

SPECIAL MASTER HEARING
City Commission Meeting Room
Judge Daniel Futch, Presiding
April 1, 2004
9:00 A.M. – 11:00 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
David Gennaro, Senior Landscape Inspector
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
Maurice Murray, Community Code Supervisor
Todd Nobles, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Rose Reed, Community Code Supervisor
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer
Tim Welch, City Engineer

Also Present:

Gene Ingles, CE03102531
Mitchell List, CE04011986
John Hindenberger, CE03091757
Ben Bugarin, CE03090104
Goran Dragoslavic, CE03072003
Richard Potter, CE04011948
Cynthia Rodriguez, CE04011228
Juan Rivera, CE04011168
Brian Frasco, CE04011948

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 CE03091757

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

Ms. Bazer announced that this case was originally heard on December 4, 2003 with compliance ordered by December 11 and 18, 2003 and January 18, 2004. All violations were still not complied and fines had accrued in the amount of \$9,025.00

Mr. John Hindenberger, respondent, stated that he felt he was in compliance now and had complied by the ordered date. Some work was still in progress, pursuant to his building permit.

Mr. Len Ackley, Community Inspections Officer, stated that Mr. Hindenberger misinterpreted the order and thought that once he began repairs he would be in compliance. Mr. Ackley admitted that the vehicle was actually licensed and the fence had been removed, so perhaps the fines were incorrect. Judge Futch suggested that Mr. Ackley and Mr. Hindenberger get together and come to some agreement. Mr. Hindenberger admitted that not all the repairs were completed, but felt that the order was worded in such a way that the repairs need not be completed, but only begun in order to comply. Mr. Ackley stated that the roof was not fixed and the house was not painted.

The City Attorney stated that since there was some confusion over what sections might be complied, she would support allowing Mr. Hindenberger an additional 60 days to complete repairs and have the property reinspected. Mr. Ackley agreed to stop the fines and allow an additional 60 days.

Judge Futch granted a 60-day extension and agreed to stop the fines.

Reference CE01100092

Gloria Matthews
1750 Southwest 32nd Street

Ms. Bazer announced that this case was originally heard on November 15, 2001 with compliance ordered by November 29 2001. The property was now complied and fines had accrued in the amount of \$ 250.00.

The City Attorney determined that no other respondents were present for the Massey cases and asked Judge Futch if he wished to continue with cases for which respondents had appeared today. Judge Futch stated that they should address the cases with respondents present.

End of Massey Hearing cases

Reference CE04011948

Re/Max Alliance
5000 Northeast 28th Avenue

Continued from March 4, 2004

Ms. Bazer announced that this case was continued from March 4, 2004.

The City Attorney stated that the case was continued from February 5, 2004 when Judge Futch had suggested that the City work out a deal with the respondent. The case had then come before another special master who suggested that it be continued for Judge Futch, as he was already familiar with the facts. The City had issued a permit to the respondent for a particular type of tree replacement and the respondent had not followed the terms of the permit. The respondent had subsequently met with some representatives of the City and an agreement was reached; the City had acquiesced to a different type of replacement.

Mr. David Gennaro, Senior Landscape Inspector presented Judge Futch with a synopsis of the facts of the case. The final agreement had called for 2 trees to replace the old one; only one tree had been installed so far. The City Attorney stated that there had been some serious misunderstandings, but the permit made the requirements very clear for Mr. Potter and the City was just requesting that he fulfill the requirements. For non-compliance, she requested a fine of \$ 50.00 per day retroactive to December 31, 2003.

Mr. Richard Potter, owner of Re/Max Alliance, reminded Judge Futch that he had originally been told he would be allowed to make a donation after removing the tree and not be required to plant a replacement. After Mr. Potter obtained a permit and removed the tree, a nearby tenant had complained to the City about the tree removal. The City then changed the requirements and told Mr. Potter that instead of the \$ 585.00 donation, he must install a 9" Live Oak that would cost \$3,700.00. Mr. Potter objected and met with City representatives and reached a compromise. The City representatives had then met, without Mr. Potter's knowledge, with the tenant who had complained and altered the terms for Mr. Potter again. Mr. Potter presented public records to Judge Futch regarding permits granted for tree removal. He felt he had complied with the terms he and the City had agreed to at their meeting.

Mr. Potter reminded Judge Futch that at the February meeting Judge Futch had advised him to meet with the City and try to come to an agreement. Since then, Mr. Potter had attempted to get Ms. Hollar to meet with him to negotiate on February 11, March 5 and 18, but she had denied his requests to meet. Mr. Potter had analyzed the required

replacement trees for which permits had been granted in the City based on the condition of the removed tree. Trees in poor condition were regularly permitted for a replacement tree measuring 20% the diameter of the removed tree. The tree Mr. Potter had removed was 19" in diameter and he had already replaced it with a 5" diameter tree. The City was now asking him to add another 2" tree which would result in a 37% replacement, not the customary 20%. The City Attorney objected, stating that, "we're talking about this permit and this tree and its replacements."

Mr. Potter felt he had complied with the agreement he made with the City; he had tried three times to meet after the February hearing and the City had refused, and he had sent a written request for documentation to Mr. Lauridsen three times since the last hearing and had received it only yesterday. He had done everything possible to meet the terms, but the City had not cooperated.

The City Attorney stated that the July permit stated that the diameter of the replacement would be determined by the inspector; the inspector had later determined that a 9" replacement was needed and Mr. Potter had not done that. Mr. Potter informed Judge that the City had made an agreement with the tenant of The Fish Peddler, not with Mr. Potter. Every permit listed on the grid Mr. Potter had prepared and presented to Judge Futch had been given the opportunity to make a donation in lieu of planting a replacement. In July, Mr. Potter was told he could make a \$585.00 donation to the Tree Canopy Trust Fund in lieu of any replacement tree and when he tried to satisfy that requirement, he was denied it by the City due to pressure from the tenant at The Fish Peddler. Judge Futch asked Mr. Gennaro why Mr. Potter had not been allowed to make the donation. Mr. Gennaro replied that it stated on the permit that the location of the replacement was to be decided by city staff; Mr. Potter never had the option of making a donation instead of planting a replacement. At the November 4 meeting with Mr. Kisela, it had been decided that a replacement tree was required. The location of the planting had been decided as well. On December 2, they met again and informed Mr. Potter that he had to plant an additional 2" tree by December 31 or appear before the Special Master.

Mr. Potter noted that every permit for which a donation had been made had described a replacement tree size. He also pointed out that the December meeting Mr. Gennaro referred to was the one conducted without Mr. Potter's knowledge or attendance where the agreement was reached with The Fish Peddler, not Mr. Potter. Mr. Potter found it offensive and problematic that the City was meeting with and making agreements with uninterested third parties and expecting Mr. Potter to comply with and pay for something he had not agreed to. If the other party and the City really wanted that second tree, perhaps the third party or the City could pay for it. Mr. Gennaro noted that the code stated that the City always determined what the required replacement would be and if "the applicant is allowed to enter into what he is required to replace, it would be a circus." He admitted that some people had been allowed to make donations in lieu of planting replacement trees, but Mr. Potter's permit had specifically stated that a replacement tree should be planted. Mr. Gennaro stated that he spoke to hundreds of people each month regarding the ability to make a donation; he did not recall speaking to Mr. Potter about his situation.

The City Attorney stated that Mr. Gennaro agreed to allow Mr. Potter 30 days to plant the 2" tree and wait until then to impose a \$50.00 per day fine. Mr. Potter asked Judge Futch if he could make a donation now in lieu of the 2" tree. The City Attorney stated that this was never an option for Mr. Potter; the City was requiring that Mr. Potter plant a tree.

Judge Futch continued the case to April 15, 2004.

Reference CE03102531

Ruth Ingles
800 Southeast 9th Street

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-281(b): Rubbish, trash, and unlicensed
boat trailer on property; Sec. 9-306: Peeling paint

Ms. Bazer announced that certified mail had been returned unclaimed on January 5, 15, 20, and 31, and February 4, 15, and 19, 2004 and service was via posting on the property on March 10, 2004 and at City Hall on March 19, 2004.

Mr. Mike Maloney, Community Inspections Officer, testified that the ground cover was not maintained and there were areas of bare sand; there was rubbish, trash, and an unlicensed boat trailer on the property and paint on the building was peeling and the fascia was rotted. Sections 9-281(b) and 9-306 were constant and repetitive. He presented photographs of the property to Judge Futch and recommended 30 days to comply or fines of \$50.00 per day for Section 47-21.8 A and \$200.00 per day, per violation for Sections 9-281(b) and 9-306.

Mr. Gene Ingles, son of the respondent, informed Judge Futch that his mother was 86 years old and had only Mr. Ingles to help her. Mr. Ingles suffered from asthma and emphysema and was unable to perform the work. Mr. Ingles wondered why the City did not offer some sort of assistance instead of just issuing citations. He and his mother did not have the money or the physical ability to perform some of the repairs. The boat trailer was now licensed, the house was painted, and Mr. Ingles felt they were now in compliance.

The City Attorney pointed out that the certified mail had been returned several times as unclaimed. The inspector had informed her that no one had ever answered the door when he knocked so he did not know the owner. She felt this case seemed a candidate for evaluation by Community and Economic Development. Judge Futch asked Mr. Ingles if he wanted to be evaluated by Community Economic Development. Mr. Ingles stated that he had already spent \$4,000.00 to comply. The City Attorney stated that the inspector had visited the property the previous day and felt the property was not complied. She suggested that someone from Community Economic Development visit the Ingels but worried that they would be difficult to contact or unresponsive. She asked that the case be continued for 90 days.

Mr. Ingles was upset that Mr. Maloney had determined yesterday that the house was not complied; Mr. Ingles stated that he had painted the entire house and could not believe that Mr. Maloney did not acknowledge this.

Mr. Maurice Murray, Community Code Supervisor, suggested that Mr. Maloney meet with Mr. Ingles at 11:00 A.M. tomorrow to discuss the issues. Mr. Ingles and Mr. Maloney agreed.

Judge Futch continued the case until April 15, 2004.

Reference CE04011228

Empress Apartments LLC
4001 Northeast 21st Avenue

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail addressed to the registered agent had been accepted on March 17, 2004 and certified mail addressed to the company had been accepted on March 20, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that the ground cover consisted of dead grass, weeds and sand. He presented photographs of the property and recommended 60 days to comply or a fine of \$25.00 per day.

Ms. Cynthia Rodriguez, property manager, informed Judge Futch that the owner did not have the money to re-sod, but offered to use weed killer on the lawn and start from scratch by re-seeding. She had agreed to do this within 60 days.

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

Reference CE04011986

Bay Colony Exxon Inc.
5556 North Federal Highway

Sec. 24-28(a): Garbage accumulated around
dumpster and lids continually left open;
Sec. 47-19.9: Cars repaired outside building;
Sec. 47-34.1 A.1: Mechanical repairs on property

Ms. Bazer announced that certified mail had been accepted on March 16, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that the dumpster was continually overflowing and the lids left open; cars were worked on outside the building walls and major mechanical work was being done on the property. He presented photographs and a history of the property and recommended 7 days to comply or a fine of \$150.00 per day per violation.

Mr. Mitchell List, the manager of the garage area of the business, stated that this problem was being taken care by the owner.

Judge Futch found in favor of the City and ordered compliance within 7 days or a fine of \$150.00 per day per violation would be imposed.

Reference CE03090104

Benjamin & Rosalinda Bugarin Request for Abatement
501 Southeast 22nd Street

Mr. Ben Bugarin, respondent, asked Judge Futch to abate the fine. He had completed the work on time but there was some confusion as to whether he had been required to obtain a permit for paving the parking area.

Mr. Todd Nobles, Community Inspections Officer, informed Judge Futch of the facts of the case. Mr. Bugarin had completed paving without a permit and Mr. Nobles had told him he had needed a permit for that. Mr. Bugarin stated that the contractor had told him that a permit was not required to replace the blacktop. Mr. Nobles stated that the fine was now \$800.00; Mr. Bugarin stated that he could not afford the fine.

Judge Futch abated the fine.

Reference CE03072003

Goran Dragoslavic Request for Extension of Time
1000 Northwest 24th Avenue

Ms. Bazer announced that this case was originally heard on December 18, 2003 with compliance ordered by December 25, 2003, January 15, and March 15, 2004. One of the sections was now complied.

Ms. Cheryl Pingitore, Community Inspections Officer, informed Judge Futch that Mr. Dragoslavic had spoken with Planning and Zoning regarding the dumpster enclosure. She requested an extension of 14 days for her to discuss this with Planning and Zoning.

Mr. Goran Dragoslavic, respondent, agreed to wait for Ms. Pingitore to confirm his plans for the enclosure.

Judge Futch granted a 2-week extension and suspended the fines during that time.

Reference CE04011168

Juan Rivera Sec. 15-28: Required occupational license;
708 Northwest 14th Terrace Sec. 18-1: Derelict vehicle on property;

Sec. 18-27(a): Trash on property;
Sec. 24-28(a): Garbage accumulated around dumpster; 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 ground cover; Sec. 47-21.8: Landscape maintenance;
Sec. 47-21.9 G.1: Code-required landscaping;
Sec. 47-34.4 A.1: Commercial vehicles stored on property; Sec. 9-279(g): Inoperable plumbing, improper drainage; 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: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on March 18 and 19, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that the building did not have trash removal service; there was no building maintenance person on the premises; the sidewalk was in disrepair; the dumpster was not in an approved enclosure; the parking area was in disrepair; the property lacked the required ground cover and landscaping was not maintained. Sections 15-28, 18-1, 18-27(a), 47-34.1 A.1, 9-278(g), 9-280(b), 9-280(f), 9-280(g), 9-281(b) and 9-306 were now complied. She presented photographs of the property and recommended 60 days to comply the open violations or a fine of \$100.00 per violation, per day.

Mr. Juan Rivera, one of the property owners, felt he could make the repairs within 60 days.

The City Attorney noted that the City had cited all 24 property owners on this block; this was one of the last owners to be served. The owners were working together on common area and dumpster enclosure improvements. She also asked that Sections: 47-21.10 B.1, 47-21.8, and 47-21.9 G.1 be addressed as one violation for the purpose of the fine.

Judge Futch found in favor of the City and ordered compliance with the outstanding violations within 60 days or a fine of 100.00 per day, per violation would be imposed and Sections: 47-21.10 B.1, 47-21.8, and 47-21.9 G.1 would be addressed as one violation for the purpose of the fine.

Reference CE04030484

Powell Porter & Robert Yackee
475 Southwest 27th Avenue

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

Ms. Bazer announced that certified mail had been accepted on March 16, 2004.

Mr. John Hudak, Community Inspections Officer, testified that there was trash, rubbish and debris scattered all over the vacant trailer park property. He presented photographs of the property and recommended 7 days to comply or a fine of \$100.00 per day. He had spoken with the owner, who agreed to comply within 7 days, and noted that when he visited the property yesterday the cleanup had already begun.

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 CE04030951

Juanita Shuman
2205 Northwest 4th Street

Sec. 25-7(a): Blocking public right-of-way

Ms. Bazer announced that certified mail was accepted on March 18, 2004.

Mr. Tim Welch, City Engineer, testified that the owner had constructed a gate that opened into the public right-of-way. He recommended 10 days to comply or a fine of \$100.00 per day.

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

Reference CE03092369

Michael Blanchette
1200 Northeast 5th Avenue

Sec. 9-328(a): Required certificate of boarding

Ms. Bazer announced that certified mail had been returned unclaimed on November 18 and 24 and December 3, 2003 and service was via posting on the property and at City Hall on March 1 and March 19, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that the building had been boarded for more than 6 months without a board-up certificate. He recommended 30 days to comply or a fine of \$25.00 per day.

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

Reference CE04011067

Bisnauth, Indrowtie, & Somkar Harnandan
1705 Northwest 7th Court

Sec. 47-20.13 A: Driveway in disrepair;

Sec. 47-21.8: Landscape maintenance;
Sec. 47-34.1 A.1: Permitted uses;
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 vehicles on property;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the registered agent and the manager had both been accepted on March 16, 2004 and personal service had been made by Inspector Donovan on March 25, 2004. Ms. Bazer stated that Inspector Donovan had a verbal agreement with the owner to comply within 90 days or a fine of \$25.00 per day per violation.

Judge Futch found in favor of the City and ordered compliance within 90 days or a fine of \$25.00 per day per violation would be imposed.

Reference CE04011068

Bisnauth, Indrowtie, & Somkar Harnandan
1711 Northwest 7th Court

Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-280(g): Electrical components in disrepair;
Sec. 9-281(b): Rubbish, trash, and inoperable,
unlicensed vehicles on property;
Sec. 18-1: Derelict vehicle on property;
Sec. 47-21.8: Landscape maintenance;
Sec. 47-34.1 A.1: Permitted uses;
Sec. 47-20.13 A: Driveway in disrepair;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-278(g): Missing/torn screens

Ms. Bazer announced that personal service had been made by Inspector Donovan on March 25, 2004. Ms. Bazer stated that Inspector Donovan had a verbal agreement with the owner to comply within 90 days or a fine of \$25.00 per day per violation.

Judge Futch found in favor of the City and ordered compliance within 90 days or a fine of \$25.00 per day per violation would be imposed.

Reference CE04011125

Bisnauth, Indrowtie, & Somkar Harnandan
1701 Northwest 7th Court

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

Ms. Bazer announced that personal service had been made by Inspector Donovan on March 25, 2004. Ms. Bazer stated that Inspector Donovan had a verbal agreement with the owner to comply within 90 days or a fine of \$25.00 per day per violation.

Judge Futch found in favor of the City and ordered compliance within 90 days or a fine of \$25.00 per day per violation would be imposed.

Reference CE03120199

Russell Bratt
300 Southwest 27th Street

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

Ms. Bazer announced that certified mail had been accepted on March 2, 2004 and the rescheduling letter had been mailed on March 12, 2004.

Mr. Todd Nobles, Community Inspections Officer, testified that there was trash and overgrowth on the property. He had spoken with the owner and agreed to 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 CE03120207

Russell Bratt
340 Southwest 27th Street

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

Ms. Bazer announced that certified mail had been accepted on March 2, 2004 and the rescheduling letter had been mailed on March 12, 2004.

Mr. Todd Nobles, Community Inspections Officer, testified that there was trash and overgrowth on the property. He had spoken with the owner and agreed to 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 CE04011858

Bridy Enterprises Inc.
3025 North Ocean Boulevard

Sec. 9-308: Roof in disrepair

Ms. Bazer announced that personal service was made by Inspector Ackley on March 28, 2004.

Mr. Len Ackley, Community Inspections Officer, testified that the roof was in disrepair. He had spoken with the owner and agreed to 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 CE04011084

Roosevelt & Franciane Delica
1042 Northwest 9th Avenue

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

Ms. Bazer announced that certified mail had been accepted on March 17, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that the fence was rotted, dilapidated, and structurally unsound. The owners had been present earlier and informed her that the fence had been removed. She requested 7 days to confirm that the property was complied or a fine of \$25.00 per day.

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

Reference CE04011761

Rafael & Ava Castaneda
1300 Northwest 5th Avenue

Sec. 18-1: Derelict vehicle on property;
Sec. 47-34.1 A.1: Permitted uses; vacant lot
used for vehicle repairs

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

Ms. Deborah Haskins, Community Inspections Officer, testified that the lot was used for vehicle repairs, a non-permitted use, and there were several unlicensed, inoperable vehicles stored on the property, including a black Acura sedan, a black Chevy pickup, and a white 4-door. He recommended 7 days to comply both violations and remove the vehicles or a fine of \$100.00 per day or the vehicles would be towed. She also asked Judge Futch to find the vehicles a danger to public health and safety so they could be towed.

Judge Futch 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 CE03102015

Chateau Condo Association
633 Northeast 2nd Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicles on property; Sec. 47-19.4 D.8: No dumpster enclosure

Ms. Bazer announced that personal service had been made by Inspector Thime on March 19, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that there was no dumpster enclosure on the property; Section 9-281(b) was now complied. She had received a letter from the management company and agreed to recommended 90 days to comply with Section 47-19.4 D.8 or a fine of \$100.00 per day.

Judge Futch found in favor of the City and ordered compliance with Section 47-19.4 D.8 within 90 days or a fine of \$100.00 per day would be imposed.

Reference CE03102016

Chateau #2 Condo Association
629 Northeast 2nd Avenue

Sec. 47-21.10 B.1: Required ground cover

Ms. Bazer announced that personal service had been made by Inspector Thime on March 19, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that the front yard consisted of bare sand and dirt. She presented photographs of the property and informed Judge Futch that she had spoken with the owner and agreed to recommended 90 days to comply or a fine of \$100.00 per day.

Judge Futch found in favor of the City and ordered compliance within 90 days or a fine of \$100.00 per day would be imposed.

Reference CE04011687

H.A. & Corine Dixon
2320 Northwest 14th Street

Sec. 9-281(b): Rubbish and trash on property; Sec. 9-313(a): Required display of address

Ms. Bazer announced that certified mail had been accepted on March 18, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and rubbish scattered on the property and the building lacked the required display of address. She presented photographs of the property and recommended 10 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 10 days or a fine of \$25.00 per .per violation would be imposed.

Reference CE04020941

Gloria Lee
2301 Northwest 12th Court

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

Ms. Bazer announced that personal service had been made by Inspector Donovan on March 27, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was rubbish, trash, and an unlicensed, inoperable red and black Ford pickup and a black Ford Bronco on the property. She presented photographs of the property and recommended 7 days to comply or a fine of \$100.00 per day or the vehicles 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 vehicles would be towed.

Reference CE04021109

Roberta Schmidt
1706 Northwest 14th Avenue

Sec. 9-281(b): Property not maintained:
overgrowth on property and swale

Ms. Bazer announced that certified mail was accepted on March 20, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property and swale were overgrown. She presented photographs of the property and recommended 7 days to comply or a fine of \$50.00 per day.

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 CE03100010

Eunida Lipscomb
1013 Northwest 11th Place

Request for Extension of Time and
Abatement of Fine

Ms. Bazer announced that this case was originally heard on January 15, 2004 with compliance ordered by February 15, 2004.

Mr. Maurice Murray, Community Code Supervisor, requested a 90-day extension and an abatement of the accrued fines.

Judge Futch granted a 90-day extension and abated the fines.

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:

| | | | |
|------------|------------|------------|------------|
| CE03010213 | CE04030952 | CE04030281 | CE04030282 |
| CE04030283 | CE04020967 | CE04011609 | CE04021391 |
| CE04010467 | CE04021324 | CE04021571 | CE04021653 |
| CE03120032 | CE04021676 | CE03070542 | CE03120700 |
| CE03121402 | CE04021672 | CE04030410 | |

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:

| | | | |
|------------|------------|------------|------------|
| CE04030041 | CE04030953 | CE03100474 | CE04010609 |
| CE04030208 | CE04020960 | CE04011717 | CE04011718 |
| CE04011719 | CE04011730 | CE04011738 | CE04012045 |
| CE03111230 | CE03121274 | | |

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:

CE03110502

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:

CE04011363 CE04010625

Approved for Claim of Lien

Ms. Bazer presented Judge Futch with the following 11 cases to sign the order to impose the fine which Judge Futch signed based on the affidavits of the inspectors.

| | | | |
|------------|------------|------------|------------|
| CE01100092 | CE02060159 | CE03030964 | CE03051586 |
|------------|------------|------------|------------|

Special Master Hearing
April 1, 2004
Page 16

CE03080772
CE03120989

CE03101987
CE03121630

CE03110821
CE04010625

CE03120110

There being no further business, the hearing was adjourned at 11:00 A.M.

Special Master

ATTEST:

Clerk, Special Master