 per day.

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

**Reference CE03070148**

Patrick Russo  
3381 Southwest 16<sup>th</sup> Street

Sec. 9-280(h)(1): Fence in disrepair

Ms. Batchelder announced that certified mail had been accepted on July 23, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that the fence was in disrepair. He recommended 45 days to comply, or a fine of \$50.00 per day.

Ms. Zann found in favor of the City and ordered compliance within 45 days or a fine of \$50.00 per day would be imposed.

**Reference CE03021067**

Alphonso Bradley  
1708 Northwest 8<sup>th</sup> Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-280(h)(1): Fence in disrepair; Sec. 9-313(a): Required display of address

Ms. Batchelder announced that personal service had been made by Inspector Malik on July 5, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that the fence was in disrepair; Sections 9-281(b) and 9-313(a) were now complied. She recommended 20 days to comply with Section 9-280(h)(1) or a fine of \$25.00 per day.

Ms. Zann found in favor of the City and ordered compliance with Section 9-280(h)(1) within 20 days or a fine of \$25.00 per day would be imposed.

**Reference CE03021071**

John David  
1701 Northwest 8<sup>th</sup> Avenue

Sec. 9-280(h)(1): Fence in disrepair;  
Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-307(a): Broken windows;  
Sec. 9-313(a): Required display of address

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

Ms. Ursula Thime, Community Inspections Officer, testified that the fence was in disrepair and there were several broken windows on the building; Sections 9-281(b) and 9-313(a) were now complied. She recommended 60 days to comply with Sections 9-280(h)(1) and 9-307(a) or a fine of \$25.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Sections 9-280(h)(1) and 9-307(a) within 60 days, or a fine of \$25.00 per day, per violation would be imposed.

**Reference CE03041984**

Tania & Robert Larsen  
1432 Northwest 1<sup>st</sup> Avenue

Sec. 47-20.2.A: Required driveway;  
Sec. 47-21.8 A: Missing ground cover;  
Sec. 9-278(g): Missing/torn screens;  
Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 9-308 (c): Rotted soffit

Ms. Batchelder announced that personal service had been made by Inspector Malik on July 5, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that there was no required driveway at the property and cars were continually parked in the front yard; there were large areas of missing ground cover; there were missing and torn screens; the paint was dirty and peeling, and the soffit was rotted. She presented photographs of the property to Ms. Zann. Ms. Thime recommended 30 days to comply or a fine of \$25.00 per day, per violation.

Ms. Zann 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 CE03041611**

Ancon Management Corporation  
3601 North Ocean Boulevard

Sec. 24-28(a): Garbage around dumpster and lids continually left open; Sec. 24-29(a): Inadequate dumpster service; Sec. 47-19.4 D.8: Required draining and clean water facilities for dumpster area; 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 company had been accepted on July 22, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that the parking area was in disrepair and there was missing ground cover. Sections 24-28(a), 24-29(a), and 47-19.4 D.8 were now complied. He had spoken with the manager and agreed to allow 90 days to comply with Sections 47-20.20 H and 47-21.8 A or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Sections 47-20.20 H and 47-21.8 A within 90 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03070398**

Allen Cesany  
5831 Northeast 14<sup>th</sup> Way

Sec. 47-21.8 A: Landscape Maintenance;  
Sec. 9-281(b): Rubbish, trash, and debris  
scattered on property and inoperable, unlicensed  
vehicle on property; Sec. 18-1: Stagnant water  
poses a health hazard

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

Mr. Frank Stockinger, Community Inspections Officer, testified that the ground cover was not maintained; the ground and swale were overgrown with weeds; there was trash scattered on the property and an unlicensed, inoperable vehicle on the property, and there was a hot tub filled with stagnant water that posed a health hazard. He presented photographs of the property to Ms. Zann. Mr. Stockinger had spoken with the owner and agreed to allow 60 days to comply or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance within 60 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03061076**

Arthur Gutterson  
1528 Southwest 32<sup>nd</sup> Street

Sec. 9-281(b): Trash and overgrowth  
on property

Ms. Batchelder announced that certified mail had been returned unclaimed on July 21, 2003.

Mr. 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 \$100.00 per day. Ms. Zann wondered why the City would request a \$100.00 per day fine on a residential property. Ms. Batchelder stated that this was an ongoing problem and the City needed to get the owner's attention.

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

**Reference CE02120095**

Elysee Jean & Marie Junel  
1405 Northwest 4<sup>th</sup> Avenue

Sec. 9-281(b): Rubbish, debris and inoperable,  
unlicensed vehicle on property; Sec. 9-306:  
Addition deteriorated and rotted; Sec. 9-307(a):  
Broken windows; Sec. 47-21.8 A: Missing ground  
cover; Sec. 9-280(h)(1): Fence in disrepair



Ms. Batchelder announced that personal service had been made by Inspector Reardon on July 19, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was trash, rubbish and debris on the property, including an unlicensed, inoperable vehicle, and the wooden fence was in disrepair; Sections 9-306, 9-307(a), and 47-21.8 A were now complied. She presented photographs of the property to Ms. Zann. Ms. Haskins recommended 14 days to comply, or a fine of \$25.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Sections 9-281(b) and 9-280(h)(1) within 14 days, or a fine of \$25.00 per day, per violation would be imposed.

**Reference CE03051227**

Mathilda Emmanuel, Giselle Ford & Lou Saintus  
1341 Northeast 4<sup>th</sup> Avenue

Sec. 9-280(h)(1): Fence in disrepair

Ms. Batchelder announced that certified mail had been accepted on July 22, 2003 and personal service had been made by Inspector Malik on July 20, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the fence was rotted and in disrepair. She presented photographs of the property to Ms. Zann. Ms. Haskins recommended 14 days to comply or a fine of \$25.00 per day.

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

**Reference CE03051840**

Nils Olsen  
1216 Southwest 39<sup>th</sup> Avenue

Sec. 47-19.4 D.4: Open dumpster enclosure gates; Sec. 47-19.4 C.1: Dumpster outside enclosure; Sec. 24-28(a): Inadequate dumpster service; Sec. 47-19.4 D.8: Dumpster enclosure in disrepair; Sec. 47-20.20 H: Parking area in disrepair; Sec. 9-281(b): Rubbish, debris and inoperable, unlicensed vehicle on property; Sec. 9-306: Peeling paint/stained surfaces

Ms. Deborah Haskins, Community Inspections Officer, announced that Sections 47-19.4.D.4, 47-19.4.C.1 and 24-28(a) were complied. The City had a stipulated agreement with the owner to comply the remaining violations by August 14, 2003 or there would be a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Sections 47-19.4 D.8, 47-20.20 H, 9-281(b) and 9-306 by August 14 or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE02100059**

Gregory Todd  
1530 Northwest 15<sup>th</sup> Terrace

Sec. 9-281(b): Rubbish, trash, and debris scattered on property; Sec. 47-21.8 A: Missing ground cover; Sec. 24-27(b): Garbage carts left in public view; Sec. 9-280(h)(1): Fence in disrepair

Ms. Batchelder announced that service was via posting on the property on July 15, 2003 and at City Hall on July 29, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and debris scattered on the property, although the disabled vehicles had been removed; there were areas of dead or missing ground cover, and garbage carts were left in public view after service. Section 9-280(h)(1) was complied. She presented photographs of the property to Ms. Zann and recommended 7 days to comply with the remaining sections, or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Sections 9-281(b), 47-21.8 A, and 24-27(b) within 7 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE02110232**

Timothy Greene  
1519 Northwest 15<sup>th</sup> Avenue

Sec. 9-281(b): Rubbish, debris and inoperable, unlicensed vehicle on property; Sec. 9-306: Peeling paint/stained surfaces

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

Ms. Cheryl Pingitore, Community Inspections Officer testified that there was trash, rubbish, debris, and an unlicensed, inoperable vehicle on the property, and there were areas of dirty, chipping and peeling paint on the building. She presented photographs of the property to Ms. Zann and recommended 7 days to comply, or a fine of \$50.00 per day, per violation.

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

**Reference CE03032203**

Lesssie & George Curry  
2550 Northwest 16<sup>th</sup> Street

Sec. 18-27(a): Trash on property

Ms. Batchelder announced that certified mail had been accepted on August 2, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and overgrowth on the property. She presented photographs of the property to Ms. Zann and recommended 7 days to comply, or a fine of \$25.00 per day.

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

**Reference CE03040899**

Thelma & Michael Holmes  
1624 Northwest 16<sup>th</sup> Street

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

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead or missing ground cover and there was trash and debris scattered on the property, including unlicensed, inoperable vehicles. She presented photographs of the property to Ms. Zann and recommended 7 days to comply, or a fine of \$50.00 per day, per violation.

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

**Reference CE03012120**

Kootungal & Associates  
Consulting Service  
1710 Lauderdale Manors Drive

Sec. 47-21.8: Landscape maintenance

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

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of missing ground cover and bare sand. He presented photographs of the property to Ms. Zann and recommended 30 days to comply or a fine of \$50.00 per day.

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

**Reference CE03031894**

Marie Mireille Louis  
1118 Northwest 19<sup>th</sup> Avenue

Sec. 47-21.10: Required ground cover;  
Sec. 9-281(b): Inoperable, unlicensed vehicles on  
property

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

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead or missing ground cover and there were unlicensed vehicles stored on the property. He presented photographs of the property to Ms. Zann. Mr. Cross recommended 30 days to comply with Section 47-21.10 and 14 days to comply with Section 9-281(b), or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Section 47-21.10 within 30 days and Section 9-281(b) within 14 days, or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03051949**

Daina Scott  
1307 Northwest 11<sup>th</sup> Court

Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 47-21.8: Landscape maintenance;  
Sec. 9-281(b): Inoperable, unlicensed  
vehicles on property

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

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of chipped, faded paint on the building; there were areas of dead or missing ground cover, and there were inoperable, unlicensed vehicles on the property. He presented photographs of the property to Ms. Zann. Mr. Cross recommended 30 days to comply with Sections 9-306 and 47-21.8, and 14 days to comply with Section 9-281(b), or a fine of \$50.00 per day, per violation.

Ms. Zann found in favor of the City and ordered compliance with Sections 9-306 and 47-21.8 within 30 days, and Section 9-281(b) within 14 days or a fine of \$50.00 per day, per violation would be imposed.

**Reference CE03062107**

Henry & Belinda Gaines  
1100 Northwest 11<sup>th</sup> Place

Sec. 9-279(f): No water service

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

Mr. Andre Cross, Community Inspections Officer, testified that the building was occupied without connection to City water service. He recommended 7 days to comply, or a fine of \$100 per day.

Ms. Zann found in favor of the City and ordered compliance within 7 days or a fine of \$100.00 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:

CE03012376	CE03051711	CE03061258	CE03062016
CE03020032	CE03051721	CE03061414	CE03062064
CE03021091	CE03051722	CE03061449	CE03062067
CE03032025	CE03051843	CE03061497	CE03062116
CE03032209	CE03051869	CE03061498	CE03062123
CE03032382	CE03060532	CE03061576	CE03062253
CE03040169	CE03060771	CE03061602	CE03062269
CE03050639	CE03060951	CE03061682	CE03062475
CE03051293	CE03060952	CE03061743	CE03070244
CE03051374	CE03060954	CE03061790	CE03070328
CE03051375	CE03061246	CE03061898	CE03070840
CE03051411	CE03061247	CE03061929	CE03070841
CE03051553	CE03061256	CE03062007	

### **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:

CE02081454	CE03041061	CE03052013	CE03062225
CE02090533	CE03041320	CE03052114	CE03062378
CE03011505	CE03050619	CE03060091	CE03062529
CE03011842	CE03050660	CE03060989	CE03062531
CE03020585	CE03050662	CE03061634	
CE03031222	CE03051020	CE03061764	
CE03031657	CE03051398	CE03062224	

**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:

CE02090190	CE03032524	CE03052073	CE03061865
CE03030402	CE03040370	CE03061601	

**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:

CE02082187

There being no further business, the hearing was adjourned at 2:55 P.M.

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Special Master

ATTEST:

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Clerk, Special Master