

SPECIAL MASTER HEARING
City Commission Meeting Room
Special Master Richard Conner, Presiding
March 18, 2004
9:00 A.M. – 10:15 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Jennifer Chenault, Secretary
Alberto Benavides, Community Inspections Officer
Mike Donovan, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
John Gossman, Community Inspections Officer
Deborah Haskins, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Dan Mullarkey, Community Inspections Officer
Maurice Murray, Community Code Supervisor
Cheryl Pingitore, Community Inspections Officer
Ken Reardon, Building Inspector
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer

Also Present:

James Smith, CE04011181
Leroy Dooling, 9414085
Frederick Fiore, CE03031945
Deborah O'Bier, CE04021258
Alcides Durosier, CE04010927
Le Thi Le, CE97010688
Mark Capwell, CE04021324

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.

Reference CE04011181

James Smith
737 Northwest 14th Terrace

Sec. 15-28: Required occupational license;
Sec. 18-1: Derelict vehicle on property;

Sec. 18-27(a): Trash on property;
Sec. 24-28(a): Required trash removal service;
Sec. 24-4: No building maintenance person;
Sec. 25-56(b): Sidewalk in disrepair;
Sec. 47-19.4 D.1: Dumpster not in approved enclosure;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.10 B.1: Required landscaping;
Sec. 47-21.8: Landscape maintenance;
Sec. 47-21.9 G.1: Code-required landscaping;
Sec. 47-34.1 A.1: Permitted uses: storage of unlicensed, inoperable vehicles;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-280(f): Deteriorated plumbing;
Sec. 9-280(g): Electrical components in disrepair;
Sec. 9-281(b): Rubbish, trash, and inoperable, unlicensed vehicle on property;
Sec. 9-306: Structure not maintained

Ms. Bazer announced that personal service had been made by Inspector Donovan on February 28, 2004.

Mr. Mike Donovan, Community Inspections Officer, testified that there was no occupational license for the building; the property was overgrown; there was no trash removal service; there was no manager on-site; the dumpster was not kept in an approved enclosure; the parking area was not maintained; the property did not meet City landscape codes; ground cover was missing; property did not meet retro landscape requirements; electrical component were not maintained; there was trash, rubbish and an unlicensed, inoperable vehicle on the property and the structure was not maintained. Sections 18-1, 25-56(b), 47-34.1 A.1, 9-278(g), 9-280(b), and 9-280(f) were now complied. Mr. Donovan presented photographs of the property that were accepted into evidence as City composite exhibit 1. He had met with the owner to discuss needed repairs and agreed with the owner on a date for compliance. All 3 of the 47-21 sections were to be fined as one violation. He recommended 60 days to comply or a fine of \$100.00 per day per violation.

Mr. Conner found in favor of the City and ordered compliance with the pending violations or a fine of \$100.00 per day, per violation would be imposed. All 3 of the 47-21 sections must also be complied in 60 days but would be fined at \$100.00 per day combined, not per violation.

Reference 9414085

Leroy Dooling
2016 Northwest 3rd Court

Request for abatement

Mr. John Gossman, Community Inspections Officer, testified that this was an old case. The property was now in compliance and supervisors had determined last month that the house was eligible for the amnesty program. Fines had accrued to \$1,800.00; amnesty was offered at \$450.00. Mr. Gossman stated that the City opposed abatement to any less than the \$450.00 offered by the amnesty program. Compliance was ordered by January 26, 1995 and the property was complied on February 5, 1995.

Mr. Leroy Dooling, respondent, felt there had been misunderstanding about the violations from the beginning. He had also missed the amnesty deadline by only one day.

Mr. Conner abated the fine to \$450.00.

Reference CE03031945

728 Group Inc.
728 Northwest 9th Avenue

Sec. 9-304(b): Maintenance of parking area

Ms. Bazer announced that certified mail had been accepted on March 2, 2004.

Mr. Ken Reardon, Building Inspector, testified that the parking area was not maintained; the asphalt was damaged and lacked the required striping. He recommended 60 days to comply or a fine of \$100.00 per day.

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

Reference CE04010927

Alfredo Cao
1233 Northwest 5th Avenue

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

Ms. Bazer announced that certified mail had been accepted on March 2, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was an unlicensed, inoperable yellow Cadillac stored on the property. She had spoken with the vehicle's owner, who agreed to comply within 7 days or a fine of \$100 per day.

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

Reference CE97010688

Le Thi Le
1312 Southwest 9th Street

Request for Abatement

Mr. Frank Stockinger, Community Inspections Officer, informed Mr. Conner that the fines had accrued to \$250.00; the amnesty amount was \$62.50. Ms. Le Thi Le, respondent, tearfully explained to Mr. Conner that her father had died, her mother and grandson were very ill and she was a single mother.

Mr. Conner abated the fine.

Reference CE04021324

Holiday Heights Corp.
1301 Northeast 13th Avenue

Sec. 9-308 (a): Roof shingles in disrepair

Ms. Bazer announced that the City requested a continuance for this case to April 1, 2004.

Mr. Conner continued the case to April 1, 2004.

Reference CE04011894

Laurie Tamkus
916 Mandarin Isle

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

Ms. Bazer announced that certified mail had been accepted on March 3, 2004.

Mr. Alberto Benavides, Community Inspections Officer, testified that there was an unlicensed, inoperable green GMC Sonoma truck on the property. He presented photographs of the property that were accepted into evidence as City composite exhibit 1 and recommended 7 days to comply or a fine of \$100.00 per day.

Mr. Conner found in favor of the city and ordered compliance within 7 days or a fine of \$100 per day would be imposed or the vehicle would be towed.

Reference CE04011711

Daniel Barton
908 Northeast 17th Terrace

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

Ms. Bazer announced that certified mail had been accepted on March 9, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that there was an unlicensed, inoperable blue Mitsubishi on the property. She had spoken with the property manager who informed her that the vehicle had already been towed; Ms. Thime agreed to reinspect the property this afternoon. Ms. Thime presented photographs of the property that were accepted into evidence as City exhibit 1. She recommended 7 days to comply or a fine of \$100.00 per day or the vehicle would be towed.

Mr. Conner 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 car would be towed.

Reference CE04011254

John & Wendy Bednardcik
2148 Northeast 61st Court

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail had been accepted on March 4, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that the yard consisted of weeds and dead grass. He had spoken with the landscape company and agreed to recommend 30 days to comply or a fine of \$25.00 per day.

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 CE04021163

Juni Inc.
5810 Northeast 14th Road

Sec. 9-281(b): Rubbish, trash, and inoperable, unlicensed vehicle on property; Sec. 47-21.8(a): Landscape maintenance; Sec. 24-27(b): Garbage carts left in right-of-way; Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that personal service had been made by Inspector Stockinger on March 17, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified there was trash, overgrowth and an unlicensed brown Ford Ranger truck on the property and the property was overgrown with weeds. Sections 24-27(b) and 9-281(h)(1) were now complied. Mr. Stockinger presented photographs of the property and an inspection history of the property that were accepted into evidence as City exhibits 1 and 2 respectively. He recommended 14 days to comply Section 47-21.8 A or a fine of \$100.00 per day and 7 days to comply Section 9-281(b) or a fine of \$250.00 per day with recurring violations fined at \$500.00 per day. Mr. Stockinger wanted the order recorded immediately as Section 9-281(b) was a continuous repetitive violation.

Mr. Conner found in favor of the City and ordered compliance with Section 47-21.8 A within 14 days or a fine of \$100.00 per day and with Section 9-281(b) within 7 days or a fine of \$250.00 per day.

Reference CE04020126

Motiva Enterprises LLC

Sec. 15-28: Required occupational license

6201 Northwest 9th Avenue

Ms. Bazer announced that certified mail addressed to the manager and the registered agent had both been accepted on March 4, 2004.

Mr. Skip Margerum, Community Inspections Officer, testified the car sales business was operating without a license. He presented photographs of the property that were accepted into evidence as City exhibit 1 and recommended 7 days to comply or a fine of \$50.00 per day. Mr. Conner asked for proof of the car sales. Mr. Margerum confirmed that according to his research, no license for car sales existed for that address.

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

Reference CE04011845

William & Melissa McDougale
620 East Melrose Circle

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

Ms. Bazer announced that personal service had been made by Inspector Donovan on March 15, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified there was an unlicensed, inoperable maroon Honda on the property and the fence was in disrepair. He presented photographs of the property that were accepted into evidence as City exhibit 1 and recommended 14 days to comply with Section 9-280(h)(1) or a fine of \$25.00 per day and 7 days to comply with Section 9-281(b) or a fine of \$100.00 per day or the vehicle would be towed.

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 and with Section 9-281(b) within 7 days or a fine of \$100.00 per day or the vehicle would be towed.

Reference CE04011846

Charlie Lambert
630 East Melrose Circle

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

Ms. Bazer announced that certified mail had been accepted on March 2, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was an unlicensed, inoperable white and grey van stored on the property. He presented photographs of the property that were accepted into evidence as City exhibit 1 and recommended 7 days to comply or a fine of \$100.00 per day or the van would be towed.

Mr. Conner 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 CE04011848

Joseph Duperoux
661 East Melrose Circle

Sec. 9-281(b): Inoperable, unlicensed vehicle on property; BCZ 39-275(7)(a): Commercial vehicle stored on property

Ms. Bazer announced that certified mail had been accepted on March 5, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property, including, but not limited to: a white Chevy pickup truck, a white Ford stakebed truck, and a white utility trailer; there was also a commercial vehicle stored on the property. He presented photographs of the property that were accepted into evidence as City exhibit 1 and recommended 7 days to comply with both sections or a fine of \$100.00 per day, per violation or the vehicles would be towed.

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

Reference CE03120117

Thelusma Frederick & Felicia Cruz
1440 Northwest 21st Street

Sec. 47-21.8: Landscape maintenance;
Sec. 9-281(b): Rubbish, trash, and overgrowth on property

Ms. Bazer announced that certified mail had been accepted on March 3, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead or missing ground cover and bare sand and the property was covered with trash, debris and overgrowth. She presented photographs of the property that were accepted into evidence as City exhibit 1 and recommended 10 days to comply or a fine of \$150.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 10 days or a fine of \$150.00 per day, per violation would be imposed.

Reference CE03120687

Dellareese & Wilson Smith
1060 Northwest 23rd Terrace

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

Ms. Bazer announced that certified had been accepted on March 2, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the occupied building had no water service. She presented a copy of the water bill information that was accepted into evidence as City exhibit 1 and recommended 7 days to comply or a fine of \$150.00 per day.

Mr. Conner found in favor of the City, ordered compliance within 7 days or a fine of \$150.00 per day would be imposed.

Reference CE03121569

Bobby Floyd
2341 Northwest 14th Street

Sec. 9-279(f): No water service;
Sec. 9-281(b): Rubbish and trash, and unlicensed, inoperable vehicle on property;
Sec. 47-21.8: Landscape maintenance

Ms. Bazer announced that certified mail had been accepted on March 2, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead and missing ground cover; the property was strewn with trash and rubbish and there was an unlicensed, inoperable white Ford Bronco on the property. Section 9-279(f) was now complied. She presented photographs of the property that were accepted into evidence as City exhibit 1 and recommended 30 days to comply Section 47-21.8 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 vehicle would be towed.

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, and with Section 9-281(b) within 7 days or a fine of \$100.00 per day or the vehicle would be towed.

Reference CE04010621

Joseph Thompson
1751 Northwest 27th Terrace

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

Ms. Bazer announced that certified mail had been accepted (no date on card) and personal service had been made by Inspector Ackley on February 29, 2004.

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

Mr. Conner 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.

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:

CE04020017	CE03121852	CE04010628	CE04020244
CE04011600	CE04012094	CE04020877	CE04020880
CE04020882	CE04020883	CE04020884	CE04020886
CE04011114	CE04021158	CE04021258	CE04010931
CE04012089	CE03120756	CE04020176	CE04011244
CE04011841	CE04011962	CE04020604	CE03060130
CE04011106	CE04011795	CE03101283	

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	CE04020558	CE03110341	CE04011202
CE03041966	CE03120129	CE04011101	CE04011105
CE04011408	CE04011001	CE04011112	

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:

CE04020923	CE03110502	CE04011654	CE04020174
CE03120032	CE03071545	CE04010394	CE04011488
CE04011490	CE03061979	CE04010609	CE04010874
CE04011186	CE03110275		

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:

CE03091474	CE04020136
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There being no further business, the hearing was adjourned at 10:15 A.M.

Special Master

ATTEST:

Clerk, Special Master