

SPECIAL MASTER HEARING
City Commission Meeting Room
Special Master Meah Tell, Presiding
September 4, 2003
9:00 A.M. – 12:30 P.M.

Staff Present:

Susan Batchelder, Administrative Assistant II
Maurice Murray, Community Code Supervisor
Jennifer Chenault, Secretary
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
John Gossman, 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
Maria Roque, Community Inspections Officer
Waynette Smith, Occupational License Inspector
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer

Also Present:

Delica Franciane, CE03020586
Mattie Bosket, CE03060283
Ogsanne Georges, CE03031842
Henry Jeff, CE03050072
Douglas Wallace, CE03080680
Carl Mayhu, CE03080680
George Peter, CE03011938
Lawrence Wolk, CE02082114
Gregg Lindsay, CE03080221
Frances McLamore, CE01041554

Lautaro Silva, CE03040370
Joyce Hamilton, CE01041554
Patrick Spellacy, CE03032255
Ciriaco Zullo, CE03061872
John Miller, CE03052267
Frank Shropshire, CE03050919
Robert Annattone, CE03030218
Roger Tigner, CE03070595
Sandra Rice, CE03070685
Alton Yaari, CE03081116
Raymond Nyhuis, CE03070685

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

Cases for Orders to Impose the Fine - Massey Hearings

Reference CE01041554

Frances McLamore
1106 NW 14 Court

Ms. Batchelder announced that this case was originally heard on December 6, 2001, with compliance ordered by December 20, 2001, January 5 and January 20, 2002. An extension was granted for Section 9-281(b) to January 8, 2002. The respondent entered into a contract with the Community Economic Development Department, but Section 9-281(b) was still not complied.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that she had visited the property on September 3, 2003 and the property was still not complied.

Ms. Joyce Hamilton, daughter of the respondent, presented photographs of the property taken on December 12, 2002 and again on September 2, 2003 that she claimed proved the property was in compliance. She had other photographs from July 31, 2003 after the City had completed yard work. Ms. Hamilton also presented paperwork from the City of Ft. Lauderdale stating that the interior of the house was being refurbished.

Ms. Tell clarified the compliance dates for Section 9-281(b) with Ms. Batchelder. Ms. Batchelder re-read the information pertaining to Section 9-281(b): There was trash, rubbish, debris scattered about the property; there were inoperable vehicles stored on the property;

the yard was overgrown and not maintained. The original date for compliance was December 20, 2001; that date was extended to January 8, 2002.

Ms. Tell reminded Ms. Hamilton that they were only here to rule on compliance for that one section: 9-281(b). Ms. Hamilton thought that the June 2002 extension applied to Section 9-281(b) as well. Ms. Tell advised her that 9-281(b) was only extended to January 8, 2002.

There was some confusion regarding proof of service for the order that applied to Section 9-281(b). The Assistant City Attorney stated that the original order dealt with 3 violations. At the hearing in January 2002 an extension was granted to June 2002 for 2 of the violations. Section 9-281(b) was only extended to January 8, 2002.

Ms. Tell wanted to clarify that, according to the Inspector, the violation existed from January 8, 2002 until today. Ms. Pingitore testified that the violation did exist from January 8, 2002 until today. Ms. Hamilton referred back to her photographs taken on September 2, showing compliance. Ms. Pingitore and Ms. Hamilton discussed various items in the photographs, disagreeing as to whether these items were usable or trash. Ms. Pingitore presented 6 photographs taken on August 21, 2003, which were accepted into evidence as City composite exhibit 1. Ms. Tell asked Ms. Hamilton to confirm that the photos were accurate.

Ms. Frances McLamore, respondent, viewed the photos and identified her car as the one Ms. Pingitore considered derelict. The car had been inoperable for an evening while the gas tank was repaired. According to Ms. McLamore, the car had been registered since June 2003. When Ms. Hamilton stated that maintenance of the swale was not her responsibility but the City's, Ms. Tell informed Ms. Hamilton that the swale area was the property owner's responsibility, not the City's.

Ms. Tell accepted Ms. Hamilton's 20 photographs from September 2, 2003 and December 2, 2002 as respondent's composite exhibit 1. Ms. Hamilton's information regarding work done at the house was accepted as respondent's composite exhibit 2.

Ms. Tell found that the property was not in compliance for trash and rubbish only from January 8, 2002 to the present and the fine would be \$50.00 per day.

End of Hearings for Orders to Impose the Fine

Reference CE03080680

Mayhu Corp.
416 North Federal Highway

Sec. 47-19.9: Outdoor storage and sale of goods
Repeat violation of Case CE02080290, order
signed on 4/22/03 with compliance ordered by
7/21/03

Ms. Batchelder announced that personal service had been made to the registered agent on August 14, 2003 by Inspector Haskins.

Ms. Deborah Haskins, Community Inspections Officer, testified that the property was being used for outdoor sales, storage, and display of goods, a non-permitted use. This was a repeat violation of Case CE02080290, order signed on April 22, 2003 with compliance ordered by July 21, 2003. She noted that the owner did comply by the original date, but came out of compliance again very shortly after the date. Ms. Haskins presented photographs of the property, which were accepted into evidence as City composite exhibit 1.

Mr. Douglas Wallace, tenant of the property, presented photographs of the merchandise depicted in Ms. Haskins's photographs, which he claimed was placed outside to be prepared for shipping on the day Ms. Haskins took her photographs. These were accepted into evidence as respondent's composite exhibit 1.

Mr. Carl Mayhu, property owner, pleaded with Ms. Tell to grant more time for Mr. Wallace to comply, as this fine was compounding the severe financial hardships Mr. Wallace was experiencing. He asked that Mr. Wallace be given 90 days to comply.

Ms. Tell explained the purpose and procedure of this meeting to Mr. Mayhu.

The Assistant City Attorney pointed out that the Building Department had inspected this property in August 2002 and found the property in violation of Section 47-19.9 and other municipal and building code ordinances. There had been several continuances, and the case finally came to the Code Enforcement Board on April 22, 2003. At that time, the Code Enforcement Board found there was a violation of 47-9.9 for outdoor sales and storage and gave the owner until July 21, 2003 to comply. The property was complied by that date, but this was a repeat violation. Ms. Tell cautioned Mr. Mayhu and Mr. Wallace that the fines could now potentially be up to \$500.00 per day. The Assistant City Attorney also asked that the fine date start on the date the owner received notice of the violation, August 14, 2003, and that the fine be \$100.00 per day.

Mr. Ray Nyhuis, resident of Ft. Lauderdale, felt it ludicrous that this owner was being "crucified" when neighbors across the street were operating the same way. Ms. Tell explained that she could only deal with cases presented to her.

Ms. Haskins pointed out that the business could obtain a lawn and garden permit that would allow them to display and sell items outdoors. Mr. Wallace stated that this meant he would need to go through DRC, a process that would take months, and cost him approximately \$5,000.00. He had never been informed of this option prior to now. Ms. Tell asked the Assistant City Attorney if she had any objection to allowing 90 days for Mr. Wallace to obtain the permit. The Assistant City Attorney had an objection to allowing any more time on this matter. This was a non-permitted activity and the City had received many complaints.

Mr. Wallace related that when he originally leased this property, he met with Terry Burgess and Cecelia Holler from whom he received a verbal agreement to do whatever he wanted

with the property. The only stipulations had been that he could not store items outside or manufacture items on the premises. Ms. Tell explained that the outdoor display and sales was non-permitted use for this property. She agreed to allow 90 days to obtain the permit but warned that she was finding this to be a repeat violation, therefore, the fine for non-compliance would be higher.

Ms. Tell found in favor of the City and ordered compliance within 90 days or a fine of \$200.00 per day would be imposed. She also agreed to maintain jurisdiction.

Reference CE03061872

John Zullo & Marie Nemecc-Zullo
701 Southeast 22nd Street

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-281(b): Inoperable, unlicensed vehicle on property

Ms. Batchelder announced that certified mail had been accepted on August 26, 2003.

Mr. Todd Nobles, Community Inspections Officer, testified that some door openings were not weather/water tight, or made of approved materials. Sections 47-21.8 A and 9-281(b) were now complied. He had spoken with the owner and agreed to recommend 30 days to comply with Section 9-280(b) or a fine of \$50.00 per day.

Mr. John Zullo, respondent, agreed to comply with Section 9-280(b) within 30 days.

Ms. Tell found in favor of the City and ordered compliance with Section 9-280(b) within 30 days or a fine of \$50.00 per day would be imposed.

Reference CE03080221

Big Sun Inc.
1640 North Dixie Highway

Sec. 18-27(a): Trash on property;
Sec. 24-27(f): Dumpster lids left open;
Sec. 47-19.4 D.4: Open dumpster enclosure gates; Sec. 47-19.4 D.8: Dumpster in disrepair, broken enclosure gates

Ms. Batchelder announced that certified mail addressed to the company had been accepted (no date on card) and certified mail addressed to the registered agent and director had been accepted on August 27.

Mr. Burt Fletcher, Community Inspections Officer, testified that the dumpster was in disrepair; the lids remained open and a gate was broken off. Section 18-27(a) was now complied. He presented photographs of the property taken on September 2, 2003 to Ms. Tell, which were accepted into evidence as City composite exhibit 1.

Mr. Gregg Lindsay, representative of Big Sun Inc., requested until January 1, 2004 to comply, as he needed to obtain a variance and a permit. Mr. Fletcher suggested most of the repairs could be complied within 30 days.

Ms. Tell found in favor of the City and ordered compliance with Sections 24-27(f), 47-19.4 D.4 and 47-19.4 D.8 within 30 days or a fine of \$50.00 per day, per violation would be imposed.

Reference CE03060283

Mattie Bosket
824 Northwest 19th Avenue

Sec. 9-281(b): Rubbish, trash, and debris scattered on property and inoperable, unlicensed vehicle on property; Sec. 47-34.1 A.1: Permitted uses

Ms. Batchelder announced that certified mail had been accepted on August 26, 2003; and personal service had been made by Inspector Malik on August 16, 2003.

Mr. Mike Donovan, Community Inspections Officer, testified that there was trash, rubbish, and debris, including unlicensed, inoperable vehicles on the property, and vehicles were stored on the property, which was non-permitted use. He presented photographs of the property taken on August 29, 2003.

Ms. Mattie Bosket, respondent, viewed the photographs and informed Ms. Tell that the car was gone and the trash was to be left out for removal. Mr. Donovan noted that this was not the first violation for this property. He recommended 21 days to comply or a fine of \$25.00 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance within 21 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03052267

J.A. & Danielle Miller
1421 Coral Ridge Drive

Sec. 47-21.8 A: Landscape Maintenance

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

Ms. Deborah Haskins, Community Inspections Officer, testified that there were areas of dead and missing ground cover. She informed Ms. Tell that she had spoken with Mr. Miller, who claimed to have put sod down after Ms. Haskins's visit yesterday. Ms. Tell suggested allowing 14 days for Ms. Haskins to reinspect the property, or a fine of \$25.00 per day.

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

Reference CE03070595

Roger Tigner
2121 Southwest 23rd Terrace

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

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

Mr. Dan Mullarkey, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle parked on the property. He presented photographs of the property taken on September 4, 2003, which were accepted into evidence as City exhibit 1.

Mr. Roger Tigner, respondent, agreed that the photos were accurate. Mr. Tigner questioned why his citation listed trash and overgrowth as well. He noted that the vehicle was parked in the street when it was cited, not on his property. He claimed that someone from Code Compliance had also ticketed the car for parking too close to a fire hydrant. He felt it unfair that the car was cited for being parked on the property and in the street at the same time. He thought that a traffic citation might be warranted, but not a code citation. He intended to protest the parking ticket, but knew that he could not register a vehicle if a ticket was outstanding. Ms. Tell informed him that Code Enforcement did not issue the parking ticket, so she could not help resolve that matter.

The Assistant City Attorney stated that the City would allow 30 days for Mr. Tigner to straighten this matter out and register the vehicle, or a fine of \$25.00 per day.

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

Reference CE03070685

Sandra Rice
1145 Northeast 5th Terrace

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

Ms. Batchelder announced that personal service had been made by Inspector Reardon on August 30, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that the parking lot had potholes and lacked striping, and required ground cover was dead or missing. He presented photographs of the property, which were accepted into evidence as City exhibit 1. He recommended 30 days to comply or a fine of \$25.00 per day, per violation.

Mr. Raymond Nyhuis, mortgage holder on the property, stated that he was going to help Ms. Rice obtain the funds needed to comply, but felt they would need 90 days. It was

finding. In the meantime, Mr. Yaari could move the furniture back the requisite 13 feet in order to comply.

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

Reference CE03050072

Joyce Jeff
2230 Northwest 9th Place

Request for Abatement

Ms. Batchelder announced that this case was originally heard on June 5, 2003 with compliance ordered by June 12, 2003. The property was complied on July 16, 2003. Fines had accrued in the amount of \$825.00; the City recommended a settlement of \$400.00.

Mr. Henry Jeff, son of the respondent, stated that he had complied before the ordered date but the Inspector had not been able to reinspect the property in time. Mr. Lee Kaplan, Community Inspections Officer, stated that the vehicles were still present on June 12 and 30 when he visited the property. Mr. Jeff stated that the vehicles were registered at this time, but the tags were not on the cars. Mr. Kaplan informed Mr. Jeff that tags must be on the vehicles, not kept elsewhere. Mr. Jeff was satisfied with the City's reduction of the fine.

Ms. Tell abated the fine to \$400.00.

Reference CE02082114

Lawrence & Kelli Wolk
904 South Andrews Avenue

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on October 3, 2002 with compliance ordered by December 30, 2002. On December 19, 2002 the date was extended to March 30, 2003; on April 3, 2003 the date was extended to July 2, 2003; on July 3, 2003 the date was extended to August 17, 2003. Fines had accrued in the amount of \$550.00.

Mr. Lawrence Wolk, respondent, stated that he had spoken with the City and they had agreed to an additional 90 days. The Assistant City Attorney agreed to allow the additional 90 days.

Ms. Tell granted an extension of 90 days.

Reference CE03030218

Anthony & Patricia Annattone
6740 Northwest 26th Avenue

Request for Abatement

Ms. Batchelder announced that this case was originally heard on May 15, 2003 with compliance ordered by May 29, 2003. The property was complied on June 25, 2003; fines had accrued in the amount of \$650.00. The City recommended a settlement of \$300.00.

Mr. Robert Annattone, son of the respondent, did not understand what the fine was for. Mr. Skip Margerum, Community Inspections Officer, explained that the only portion of the original violation that had resulted in a fine was an unlicensed vehicle. Mr. Margerum admitted that Mr. Annattone had been unclear about the problem and they had experienced difficulty communicating. Mr. Annattone asked Ms. Tell to waive the fine as he addressed the problem as soon as he understood the proper course of action.

Ms. Tell abated the fine to \$300.00.

Reference CE03031842

Orelia & Ogsanne Georges
531 East Melrose Circle

Request for Abatement

Ms. Batchelder announced that this case was originally heard on May 1, 2003 with compliance ordered by May 31, 2003. Fines had accrued in the amount of \$775.00; the City recommended a settlement of \$200.00.

Ms. Ogsanne Georges, respondent, had not brought her receipt for the sod and could not recall the exact date she had purchased it. Mr. Burt Fletcher, Community Inspections Officer, recovered a photocopy of the receipt that was dated June 25, 2003. He felt that the suggested settlement amount was very fair. Ms. Georges admitted that she did not understand the situation. Ms. Tell and Mr. Fletcher explained the events and times to Ms. Georges and advised her to accept the recommendation.

Ms. Tell abated the fine to \$200.00 and allowed 90 days for Ms. Georges to pay.

Reference CE03020586

Roosevelt & Franciane Delica
1042 Northwest 9th Avenue

Request for Abatement

Ms. Batchelder announced that this case was originally heard on May 1, 2003 with compliance ordered by May 31, 2003. Section 47-19.4.D.8 was complied on June 2, 2003; Section 9-281(b) was complied on June 24, 2003. Fines had accrued in the amount of \$600.00; the City objected to any abatement.

Ms. Ursula Thime, Community Inspections Officer, testified that she had taken photographs at her last inspection showing the violations. She noted that Ms. Delica had not appeared at the hearing for this case.

Ms. Franciane Delica, respondent, stated that the neighbors were responsible for dumping trash and parking cars on the property. It was impossible for her to keep up with the trash on the property. Ms. Batchelder pointed out that there had been 15 cases against this property in the last 10 years, but this was the first time fines had accrued.

Ms. Tell abated the fines to \$500.00 and allowed 90 days for Ms. Delica to pay.

Reference CE03011938

George & Yves Rose Peter
1701 Northwest 7th Street

Request for Abatement

Ms. Batchelder announced that this case was originally heard on June 5, 2003 with compliance ordered by August 4, 2003. Sections 9-281(b) and 47-20.13 A were complied on August 5, 2003 and Sections 9-306, 9-280(g), 9-280(b), and 9-278(g) were complied on August 8, 2003. Fines had accrued in the amount of \$600.00. The City recommended a settlement of \$200.00.

Mr. George Peter, respondent, explained that he had been delayed because he needed to find help to remove the air conditioners and to provide the tenants with fans to replace them.

The Assistant City Attorney pointed out that this was a problem property and felt the City was being fair by working with Mr. Peter and reducing the fines. Mr. Mike Donovan, Community Inspections Officer, agreed that the fine reduction was fair. Ms. Tell asked how much time Mr. Peter would need to pay the fine. Mr. Peter stated that he would need 90 days.

Ms. Tell abated the fine to \$200 and allowed Mr. Peter 90 days to pay.

At 11:20 Ms. Tell announced that she must leave to attend court. She advised any respondents whose cases had not been heard to speak to their inspectors and try to reach an agreement regarding their cases while she was gone.

Reference CE03032255

Parc Victoria Inc.
1701 Northeast 5th Street

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on June 19, 2003 with compliance ordered by July 19, 2003. An appeal was filed on July 25, 2003. Fines had accrued in the amount of \$13,800.00.

Mr. Sean Spellacy, representative for Parc Victoria Inc., introduced himself. The City Attorney stated that the City had no objection to allowing an additional 30 days to comply. Ms. Tell wished to disclose for the record that she was one of the mediators for Mr. Chaplin's group, Mediation Inc.

Mr. Spellacy gave a brief history of the property and noted Mr. Chaplin's involvement with property development in Ft. Lauderdale. Mr. Spellacy wished to present a packet with information regarding Mr. Chaplin's due diligence concerning this project. Ms. Tell explained that the subject of fine abatement could not be addressed until the property was in compliance. Mr. Spellacy informed Ms. Tell that an appeal had been filed in circuit court regarding the last hearing's finding, which Mr. Chaplin had not attended. Ms. Tell confirmed that she had the ability to grant the extension considering the appeal.

The Assistant City Attorney objected to Mr. Spellacy's request to enter evidence not related to the extension. She noted that the City would be willing to hear Mr. Spellacy's request for abatement after the property was complied.

Ms. Tell granted a 30-day extension.

Reference CE03072247

William Loper
1400 Northwest 7th Avenue

Continued from August 21, 2003

Ms. Batchelder announced that the City requested a 30-day continuance; there were questions regarding ownership of the property.

Ms. Tell granted a 30-day continuance.

Reference CE02110998

Stacy & Stephanie McKenzie
924 Northwest 24th Avenue

Request for Abatement

Ms. Batchelder announced that since there was no respondent for this case it would not be presented.

Reference CE03052073

CitiFinancial Mortgage Company Inc.
816 Northwest 1st Avenue

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

Ms. Batchelder announced that certified mail addressed to an officer of the corporation was accepted on August 28, 2003 and again (no date on card); Certified mail addressed to the registered agent had been accepted on August 26, 2003, and certified mail addressed to the company had been accepted on August 28, 2003.

Mr. John Gossman, Community Inspections Officer, testified that the board up certificate for the property had not been renewed, not had the property been sold, rehabilitated, or repaired. Mr. Gossman noted that the owner had not kept up the property, but had left that task to the City. He recommended 7 days to comply or a fine of \$250.00 per day.

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

Reference CE03080645

Mijensue Corp.
736 Northwest 7th Avenue

Sec. 15-28: Required occupational license

Ms. Batchelder announced that certified mail addressed to the registered agent and an officer of the company had both been accepted on August 26, 2003.

Ms. Maria Roque, Community Inspections Officer, testified that the company was engaging in business without first obtaining an occupational license. Ms. Roque noted that the owners were in the process of submitting a site plan to obtain zoning approval and this would take some time. She recommended 30 days to comply, or a fine of \$25.00 per day.

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

Reference CE03051163

Mobin of Miami Inc.
3031 West Commercial Boulevard

Sec. 47-22.3 C: Signs without permits

Ms. Batchelder announced that certified mail had been accepted on August 26, 2003.

Mr. Skip Margerum, Community Inspections Officer, testified that there was an unpermitted banner sign on the property. He recommended 7 days to comply, or a fine of \$50.00 per day.

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

Reference CE03051172

Villas at Lakeview LLC
5200 Northwest 31st Avenue

Sec. 47-22.3 C: Signs without permits

Ms. Batchelder announced that certified mail had been accepted on August 28, 2003 and certified mail addressed to the registered agent had been accepted on August 2, 2003.

Mr. Skip Margerum, Community Inspections Officer, testified that there was an unpermitted banner sign on the property. He recommended 7 days to comply or a fine of \$50.00 per day.

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

Reference CE03052138

Partners Preferred Yield II Inc.
5850 Northwest 9th Avenue

Sec. 47-22.3 C: Signs without permits

Ms. Batchelder announced that certified mail had been accepted on August 28, 2003 and certified mail addressed to an officer of the corporation had been accepted on August 28, 2003.

Mr. Skip Margerum, Community Inspections Officer, testified that there was an unpermitted banner sign on the property. He recommended 7 days to comply or a fine of \$50.00 per day.

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

Reference CE03042008

Susan Miller
1201 Chateau Park Drive

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

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

Mr. Andre Cross, Community Inspections Officer, testified that the board up certificate for the property had not been renewed, not had the property been sold, rehabilitated, or repaired. He recommended 30 days to comply or a fine of \$25.00 per day.

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

Reference CE03072259

Robert & Debra Tarbett
109 Southeast 23rd Street

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

Ms. Batchelder announced that certified mail had been accepted on August 26, 2003.

Mr. Todd Nobles, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle on the property. Mr. Nobles had spoken with the owner, who promised to remove the vehicle by this weekend. He recommended 7 days to comply or a fine of \$25.00 per day.

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

Reference CE03040370

Lautaro Silva & Dana Chowen
1301 Northwest 7th Terrace

Sec. 9-280(h)(1): Fence in disrepair
Sec. 9-281(b): Rubbish, trash, and debris scattered on property

Ms. Batchelder announced that certified mail had been accepted on August 26, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that the fence on the property was in disrepair, and there was trash, rubbish and debris scattered on the property and swale. She had spoken to the owner earlier and agreed to allow 10 days to comply with Section 9-281(b) and 30 days to comply with Section 9-280(h)(1) or a fine of \$50.00 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance with Section 9-281(b) within 10 days and with Section 9-280(h)(1) within 30 days or a fine of \$50.00 per day, per violation would be imposed.

Reference CE03052312

1115 Terrace Corp.
1115 Southwest 15th Terrace

Sec. 47-19.4 D.8: Broken dumpster enclosure gates

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on August 26, 2003.

Mr. Dan Mullarkey, Community Inspections Officer, testified that the dumpster enclosure gates were missing or broken. He recommended 30 days to comply or a fine of \$25.00 per day.

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

Reference CE03061177

Wareh Construction Co.
1354 Southwest 26th Avenue

Sec. 9-281(b): Inoperable vehicle on property;
Sec. 9-280(h)(1): Fence in disrepair

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

Mr. Dan Mullarkey, Community Inspections Officer, testified that there was an inoperable vehicle on the property and the wooden fence was in disrepair. He recommended 14 days to comply or a fine of \$25.00 per day, per violation.

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

Reference CE03070075

Bernice Altschul
510 Southwest 20th Avenue

Sec. 24-27(b): Garbage carts left in right-of-way;
Sec. 24-29(a): Garbage accumulated around
dumpster; Sec. 24-4: No building maintenance
person

Ms. Batchelder announced that certified mail had been accepted on August 29, 2003.

Mr. Dan Mullarkey, Community Inspections Officer, testified that the garbage carts were being left at the forward edge of the property; there was garbage accumulated around the dumpster, and there was no building maintenance person. Mr. Mullarkey had spoken with the owner, who was in the process of obtaining an additional garbage cart. He recommended 30 days to comply or a fine of \$25.00 per day, per violation.

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

Reference CE03070174

Andrew Siegel
1820 Southwest 9th Street

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

Ms. Batchelder announced that certified mail had been accepted once with no date on the card, and again on August 26, 2003. Judge Siegel had requested a continuance to September 18, 2003 and the City had no objection.

Ms. Tell continued the case until September 18, 2003.

Reference CE03051123

Richard Rincones
2724 Southwest 8th Street

Sec. 18-1: Derelict vehicles on property;
Sec. 6-5: Rooster kept on property

Ms. Batchelder announced that certified mail had been returned marked unclaimed on August 14, 2003, and certified mail had been accepted on August 1 and 16, 2003.

Mr. John Hudak, Community Inspections Officer, testified that there were numerous inoperable, unlicensed vehicles on the property; Section 6-5 was now complied. Mr. Hudak had spoken with the owner, who informed him that the cars were being towed. He recommended 7 days to comply Section 18-1, or a fine of \$100.00 per day.

Ms. Tell found on favor of the City and ordered compliance with Section 18-1 within 7 days or a fine of \$100.00 per day would be imposed.

Reference CE03060284

Virginia Latimore
1225 Northwest 6th Court

Sec. 47-21.8: Landscape maintenance;
Sec. 47-34.1 A.1: Permitted uses: outside storage;
Sec. 47-34.4 A.1: Vehicles stored on swale;
Sec. 9-280(g): Electrical components not maintained;
Sec. 9-281(b): Rubbish, debris and an inoperable, Unlicensed vehicle on property

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

Mr. Mike Donovan, Community Inspections Officer, testified that the violations existed as cited; he had an agreement with the owner to allow 60 days to comply or a fine of \$25.00 per day, per violation.

Ms. Tell 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 CE03041643

Elzenner Porter Estate
1536 Northwest 4th Street

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

Ms. Batchelder announced that service was via posting at the property on July 22, 2003 and posting at City Hall on August 25, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle on the property. He recommended 7 days to comply or a fine of \$25.00 per day.

The affidavit of posting and the Inspector's photographs of the property were accepted into evidence as City exhibit 1.

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

Reference CE03050598

Stephen & Cheryl Quant
417 Northwest 15th Avenue

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

Ms. Batchelder announced that service was via posting at the property on July 22, 2003 and posting at City Hall on August 25, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property. He recommended 7 days to comply or a fine of \$50.00 per day.

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

Reference CE03051612

Linda Lehmann
1212 Northwest 4th Street

Sec. 47-21.8: Landscape maintenance

Ms. Batchelder announced that service was via posting at the property on July 22, 2003 and posting at City Hall on August 25, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the ground cover was not maintained on the property; there were areas of bare sand. Mr. Ackley had spoken to someone at the property and they had agreed to comply within 30 days, or a fine of \$25.00 per day. Ms. Tell marked the affidavit of posting as City exhibit 1.

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

Reference CE03061037

GMAC Mortgage Corp.
1132 Northwest 2nd Street

Sec. 9-281(b): Property covered with trash, litter and debris; Sec. 9-329(d): Required certificate of boarding; Sec. 9-306: Peeling paint/stained surfaces; Sec. 47-20.20 H: Parking area in disrepair

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on August 20, 2003; certified mail addressed to the company had been accepted on August 21, 2003, and certified mail addressed to an officer of the corporation had been accepted on August 22, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the property was covered with trash and rubbish, including an abandoned refrigerator; the board up certificate for the property had not been renewed, not had the property been sold, rehabilitated, or repaired; paint on the building was peeling and chipping, and the parking area was not maintained. He recommended 7 days to comply or a fine of \$100.00 per day, per violation.

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

Reference CE03072021

Lee Eunice & Sylvester Davis
418 Northwest 17th Avenue

Sec. 47-21.8: Landscape maintenance;
Sec. 9-306: Peeling paint/stained surfaces

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

Mr. Leonard Ackley, Community Inspections Officer, testified that paint was peeling and chipping on the building; Section 47-21.8 was now complied. He recommended 45 days to comply Section 9-306 or a fine of \$25.00 per day.

Ms. Tell 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 CE03050211

1510 Northeast 26th Avenue LLC
1510 Northeast 26th Avenue

Sec. 47-21.8 A: Missing ground cover;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-280(h)(1): Garden wall in disrepair;
Sec. 9-307(a): Broken windows;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-281(b): Rubbish, debris and an inoperable,

unlicensed vehicle on property; Sec. 9-280(g):
Improperly installed air conditioners lack permits

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

Ms. Deborah Haskins, Community Inspections Officer, testified that the violations still existed as cited. She recommended 14 days to comply or a fine \$100.00 per day, per violation. Ms. Haskins noted that the owner had called Code Director Milano to explain that he could not attend the last hearing. He had been rescheduled to appear today but had not appeared, contacted the office, or complied the property.

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

Reference CE03070233

Roswell Robertson
1228 Northeast 3rd Avenue

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

Ms. Batchelder announced that certified mail had accepted on August 28, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the wood fence was in disrepair and there was an unsecured panel in the rear of the property. She recommended 7 days to comply or a fine of \$25.00 per day.

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

Reference CE03071041

National Life & Accident Insurance Co.
831 Northeast 5th Avenue

Sec. 18-27(a): Perimeter of property
overgrown with weeds

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

Ms. Deborah Haskins, Community Inspections Officer, testified that the perimeter of the property was overgrown with weeds. She recommended 7 days to comply or a fine of \$100.00 per day.

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

Reference CE03071258

B.G. Bretz & Betty and Nancy Reid
1725 Northeast 4th Avenue
Amoco Station

Sec. 9-281(b): Rubbish, trash, and debris on property; Sec. 47-34.1 A.1: Permitted uses: outside storage of vehicles; Sec. 18-1: Derelict vehicles on property; Sec. 47-21.8 A: Landscape maintenance; Sec. 15-28: Required occupational license; Sec. 47-22.9: Signs without permits; Sec. 18-48: Operating unlicensed machines

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

Ms. Deborah Haskins, Community Inspections Officer, testified that there was trash and debris scattered on the property; there was outside storage of vehicles on the property, which was a non-permitted use; there were several derelict vehicles on the property; landscape was not maintained; the business was operating without the required occupational license; there were numerous non-permitted banner signs on the property, and the business was operating coin-operated vacuum and air machines without an occupational license. She recommended 7 days to comply or a fine of \$100.00 per day, per violation.

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

Reference CE02090533

Bankers Trust Company of California NA
1559 Northwest 10th Place

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

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

Mr. Cheryl Pingitore, Community Inspections Officer, testified that the board up certificate for the property had not been renewed, not had the property been sold, rehabilitated, or repaired. She recommended 30 days to comply or a fine of \$25.00 per day.

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

Reference CE02100021

Joseph Thompson
1751 Northwest 27th Terrace

Sec. 9-306: Peeling paint/stained surfaces

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

Ms. Cheryl Pingitore, Community Inspections Officer testified that there were areas of bare wood and peeling paint on the building. She recommended 30 days to comply, or a fine of \$25.00 per day.

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

Reference CE03011505

Christine Edwards &
Stephanie Edwards Cooper
1621 Northwest 26th Avenue

Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that certified mail had been accepted on August 27, 2003. Ms. Cheryl Pingitore, Community Inspections Officer testified that there were areas of bare wood and peeling paint on the building, and rotten wood and loose material in the carport area. She recommended 30 days to comply, or a fine of \$25.00 per day.

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

Reference CE03060707

Kirkland & Doreen Ricketts
1901 Northwest 16th Street

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

Ms. Batchelder announced that certified mail had been accepted on August 29, 2003 and personal service had been made by Inspector Nobles on August 31, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and debris scattered on the property, including unlicensed, inoperable vehicles. She had spoken with the owner on September 2, 2003 and had agreed to allow 10 days to comply, or a fine of \$50.00 per day.

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

Reference CE03070164

Cenerien Francois & Judy Snell
1218 Northwest 15th Street

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

Ms. Batchelder announced that certified mail had been accepted on August 26, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and debris scattered on the property, including unlicensed, inoperable vehicles. She recommended 10 days to comply, or a fine of \$25.00 per day.

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

Reference CE03080166

Caleanna Williams
1330 Northwest 11th Street

Sec. 47-34.1 A.1: Permitted uses: outside
storage on residential property

Ms. Batchelder announced that certified mail had been returned unclaimed on July 22 and 31, 2003 and August 7, 2003. Personal service had been made by Inspector Donovan on August 5, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the residential property was being used for outside storage including commercial vehicles, trailers and a panel truck. Ms. Pingitore had visited the property on March 13 and August 4, 2003 and the commercial vehicle had been present. She visited the property again on September 3, 2003 and the vehicle had been removed. She recommended a fine of \$500.00 per day to run from March 13, 2003 to September 3, 2003. Ms. Batchelder noted that fines could not begin until notice was received. Ms. Pingitore then requested that the fines begin on August 5, 2003 and run to September 2, 2003. Ms. Tell confirmed that because this was a repeat violation from previous Special Master orders, jurisdiction was maintained.

Ms. Tell found in favor of the City and ordered a fine of \$500.00 per day to run from August 5, 2003 to September 2, 2003.

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:

CE03011228	CE03062277	CE03071432	CE03080029
CE03011740	CE03062375	CE03071443	CE03080033
CE03041907	CE03062518	CE03071629	CE03080146
CE03050464	CE03070228	CE03071642	CE03080150
CE03050660	CE03070351	CE03071673	CE03080301
CE03050662	CE03070444	CE03071674	CE03080480
CE03051596	CE03070825	CE03071704	CE03080556
CE03060148	CE03071010	CE03072273	CE03080563
CE03061683	CE03071131	CE03072282	CE03080643
CE03061877	CE03071140	CE03072294	
CE03061885	CE03071420	CE03072315	

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:

CE02051402	CE03032524	CE03061007	CE03071910
CE02081454	CE03050037	CE03061174	CE03071994
CE03011742	CE03050588	CE03061548	CE03072046
CE03011842	CE03050590	CE03062018	CE03072059
CE03021385	CE03051398	CE03070116	CE03080195
CE03032202	CE03051515	CE03070895	
CE03032487	CE03060976	CE03071448	

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:

CE03050585	CE03062529	CE03071413	CE03080649
CE03060418	CE03062531	CE03071648	
CE03061353	CE03071047	CE03071989	
CE03061673	CE03071264	CE03080494	

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:

CE03061764

CE03062305

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

Special Master

ATTEST:

Clerk, Special Master