

SPECIAL MASTER HEARING
City Commission Meeting Room
Special Master Meah Tell, Presiding
October 16, 2003
9:00 A.M. – 2:00 P.M.

Staff Present:

Susan Batchelder, Administrative Assistant
Jennifer Chenault, Secretary
Lin Bradley, Community Code 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
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 Christine Roque, Community Inspections Officer
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer
Kenneth Tyson, Community Inspections Officer
Tim Welch, Engineering Design Manager

Also Present:

Pamela Fraley, CE03071041
Edward Palazzola, CE03051783
Theodore McCaslin, CE03081464
Phyliss Espinal, CE02051402
Marion Henderson, CE03081464
John Markelonis, CE03081464
Eric Carter, CE03091347
Melonail Hiller, CE03081930
Myla Wine, CE02101514
Tony Ramirez, CE03042206
Dorothy Watkins, CE03081011

David Chrastek, CE03020567
Barry Smith, CE03021170
Nicholas Ferrante, CE03081032
Basil Wees, CE02060159
Glenn Martin, CE03011993
Daniel Kearns, CE03070614
Maria Aristede, CE03090455
Kerlanger Amistac, CE03090455
Daina Scott, CE03051949
Charitot Alexis, CE01101007
Robert Theocles, CE03041161
Rod Feiner, CE03071258
Roswell Robertson, CE03070223
Steven Cohen, CE03062295
Marie Mireille Louis, CE03031894
George Peter, CE03011949, CE03011939
Leon Emmanuel, CE03051227
Mathilda Emmanuel, CE03051227

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.

Reference CE03071258

B.G. & Nancy Bretz & Betty Reid Request for Abatement
1725 Northeast 4th Avenue

Ms. Batchelder announced that this case was originally heard on September 4, 2003 with compliance ordered by September 11, 2003. The property was complied on September 26 and 29, 2003. Fines had accrued in the amount of \$11,300.00. The City objected to any abatement of the fines.

Mr. Rod Feiner, attorney for the respondents, informed Ms. Tell that the main tenant on the property was BP Products Corporation, which leased the property to a franchised gas station. Mr. Feiner admitted to the violations, and explained that he was seeking remediation because the fines were so large and also because the main tenant was not notified in a timely manner. Due to BP Products' process for notifying the proper corporate entity of the situation, there had been a delay. As soon as Mr. Feiner had been notified of the problems by BP on approximately September 23, he had begun bringing the property into compliance. Since it had only taken 3 days to comply some of the violations, Mr. Feiner asked that the fines be abated entirely. He stated that he had been authorized

to accept a \$500.00 remediation. The BP regional manager was now aware of the problems at the property and was monitoring it through weekly corporate compliance inspections.

The Assistant City Attorney referred to notes from the Assistant Director of Community Inspections stating that there had been a 50-day courtesy notice period prior to the notice of violation. The types of violations listed were quality of life issues that a good tenant would not need to be reminded of. She reiterated that the City was opposed to any abatement.

Mr. Feiner suggested that the 50-day courtesy period was an "artificial" time period as the responsible person was not made aware of this courtesy notice. The tenant also did not understand some of the violations as well. Mr. Feiner explained to Ms. Tell the process of notification from the listed owners to BP headquarters. Ms. Tell stated that these events were internal, organizational problems and did not convince her that remediation was warranted.

Mr. Feiner asked Ms. Haskins how long after the corporate office received notice the violation corrections had begun. Ms. Deborah Haskins, Community Inspections Officer, answered that it had been 3 days between her contact with the corporate office and compliance. Ms. Tell agreed to abate the fines to \$2,100.00. The Assistant City Attorney asked for a finding of fact that compliance was not timely made and the fines were abated to \$2,100.00 and Ms. Tell agreed.

Ms. Tell found that compliance was not timely made and abated the fines to \$2,100.00.

Cases for Orders to Impose the Fine

Reference CE01101007

Charitot Alexis
1312 Northwest 15th Terrace

Ms. Batchelder announced that this case was originally heard on December 6, 2001 with compliance ordered by December 16, 2001. No extensions had been granted and fines had accrued in the amount of \$ 25,050.00. The property was now in compliance.

Mr. Charitot Alexis, respondent, explained that he had six children at home and had to do all work at the house by himself. Ms. Tell told him that he had let it go too long. Mr. Alexis had been unaware of the notice; his wife signed for the notices but did not understand them. He informed Ms. Tell that he had just lost his job as well.

The Assistant City Attorney noted that compliance had taken 18 months. The order stated that the fines were \$25.00 per day for each of 2 violations. The Assistant City Attorney stated that these were relatively easy violations to correct relating to trash and landscaping.

Ms. Tell examined paperwork from Mr. Alexis and noted that he was on unemployment and was receiving \$268.00 per week. Ms. Tell discussed payment plan procedures with Ms. Batchelder and the Assistant City Attorney.

The Assistant City Attorney stated that the City wanted a finding that compliance was not timely made and that the fines from the first order were now imposed. Ms. Tell reminded Mr. Alexis that the problem was caused by his not addressing the violations in a timely manner. Mr. Alexis reiterated that he had been unaware of the notices his wife signed for, but had addressed the problems as soon as he found the notices.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that she had not had any contact from Mr. Alexis until he received the notice of lien. Mr. Alexis stated that he had called as soon as he found the notice.

Ms. Tell asked the Assistant City Attorney how many days the property was not complied. The Assistant City Attorney admitted that she could not state the exact number of days. Ms. Tell stated that the City was asking her to decide that there were a specific number of days of non-compliance multiplied by a fine and then impose a lien based on that information. The City should then be prepared to state the exact number of days and the fines. Ms. Batchelder produced a copy of the original order and determined that the fine ran for a total of 1,002 days.

Ms. Tell stated that she would cut the fines in half to \$12,525.00 and asked if she could recommend a monthly payment amount. The Assistant City Attorney advised her that she could include a recommendation concerning the monthly payment in her order. The Assistant City Attorney reiterated the City's objection to any reduction of fines.

Ms. Tell reduced the fine to \$12,525.00 and recommended a payment of \$75.00 per month.

Reference CE03020567

David Chrastek
1730 Northeast 63rd Court

Ms. Batchelder announced that this case was originally heard on March 6, 2003 with compliance ordered by September 2, 2003. No extensions had been granted and fines had accrued in the amount of \$ 19,575.00. The property was still not in compliance.

Mr. David Chrastek, respondent, stated that he had been putting an extension on the house since last fall. He had performed most of the repairs, including repairing a roof that would be demolished next month. He stated that he was informed that as soon as he received the building permit the violations would disappear and he had just received the permit.

Mr. Frank Stockinger, Community Inspections Officer, stated that virtually nothing had been complied since he started the case. He clarified the violations for Ms. Tell. Mr. Stockinger

noted that he had tried to work with the owner; he seemed to make progress but then the violations would recur. Mr. Chrastek had then begun interior renovations without a permit and those issues were handled by Inspector Malik as a different case. Mr. Stockinger felt that perhaps Mr. Chrastek misunderstood and thought that the permits would remedy the violations Mr. Stockinger had cited. As of reinspection last week, Mr. Stockinger noted a disabled car on the property, a boat trailer in the driveway, the house in need of paint and the yard barely maintained. The only item that was complied was the removal of the screen enclosures.

Mr. Chrastek itemized repairs he performed pursuant to the order. Ms. Tell stated that she had an affidavit from the inspector claiming that Mr. Chrastek had not complied with 7 of the violations. Mr. Stockinger had not signed the affidavit and Ms. Tell asked him to. She also confirmed that the affidavit date was September 25, 2003. Mr. Chrastek claimed that when Mr. Stockinger last visited, the only remaining problem was peeling paint on one wall. Mr. Stockinger presented Ms. Tell with a history of his inspections of Mr. Chrastek's property. His last visit had been on September 16, 2003. Ms. Tell wanted the affidavit to reflect the September 16, 2003 date. Ms. Tell informed Mr. Chrastek that he could request a continuance and Mr. Chrastek did so. She advised him to find some credible witnesses to appear at the next hearing.

The Assistant City Attorney stated the City's objection to any abatement of fines. Mr. Stockinger and Ms. Tell viewed Mr. Chrastek's copy of his building permit.

Ms. Tell granted a continuance to November 6, 2003.

Reference CE03031894

Marie Mireille Louis
1118 Northwest 19th Avenue

Ms. Batchelder announced that this case was originally heard on August 7, 2003 with compliance ordered by August 12 and September 6, 2003. No extensions had been granted and fines had accrued in the amount of \$ 2,450.00. The property was now in compliance.

Ms. Marie Louis, respondent, explained that she had experienced a mental health crisis during this time and two of her sons had mental health problems as well. One of her sons had helped her with the repairs and communicated with Inspector Cross.

The City Attorney noted that Inspector Cross had tried for months to work with the family and had given them an extended courtesy period. Since it had taken so long to rectify the violations, the City was opposed to any abatement.

Mr. Andre Cross, Community Inspections Officer, testified that he had visited repeatedly and spoken with the son who kept bringing cars into the yard, but the cars were never

moved. On September 15, 2003, Mr. Cross visited and saw that the sod had been laid. The real problem had been the cars.

Ms. Louis stated that she had been in a mental health facility in the spring. Mr. Cross explained that Ms. Louis had lost her restaurant and subsequently suffered the mental health problems.

Ms. Tell informed Ms. Louis that she would cut the fines in half due to extraordinary circumstances. Ms. Louis became quite upset and Ms. Tell suggested that the next case be taken while Ms. Louis composed herself.

Upon returning, Ms. Louis presented evidence in the form of an appointment card to Ms. Tell proving that she had been experiencing emotional problems during the period she had been given to comply. Ms. Tell informed Ms. Louis that she could not abate the fines entirely because there were administrative costs involved. Ms. Tell confirmed compliance dates with Inspector Cross and asked the Assistant City Attorney her opinion. The Assistant City Attorney stated that she appreciated the family's problems but this was a quality-of-life issue in the northwest area where the City was very serious about such violations.

Ms. Tell stated that based upon the circumstances, she was reducing the fine to \$612.50 and recommended the minimum payments possible.

Reference CE03070223

Roswell Robertson
1228 Northeast 3rd Avenue

Ms. Batchelder announced that this case was originally heard on September 4, 2003 with compliance ordered by September 11, 2003. No extensions had been granted and fines accrued in the amount of \$ 850.00. The property was still not in compliance.

Ms. Tell listed the violations and compliance date and noted that, according to the inspector, the problems had still not been fixed. Mr. Roswell Robertson, respondent, admitted that there had been a communication problem. He had understood that if repairs were made by the hearing date, he need not appear. He thought he had completed the repairs and then learned that his repairs were not sufficient.

Ms. Deborah Haskins, Community Inspections Officer, explained that Mr. Robertson's repairs had been totally unsatisfactory. He had contacted Ms. Haskins after receiving notice that he was still in violation and fines were running and Ms. Haskins had explained what needed to be done to comply. He had called Ms. Haskins yesterday to inform her that the repair was now finished. Ms. Haskins had not reinspected yet, but noted that as of the compliance date the repairs were not complete.

Ms. Tell reminded Mr. Robertson that it had been his responsibility to call the inspector to reinspect the property to comply it. Ms. Tell stated that she would not find that the property was not complied as of today because Ms. Haskins had not reinspected the property since September 25, 2003. She advised Mr. Robertson to request a continuance so that the fines would cease until Inspector Haskins reinspected the property and Mr. Robertson did so. She noted that she would sign the lien for the 14 days of non-compliance at \$25.00 per day: \$350.00.

The Assistant City Attorney stated that the order demanded compliance by September 11, 2003. When Ms. Haskins visited the property on September 14 she noted that the property was not complied and started the paperwork for the lien proceeding. The City sent Mr. Robertson a letter on September 25 notifying him of this hearing and Mr. Robertson never contacted Ms. Haskins.

Ms. Tell explained her rationale to the Assistant City Attorney: " I'm telling you that the way I handle these hearings, and I am not going to change my position, is that absent testimony from an inspector that they have been back to that property, and as of the date they are telling me they have been back and inspected and there is non-compliance, I am not going to continue to run fines. I need testimony upon which I am going to base an order; it's not going to be hypotheticals. I need somebody to tell me 'I went to the property on this date and there were X number of days between the date that this property owner was supposed to come into compliance and the date that I made this inspection that, in fact, there was non-compliance.' And I am more than happy to impose any liens that you ask me to impose based upon good evidence and good testimony."

Ms. Haskins corrected herself and stated that she checked that case history and her last visit had been on September 29 – 18 days after the compliance date.

Ms. Tell stated that she would impose the lien. The Assistant City Attorney asked what would happen if the inspector reinspected the property and found it still not in compliance. Ms. Tell stated that the inspector could then sign another affidavit and put in a request for another lien.

Ms. Tell approved the lien for \$450.00.

Reference CE03051949

Daina Scott
1307 Northwest 11th Court

Ms. Batchelder announced that this case was originally heard on August 7, 2003 with compliance ordered by August 21 and September 6, 2003. No extensions had been granted and fines had accrued in the amount of \$ 6,650.00. The property was still not in compliance.

Ms. Daina Scott stated that she had missed the last meeting due to a transportation problem. She claimed that all vehicles on the property were licensed and operable and should never have been cited. She also noted that work was being done on the streets in the area and that had damaged the ground cover. Ms. Scott was painting the house herself. Ms. Tell explained that Ms. Scott should have appeared earlier to request an extension to prevent the fines from running.

Mr. Andre Cross, Community Inspections Officer, testified that he had begun the case on May 23, 2003; the violations concerned rubbish and debris on the property, disabled vehicles and the house needing paint. At each visit, the property was in the same condition and he had never spoken with Ms. Scott. Mr. Cross's last visit had been on October 8, 2003. He presented photographs of the property and Ms. Tell informed Ms. Scott that she must submit proof to Mr. Cross that the vehicle was licensed. Ms. Scott asked if Ms. Tell would reduce the fines since she was working on it. Ms. Tell reminded her that she had never bothered to contact Mr. Cross, as she should have. Ms. Tell stated that she would reduce the fine for the paint problems to \$25.00 per day from September 6 to October 8, 2003. She advised Ms. Scott to request an extension for the landscaping until the sewer lines were finished. Concerning the vehicles, Mr. Cross stated that he would visit the property again on November 10 to confirm that the vehicles were in compliance. Ms. Tell discussed the sewer line problem in the area with Ms. Scott and Mr. Cross. Mr. Cross felt that the sod could be laid; installing a new sewer line would only mean digging one trench on the property, not uprooting all the sod.

Ms. Tell stated that the fines would run from September 6, 2003 to August 21 in the amount of \$25.00 per day and agreed to impose a lien for this amount. The Assistant City Attorney stated that once the order was recorded, the Special Master no longer had jurisdiction over the case. Cases were not brought back before the Special Master after the Order Imposing the Fine had been recorded. Ms. Tell asked why cases that were still not complied were brought before her. The City Attorney replied that the only issue was whether or not compliance was made by the ordered date. The City did not need to wait "years and years" to record the lien. Ms. Tell stated that in other municipalities, she had taken the original order, and respondents would reappear to have additional liens imposed in the event of non-compliance. She felt they were not limited to one adjudication.

Reference CE03070614

Swiss Beach Holdings
219 South Atlantic Boulevard Inc. (Tenant)
219 South Fort Lauderdale Beach Boulevard

The Assistant City Attorney announced that this case was originally heard on August 21, 2003 with compliance ordered by September 5, 2003. The property was complied on October 14 and fines had accrued in the amount of \$7,600.00. She noted that the attorney present was a representative of the tenant; no communication had been received from the property owner authorizing anyone to represent them at this or any other hearing.

Mr. Daniel Kearns, attorney for the tenant, stated that his firm had been working with the property owner's attorney's office on this matter. Ms. Tell asked Mr. Kearns what authority he had to represent the property owner. Mr. Kearns requested a continuance and Ms. Tell advised him to "get somebody from Wicker, Smith on the phone or here to request a continuance, OK? They sent the wrong person to ask." She stated that Mr. Kearns had no authority to request a continuance.

Reference CE03071041

National Life and ACC Insurance Company
Sears
831 Northeast 5th Avenue

Ms. Batchelder announced that this case was originally heard on September 4, 2003 with compliance ordered by September 11, 2003. No extensions had been granted and fines had accrued in the amount of \$ 1,800.00. The property was complied on September 30, 2003.

Ms. Pamela Fraley, representative for Sears, stated that she was unaware of the violations until September 24, whereupon she immediately contacted Inspector Haskins to determine what repairs needed to be made. Ms. Fraley stated that the repairs were complete within two days.

Ms. Tell reduced the fine to \$600.00 for 6 days of non-compliance.

Reference CE02060159

Basil & Ellen Wees
442 Southwest 22nd Terrace

Ms. Batchelder announced that this case was originally heard on November 7, 2002 with compliance ordered by December 7, 2002 and January 6, 2003. The dates were extended once to September 12, 2003. Fines accrued in the amount of \$ 4,300.00 and the property was still not complied.

Mr. Basil Wees, respondent, explained that he had suffered a double hernia and a stroke and experienced problems with his health insurance. He was therefore unable to perform the repairs to the property. Ms. Tell asked him where his wife was and Mr. Wees replied that she had left him after he suffered the stroke and he did not know where she was.

Ms. Peggy Burks, Community Inspections Officer, stated that she understood Mr. Wees had suffered medical problems, but an unusually long period of time had transpired without compliance. Ms. Tell advised Mr. Wees to request an extension and find someone to help him remove the cars and paint the house. Mr. Wees asked for an extension until the end of

November. Ms. Tell advised him to return to the office and ask to be put on the agenda to request the extension.

Ms. Tell clarified the fine dates with Ms. Batchelder.

Ms. Tell agreed to fine Mr. Wees for the number of days the violations existed at \$25.00 per day instead of \$50.00 per day and impose a lien for that amount.

End of Cases to Impose the Fines

Reference CE03091347

Eric Carter & Dorothy Dennis
2401 Southwest 6th Street

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

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

Mr. Tim Welch, Engineering Design Manager, testified that the respondent informed him that the previous owner had installed a driveway in the city right-of-way without having obtained an engineering permit. A pedestrian crosswalk project was currently proposed for the intersection and this driveway would interfere with this project. The Engineering Department required removal of the driveway portion in the right-of-way at the intersection of Southwest 6th Street and 24th Avenue. As Mr. Carter was now the owner, he was responsible for repairing the problem. Mr. Welch suggested that Mr. Carter cut back the portion of the driveway that was in the intersection back into his property so the Building Department could approve the remaining portion. Mr. Carter would need to hire a licensed contractor and obtain an engineering permit to perform the work.

Mr. Eric Carter, respondent, stated that he had been given the name of a contractor from Mr. Welch. Mr. Welch stated that a contractor could get a permit in one day and complete the work in one day as well. He recommended 30 days to comply. Mr. Carter requested 60 days.

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

Reference CE03051783

City County Credit Union
621 Northeast 4th Avenue

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

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

Ms. John Gossman, Community Inspections Officer, testified that the board up certificate had not been renewed, nor had the building been repaired, rehabilitated, or sold. He had

spoken with a representative of the company who thought the company might decide to demolish the building. Mr. Gossman recommended 30 days to comply, or a fine of \$50.00 per day.

Mr. Bernard Palazzola, representative of City County Credit Union, presented documentation that he had hired someone to obtain a new permit. This person had never applied for the permit. Ms. Tell advised Mr. Palazzola on the proper procedure for obtaining a permit.

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 CE03081464

Marion Henderson
1651 Southwest 22nd Avenue

Sec. 18-27(b): Overgrowth and trash on property

Ms. Batchelder announced that certified mail had been accepted on October 8, 2003 and personal service had been made by Inspector Reardon on October 4, 2003.

Mr. Dan Mullarkey, Community Inspections Officer, testified that there was overgrowth and dead plant material on the property and swale. Mr. Mullarkey noted that some work had been done, but the property was still not complied. He presented photographs of the property, which were accepted into evidence as City composite exhibit 1. Mr. Mullarkey recommended 14 days to comply, or a fine of \$50.00 per day.

Ms. Marion Henderson, respondent, admitted that she was confused. She claimed that she had been working with Inspection Supervisor Murray on this issue. She had removed much vegetation from the yard already. Ms. Tell informed Ms. Henderson that she needed to meet with Mr. Mullarkey to clarify what still needed to be done. Mr. Mullarkey informed Ms. Tell that he had already had that conversation with Ms. Henderson. He also noted that he had visited the property with Mr. Murray and Mr. Murray had never told Ms. Henderson that the property was complied.

Ms. Tell called a recess for approximately 15 minutes.

Upon returning, Mr. Mullarkey suggested that Ms. Henderson meet with Mr. Murray when he returned from vacation.

Mr. Theodore McCaslin, neighbor of Ms. Henderson, stated that this property had a history since August 2, 2000. Since that time, Inspector Pingitore and other inspectors had visited the property. The owner had performed some "quick fixes" in order to comply, according to Mr. McCaslin. He claimed that Ms. Henderson's property was one that "spoiled the whole neighborhood." Mr. McCaslin and other neighbors had made complaints regarding this

property. Ms. Tell reminded Mr. McCaslin that her job was to determine if a violation existed and set a compliance date a possible fine amount, which she was intending to do.

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

Reference CE03081032

Nicholas & Donna Ferrante
1677 Lauderdale Manors Drive

Sec. 47-21.8: Landscape maintenance;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-281(b): Rubbish, trash, and debris
scattered on property and inoperable, unlicensed
vehicles on property

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

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead and missing ground cover; there were areas of dirty, faded paint on the building; there was trash and debris scattered on the property and there were unlicensed, inoperable vehicles stored on the property. He recommended 30 days to comply with Sections 47-21.8 and 9-306, and 14 days to comply with Section 9-281(b) or a fine of \$25.00 per day, per violation.

Mr. Nicholas Ferrante, respondent, informed Ms. Tell that his handyman was going to make repairs at the end of this week. He was working with the owner of the car to have it removed.

Ms. Tell found in favor of the City and ordered compliance with Sections 47-21.8 and 9-306 within 30 days and with Section 9-281(b) within 14 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE02051402

Donald Nichols
120 Northwest 16th Street

Sec. 9-308 (b): Roof in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that certified mail had been accepted on September 30, 2003 and personal service had been made by Inspector Nobles on September 20, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the roof tiles and aluminum awnings were mildew-stained. Ms. Haskins informed Ms. Tell that the owner had been dealing with Community and Economic Development and had been approved for a city program. The Development Board felt it would be 6 to 8 weeks before the project was completed; Ms. Haskins felt more time might be needed. She recommended 90 days to comply or a fine of \$25.00 per day, per violation.

Ms. Phyliss Espinal agreed to comply within 90 days.

Ms. Tell 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 CE03011993

Glenn Martin
1707 Northwest 9th Street Request for Extension

Ms. Batchelder announced that this case was originally heard on August 21, 2003 with compliance ordered by September 20, 2003. Fines had accrued in the amount of \$2,500.00.

Mr. Glenn Martin, respondent, stated that he and Mr. Kaplan had been working on the issues with this property. He admitted there had been a misunderstanding concerning what needed to be done and requested additional time to finish repairs. He also experienced an ongoing problem with drug dealers hanging out on the premises; he had obtained a trespass affidavit to enable the police to help control the problem, but felt this would be beyond his control.

Mr. Lee Kaplan, Community Inspections Officer, acknowledged the drug dealer problem at the property and agreed to work with Mr. Martin. Mr. Martin asked for an abatement of fines already accrued and 30 days to finish the fence repair. Ms. Tell verified that he had applied for the extension on the compliance date. Ms. Tell refused to abate the fines until the property was complied. She wanted to grant the extension retroactive to the date he requested the extension. The Assistant City Attorney stated that this was not the usual procedure. Ms. Tell agreed to grant an extension and consider the fine abatement at a later date.

Ms. Tell granted a 45-day extension.

Reference CE03011939 & CE03011940

George Peter & Yves Rose
1707 Northwest 7th Street Request for Abatement

Ms. Batchelder announced that these cases were originally heard on June 5, 2003 with compliance ordered by August 4, 2003. Two of the violations were complied on August 3, 2003 and the remaining violations were complied on August 8, 2003. Fines had accrued in the amount of \$600.00 for each case.

Mr. George Peter, respondent, was unaware that he could have applied for an extension and noted that there had only been a 3-day period of non-compliance.

The Assistant City Attorney stated that the City was opposed to any abatement because of the quality of life issues. Mr. Peter had also been given more time than was usual for these types of violations.

Mr. Mike Donovan, Community Inspections Officer, stated that he had visited the property three days ago and taken photographs as the violations had begun to recur. He presented the photographs, which were accepted into evidence as City composite exhibit 1. Mr. Peter informed Ms. Tell that on a case for another of his properties, Ms. Tell had abated a \$600.00 fine to \$200.00 and he was requesting the same consideration here. Ms. Tell cautioned Mr. Peter about the possibility of these violations recurring. The Assistant City Attorney thought it bad practice to allow a respondent to come to expect abatements after he was aware of the procedures from previous cases. Mr. Donovan confirmed that all the violations were not complied when he visited on August 5.

Ms. Tell denied the request for abatement for both cases.

Reference CE02101514

Myla Modert & Lena Smith
1553 Northwest 15th Avenue

Request for Abatement

Ms. Batchelder announced that this case was originally heard on December 19, 2002 with compliance ordered by January 18, 2003. The property was complied on September 10, 2003. Fines had accrued in the amount of \$11,650.00.

Ms. Cheryl Pingitore, Community Inspections Officer, stated that the City objected to any abatement in this case because of the lengthy time frame for compliance. Ms. Tell verified compliance dates and fines with Ms. Pingitore and Ms. Batchelder.

Ms. Myla Wine, respondent, stated that she was only made aware of the letters from the City in December 2002 and September 2003. The tenant had removed the vehicle in January but apparently brought it back in February or March. Ms. Pingitore confirmed that the ground cover violation was complied before fines could run; fines only ran on the vehicle violation. Ms. Pingitore complied the ground cover violation on January 18, 2003. Ms. Wine stated that after their conversation in February she thought the car issue was complied as well. She was never notified that the car violation recurred until she received the notice in September.

The City Attorney reiterated Ms. Pingitore's contact notes on the case. She stated that the City was opposed to any abatement because of the period of time the property was not complied and the fact that this was another property in the problem northwest area.

Ms. Tell abated the fines to \$5,825.00.

Reference CE03021170

Barry Smith & Robin Goldberg
801 Northeast 16th Avenue

Request for Abatement

Ms. Batchelder announced that this case was originally heard on May 15, 2003 with compliance ordered by July 14 and August 7, 2003. The property was complied on the September 6 and 16. Fines had accrued in the amount of \$4,600.00.

Mr. Barry Smith, respondent, stated that the previous Special Master had informed him that he would need to request an extension if needed. When he needed an extension he called the inspector and was informed that he needed to be put on the agenda to request the extension, not just notify the inspector. In the interim, the fines had begun to run. Ms. Haskins confirmed that the fines ran between the time he requested to be out on the agenda and his appearance.

Ms. Tell abated the fines.

Reference CE03051227

Mathilda Emmanuel
1342 Northeast 1st Avenue

Request for Abatement

Ms. Batchelder announced that this case was originally heard on August 7, 2003 with compliance ordered by August 21, 2003. The property was complied on September 9, 2003. Fines had accrued in the amount of \$450.00.

Ms. Leon Emmanuel, sister of the respondent, explained that her sister had replaced the fence instead of repairing it and was not aware that a permit was needed to do this.

Ms. Deborah Haskins, Community Inspections Officer, confirmed the facts related by Ms. Emmanuel. Ms. Emmanuel asked that the fines be reduced to \$200.00.

Ms. Tell abated the fines to \$200.00.

Reference CE03062295

Sunrise Middle River Development LLC
Marina View LLC
2025 East Sunrise Boulevard

Request for Abatement

Ms. Batchelder announced that this case was originally heard on August 21, 2003 with compliance ordered by August 31, 2003. The property was complied on September 9, 2003. Fines had accrued in the amount of \$400.00.

Mr. Steven Cohen, representative for the respondent, explained that when Ms. Haskins informed him that a section of fence needed repair, he had subsequently replaced a different section. Ms. Haskins then informed him that other repairs were required. They were then delayed by bad weather. He requested that the fine be abated to \$150.00. Neither Ms. Haskins nor the City Attorney opposed this abatement.

Ms. Tell abated the fines to \$200.00.

Reference CE03090376

Worthy & Annie Kelly
525 Northwest 15th Avenue

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

Ms. Batchelder announced that certified mail was accepted on October 3, 2003.

Ms. John Gossman, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property. He recommended 14 days to comply, or a fine of \$50.00 per day.

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

Reference CE03080993

Roy & Brian Busgith
446 Southwest 22nd Terrace

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

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle on the property. Ms. Burks had met with the owner and they had agreed to 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 CE03090276

David Little
2410 Southwest 5th Street

Sec. 9-281(b): Overgrowth and trash on property

Ms. Batchelder announced that certified mail had been accepted on September 30, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that there was overgrowth and trash on the property. Ms. Burks recommended 14 days to comply 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.

Ms. Batchelder announced that she had to leave and Mr. Lin Bradley, Community Code Supervisor, would present the remaining cases.

Reference CE03081196

A. Ponte, P. Ambrosio, A. Vitale,
M.J. Santo, J.P. Virsi & H. Tamily
2120 East Oakland Park Boulevard

Sec. 47-34.1 A.1: Unlicensed, derelict vehicles
stored on property

Ms. Tell announced that service was via a letter from the owners' agent, received on October 14, 2003.

Mr. Len Ackley, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles stored on the property. He had spoken with the property manager and agreed to 30 days to comply or a fine of \$100.00 per day.

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

Reference CE03081321

Kia Investments, Inc./
Anderco Group Inc.
2990 North Federal Highway

Sec. 9-281(b): Overgrowth and trash on property

Ms. Tell announced that certified mail had been accepted on October 1, 2003 and personal service had been made by Inspector Ackley on October 15, 2003.

Mr. Len Ackley, Community Inspections Officer, testified that there was overgrowth and trash on the property. He had spoken with the owner and the property manager and agreed to 14 days to comply, or a fine of \$50.00 per day.

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

Reference CE03081322

Charlotte Deverteuil
1044 Northeast 11th Avenue

Sec. 9-308 (a): Roof in disrepair;
Sec. 9-281(b): Overgrowth and trash on property

Ms. Tell announced that personal service had been made at the front counter and signed by Ms. Charlotte Deverteuil on October 15, 2003.

Mr. Len Ackley, Community Inspections Officer, testified that the roof was in disrepair and there was overgrowth and trash on the property. He had spoken with the owner, who was experiencing financial problems, and agreed to 30 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 30 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03082235

Jalil Shiraz & Zahra Bahrami
2197 North Ocean Boulevard

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-281(b): Rubbish, trash, and debris scattered on property; Sec. 9-307(a): Broken and/or missing windows; Sec. 9-280(g): Electrical components not maintained

Ms. Tell announced that certified mail had been accepted on October 10, 2003 and personal service had been made to the registered agent by Inspector Ackley on October 12, 2003.

Mr. Len Ackley, Community Inspections Officer, testified that all violations still existed as cited. He had spoken with the owner and agreed 10 days to comply, or a fine of \$50.00 per day, per violation.

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

Reference CE03081232

Freddie Properties, Inc.
3200 West Broward Boulevard

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

Ms. Tell announced that certified mail addressed to the registered agent had been accepted on September 30, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that the violations still existed as cited. Mr. Fletcher recommended 14 days to comply or a fine of \$50.00 per day.

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

Reference CE03081337

Yvon Legros
383 West Dayton Circle

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 18-27(a): Trash on property

Ms. Tell announced that certified mail had been accepted on September 30, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that the violations still existed as cited. Mr. Fletcher recommended 14 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 14 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03081427

Howard Obear
3681 Southwest 23rd Court

Sec. 18-1: Derelict vehicle on property

Ms. Tell announced that certified mail had been accepted on October 8, 2003 and personal service had been made to the 17 year-old step grandchild of the owner by Inspector Malik on October 5, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was an inoperable vehicle on the property. Mr. Lopez recommended 14 days to comply 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 CE03090623

Juan Ariztegui
3473 Riverland Road

Sec. 47-34.4: Boat trailer blocking right-of-way

Ms. Tell announced that personal service had been made by Inspector Margerum on September 28, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was a boat trailer blocking the sidewalk. Mr. Lopez 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 CE03081424

Robert & Susan Caspenello
3644 Southwest 22nd Street

Sec. 18-1: Derelict vehicle on property;
Sec. 18-27(a): Trash on property

Ms. Tell announced that personal service had been made by Inspector Thime on September 21, 2003.

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle on the property and the property was overgrown. Mr. Lopez recommended 14 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 14 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03041161

Boston Properties
1409 Northwest 2nd Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-280(h)(1): Fence in disrepair

Ms. Tell announced that certified mail addressed to an officer of the company had been accepted on October 10, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that the parking area was in disrepair, had missing wheel stops and lacked striping and there were large areas of bare sand in the front yard; Section 9-289(h)(1) was now complied. She had spoken with the owner earlier and agreed to 90 days to comply with Sections 47-20.20 H and 47-21.8 A or a fine of \$100.00 per day, per violation.

Ms. Tell 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 \$100.00 per day, per violation would be imposed.

Reference CE03051979

Wilfred & Celia Thompson
1128 Northwest 7th Terrace

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-281(b): Rubbish scattered on property

Ms. Tell announced that certified mail had been accepted on October 1, 2003 and personal service had been made to the owner's stepdaughter by Inspector Malik on October 5, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that there were large areas of missing ground cover; Section 9-281(b) was now complied. She recommended 30 days to comply with Section 47-21.8 A or a fine of \$25.00 per day.

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

Reference CE03061986

Roland Teresias & Jules Lucner
1433 Northwest 2nd Avenue

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 18-27(a): Yard is overgrown

Ms. Tell announced that personal service had been made to the owner's son by Inspector Malik on October 5, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that the chain link fence was in disrepair; Section 18-27(a) was now complied. She had spoken with the owner and agreed to 30 days to comply with Section 9-280(h)(1) or a fine of \$25.00 per day.

Ms. Tell found in favor of the City and ordered compliance with Section 9-280(h)(1) within 30 days or a fine of \$25.00 per day would be imposed.

Reference CE03090434

James Patterson/
Great Western Bank
1000 Northwest 13th Court

Sec. 9-281(b): Unlicensed, inoperable vehicles
stored on property and ground cover not
maintained

Ms. Tell announced that certified mail had been accepted on October 9, 2003.

Mr. Andre Cross, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles stored on the property and the ground cover was not maintained. He recommended 14 days to comply 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 CE03082024

Bertie Simmons
14 Southeast 25th Street

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

Sec. 24-27(b): Garbage carts continuously left in swale area

Ms. Tell announced that certified mail had been accepted on September 22, 2003 and personal service had been made by Inspector Malik on October 5, 2003.

Mr. Todd Nobles, Community Inspections Officer, testified that the garbage carts were continuously left out in the swale area after service; Section 9-281(b) was now complied. He had spoken with the owner and agreed to 7 days to comply with Section 24-27(b) or a fine of \$25.00 per day.

Ms. Tell found in favor of the City and ordered compliance with Section 24-27(b) within 7 days or a fine of \$25.00 per day would be imposed.

Reference CE03082137

International Yachting Center
777 Southeast 20th Street

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

Ms. Tell announced that certified mail addressed to the registered agent had been accepted on September 30, 2003.

Mr. Todd Nobles, Community Inspections Officer, testified that there was trash and overgrowth on the property and swale. He had spoken with the owner, who was uncooperative. Mr. Nobles recommended 14 days to comply or a fine of \$50.00 per day.

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

Reference CE03090286

Michael Vaillant
308 Southeast 15th Street

Sec. 9-281(b): Overgrowth and an unlicensed, inoperable vehicle on property; Sec. 9-308 (b): Roof dirty and mildewed

Ms. Tell announced that certified mail had been accepted on October 2 and 3, 2003 and personal service had been made by Inspector Reardon on October 4, 2003.

Mr. Todd Nobles, Community Inspections Officer, testified that the roof was dirty and mildew stained; Section 9-281(b) was now complied. He had spoken with the owner and agreed to 30 days to comply with Section 9-308 or a fine of \$25.00 per day.

Ms. Tell found in favor of the City and ordered compliance with Section 9-308 within 30 days or a fine of \$25.00 per day would be imposed.

Reference CE03090290

Mobil Oil Corp.
2333 South Andrews Avenue

Sec. 47-34.1 A.1: Permitted uses

Ms. Tell announced that certified mail addressed to the registered agent had been accepted on October 1, 2003 and certified mail addressed to an officer of the company had been accepted (no date on card).

Mr. Todd Nobles, Community Inspections Officer, testified that another company's rental cars were being stored on the property, an unpermitted use. 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 14 days or a fine of \$250.00 per day would be imposed.

Reference CE03062018

Seraphin Exantus et al
1308 Northeast 2nd Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-307(a): Broken windows;
Sec. 47-20.20 H: Parking area in disrepair

Ms. Tell announced that certified mail had been accepted on September 30 and October 2, 2003. Certified mail had been returned unclaimed on September 6, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that all of the violations still existed as cited. She recommended 30 days to comply or a fine of \$50.00 per day, per violation.

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

Reference CE03071581

Hezzikiah Scott
2621 Northwest 18th Court

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

Ms. Tell announced that personal service had been made to a 15 year-old family member by Inspector Ackley on October 12, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property. Ms. Pingitore recommended 14 days to comply or a fine of \$250.00 per day.

Ms. Tell found in favor of the City and ordered compliance within 14 days or a fine of \$250.00 per day would be imposed.

Reference CE03090003

Marie Dorvilus
1310 Northwest 21st Street

Sec. 9-281(b): Trash, debris, overgrowth and
unlicensed, inoperable vehicles stored on property

Ms. Tell announced that certified mail had been accepted on September 26 and October 14, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash, rubbish, and unlicensed, inoperable vehicles stored on the property; the property was also overgrown. She noted that this was a repeat violation per CE02081383 dated 1/16/03. She recommended 7 days to comply or a fine of \$250.00 per day. She also requested that Ms. Tell maintain 5-year jurisdiction.

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. She also agreed to maintain 5 years jurisdiction.

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:

CE03011742	CE03062305	CE03081095	CE03090005
CE03050115	CE03071448	CE03081567	CE03090030
CE03050477	CE03071714	CE03081699	CE03090207
CE03052136	CE03071921	CE03081772	CE03090234
CE03060124	CE03072341	CE03082028	CE03090309
CE03060418	CE03080164	CE03082029	CE03090390
CE03061016	CE03080645	CE03082031	CE03090455
CE03061408	CE03080910	CE03082317	CE03090826
CE03062110	CE03081011	CE03082353	

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:

CE02061914	CE03021333	CE03040923	CE03050459
CE03020094	CE03031222	CE03050037	CE03051126

CE03061955	CE03080391	CE03082027	CE03090307
CE03070811	CE03080617	CE03082138	CE03100407
CE03071476	CE03080851	CE03082312	
CE03072167	CE03081096	CE03090196	

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:

CE03011409 CE03081909 CE03090393

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:

CE03060558

Orders to Impose the Fine

Ms. Tell announced the following cases for which she would issue orders to impose the fine based on the affidavits of the inspectors.

CE03040780, Juanita Green
CE03050479, Maria Brown
CE03052138, Partners Preferred Yield Inc.
CE03060626, Jacob Condell
CE03061037, GMAC Mortgage Corp.
CE03061177, Warehouse Construction Company
CE03070674, Swiss Beach Holdings
CE03071962, Linville H. Ayston

There being no further business, the hearing was adjourned at 2:00 P.M.

Special Master

ATTEST:

Clerk, Special Master