

SPECIAL MASTER HEARING
City Commission Meeting Room – City Hall
Special Master Zebedee Wright, Presiding
June 17, 2004
9:00 A.M. – 10:45 A.M.

Staff Present:

Susan Batchelder, Administrative Assistant
Eve Bazer, Administrative Assistant
Assistant City Attorney
Jennifer Chenault, Secretary
Leonard Ackley, Community Inspections Officer
Andre Cross, Community Inspections Officer
Burt Fletcher, 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
Linda Nigg, Occupational License Inspector
Todd Nobles, Community Inspections Officer
Maria Christina Roque, Community Inspections Officer
Waynette Smith, Occupational License Inspector
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer

Also Present:

Edwin Candeleria, CE04032610
Regis Marshall, CE04040282
Janis Joseph, CE04040642
* Ethel Pappy, CE02060293
* Galda Bryant, CE02060293
* Patricia Arango, CE02081966
* Fouad Lebbad, CE98040089
Barbara Krakower, CE04021590
Stacy Jenkins, CE04021590
* Rob Heitzman, CE03072313
Cynthia Rodriguez, CE04011228
Gloria Wetherington, CE04040390
* Joseph Duperoux, CE04011848
* Laurent Acreus, CE04011778

*Massey hearings

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. Wright 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 CE02081966

Ohio Savings Bank
1428 Northwest 8th Avenue

Ms. Bazer announced that this case was originally heard on December 19, 2002 with compliance ordered by January 2, 2003. The property was now complied and fines had accrued in the amount of \$34,800.00.

Ms. Patricia Arango, lawyer for Ohio Savings Bank, informed Mr. Wright that there had been a previous case that had cleared the property dated December 23, 2003. The City Attorney informed her that this hearing was for code enforcement liens, not lot clearing liens. Mr. Wright clarified that this case concerned the lien's having been imposed without a hearing and this hearing was to allow the respondent to speak. Ms. Arango told Mr. Wright that the bank intended to try to "get a reduction hearing." She stated that she had been told that she could not do that today; today's hearing was only for the lien to be heard and imposed. Ms. Bortman clarified the procedure and compliance dates for Ms. Arango. Ms. Arango informed Mr. Wright that she had not understood the purpose of this hearing and was unprepared to rebut the violations.

Mr. Wright asked if it might be better to reschedule, but Ms. Arango admitted that there would be no evidence to rebut the violations. The City Attorney asked Mr. Wright to impose the fine, as the respondent's attorney had admitted that the violations were not complied any earlier than the City contended they were.

Mr. Wright signed the order to impose the lien.

Reference CE98040089

Fouad Lebbad
1505 Southwest 9th Street

Ms. Bazer announced that this case was heard on April 16, 1998 with compliance ordered by April 30, 1998. The property was now complied and fines had accrued in the amount of \$ 16,000.00.

Mr. Frank Stockinger, Community Inspections Officer, informed Mr. Wright that the case began in 1996. Mr. Lebbad had been informed of the amnesty program, but had not taken advantage of it.

Mr. Fouad Lebbad, respondent, stated that he had not received notice of the violations. He showed Mr. Wright copies of other violations he had received. Mr. Wright showed Mr. Lebbad a copy of the return receipt from the notice of violation. The City Attorney stated that there was a note in the file indicating that Mr. Lebbad had been contacted by phone as well to inform him of the original violation hearing. The City Attorney confirmed that the return receipt was dated April 3, 1998; it was returned with Mr. Lebbad's signature on April 14, 1998.

Mr. Wright asked Mr. Lebbad if he had any rebuttal to the violations. Mr. Lebbad agreed to correct any violations now that he was aware of them. Mr. Wright informed him that the property was now in compliance and Mr. Lebbad asked why he was being penalized now if the property was in compliance. Mr. Wright confirmed that he had actually been fined in 1998 because he had not complied by the ordered date. Mr. Stockinger clarified the compliance dates for Mr. Lebbad.

The City Attorney asked Mr. Wright to impose the fine. Mr. Wright agreed to reduce the fine by \$6,000.00.

Mr. Wright signed the order to impose a fine of \$ 10,000.00.

Reference CE02060293

Ethyl, Pappy, & Gwendolyn Mosby
1433 Northwest 6th Street

Ms. Bazer announced that the case was originally heard on November 7, 2002 with compliance ordered by December 7, 2002. The property was now complied and fines had accrued in the amount of \$ 22,625.00.

Ms. Batchelder informed Mr. Wright that Inspector Donovan had visited the property repeatedly and the property was not completely complied until March 28, 2003. She asked Mr. Wright to impose the fine.

Ms. Galda Bryant informed Mr. Wright that there were two tax deeds for the property; she was the property manager for the east side and the Ms. Mosby was the property manager for the for the west side. All of the notices had been sent to Ms. Mosby and none to Ms. Bryant. When Ms. Mosby informed her of the violations in February 11, 2003 – two months

after the deadline – she had contacted Inspector Donovan and met with him to clarify what needed to be done on her side. She said that earlier inspectors had been aware that the property was split. She showed Mr. Wright a fax from Inspector Donovan explaining what Ms. Bryant needed to do

Ms. Batchelder requested a continuance so the City could research the matter.

Mr. Wright continued the case for the City to investigate.

Reference CE04011848

Joseph Duperoux
661 Melrose Circle

Ms. Bazer announced that this case was originally heard on March 18, 2004 with compliance ordered by March 25, 2004; on March 25, the date was extended to April 22, 2004. The property was now complied and fines had accrued in the amount of \$2,000.00.

Mr. Joseph Duperoux informed Mr. Wright that he now had a place to park his truck on Broward Boulevard. He told Mr. Wright that the truck had been moved by April 22, 2004.

Mr. Burt Fletcher, Community Inspections Officer, clarified that the fines had run from March 25 to April 15. The City Attorney stated that Mr. Duperoux had not asked for an extension until April 15.

Mr. Wright reduced the fine to \$250.00.

Reference CE03072313

Russell Jr., Jan & Edward Wilson
1142 South Federal Highway

Ms. Bazer announced that the case was originally heard on December 5, 2003 with compliance ordered by February 2, 2004. The property was now complied and fines had accrued in the amount of \$ 6,000.00.

Mr. Karl Lauridsen, Community Landscape Officer, explained that the City had agreed with the respondent's representative to request the fine be reduced to \$600.00.

Mr. Wright reduced the fine to \$600.00.

End Massey Hearings

Reference CE04032610

Edwin Candelaria
305 Southwest 25th Terrace

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail was accepted on June 9, 2004.

Mr. Skip Margerum, Community Inspections Officer, testified that there were areas of missing ground cover on the property and swale.

Ms. Ursula Thime, Community Inspections Officer, interpreted for Mr. Candelaria. Mr. Edwin Candelaria, respondent, presented a photograph taken by his neighbor yesterday and promised not to park on the lawn anymore. Mr. Margerum recommended allowing 14 days for Ms. Burks to confirm compliance or a fine of \$25.00 per day

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

Reference CE04040282

Anthony Family Limited Partnership Request for Abatement
1701 East Sunrise Boulevard

Mr. Regis Marshall, construction manager for Anthony Corporation, explained that the notices had been sent to their corporate office in Pennsylvania. The local notice had not been received until May 18, but fines had begun on May 13. He requested a reduction of the fine.

Mr. Len Ackley, Community Inspections Officer, stated that there was signed service on May 4, 2004. He confirmed that there was a gap between local notification and compliance, and also that repairs had been undertaken immediately after local notice was made.

Mr. Wright reduced the fine to \$400.00.

Reference CE04011228

Empress Apartments LLC Request for Extension of Time
4001 Northeast 21st Avenue

Mr. Frank Stockinger, Community Inspections Officer, explained that compliance had been ordered by June 1, 2004 and the property had been complied on June 16, 2004.

The City Attorney clarified the compliance date and fine amount. She noted that this was originally a hearing to request an extension, but as the property was complied, the City would allow Ms. Rodriguez to request an abatement.

Ms. Cynthia Rodriguez, the property manager, explained that a former manager had been fired and subsequently turned off the sprinklers; this had killed the lawn. The City Attorney confirmed that the fine was \$400.00.

Mr. Wright reduced the fine to \$150.00.

Reference CE04040390

Maria Bispo
3315 East Oakland Park Boulevard

Request for Abatement

Mr. Frank Stockinger, Community Inspections Officer, explained that the owner of the property was very diligent in trying to keep up the property. The dumpster had become a dumping spot for everyone. The owner had then gotten together with the waste management company to obtain trash containers that could be kept indoors.

Ms. Gloria Wetherington, the property manager, confirmed that they had worked very hard to comply the property and also explained that there had been extenuating circumstances. She also confirmed that the new type of receptacle had solved the problem.

The City Attorney stated that the City would accept a reduction of the fine to \$200.00.

Mr. Wright abated the fine entirely.

Reference CE04021590

Stacey Jenkins and Barbara Krakower Sec. 47-20.20 H: Parking area in disrepair
544 Northeast 4th Avenue

Ms. Ursula Thime, Community Inspections Officer, testified that the parking area was in disrepair and recommended 60 days to comply or a fine of \$100.00 per day.

Ms. Barbara Krakower, respondent, stated that she had been trying to obtain a contractor since the end of February. She had had a difficult time obtaining estimates and those she had obtained had been exorbitant. She had begun searching again once she received the Notice of Violation.

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

Reference CE04040642

Joanis & Lisiana Joseph
30 Berkley Boulevard

Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-313(a): Required display of address;
Sec. 9-305(b): Required ground cover;

Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on June 8, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was rubbish and trash on the property; the house number was not displayed properly; the property and swale had dead or missing ground cover and portions of the house were not painted. He has spoken with the property owner earlier and agreed to recommend 30 days to comply or a fine of \$25.00 per day, per violation.

Mr. Wright 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.

Massey Hearing

Reference CE04011778

Lejisnet & Laurent Acreus
1606 Northwest 2nd Avenue

Ms. Bazer announced that this case was originally heard on April 15, 2004 with compliance ordered by May 15, 2004. The property was still not complied and fines had accrued in the amount of \$800.00.

The City Attorney conformed that the property was complied on June 14 and the fine was \$850.00.

Mr. Laurent Acreus, respondent, explained that he had been away, but complied the property as soon as he had returned on June 1.

The City Attorney asked Mr. Wright to impose the fine for \$850.00.

Mr. Wright reduced the fine to \$350.00.

End Massey Hearing

Reference CE04051362

Koll Bren Fund IV LP
2000 West Commercial Boulevard #133
Tenant: One Net Place Inc.

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to the tenant had been accepted (no date on card), and certified mail addressed to the registered agent had been accepted on June 14, 2004.

Ms. Linda Nigg, Occupational License Inspector, testified that the tenant was conducting business without the required occupational license. She had spoken with the property manager who requested 14 days to pay for the license. Ms. Nigg recommended 14 days to confirm compliance or a fine of \$25.00 per day.

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

Reference CE04031299

Cary Krevoy
1513 Northwest 6th Avenue

Sec. 47-20.13 A: Driveway in disrepair;
Sec. 47-21.8 A: Missing ground cover

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

Ms. Ursula Thime, Community Inspections Officer, testified that the driveway was not a hard, dust-free surface and the lawn consisted of weeds and bare sand. She had met with the owner yesterday and agreed to recommend 45 days to comply or a fine of \$25.00 per day per violation.

Mr. Wright 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 CE04051231

John Kelly
1701 Northeast 8th Street

Sec. 47-22.3 V.2: Non-permitted sign on property

Ms. Bazer announced that certified mail has been accepted on June 9, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that there was a freestanding real estate sign on the property exceeding 480 square inches on each side. She recommended 7 days to comply by removing the sign or reducing its size, or a fine of \$100.00 per day.

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

Reference CE04041500

W.C. Jr. & F.J. Brewer Living Revocable Trust
317 East Sunrise Boulevard

Sec. 9-306: Broken windows;
Sec. 47-19.5 D: Improper fence placement

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

Mr. Burt Fletcher, Community Inspections Officer, testified that there were broken windows in the building and there was a chain link fence topped with barbed wire visible from adjacent roadways. He had spoken with the owner and agreed to recommend 30 days to comply or a fine of \$25.00 per day, per violation.

Mr. Wright 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 CE03091333

Erika Hope
1813 Southwest 10th Street

Sec. 9-280(d): Deteriorated structure/fixtures

Ms. Bazer announced that certified mail had been returned unclaimed on December 21, 2003, January 15, 2004, February 17, 2004, April 29, 2004, May 12 and 18, 2004 and that service had been made via posting on the property on May 21, 2004 and at City Hall on June 7, 2004.

Mr. Dan Mullarkey, Community Inspections Officer, testified that the porch roof and wood siding on the east side of the house was rotting and in general disrepair. He recommended 30 days to comply a fine of \$ 100.00 per day.

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

Reference CE04051059

Machine Products Inc.
500 Southeast 32nd Court
Tenant: Quality Car & Truck Rental

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to the owner and the tenant had both been accepted on June 8, 2004.

Ms. Waynette Smith, Occupational License Inspector, testified that the tenant was engaged in business without first obtaining the required occupational license. She informed Mr. Wright that the owner had applied for the license and recommended 14 days to confirm compliance or a fine of \$25.00 per day.

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

Reference CE03101232

4140 Medical Condo Association

4134 North Federal Highway

Sec. 9-306: Peeling paint/stained surfaces

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

Mr. Frank Stockinger, Community Inspections Officer, testified that the walls had structural cracks and defective decorative elements that could fall and cause damage to persons and property. He had spoken with the owner, who had begun repairs, and agreed to recommend 60 days to comply or a fine of \$50.00 per day. He assured Mr. Wright that the loose pieces on the building were Styrofoam and not capable of causing serious injury.

Mr. Wright found in favor of the City and ordered compliance within 60 days or a fine of \$50.00 per day would be imposed.

Reference CE04040423

Lenore Redinger
5811 Northeast 19th Avenue

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

Ms. Bazer announced that certified mail had been accepted on June 8, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that wall paint was peeling and deteriorated; ground cover on ground or swale was dead or missing and the roof leaked in several areas and was very dirty. He had spoken with Ms. Redinger, who had performed several of the repairs already, and agreed to recommend 60 days to comply or a fine of \$25.00 per day per violation.

Mr. Wright 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 CE04020960

Gregory Baum
3328 Northeast 16th Court

Sec. 18-1: Derelict vehicle on property;
Sec. 24-11(a): Required removal of construction debris

Mr. Murray announced that certified mail had been returned unclaimed on April 24 and 30, 2004 and on May 10, 2004; service was also made via posting on the property on May 25, 2004 and at City Hall on June 7, 2004.

Mr. Len Ackley, Community Inspections Officer, testified that the pool was filled with green water and insect larvae and there was construction debris on the property. He noted that this was an ongoing problem and recommended 7 days to comply or a fine of \$ 100.00 per day, per violation. He also asked Mr. Wright to record the order.

Mr. Wright found in favor of the City and ordered compliance within 7 days or a fine of \$250.00 per day, per violation would be imposed. He also agreed to record the order.

Reference CE04050753

597 South Andrews Corp.
523 South Andrews Avenue
Tenant: A Plus Bail Bonds Agency

Sec. 15-28: Required occupational license

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

Ms. Maria Christina Roque, Community Inspections Officer, testified that the respondent was engaging in business without the required occupational license. She recommended 14 days to comply or a fine of \$100.00 per day.

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

Reference CE04050803

Concord Petroleum Enterprises
3690 West Broward Boulevard
Tenant: Westar Gas Station

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail had been accepted on June 10, 2004.

Ms. Maria Christina Roque, Community Inspections Officer, testified that the tenant was engaging in business without the required occupational license. She recommended 14 days to comply or a fine of \$100.00 per day.

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

Reference CE04050813

Schaefer Industries Inc.
3301 Southwest 13th Avenue
Tenant: Complete Turbine Service

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to an officer of the company, the registered agent and the tenant had all been accepted on June 14, 2004.

Ms. Maria Christina Roque, Community Inspections Officer, testified that the tenant was engaging in business without the required occupational license. She had spoken with the owner's attorney and agreed to recommend 30 days to comply or a fine of \$200.00 per day.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$200.00 per day 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:

CE04052021	CE04040316	CE04050724	CE04041845
CE04051360	CE04051361	CE04040449	CE04041463
CE04050501	CE04041655	CE04051996	CE04050693
CE04020162	CE04040515	CE04041628	CE04040806
CE04041486	CE04051040	CE04051082	CE04051086
CE04051347	CE04041634	CE04051184	CE04050742
CE04050743	CE04050749	CE04050755	CE04050783
CE04050788	CE04050823	CE04050827	CE04050905
CE04050913	CE04050915	CE04050916	CE04051206

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:

CE04042006	CE04041215	CE04031297	CE04031463
CE04041652	CE04050057	CE04041034	CE04031318
CE04041567	CE04050167	CE04051077	CE04040280
CE04040115	CE04041884	CE04050736	CE04050738
CE04050745	CE04050752	CE04050756	CE04050818
CE04050832	CE04050838	CE04050901	CE04050903

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:

CE03111354	CE03062202	CE04032568	CE04040030
CE04031041	CE04041654	CE04051975	CE03120858
CE04040957			

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:

CE0401363

CE04030903

CE04050917

Approved for Claim of Lien

Ms. Bazer presented Mr. Wright with the following cases to sign the order to impose the fine, which Mr. Wright signed based on the affidavits of the inspectors.

CE03110467

CE01072146

CE99010830

CE99080700

CE04010363

CE04021398

CE97021133

CE98110962

CE00061487

CE97021156

CE00061864

CE02061189

CE02020891

There being no further business, the hearing was adjourned at 10:45 A.M.

Special Master

ATTEST:

Clerk, Special Master