

SPECIAL MASTER HEARING
City Commission Meeting Room
Judge Daniel Futch, Presiding
February 5, 2004
9:00 A.M. – 11:30 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Jennifer Chenault, Secretary
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
Robert Guilford, Community Inspections Officer
Deborah Haskins, Community Inspections Officer
John Hudak, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Karl Lauridsen, Community Landscape 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
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer

Also Present:

Dan Barton, CE03120488, CE03090975
Vern Oscarson, CE04011948
Robert Bulfin, CE03102018
Rich Potter, CE04011948
Joseph Davis, CE03110089
Carolyn Wickham, CE03120824
Laurie Butler, CE03061548
Ronnie Spradlin, CE03012363
Sidney Royal, CE03012363
Thomas Baitis, CE03120879
Charles Rozelle, CE03092429
Douglas Fleishman, CE03120733, 03110309
Jules Leoner, CE03101875

NOTE: All individuals who presented information to the Special Master during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:00 A.M. Judge Futch introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

Massey Hearings

Reference CE03120488

Tarpon Arms Inc.
2301 Northwest 9th Court

Ms. Bazer announced that this case was originally heard on January 15, 2004 with compliance ordered by January 22, 2004. All violations were now complied and fines had accrued in the amount of \$1,200.00

Mr. Dan Barton, court-appointed receiver for the property, informed Judge Futch that he was made aware of the violation only yesterday and the violating vehicle had been removed from the property. The property was in the process of being sold and Mr. Barton worried that any fines might complicate the sale, so he asked judge Futch for any possible accommodation he could offer.

Mr. Lee Kaplan informed Judge Futch that the property was complied as of yesterday; the property was not in compliance by the ordered date. Mr. Barton asked Judge Futch to abate the fine.

Judge Futch abated the fine to \$600.00.

Reference CE03120824

Marvin & Carolyn Wickham
1001 Southwest 32nd Court

Ms. Bazer announced that this case was originally heard on January 15, 2004 with compliance ordered by January 22, 2004. The property was still not complied and fines had accrued in the amount of \$1,300.00.

Ms. Carolyn Wickham, respondent, stated that the car was licensed on December 12, 2003. Mr. Todd Nobles, Community Inspections Officer, stated that there had been a miscommunication problem; he had not heard from Ms. Wickham or her daughter regarding this. He did not object to the Judge's abating the fine.

Judge Futch abated the fine.

Reference CE03092429

Twenty Five LLC
201 North Federal Highway
Tenant: Tires Plus

Ms. Bazer announced that this case was originally heard on November 6, 2003 with compliance ordered by December 21, 2003. The original violation was now complied and fines had accrued in the amount of \$750.00.

Mr. Charles Rozelle, manager of the store pointed out that the tree had been replaced a year ago by a professional landscaper who had confirmed the type of replacement with the City. After the replacement was planted the property was cited for not replanting the same type of tree as the original.

Mr. Karl Lauridsen, Community Landscape Officer, stated that he and another inspector had both cited the property for the dead tree and the other inspector had given Mr. Rozelle incorrect information about the type of tree that should replace the dead one. The property was now complied but Mr. Lauridsen felt the property should still pay the fine. He presented copies of the landscape plan to Judge Futch.

Judge Futch abated the fine to \$375.00.

Reference CE03101875

Leonor Jules
1440 Northwest 20th Court

Ms. Bazer announced that this case was originally heard on December 18, 2003 with compliance ordered by December 25, 2003. One violation was still not complied and fines had accrued in the amount of \$4,100.00.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property was complied as of yesterday.

Mr. Leonor Jules, respondent, informed Judge Futch that the tenant owned the unlicensed car. The tenant was out of town until the first week of January. When the owner did not remove the car, Mr. Jules had called towing companies to remove it but they had refused since he was not the owner. He called Ms. Pingitore and informed her that he could not have the car towed. He finally found someone willing to tow the car at a cost of \$200.00 to Mr. Jules. It was then that the tenant finally moved the car himself. Mr. Jules felt it unfair that he had put over \$30,000.00 into the property to improve it only to be penalized for the tenant's mistake.

Ms. Pingitore noted that the code demanded the car be removed and it was the responsibility of the owner to contact the City when the property was complied. She stated that the City was opposed to any reduction of the fine.

Judge Futch signed the order to impose the fine.

End of Massey Hearing cases

Reference CE04011948

Re/Max Alliance C/O Richard Potter Sec. 47-21.12 A.4.c Improper mitigation for tree
5000 Northeast 28th Avenue removal

Ms. Bazer announced that personal service had been made by Inspector Lauridsen on January 30, 2004. Certified mail had been accepted on January 31, 2004.

Mr. Karl Lauridsen, Community Landscape Officer, testified that the owner had failed to install an equivalent replacement tree as approved by the department. He recommended compliance within 20 days or a fine of \$50.00 per day.

Mr. Richard Potter, owner of Re/Max Alliance, informed Judge Futch that the property the tree was on belonged to the City. After he obtained a permit to remove a tree from the property, he had spoken with Mr. Gennaro and confirmed that he could make a City Canopy Trust Fund donation of \$585.00 to the City in lieu of tree replacement. On the day the tree was removed another tenant in the building became very disturbed to the point of threatening the tree removal company workers. He called the City repeatedly that day to complain about the tree removal.

At noon, Mr. Potter brought his check to the City to donate to the trust fund and received a receipt from Mr. Gennaro. Mr. Potter apologized to Mr. Gennaro for the harassment he had suffered from the other building tenant. When Mr. Gennaro realized the complaints concerned Mr. Potter's property, he informed Mr. Potter that he needed the receipt back, returned the check, and told Mr. Potter he may be able to make the donation at a later date. He needed to make sure everything had been done correctly pursuant to the permit because of the harassment he had received from the other tenant.

On September 22, 2003 Mr. Gennaro informed Mr. Potter that instead of the \$585.00 donation he would need to install a 9" Live Oak. Mr. Potter determined that this would cost \$3,700.00. Mr. Potter was upset, as his original permit costs had already been approximately \$1,000.00. He noted that the requirements given to him by Mr. Gennaro conflicted with the code on several points. He had compiled a package regarding his objections and sent it to Greg Kisela, Assistant City Manager, Assistant City Attorney, City Commissioner Christine Teel, and David Gennaro. He subsequently met with Mr. Kisela and Mr. Gennaro on November 4. At the meeting, they informed Mr. Potter that he must install the tree; the trust fund donation was no longer an option. While speaking to Mr.

Potter, Mr. Gennaro admitted that the replacement requirements were poor and dropped the caliper replacement requirement to 5". This would now necessitate the removal and replacement of another tree, but the cost was much less than replacing a 9" caliper tree so Mr. Potter agreed.

On November 11, Mr. Potter faxed Mr. Gennaro and Mr. Kisela to determine what type of tree must be used for the replacement so he could obtain a permit. On December 2, Mr. Gennaro informed Mr. Potter that he must install 2 new trees but not remove the second tree. Mr. Potter discovered that Mr. Kisela, Mr. Gennaro and Mr. Oscarson from the Fish Peddler (the tenant who had complained about the original tree removal) and Gene Dempsey from Parks and Recreation had met without notifying him. Mr. Potter had obtained Mr. Gennaro's notes from the meeting via a public information request. In Mr. Gennaro's notes, he remarked that Mr. Oscarson from the Fish Peddler agreed to the new replacement plan. Mr. Potter was offended by this, as Mr. Oscarson was not an owner of the property and not a party to the permit; he was a complaining citizen who Mr. Gennaro and Mr. Kisela sought an agreement with based on his harassment of the City. Mr. Potter objected to Mr. Gennaro and Mr. Kisela's meeting with and seeking the approval of an uninterested third party without even informing Mr. Potter of the meeting. He felt this was unethical as well.

On December 8, Mr. Potter objected to Mr. Kisela and Mr. Gennaro via fax. He reminded them that the November 4 agreement was "tree for tree". By December 20, Mr. Potter had still not received a response so he faxed Mr. Gennaro again to remind him of the November 4 agreement. On December 23, Mr. Gennaro phoned Mr. Potter and informed him of the December 2 meeting but did not inform him that Mr. Oscarson had been present and was the reason for the new agreement. Mr. Potter mentioned that Mr. Oscarson had notified Howard Finklestien -- "Help Me Howard" -- regarding this matter; he had reported on this issue and showed the City in a very unflattering light.

On January 20, 2004, Mr. Potter spoke with Cecelia Holler, the new Assistant City Manager, and explained that he had met the terms of the replacement. Mr. Gennaro informed Ms. Holler that Mr. Kisela had implemented new requirements; she stated that she could not override this decision. On January 22, Mr. Lauridsen approved the 5" caliper Pink Trumpet replacement tree. On January 27, Mr. Potter met with Mr. Gennaro and Ms. Holler; Ms. Holler stated that the December 2 meeting disturbed her but she could not override Mr. Kisela's decision and suggested Mr. Potter meet with Mr. Silva, the Interim City Manager. Mr. Lauridsen interjected that the original replacement called for 9" of caliper; the 5" Pink Trumpet did not meet this requirement. Mr. Potter noted that originally the City characterized the old tree's condition as "fair" which required the 9" replacement; the tree had later been reclassified as "poor" and the replacement had been downgraded to 5".

On January 30, Mr. Potter received notice of the Special Master hearing; later that afternoon Mr. Potter met with Mr. Silva. Mr. Silva phoned Mr. Gennaro twice during this meeting to confirm information. Mr. Gennaro told Mr. Silva that trust fund donations were

only accepted in the case of new construction; therefore the trust fund option had never been available to Mr. Potter.

On February 4, Mr. Potter obtained records concerning donations to the trust fund showing 4 January deposits. He then requested the tree removal permits associated with those donations. He received a call later in the day from someone in the department explaining that it would take at least a couple of weeks for Mr. Gennero to research those permits.

Mr. Potter presented a package of documents to Judge Futch.

Mr. Lauridsen explained that Mr. Kisela had changed the requirements and Mr. Potter had not understood them. Mr. Potter pointed out his November 4 fax and Mr. Gennaro's acceptance of the terms therein. Mr. Potter again explained his disappointment concerning the meeting with Mr. Oscarson. Mr. Gennaro stated that Mr. Kisela called the December 2 meeting. Mr. Lauridsen reiterated that a plan revision was required for the dual tree replacement.

Mr. Vern Oscarson, owner of the Fish Peddler, presented photographs of the tree that was removed. He stated that he had not harassed anyone regarding the tree. He felt a tree should be planted to replace the removed tree. Mr. Oscarson wondered why an individual would want to remove a tree from City-owned property at his own expense. Mr. Potter explained that another tenant had tried to get the City to prune the tree but nothing had been done. The tree was damaging the sidewalk and street and it was later determined that the tree was infested with carpenter ants.

Mr. Lauridsen reiterated the City's position that a site revision was needed and replacements provided for two trees within 20 days or a fine of \$50.00 should be imposed. Mr. Gennaro and Mr. Potter discussed the November 4 agreement. Mr. Gennaro stated that Mr. Kisela's final determination had been for 2 replacement trees; Mr. Potter had still failed to provide these.

Judge Futch suggested an extension for the parties to meet and come to some agreement.

Judge Futch granted a 30-day extension.

Reference CE03061548

Laurie Butler
1557 Northwest 6th Street

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

Ms. Bazer announced that certified mail had been returned unclaimed on January 6, 14, and 22, 2004 and the owner was present at this proceeding.

Mr. Mike Donovan, Community Inspections Officer, testified that the board up certificate issued for the property had not been renewed, nor had the property been repaired,

rehabilitated or sold. He had met with Ms. Butler and agreed to allow an extension or 120 days or a fine of \$100.00 per day.

Ms. Laurie Butler, respondent, requested a 120-day extension as she was planning to build a new house on the property.

Judge Futch found in favor of the City and ordered compliance within 120 days or a fine of \$100.00 per day would be imposed.

Reference CE03102018

Sunrise Intracoastal Dental Center PA
900 Northeast 26th Avenue

Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail was accepted on December 11, 2003.

Ms. Ursula Thime, Community Inspections Officer, testified that the building was dirty and mildew-stained and paint was peeling. She presented photographs of the property and recommended 90 days to comply or a fine of \$50.00 per day.

Mr. Robert Bulfin, representative for the owner, stated that the owner had already hired a contractor to perform the repairs. The owner was currently involved in a dispute with the contractor who installed the windows on the ground floor over leaks in the windows. A new contractor was being retained to repair the leaks prior to repairing, cleaning and repainting. It was estimated that the window repairs would be complete by the end of April. Mr. Bulfin requested 90 days to comply.

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

Reference CE03110089

H. C. & Alice Davis
2451 Northwest 16th Street

Sec. 9-280(b): Windows in disrepair;
Sec. 9-280(g): Improperly installed A/C units;
Sec. 9-281(b): Overgrowth and trash on property;
Sec. 9-308 (b): Roof in disrepair

Ms. Bazer announced that certified mail was accepted on January 14, 2004 and an amended Notice of Violation was accepted on January 28, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that air conditioning units were improperly installed and not maintained; there was overgrowth and trash on the property; the roof was mildew-stained and not maintained; Section 9-280(b) was now complied. She presented photographs of the property and recommended 14 days to

comply with Sections 9-281(b) and 9-308(b) and 60 days to comply with Section 9-280(g) or a fine of 25.00 per day per violation.

Mr. Joseph Davis, grandson of the owner, informed Judge Futch that he had pressure cleaned the roof and repaired the window. He noted that the air conditioner was installed long ago, not recently, as Pingitore might have thought. Ms. Pingitore felt 60 days would be sufficient to determine how to handle the air conditioner problem.

Judge Futch found in favor of the City and ordered compliance with Sections 9-281(b) and 9-308(b) within 14 days, and with Section 9-280(g) within 60 days, or a fine of \$25.00 per day, per violation would be imposed.

Reference CE03110309

Inversiones El Elegido CA
1701 North Andrews Square

Sec. 47-20.13 A: Swales in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that service was via posting on the property and by the respondent's appearance at this proceeding.

Ms. Deborah Haskins, Community Inspections Officer, testified that the asphalt swales and aisles were excessively deteriorated and an aluminum awning was crushed. She presented photographs of the property and recommended 60 days to comply with Section 47-20.13 A and 30 days to comply Section 9-306 or a fine of \$100.00 per day per violation.

Mr. Douglas Fleishman, representative of the company, felt that a permit could be obtained and repairs made within 90 days. Ms. Haskins noted that the property was originally cited on November 5, 2003 and no action had been taken by the owner yet.

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

Reference CE03120733

Inversiones El Elegido CA
1701 North Andrews Square

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

Ms. Bazer announced that service was via posting and by the respondent's appearance at this proceeding.

Ms. Deborah Haskins, Community Inspections Officer, testified that the dumpster enclosure gates were in disrepair with broken boards and sagging gates. She presented photographs of the property and recommended 14 days to comply or a fine of \$50.00 per day. Mr. Fleishman agreed.

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

Reference CE03120879

Thomas Baitis
1245 Northeast 3rd Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Overgrowth and trash on property

Ms. Bazer announced that personal service had been made by Inspector Thime on February 1, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that the house paint was dirty and stained in areas; there was dead and missing ground cover on the property; the chain link fence was in disrepair, a repeat violation of CE02010435; there was overgrowth and trash on the property, a repeat violation of CE02010435. Section 9-281(b) was complied as of her reinspection. She recommended 14 days to comply or a fine of \$50.00 per day and asked Judge Futch to maintain jurisdiction for 5 years for the repeat violations.

Judge Futch found in favor of the City and ordered compliance within 14 days or a fine of \$50.00 per day per violation; he also agreed to maintain jurisdiction for 5 years for Sections 9-280(h)(1) and 9-281(b).

Reference CE03090975

William & Sandra Driesslein
1625 Northeast 15th Avenue

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on November 6, 2003 with compliance ordered by January 6, 2004.

Mr. Dan Barton, property manager, stated that the owner had spoken with Inspection Supervisor Murray and discussed the fact that the property had been granted a Certificate of Occupancy without a parking area. Mr. Murray had determined that even though the original site plan had not included a parking area in 1957, the City did have the authority to require one now. He requested 90 days to create the parking area.

Mr. Len Ackley, Community Inspections Officer, testified that fines had run since January 6. He asked Judge Futch to stop the fine and grant a 90-day extension.

Judge Futch granted a 90-day extension.

Reference CE03012363

Jean-Heric Jourdain
1515 Northwest 7th Avenue

Request for Extension of Time

Mr. Ronnie Spradlin, representative of the new owner, asked for a 120-day extension for the owner to perform extensive repairs and remodeling work.

Ms. Deborah Haskins, Community Inspections Officer, stated that she had been in close contact with the owner and the representative and had no objection to a 120-day extension.

Judge Futch granted a 120-day extension .

Reference CE03110578

Frances Cora Wynn Trust
700 Southwest 16th Avenue

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

Ms. Bazer announced that certified mail had been accepted on January 14, 2004.

Mr. Dan Mullarkey, Community Inspections Officer, testified that there was an unlicensed grey Honda on the property; the silver Toyota had been removed. He recommended 7 days to comply or a fine of \$100.00 per day or the vehicle would be towed.

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

Reference CE03120729

Gesner Williamceau
735 Northeast 13th Court

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

Ms. Bazer announced that certified mail was returned unclaimed on January 8 and 23, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was old furniture, appliances, and other debris on the property. He recommended 14 days to comply or a fine of \$25.00 per day.

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

Reference CE03120989

Roberto Pineyro & Lorraine Greve
1217 Northeast 5th Avenue

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

Ms. Bazer announced that certified mail had been returned unclaimed on January 6, 15, and 21, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was an unlicensed, inoperable silver Mercedes on the property; the trash had been removed. He recommended 7 days to comply or a fine of \$100.00 per day or the vehicle would be towed.

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

Reference CE03101640

Elizabeth Messner
1314 Southeast 1st Street

Sec. 9-280(g): Electrical components in disrepair;
Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-306: Missing paint

Ms. Bazer announced that certified mail had been accepted on January 21, 2004.

Mr. Robert Guilford, Community Inspections Officer, testified that there were improperly installed air conditioners on the property; there was trash and rubbish scattered on the property and the rear building needed paint. He presented photographs of the property to Judge Futch and recommended 30 days to comply or a fine of \$25.00 per day per violation. Mr. Guilford had spoken with the tenant and explained the needed repairs as the owner was an elderly woman and the tenant had agreed to make the repairs.

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

Reference CE03121651

Nexhip & Elton Karaj
1670 Northeast 56th Street

Sec. 24-28(a): Garbage accumulated around
dumpster; Sec. 15-28: Required occupational
license

Ms. Bazer announced that certified mail had been returned unclaimed on January 9, 15, and 24, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that there was only one trash cart for the four-unit building, resulting in trash being scattered around the cart; the property also lacked a current occupational license. He presented photographs of the property to Judge Futch and recommended 7 days to comply with Section 24-28(a) and 14 days to comply with Section 15.28 or a fine of \$50.00 per day, per violation.

Judge Futch found in favor of the City and ordered compliance with Section 24-28(a) within 7 days and with Section 15-28 within 14 days or a fine of \$50.00 per day, per violation would be imposed.

Reference CE03121873

Laura Riccetto
2173 Northeast 61st Court

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail had been returned unclaimed on January 13 and 28 and February 3, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that the lawn consisted of bare sand and weeds. He presented photographs of the property and recommended 14 days to comply or a fine of \$25.00 per day.

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

Reference CE03021122

Benny Brown
1721 Northwest 8th Place

Sec. 47-20.13 A: Driveway in disrepair;
Sec. 47-34.1 A.1: Permitted uses: vehicles stored on property; Sec. 9-281(b): Rubbish, trash, and inoperable, unlicensed vehicles on property;
Sec. 9-280(g): Electrical components in disrepair

Ms. Bazer announced that certified mail had been returned unclaimed on January 6, 11, and 21, 2004.

Mr. Mike Donovan, Community Inspections Officer, testified that the driveway was not maintained; vehicles were being stored on the property which was not a permitted use; there was rubbish, trash, and inoperable, unlicensed vehicles on the property and outside electrical components were not maintained. He presented photographs of the property and recommended 30 days to comply or a fine of \$50.00 per violation, per day.

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

Reference CE03080609

Carnell & Sylvia Mason
1601 Northwest 7th Street

Sec. 47-34.1 A.1: Permitted uses: vehicles stored on property; Sec. 9-278(g): Missing/torn screens;
Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-280(g): Electrical components in disrepair;

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Rubbish, trash, and inoperable,
unlicensed vehicle on property;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on January 13, 2004.

Mr. Mike Donovan, Community Inspections Officer, testified that screens were missing and torn; doors and windows were not weather proof and water proof; outside electrical components were not maintained; air conditioners were improperly installed; the fence was in disrepair and has missing and broken sections and there was trash, rubbish, and unlicensed, inoperable vehicles on the property; Sections 47-34.1 A.1 and 9-306 were now complied. He presented photographs of the property and recommended 30 days to comply the five remaining violations or a fine of \$50.00 per day per violation.

Judge Futch found in favor of the City and ordered compliance with Sections 9-278(g), 9-280(b), 9-280(g), 9-280(h)(1), and 9-281(b) or a fine of \$50.00 per day, per violation.

Reference CE03101987

Llewellyn & Jacqueline Ayton
1770 Lauderdale Manors Drive

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

Ms. Bazer announced that certified mail had been accepted on January 13, 2004.

Mr. Andre Cross, Community Inspections Officer, testified that there was an inoperable vehicle on the property; it now had a valid tag. He presented photographs of the property and recommended 7 days to comply or a fine of \$100.00 per day or the vehicle would be towed.

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

Reference CE03100052

Wayne Marshall
2608 Northeast 21st Terrace

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

Ms. Bazer announced that personal service had been made by Inspector Ackley on January 2, 2004.

Mr. Leonard Ackley, Community Inspections Officer, testified that the soffit was rotted and lacked paint; the roof was in disrepair and covered with mildew. He had spoken with the

owner, who was in the process of remodeling, and agreed to allow 45 days to comply or a fine of \$25.00 per day per violation.

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

Reference CE03120093

Stirrat 804 LLC
804 Northeast 16th Avenue

Sec. 47-22.3.U.1: Business sign on residential property

Ms. Bazer announced that certified mail was returned unclaimed on January 10, 15, and 25, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that there were two unpermitted, temporary builder's signs on the property that exceeded 16 square feet in display area. She had discussed the problem with various employees of the construction company but no action had been taken. Ms. Thime recommended 7 days to remove the signs or a fine of \$100.00 per day.

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

Reference CE03080849

Anslim & Charmaine Antoine
1805 Northwest 15th Place

Sec. 9-276(c)(2): Stagnant water in pool;
Sec. 9-281(b): Rubbish, trash, and inoperable, unlicensed vehicles on property

Ms. Bazer announced that certified mail was returned unclaimed on January 6, 14, and 22, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the pool was full of green, stagnant water; there were unlicensed, inoperable vehicles on the property and the property was overgrown and trash-strewn. She presented photographs of the property and recommended 7 days to comply or a fine of \$50.00 per day, per violation.

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

Reference CE03111448

Dorothy, L.G. II and G.D. Benton
1642 Northwest 25th Terrace

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-306: Peeling paint/stained surfaces

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead or missing ground cover; the garage and fascia were rotted and in disrepair and the paint was faded and peeling. She recommended 30 days to comply or a fine of \$50.00 per day per violation.

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

Reference CE03111649

Calvin Francis
1847 Lauderdale Manors Drive

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-278(b): Windows blocked by awnings;
Sec. 9-281(b): Overgrowth and inoperable,
unlicensed vehicle on property;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been returned unclaimed on January 6, 13, and 21, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the chain link fence was in disrepair; awnings were left in a down position, blocking light and ventilation; the property was overgrown; there was a disabled red Astro van on the property and there were areas of chipped paint on the building. She recommended 10 days to comply Sections 9-280(h)(1), 9-278(b), and 9-281(b) and 30 days to comply Section 9-306 or a fine of \$50.00 per day per violation.

Judge Futch found in favor of the City and ordered compliance with Sections 9-280(h)(1), 9-278(b), and 9-281(b) within 10 days and with Section 9-306 within 30 days or fine of \$50.00 per day, per violation would be imposed.

Reference CE04010338

Linval Ayton
1155 Northwest 15th Street

Sec. 9-281(b): Unlicensed, inoperable vehicle on property
Per Special Master orders CE03071962 8/21/03 and CE01031106 5/1/01 this is constant and repetitive.

Ms. Bazer announced that personal service had been made by Inspector Malik on January 10, 2004 to the owner's daughter.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property. Per Special Master orders CE03071962 8/21/03 and

CE01031106 5/1/01 this was a constant and repetitive violation. She had visited the property on February 2, 2004 and photographed a blue Chevrolet and a white van on the property. This property had 12 cases concerning disabled vehicles in 2003 and 2 cases in 2004. Ms. Pingitore recommended a fine of \$500.00 per day for 24 days of non-compliance and asked Judge Futch to record the order.

Judge Futch found in favor of the City, ordered a fine of \$500.00 per day for 24 days and agreed to record the order.

Reference CE03110350

HUB LLC
1620 Northwest 2nd Avenue

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-308 (b): Roof in disrepair

Ms. Bazer announced that certified mail addressed to the registered agent had been accepted on January 14, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that there were areas of bare sand on the lawn; the fascia and soffit were rotted; the paint was deteriorating and the roof tiles were mildew-stained. She had spoken with the owner's brother and agreed to recommend 30 days to comply or a fine of \$50.00 per day.

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

Reference CE03110351

Lejisnet & Laurent Acreus
1606 Northwest 2nd Avenue

Sec. 47-21.8: Landscape maintenance

Ms. Bazer announced that certified mail had been accepted on January 21, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that there were areas of bare sand on the lawn. She recommended 30 days to comply or a fine of \$50.00 per day.

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

Reference CE03120736

Guilaine Pierre
1641 Northwest 2nd Avenue

Sec. 18-27(a): Trash on property;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(a): Broken windows/doors;

Sec. 9-308 (b): Roof in disrepair

Ms. Bazer announced that certified mail was accepted on January 12, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that the lawn and swale were overgrown and littered with trash; the wood fence was rotted; the house paint was deteriorated in areas; there were windows with broken glass; the front door was rotting and deteriorating and the roof tiles were mildew-stained. She recommended 7 days to comply with Section 18-27(a) and 30 days to comply with the remaining sections or a fine of \$50.00 per day, per violation.

Judge Futch found in favor of the City and compliance with Section 18-27(a) within 7 days and with the remaining sections within 30 days or fine of \$50.00 per day, per violation would be imposed.

Cases Complied

Ms. Bazer 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:

CE03061597	CE03100331	CE03121116	CE03121490
CE03080636	CE03120197	CE03102556	CE03090565
CE03110104	CE03121600	CE04010324	CE03111465
CE03091429	CE03121449	CE03121450	CE03121763
CE03121684	CE03121887	CE04010525	CE03082306
CE03111753	CE03011754	CE03120150	CE03121439
CE03091296	CE03100927	CE03102111	CE03120313
CE03120701	CE03060120	CE03070001	CE03100839
CE03110349	CE03121024	CE03121488	CE03121761

Cases Pending Service

Ms. Bazer 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:

CE03120241	CE03101371	CE03120554	CE03120756
CE03051398	CE03120858	CE03081093	CE03110509
CE03121350			

Cases Rescheduled

Ms. Bazer 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:

Cases Withdrawn

Ms. Bazer 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:

CE03100039

CE03091067

Approved for Claim of Lien

Ms. Bazer presented Judge Futch with the following 18 cases to sign the order to impose the fine which Judge Futch signed based on the affidavits of the inspectors.

CE03062038

CE03071413

CE03091973

CE03100836

CE03102508

CE03102642

CE03110482

CE03110964

CE03120119

CE03120232

CE03120694

CE03120946

CE03020952

CE03051592

CE03051593

CE03091933

CE03092428

CE03100633

The following cases for claims of lien were heard earlier:

CE03120488

CE03120824

CE03092429

CE03101875

There being no further business, the hearing was adjourned at 11:30 A.M.

Special Master

ATTEST:

Clerk, Special Master