

SPECIAL MASTER HEARING
City Commission Meeting Room
Special Master Richard Conner, Presiding
December 4, 2003
9:00 A.M. – 1:15 P.M.

Staff Present:

Susan Batchelder, Administrative Assistant II
Todd Hiteshew, 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
Deborah Haskins, Community Inspections Officer
John Hudak, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Dan Mullarkey, Community Inspections Officer
Linda Nigg, Occupational License Inspector
Todd Nobles, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer

Also Present:

Robert Lee, CE03070868
Gerald Ray, CE03080151
Paul Klein, CE03071995
Keith Poliacoff, CE03061918
Henry Johnson,. CE03102514
John Jourdan, CE03012363
Mohammad Markatia, CE03011129
Michel Igannoy, CE03101032
Thomas Ansbro, CE03040372
Edith Pinckney, CE03070203
Benjamin Bogarin, CE03090104
David Chrastek, CE03020567
Dana Riley, CE03110172
Donna Riegel, CE03061175

Jacques Baptiste, CE03091937
Allan Kozich, CE03031032
Patrick Seguacy, CE03032255
James Hadly, CE03032255
Harry Ergulec, CE03110182
Barbara Hall, CE03022233
Ronald Temkin, CE03081232
Paul Porio, CE03081232
Veronica Hunter, CE03101669
Carroll Schweitzer, CE00110629
John Hindenberger, CE03091757
Janeanne Morton, CE03071495
Joanne Byrd, CE01031136
Grol Lavelek, CE03110132
Alfonse Mazzarella, CE03110182
Jeremiah Carter, CE03072000
Alexander McGrath, CE03102518

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. Mr. Conner introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

Hearings for Orders to Impose the Fine - Massey Hearings

Reference CE03011124

Markatia Equities Inc.
3031 Davie Boulevard

Ms. Batchelder announced that this case was originally heard on August 7, 2003 with compliance ordered by November 5, 2003. One violations was still not complied and fines had accrued in the amount of \$1,400.00

Ms. Peggy Burks, Community Inspections Officer, informed Mr. Conner that the owner had applied for an after-the fact permit to comply the striping work. Once the permit was obtained, she would reinspect the property.

The Assistant City Attorney stated that the City was requesting an order for the imposition of fines as the property was not complied by the ordered date.

Mr. Abram Markatia, company president, stated that the contractor had made a mistake during the permit process. Mr. Conner informed Mr. Markatia that this hearing was not to

re-litigate the case, only to find the property was not yet complied and impose the fine. He reminded Mr. Markatia that fines would continue to run until the property was complied.

Mr. Conner signed the order to impose the fine of \$1,400.00.

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 March 20, April 5, and September 20, 2003. All violations were now complied. Fines had accrued in the amount of \$28,150.00.

Ms. Michelle Klimko, representative of the owner, presented Mr. Conner with a chart, affidavits from neighbors, photographs, and receipts pursuant to the case. These were accepted into evidence as respondent's exhibits 1 – 4 respectively. Mr. Frank Stockinger, Community Inspections Officer, explained that Inspector Malik had a case on this property as well and the two had conflicted with each other. Mr. Malik had allowed time for the owner to obtain permits; this had conflicted with the deadlines set for Mr. Stockinger's case.

Ms. Klimko informed Mr. Conner that fines had run longer than they should have. Both of the vehicles had been registered on March 26, 2003, therefore the fines should never have started. The roof had been cleaned in April, so the fine that ran from September to November should never have started. She admitted that a trailer had been unregistered from March 2 to March 26, therefore it was in violation for 24 days.

Mr. Conner explained to Ms. Klimko that once items were complied, it was the owner's responsibility to confirm with the inspector that the violations were complied. Mr. Stockinger explained the dates of non-compliance and the fines. There was some discussion regarding timing discrepancies and specific directives on the original order. The Assistant City Attorney admitted there was a discrepancy and agreed to reschedule the case so that the parties could discuss the compliance dates and fines.

Mr. Conner continued the case to December 18, 2003.

Reference CE03061918

Galt Ocean Plaza 613 LLC
3300 Northeast 34th Street

Ms. Batchelder announced that this case was originally heard on August 21, 2003 with compliance ordered by October 20, 2003. The two original violations were still not complied and fines had accrued in the amount of \$4,400.00.

Mr. Frank Stockinger, Community Inspections Officer, stated that he had visited the property the previous day and the violations – striping the parking lot without a permit and missing landscaping or ground cover - still existed as cited.

Mr. Keith Poliacoff, representative of Galt Ocean Plaza, presented Mr. Conner with paperwork showing that the permit application had been completed well before the compliance date but the City had not issued a permit until December 3, 2003. He added that he was representing a new owner who had not been made aware of the violations when the property was purchased. The violations had been dealt with as soon as they were made aware of them. Mr. Poliacoff requested 90 days to complete the landscape work.

The Assistant City Attorney noted that obtaining the permit did not mean the property was complied and asked Mr. Conner to sign the order to impose the fines. Mr. Poliacoff again requested an extension of 90 days.

Mr. Conner stated that it was the responsibility of the owner to appear at the hearing and ask for an extension. Mr. Poliacoff thought that his client purchased the property in August and noted that they had taken measures to correct the problems as soon as they were aware of them. There was discussion regarding the dates fines had accrued. The Assistant City Attorney stated that they were here because the City had scheduled a Massey hearing. Mr. Poliacoff thought that this hearing was in response to his request for an extension. Mr. Conner asked the Assistant City Attorney and Mr. Stockinger if there were enough extenuating circumstances to allow an extension. The Assistant City Attorney suggested a 60-day extension with the fines tolled to the present.

Mr. Conner stopped the fines and granted a 60-day extension.

Reference CE03070203

Edith Pinckney
2349 Northwest 14th Court

Ms. Batchelder announced that this case was originally heard on October 2, 2003 with compliance ordered by November 1, 2003. One violation was still not complied and fines had accrued in the amount of \$800.00.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property was complied as of December 2, 2003. She pointed out that she had been in close contact with Ms. Pinckney, who had worked diligently to resolve the violation.

Mr. Conner asked if Ms. Pinckney had any previous violations; Ms. Pingitore answered that Ms. Pinckney had one previous violation for trash. She reiterated that Ms. Pinckney had worked to resolve the problem.

Mr. Conner reduced the fine to \$400.00 and signed the order to impose it.

Reference CE01031136

McCree, Aron P & Allie P
1609 Northwest 6th Place

Ms. Batchelder announced that this case was originally heard on May 3, 2001 with compliance ordered by August 1, 2001. The four violations were now complied, but fines had accrued in the amount of \$28,450.00.

Mr. Lee Kaplan, Community Inspections Officer, testified that the property was complied as of May 16, 2002. There was confusion regarding the violation and compliance dates. The inspection report was accepted into evidence as petitioner's exhibit 1.

Ms. Joanne Byrd, daughter of the owner, stated that the house had been given to the City to demolish and rebuild. Ms. Byrd had appeared in court several times to get the violations taken care of. Mr. Kaplan stated that the violations concerned air conditioning units, paint, and door, window and fence repair problems.

Mr. Conner stated that he did not have the ability to re-litigate and Ms. Byrd would have to work with the City to resolve this.

Mr. Conner signed the order to impose the fine.

Reference CE03081232

Freddy Properties Inc.
3200 West Broward Boulevard

Ms. Batchelder announced that this case was originally heard on October 16, 2003 with compliance ordered by October 30. The violations were now complied, but fines had accrued in the amount of \$1,050.00.

Mr. Burt Fletcher, Community Inspections Officer, testified that the property was complied on November 21, 2003.

Mr. Ronald Temkin, representative for Freddy Properties, stated that after the property was complied and the City notified, new garbage had been dumped on the property and fines had begun. He had faxed copies of receipts for trash removal to the City to prove that the property was cleaned up.

Mr. Conner reiterated that he could not re-litigate the case. Mr. Temkin stated that he was asking for abatement. He noted that the property was cleaned up the day after being informed of the garbage problem. He contacted Mr. Fletcher each time the property was

found in violation. He noted that Mr. Conner did have the ability to abate the fine based on the circumstances. Mr. Fletcher felt that this was a difficult situation as the property was in an area susceptible to "drive-by trashing." He believed what Mr. Temkin had testified to and thought that the property was being maintained diligently now.

The Assistant City Attorney stated that Section 9-281(b) was not complied simply by removing the trash existing on the property at the time the violation was cited; it required ongoing maintenance. She asked that the fine be imposed for the time the property was not complied.

Mr. Conner said that he thought that "the Massey case simply holds that we have to give these people due process to come in and be notified, in effect, that the City is going to file a lien, and that is the object of this hearing as I understand that case."

The Assistant City Attorney felt there might be some misunderstanding; there was no requirement to appear after the property was complied. She restated her request for Mr. Conner to impose the fine. Mr. Temkin argued that they were wasting their time at this hearing if Mr. Conner refused to hear reasons for fine mitigation.

Mr. Conner signed the order to impose the fine.

End of Hearings for Orders to Impose the Fines

Reference CE03072313

Russell, Jan, & Edward Wilson
1142 South Federal Highway

Sec. 47-21.8 A: Missing landscaping;
Sec. 47-21.12 A.1: Improper tree removal

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

Mr. Karl Lauridsen, Community Landscape Officer, testified that the property was missing code-required landscaping and three 6' green buttonwood trees had been removed without a permit. Mr. Lauridsen stated that the City required a permit to replace the landscaping, and an after-the-fact permit for the tree removal. He recommended 60 days to comply or a fine of \$25.00 per day, per violation.

Mr. Conner 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 CE03040372

Rand Industries Realty
4875 North Federal Highway

Continued from November 6, 2003

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

Mr. Frank Stockinger, Community Inspections Officer, testified that the parking area lacked striping and wheel stops; the property was covered with dead or missing ground cover and trees and a non-working irrigation system; the parking lot drains were not working, resulting in standing water, and the walls and concrete landscape barriers were dirty. Mr. Stockinger noted that the owners had been working on the property.

Mr. Thomas Ansbro, representative for the respondent, stated that the owner had worked diligently to resolve the problems. They currently had a contract costing \$30,000 to repair the drains; the building was also to be painted, landscaped, and the parking lot was to be repaved. He thought this could be completed in 90 days. Mr. Stockinger presented photographs of the property that were accepted into evidence as respondent's composite 1 and recommended 90 days to comply or a fine of \$50.00 per day, per violation.

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

Reference CE03091933

Jacques Baptiste
631 Arizona Avenue

Sec. 9-281(b): Rubbish, trash, and inoperable, unlicensed vehicle on property; Sec. 9-305(b): Dead tree on property; Sec. 9-278(g): Missing/torn screens

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

Mr. Burt Fletcher, Community Inspections Officer, testified that there was a dead palm tree on the property, and some windows at the property had torn, bent or missing screens; Section 9-281(b) was now complied. Mr. Fletcher presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Jacques Baptiste, respondent, explained that he had been hospitalized for a few weeks and had recently paid to have the trash and the dead tree removed. He has not been able to replace the screens yet.

Mr. Stockinger pointed out to Mr. Baptiste that the dead palm tree was still there and needed to be removed. He recommended 14 days to comply Sections 9-305(b) and 9-278(g), or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with Sections 9-305(b) and 9-278(g) within 14 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03091757

J.A. & Helga Hindenberger
1313 Northeast 15th Avenue

Sec.18-1: Inoperable, unlicensed vehicle on property; Sec. 9-280(h)(1): Fence in disrepair; Sec. 9-306: Peeling paint/stained surfaces; Sec. 9-308 (a): Roof shingles in disrepair

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

Mr. Leonard Ackley, Community Inspections Officer, testified that there was an unlicensed, inoperable truck in the front yard; the fence was in disrepair; the house had areas of chipping, peeling paint, and the roof was in disrepair. He presented photographs of the property that were accepted into evidence as City composite exhibit 1. Mr. Ackley recommended 45 days to comply with Sections 9-306, 9-308(a) and 9-280(h)(1) or a fine of \$25.00 per day, per violation, and 7 days to comply with Section 18-1 or a fine of \$25.00 per day.

Mr. John Hindenberger, owner, explained that the truck was licensed, he had obtained a permit to replace the roof, the house was due to be painted and the fence was not his. Mr. Ackley stated that he would check on the ownership of the fence.

Mr. Conner found in favor of the City and ordered compliance with Sections 9-306, 9-308(a) and 9-280(h)(1) within 45 days and Section 18-1 within 7 days or a fine of \$25.00 per day, per violation would be imposed. In the event that the fence belonged to the adjacent property, the violation would be dismissed.

Reference CE03101669

Gladys Edwards Estate
1237 Northwest 24th Avenue

Sec. 9-279(f): No City water service;
Sec. 9-281(b): Derelict vehicle and overgrowth on property

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was no City water service to the property; she further stated that this was a repeat violation per Special Master order CE01070141 dated August 16, 2001. She also testified there was an unlicensed, inoperable vehicle and overgrowth on the property. She had researched the water bill and found a balance of \$918.53. Ms. Pingitore presented a photograph of the property and a copy of the water bill that were accepted into evidence as City composite exhibit 1.

Ms. Veronica Hunter, daughter of the deceased owner, explained that she was living in the house. She was currently unemployed due to an injury. Mr. Conner asked if there were

any municipal services to help with her bills. Ms. Hunter informed him that her church had given her \$600.00 but the water bill had just kept adding up.

Ms. Pingitore recommended 30 days to comply or a fine of \$10.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 30 days or a fine of \$10.00 per day, per violation would be imposed.

Reference CE03022233

Tarmac America LLC
2660 Southwest 2nd Avenue

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on May 1, 2003 with compliance ordered by July 30, 2003. On August 7, 2003 the date was extended to October 6, 2003; on October 6, 2003 the date was extended to November 2, 2003 and on November 6, 2003 the date was extended to December 4, 2003. Fines had accrued in the amount of \$850.00

Ms. Barbara Hall, representative for Tarmac America, explained that while the company was making improvements in March, the City asked them to install an opaque fence. The existing vegetation needed to be removed to accommodate the fence. They were then cited for not maintaining the vegetation. They had gone through a zoning revue to replace the vegetation with the fence. They had obtained the DRC approval in October and then applied for the permits, which were still in process. She requested 60 more days to complete the work. Mr. Conner asked Mr. Hudak if he objected to an extension. Mr. Hudak stated that he had been told that there should be no more extensions.

The Assistant City Attorney stated that this owner had been a "model violator" and the City had kept them on a very short leash. The only way to keep track of the progress was to keep granting extensions. Mr. Conner asked how many extensions had been granted. Ms. Hall stated that there had been three; one was because the zoning administrator needed time to determine if conditional use approval was required. Mr. Conner agreed to a 90-day extension but noted that this would be the last.

Mr. Conner granted a 90-day extension.

Reference CE03101032

Michel & Yolaine Jeannot
1555 West Sunrise Boulevard

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-307(a): Windows in disrepair

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

Mr. Andre Cross, Community Inspections Officer, testified that there was trash and overgrowth on the property; the fence was in disrepair, and the windows were not tight-fitting and water proof. He presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Michel Jeannot, respondent, informed Mr. Conner that he had been unaware of the condition of the property until he was cited. He had been waiting for the City to inform him exactly what work must be done on the property. He had been informed that he must demolish part of the building and rebuild other parts. The fence was already repaired, which should prevent homeless people from living there and littering the property. Mr. Cross recommended 7 days to comply Section 18-27(a), 30 days to comply Sections 9-280(h)(1) and 9-307(a) or a fine of \$25.00 per violation, per day.

Mr. Conner found in favor of the City and ordered compliance with Section 18-27(a) within 7 days, and with Sections 9-180(h)(1) and 9-397(a) within 30 days or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03102514

Henry Johnson
1519 Northwest 12th Court

Sec. 9-281(b): Inoperable, unlicensed vehicles on property which pose a serious threat to public health, safety, and welfare; Sec. 9-281(b): Trash and debris scattered on property

Ms. Batchelder announced that certified mail had been accepted on November 18, 2003.

Mr. Andre Cross, Community Inspections Officer, testified that there was a burgundy Chrysler 5th Avenue, a light blue Ford pickup truck, a white Ford Ranger and a beige lawn trailer on the property. There was also trash and debris on the property. He presented photographs of the property that were accepted into evidence as City composite exhibit 1.

The Assistant City Attorney stated that the City now wanted the ability to tow derelict vehicles. In order to accomplish this, the Special Master should find that the vehicle posed a serious threat to public health, safety and welfare.

Mr. Henry Johnson, respondent, informed Mr. Conner that he would try to get the vehicles licensed, but noted that the "trash" Mr. Cross had cited him for was his barbeque equipment and garden furniture. Mr. Johnson presented photographs of the property that were accepted into evidence as respondent's composite exhibit 1. Mr. Cross conceded to the furniture, but reminded Mr. Johnson that the cars must be operational, not just licensed. Mr. Cross recommended 7 days to comply or a fine of \$100.00 per day or the cars would be towed.

Mr. Conner found in favor of the City, stating the vehicles a serious threat to the public health, safety and welfare and ordered compliance within 14 days, or a fine of \$100.00 per day would be imposed or the cars would be towed. He dismissed the trash violation of Section 9-281(b).

Reference CE03012363

Jean-Heric Jourdian
1515 Northwest 7th Avenue

Sec. 47-20.13 A: Driveway in disrepair;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-281(b): Trash, rubbish and unlicensed,
inoperable vehicles on property

Ms. Batchelder announced that certified mail had been accepted on November 19, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that the gravel parking area was not kept in a smooth, well-graded condition; there were areas of bare sand and weeds, and there was trash, debris and the following unlicensed, inoperable vehicles on the property: a Blue Honda and a beige Dodge station wagon. Ms. Haskins presented photographs of the property that were accepted into evidence as City composite exhibit 1. She recommended 30 days to comply Section 47-20.13 A or a fine of \$50.00 per day; 30 days to comply Section 47-21.8 A or a fine of \$25.00 per day and 7 days to comply Section 9-281(b) or a fine of \$100.00 per day or the vehicles would be towed.

Mr. Jean-Heric Jourdian stated that all but one of the remaining cars were licensed; that car belonged to his cousin who licensed it yesterday. Ms. Haskins stated that she needed to return to reinspect.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 47-20.13 A within 60 days or a fine of \$50.00 per day;
- Section 47-21.8 A within 60 days or a fine of \$25.00 per day and,
- Section 9-281(b) within 7 days or a fine of \$100.00 per day would be imposed or the vehicles would be towed. He found that the vehicles presented a detriment to the community.

Reference CE03071495

2502 Building LLC
2500 East Oakland Park Boulevard

Sec. 9-280(g): Electrical components
not maintained; Sec. 9-306: Ceilings and walls
water-damaged due to roof leak

Ms. Batchelder announced that certified mail addressed to the company had been accepted on November 28, 2003 and certified mail addressed to the registered agent had been accepted on November 25, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that electrical fixtures were not maintained in safe working order with exposed wiring and inoperable fixtures due to past roof leaks, and there was extensive water damage to ceilings and walls due to past roof leaks. Ms. Haskins presented photographs of the property that were accepted into evidence as City composite exhibit 1. She noted that the property was originally cited four months ago and the owner had replaced the roof but not repaired the interior.

Dr. Paul Klein, owner, informed Mr. Conner that he had experienced a problem obtaining the permit for the roof. After that there had been an insurance claim concerning mold. The repairs could not be made until the mold was investigated, treated and removed. He thought the permit would probably be obtained within a week or so and repairs could be completed in 90 days.

Ms. Haskins noted that no permits had been applied for regarding the electrical problems. Dr. Klein stated that his medical practice was located in the building and he had as much interest in repairing the building as the other tenants. The insurance claim was the cause of the delays.

Ms. Janeanne Morton, a tenant of the building, stated that she informed the landlord of a roof leak on April 29 and again in May. He had not responded. At the end of May it had rained inside her store. When she informed the landlord, his response had been to "buy some buckets." She had obtained the mold report in June at her own expense. The public adjusters had informed her that the insurance carrier wanted to take care of this but the landlord was holding up the process.

Dr. Klein noted that the electrical problems could not be addressed safely until the mold was treated.

Mr. Conner found in favor of the City and ordered compliance with Section 9-280(g) within 7 days and with Section 9-306 within 60 days or a fine of \$100.00 per day, per violation.

Reference CE03080151

RWL 3 Inc.
917 Northeast 20th Avenue

Sec. 47-22.9: Signs without permits

Ms. Batchelder announced that certified mail addressed to the company had been accepted on November 1, 2003; certified mail addressed to the registered agent had been accepted on October 31, 2003, and certified mail had been returned unclaimed on September 18 & 27 and October 23, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that there were numerous unpermitted signs on the building. A permit had been applied for and was currently in the approval process. She recommended 30 days to comply or a fine of \$25.00 per day.

Mr. Gerald Ray, tenant, stated that the landlord had been receiving the notices and throwing them away, so Mr. Ray had been unaware of the violations. He supplies sketches and photographs of the property that were accepted into evidence as respondent's exhibit 1 and 2 respectively. Mr. Ray thought the permits could be obtained within 30 days.

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

Reference CE03110182

Yucel Aydogdo & Aliriza Cevelek
5201 Northwest 9th Avenue

Sec. 15-28: Required occupational license

Ms. Batchelder announced that certified mail addressed to the tenant had been accepted (no date on card) and certified mail addressed to the owner had been accepted on November 21, 2003.

Ms. Linda Nigg, Occupational License Inspector, testified that the company was engaging in business without obtaining an occupational license. She recommended 14 days to comply or a fine of \$250.00 per day.

Mr. Errol Civelek informed Mr. Conner that he was representing his brother, the owner. He stated that the owner was applying for a variance but this would take perhaps three months. Mr. Alfonse Mazzarella informed Mr. Conner that he was representing his son, the tenant. Mr. Mazzarella explained that this was a repossession business. After leasing the property they were informed that zoning would not allow them to operate a repossession/storage business on the property. The lease agreement stated that this was a repossession business and could operate as such. Mr. Conner stated that they had 7 days to obtain a license or move.

The Assistant City Attorney stated that the variance could be sought, but if this could not be accomplished they would have to cease operations until the variance was obtained. Mr. Mazzarella felt it unfair to allow only 7 days to obtain the variance or find another location. The Assistant City Attorney thought they could allow 14 days.

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

Reference CE03081082

J., D., P., K., M., J.M., H.,
& Andrew Gallagher
71 Compass Isle

Request for Extension

Ms. Batchelder announced that this case was originally heard on November 6, 2003 with compliance ordered by November 13 and 20, 2003, December 6, 2003 and March 6, 2004. The first three violations that were due by November 20 were complied so no fines had begun yet.

Mr. Alan Kozich, the architectural and structural engineer for the property, stated that he had examined the property in November. He was investigating the problem with the sea wall to determine what repairs still needed to be done. He requested a 6-month extension since so many repairs needed to be made. He could repair the electric problems within one week, but the structural elements would take considerably longer.

Mr. Conner granted a 30-day extension to comply Sections 9-280(b), 9-280(c), 9-280(g), 9-280(h)(1), 9-280(h)(2), 9-306, 9-308(b), and 9-308(c), making the new compliance date June 6, 2004.

Reference CE03070858

Robert Martin Lee Jr.
702 Northwest 6th Avenue

Request for extension of Time

Ms. Batchelder announced that this case was originally heard on November 6, 2003 with compliance ordered by November 13 and December 6, 2003. The property was still not complied.

Mr. Robert Lee, respondent, explained that the vehicle violation had been corrected and Mr. Kaplan agreed. Mr. Lee informed Mr. Conner that there had been a delay in the permitting process. He felt he needed 6 months to complete construction.

Mr. Conner granted a 6-month extension for Section 47-10.9.

Reference CE03090104

Benjamin & Rosa Bugarin
501 Southeast 22nd Street

Request for extension of Time

Ms. Batchelder announced that this case was originally heard on November 6, 2003 with compliance ordered by December 6, 2003. No fine had accrued.

Mr. Benjamin Bugarin, respondent, stated that he had a contract to repair the parking lot and requested an additional 90 days to comply. Mr. Nobles confirmed that 5 of the other violations were complied but he needed to reinspect the last 2.

Mr. Conner granted a 90-day extension for Section 47-20.13.A

Reference CE00110629

Carol B. Story Estate
717 Southeast 14th Court

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on September 5, 2003 with compliance ordered by November 4, 2003. On November 7, 2003 the date was extended to March 7, 2003 and the fines were abated. On February 20, 2003 the date was extended to November 20, 2003. Fines now stood at \$1,050.00. Sections 9-280(h)(1) and 9-313(b) were complied on November 4, 2003. Sections 9-306, 9-307(a), and 9-308 were still not complied.

Ms. Carol Lee Schweitzer, personal representative for the property, informed Mr. Conner that the house was still in probate and she was in the process of selling it. She requested an extension until after the sale of the house as the prospective owner had plans to restore the house.

The Assistant City Attorney stated that the case dated back to 2000 and the City felt "enough was enough" and opposed any extension.

Mr. Conner granted a 30-day extension but did not abate the fines.

Reference CE03061175

Donna & Leona Riegel
1141 North Andrews Avenue

Request for Extension of Time

Ms. Batchelder announced that this case was originally heard on October 2, 2003 with compliance ordered buy December 1, 2003. Fines had accrued in the amount of \$150.00.

Ms. Donna Riegel, respondent, stated that they needed another 30 days to finish repairs on the fence. After the fence was installed the property would get new sod.

Mr. Conner granted a 30-day extension.

Reference CE03102518

Waldo & Patricia Morales
1219 Northwest 14th Court

Sec. 9-281(b): Inoperable, unlicensed vehicles on property which pose a serious threat to public health, safety, and welfare; Sec. 9-281(b): Trash and debris on property; Sec. 9-306: Peeling paint/ stained surfaces

Ms. Batchelder announced that service was via the appearance of a representative of the owner at this proceeding.

Mr. Andre Cross, Community Inspections Officer, testified that there was a grey Grand Marquis and a red Chevy or Dodge flat bed commercial vehicle on the property; there was trash and debris scattered on the property and there were areas of peeling, stained paint on the building. He presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Alexander Morales, brother of the owner, stated that he could take care of the trash and paint problems within 14 days, but could not move the vehicles as they belonged to the tenants. Mr. Conner told Mr. Morales that he needed to inform the tenants that their vehicles would be towed.

Mr. Conner found in favor of the City and stated the vehicles presented a threat to public health and safety and ordered compliance with the vehicle violation of Section 9-281(b) within 10 days or a fine of \$100.00 per day would be imposed or the vehicles would be towed, and 14 days to comply with the trash violation of Section 9-281(b) and Section 9-306 or a fine of \$25.00 per day, per violation.

Reference CE03072000

Dania Economic Development Corp. Sec. 9-306: Chipping, peeling paint;
1625 Northwest 17th Lane Sec. 9-308 (a): Roof shingles in disrepair

Ms. Batchelder announced that certified mail addressed to the company had been accepted on November 18 & 21, 2003; certified mail addressed to the registered agent had been accepted on November 18, 2003, and certified mail addressed to an officer of the company had been accepted on November 18 & 25, 2003.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of chipped and faded paint on the building and the roof was not secure and water tight. He presented photographs of the property that were accepted into evidence as City composite exhibit 1 and recommended 30 days to comply or a fine of \$25.00 per day, per violation.

Mr. Jerry Carter, the Director of Dania Economic Development Corp, explained that his agency utilized public funds to acquire foreclosed properties and rehabilitate and sell them. This property was a Fort Lauderdale project. He did not feel 30 days would be sufficient time to complete improvements.

The Assistant City Attorney stated that this property should be maintained to meet the minimum housing code requirements like any other property.

Mr. Conner 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.

Hearing for Order to Impose the Fine - Massey Hearing

Reference CE03032255

Parc Victoria Inc.
1700 Northeast 5th Street

The Assistant City Attorney asked that this case be taken out of order.

The Assistant City Attorney announced that this case was originally heard on June 19, 2003 with compliance ordered by July 19, 2003. The date was later extended to October 4, 2003. The property was now complied but fines had accrued in the amount of \$13,800.00.

The property owner had been present earlier and had spoken with the Assistant City Attorney and Mr. Simmons who had agreed to reduce the fine to \$3,450.00. The property owner had agreed to pay this fine. She asked Mr. Conner to find that compliance was not timely made and abate the fine to \$3,450.00. She informed Mr. Conner that the owners had given the City a check to hold until the resolution of the appeal of the original Special Master order.

Mr. Conner imposed the fine in the amount of \$3,450.00.

End of Hearing to Impose the Fine

Reference CE03080317

Edward Utyro & Gary Hauler
1441 Southwest 5th Court

Sec. 8-91(b): Dock in disrepair

Ms. Batchelder announced that certified mail had been accepted on November 13, 2003.

Mr. Dan Mullarkey, Community Inspections Officer, testified that the dock at the rear of the property was in disrepair. He had spoken to the owner and agreed to recommend 45 days to comply or a fine of \$25.00 per day. He presented photographs of the property that were accepted into evidence as City composite exhibit 1.

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

Reference CE03110186

Lake Conway Woods Development Corp./
Commerce Center Development Corp.
5450 Northwest 33rd Avenue Sec. 15-28: Required occupational license
Tenant: Media Design Associates

Ms. Batchelder announced that certified mail addressed to the tenant and the registered agent had both been accepted on November 26, 2003 and certified mail addressed to the company and officers of the company had both been accepted on November 28, 2003.

Ms. Linda Nigg, Occupational License Inspector, testified that the company was engaging in business without obtaining an occupational license. She noted that they were having zoning problems and recommended 10 days to comply or a fine of \$100.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 10 days, or a fine of \$100.00 per day would be imposed.

Reference CE03090552

Myron & Sandra Beard Sec. 47-34.4 B.1: Commercial vehicles stored on
528 Southwest 22nd Terrace property

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

Ms. Peggy Burks, Community Inspections Officer, stated that there was a 6-wheeled commercial truck on the property. She recommended 14 days to comply or a fine of \$100.00 per day. She presented photographs of the property that were accepted into evidence as City composite exhibit 1.

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

Reference CE03100163

Jerome & Kathleen Fadgen Sec. 9-280(h)(1): Fence in disrepair;
2514 Southwest 9th Avenue Sec. 9-308 (a): Roof shingles in disrepair

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

Mr. Todd Nobles, Community Inspections Officer, testified that the wooden fence was in disrepair; Section 9-308(a) was now complied. He had spoken with the owner and agreed to recommended 14 days to comply Section 9-280(h)(1) or a fine of \$25.00 per day. Mr. Nobles presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with Section 9-280(h)(1) within 14 days, or a fine of \$25.00 per day would be imposed.

Reference CE03090840

Sheba Properties Inc.
3640 West Broward Boulevard
Tenant: Carib Custom Upholstery

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

Ms. Batchelder announced that certified mail addressed to the registered agent was accepted on October 26, 2003 and certified mail addressed to the tenant was accepted on November 28, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was an unlicensed, inoperable white Kurb Master truck, old furniture and trash on the property. He recommended 14 days to comply or a fine of \$100.00 per day or the vehicle would be towed. Mr. Fletcher presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Conner found the vehicle a threat to public health, safety and welfare and ordered compliance within 14 days or a fine of \$100.00 per day would be imposed or the vehicle would be towed.

Reference CE03102098

Capital Homes and Investments, Inc.
1010 Atkinson Avenue

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

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

Mr. Burt Fletcher, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property, including: a maroon Oldsmobile and a maroon Pontiac. He recommended 7 days to comply or a fine of \$100.00 per day or the vehicles would be towed. Mr. Fletcher presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Conner found in favor of the City and stated the vehicles presented a serious threat to the public health, safety and welfare, and ordered compliance within 7 days or a fine of \$100.00 per day would be imposed or the vehicles would be towed.

Reference CE03102260

Danielle Lightbourne
501 Southwest 31st Avenue

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

Ms. Batchelder announced that certified mail had been accepted on November 18, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the house and fascia were dirty and covered with mold. He informed Mr. Conner that the roof had been pressure cleaned, so only the painting remained. He recommended 30 days to comply or a fine of \$25.00 per day. Mr. Ackley presented photographs of the property that were accepted into evidence as City composite exhibit 1.

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

Reference CE03102617

1033 Trust
1033 Northeast 9th Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-281(b): Rubbish, trash, and inoperable,
unlicensed vehicle on property;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(a): Broken door

Ms. Batchelder announced that certified mail was accepted on November 28, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the parking area was not maintained; some windows lacked screens; there was trash, litter, overgrowth and an unlicensed, inoperable vehicle on the property; paint was peeling, chipping and dirty, and the front door was damaged and not water tight and rodent proof. He had a stipulated agreement from Mr. George Ollinger, one of the owners, agreeing to 45 days to comply, or a fine of \$50.00 per day, per violation. Mr. Ackley presented photographs of the property that were accepted into evidence as City composite exhibit 1.

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

Reference CE03110326

Nydra Shay Flowers
1831 Northwest 27th Terrace

Sec. 9-281(b): Unlicensed, inoperable
vehicles on property. Per CE02081204 &
CE02060017 this is a recurring violation

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

Mr. Andre Cross, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property. He recommended a fine of \$100.00 per day

retroactive to the date of non-compliance. Mr. Conner was not comfortable imposing a fine and Ms. Batchelder suggested rescheduling the case until Ms. Pingitore was available to present the case.

Mr. Conner continued the case to December 16, 2003.

Reference CE03072300

Lisa Crain
3381 Southwest 20th Street

Sec. 18-1: Derelict vehicle on property;
Sec. 18-27(a): Overgrowth on property;
Sec. 9-281(b): Rubbish, trash, and debris
on property; 9-307(b): Required window ventilation
and light

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was a derelict blue 4-door Oldsmobile on the property; the property was overgrown and there was trash and rubbish on the property. Inspector Lopez further testified there were windows improperly boarded on the property. He presented photographs of the property that were accepted into evidence as City composite exhibit 1. Mr. Lopez recommended 7 days to comply Section 18-1 or a fine of \$100.00 per day or the vehicle would be towed, and 7 days to comply Sections 18-27(a), 9-307(b) and 9-281(b) or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with:

- Sections 18-27(a) and 9-281(b) within 7 days or a fine of \$25.00 per day, per violation would be imposed and
- Section 18-1 within 7 days or a fine of \$100.00 per day would be imposed or the vehicle would be towed and he stated the vehicles presented a serious threat to the public health, safety and welfare

Reference CE03082308

Stephen & Teri McClaren
3150 Southwest 20th Street

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

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was trash, rubbish and debris scattered on the property. He has spoken with the owner and agreed to recommended 7 days to comply or a fine of \$25.00 per day. Mr. Lopez presented photographs of the property that were accepted into evidence as City composite exhibit 1.

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

Reference CE03091815

Fairfield Park, Inc.
3353 Davie Boulevard

Sec. 24-29(a): Garbage accumulated around
dumpster; Sec. 9-304(a): Maintenance of parking
area

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was trash accumulated outside the dumpster; Section 9-304(a) was now complied. He recommended 7 days to comply Section 24-29(a) or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance with Section 24-29(a) within 7 days or a fine of \$50.00 per day would be imposed.

Reference CE03101592

Cortez Family Trust
1330 Southwest 38th Avenue

Sec. 47-34.1 A.1: Outdoor storage on property

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was outside storage and use of a washing machine on the property. He had spoken with the owner and agreed to recommended 7 days to comply or a fine of \$50.00 per day. Mr. Lopez presented a photograph of the property that was accepted into evidence as City exhibit 1.

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

Reference CE03110325

Franklin Mitchell
3381 Southwest 16th Street

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

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that the fence on the property was in disrepair. He had spoken with the owner, who was in the process of obtaining a permit to replace the fence. He recommended 30 days to comply or a fine of \$50.00 per day.

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

Reference CE03100301

United Investment Funding, Inc.
1225 Northwest 14th Court

Sec. 47-21.8: Landscape maintenance;
Sec. 47-34.1 A.1: Permitted uses; outside
storage on property; Sec. 9-281(b): Rubbish,
trash, and inoperable, unlicensed vehicles on
property

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

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead or missing ground cover; there was outside storage of mechanical parts on the property, and there was trash and rubbish and a green Cutlass and a white Cadillac Seville on the property. He recommended 30 days to comply with Section 47-21.8 or a fine of \$25.00 per day; 7 days to comply Section 47-34.1 A.1 or a fine of \$25.00 per day, and 7 days to comply Section 9-281(b) or a fine of \$100.00 per day or the vehicles would be towed. Mr. Cross presented photographs of the property that were accepted into evidence as City composite exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 47-21.8 within 30 days or a fine of \$25.00 per day;
- Section 47-34.1 A.1 within 7 days or a fine of \$25.00 per day, and
- Section 9-281(b) within 7 days or a fine of \$100.00 per day or the vehicles would be towed and he stated the vehicles present a serious threat to the public health, safety and welfare.

Reference CE03100883

Desmond Goldson
1043 Northwest 17th Avenue

Sec. 47-21.8: Landscape maintenance;
Sec. 18-27(a): Overgrowth on property;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Batchelder announced that personal service had been made to the owner's uncle by Inspector Pingitore on November 22, 2003.

Mr. Andre Cross, Community Inspections Officer, stated that there were areas of missing ground cover and bare sand on the property; Sections 18-27(a) and 9-306 were now complied. He recommended 30 days to comply Section 47-21.8 or a fine of \$25.00 per day. Mr. Cross presented photographs of the property that were accepted into evidence as City composite exhibit 1.

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

Reference CE03010914

Sarah Hawkins
1416 Northwest 1st Avenue

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

Ms. Batchelder announced that certified mail had been accepted on November 19, 2003.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was an unlicensed, inoperable Nissan van on the property. She recommended 7 days to comply or a fine of \$100.00 per day or the vehicle would be towed. Ms. Haskins presented a photograph of the property that was accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and that the vehicle presented a serious threat to the public health, safety and welfare; he ordered compliance within 7 days or a fine of \$100.00 per day would be imposed or the vehicle would be towed.

Reference CE03092418

Thomas Taylor
1404 Northeast 1st Avenue

Sec. 47-21.8: Landscape maintenance;
Sec. 9-281(b): Overgrowth on property

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

Ms. Deborah Haskins, Community Inspections Officer, testified that there were areas of dead ground cover on the property: Section 9-281(b) was now complied. She recommended 30 days to comply Section 47-21.8 or a fine of \$25.00 per day. Ms. Haskins presented a photograph of the property that was accepted into evidence as City exhibit 1.

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

Reference CE03100830

Ambroise Mathurin & Louis Joseph
1027 Northwest 5th Avenue

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

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

Ms. Deborah Haskins, Community Inspections Officer, testified that there was an inoperable gold Toyota van stored on the property. She recommended 7 days to comply or a fine of \$100.00 per day or the City would tow the vehicle. Ms. Haskins presented a photograph of the property that was accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and that the vehicle presented a serious threat to the public health, safety and welfare; he ordered compliance within 7 days or a fine of \$100.00 per day would be imposed or the car would be towed.

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:

CE03060990	CE03100174	CE03101590	CE03102115
CE03070733	CE03100187	CE03101595	CE03102233
CE03071292	CE03100189	CE03101808	CE03102251
CE03071648	CE03100592	CE03101809	CE03102303
CE03082027	CE03100731	CE03101996	CE03102516
CE03090253	CE03100831	CE03101999	CE03102517
CE03091292	CE03101031	CE03102002	CE03102523
CE03091555	CE03101186	CE03102003	CE03102667
CE03091948	CE03101211	CE03102008	CE03110188
CE03092211	CE03101297	CE03102009	CE03110535
CE03092314	CE03101416	CE03102028	
CE03100131	CE03101497	CE03102038	

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:

CE03060118	CE03091702	CE03092463	CE03101625
CE03060120	CE03091968	CE03100474	CE03110308
CE03070647	CE03092043	CE03100836	CE03110646
CE03071825	CE03092088	CE03100837	
CE03080617	CE03092301	CE03100927	
CE03091680	CE03092369	CE03101371	

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:

CE03010222	CE03102433	CE03102558
------------	------------	------------

Orders to Impose the Fine

Ms. Batchelder presented Mr. Conner with 9 cases to sign the order to impose the fine which Mr. Conner signed based on the affidavits of the inspectors.

There being no further business, the hearing was adjourned at 1:15 P.M.

Special Master

ATTEST:

Clerk, Special Master