

**SPECIAL MASTER HEARING FOR IMPOSITION OF FINES**  
**City Commission Meeting Room**  
**Special Master Floyd Hull, Presiding**  
**August 12, 2004**  
**9:00 A.M. – 10:30 A.M.**

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Staff Present:

Assistant City Attorney  
Eve Bazer, Administrative Assistant II  
Jennifer Chenault, Secretary  
Alberto Benavides, Community Inspections Officer  
Lin Bradley, Community Code Supervisor  
Burt Fletcher, Community Inspections Officer  
John Gossman, Community Inspections Officer  
Robert Guilford, Community Inspections Officer  
Deborah Haskins, Community Inspections Officer  
John Hudak, Community Inspections Officer  
Lee Kaplan, Community Inspections Officer  
Gilbert Lopez, Community Inspections Officer  
Mike Maloney, Community Inspections Officer  
Dan Mullarkey, Community Inspections Officer  
Cheryl Pingitore, Community Inspections Officer  
Frank Stockinger, Community Inspections Officer

Also Present:

Gregory Roc, 9300531, CE99051759  
Jean Etienne, CE01040352  
Moses Spencer, CE01090259  
Sera Grossfeld, CE00070960  
Nabil Abuznoia, CE00070960  
Bill Beamer, 9300531  
Guilda Bryant, CE02060293  
Ethyl Pappy, CE02060293  
Vernon Edwards, CE96081329, 9214928  
Jessie Walden, CE01011228

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 Hull 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 9300531**

Victor & Michelle Roc  
506 Southwest 7<sup>th</sup> Street

Ms. Bazer announced that this case was originally heard on February 18, 1993 with compliance ordered by March 5, 1993. The property was complied on March 26, 1998 and fines had accrued in the amount of \$359,200.00.

Mr. Bill Beamer, attorney for the owner, explained that his client lived in Haiti; he was present with the owner's brother George. He had discussed the violations with the inspectors and referred to a letter stating that the fine was seventeen hundred dollars, which his client was prepared to pay. Ms. Bazer informed Mr. Beamer that there were two cases for this owner at the same address. Mr. Beamer stated that this fine exceeded the value of the property four fold. Mr. Beamer believed the property had been complied long before the final notice date and the case had gone "dormant." He had dealt with two City Attorneys over two years ago on this matter.

Judge Hull asked what information was in the file pursuant to this. He was trying to determine how the fines had reached \$359,000.00. Mr. Beamer noted that the house that caused the problem had been torn down. Mr. Maloney confirmed that the property was now clear and maintained. Mr. Beamer thought the property was cleared in 1993 or 1994.

Mr. George Roc, brother of the owner, thought the house was demolished in 1996 or 1997. He believed the problem was that his brother never called for the inspector to return and reinspect.

Inspector Maloney confirmed that he demolition permit was dated June 12, 2000. Mr. Roc noted that the house had been boarded as soon the tenants were evicted in 1996. Mr. Beamer thought his client had called the City when the property was complied. Judge Hull suggested that Mr. Beamer consult with the City to try to resolve the matter.

Mr. Lin Bradley, Community Code Supervisor, stated he would leave this to Judge Hull's discretion to resolve today. Judge Hull suggested that Mr. Beamer meet with City representatives now and he would re-call the case later today.

Upon returning, Mr. Beamer stated that they had proposed to pay \$5,000.00 to cover administrative costs. Supervisor Bradley stated that this was satisfactory with the City. Mr. Beamer requested 30 days to pay, as the funds were coming from Haiti.

Judge Hull reduced the fine to \$5,000.00.

**Reference CE99051759**

Victor & Michelle Roc

506 Southwest 7<sup>th</sup> Street

Ms. Bazer announced that this case was originally heard on July 1, 1999 with compliance ordered by July 8, 1999. The property was complied on August 13, 1999 and fines had accrued in the amount of \$1,750.00.

Mr. Bill Beamer, attorney for the owner, stated that his client was prepared to pay this fine.

Judge Hull suggested that Mr. Beamer meet with City representatives now and he would re-call the case later today.

Upon returning, Mr. Beamer stated that his client had agreed to pay the \$1,750.00

Judge Hull signed the order to impose the fine.

**Reference CE02060293**

Ethyl Pappy & Gwendolyn Mosby  
1433 Northwest 6<sup>th</sup> Street

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

Ms. Guilda Bryant, property manager and sister of the owner, stated that her sister had never received proper notice of the violations. She stated that there were two properties next to each other; with two separate owners. Half the violations were on one property and the others were on the other property, which she managed, but she was never notified. She had brought proof that there were two deeds. Once she was aware of the violations, she had complied within two weeks.

Mr. Bob Guilford, Community Inspections Officer, admitted that only one parcel had originally been cited, but Ms. Mosby's documentation proved there were two parcels involved. He felt this new information presented a mitigating circumstance. He felt they must give the respondent the benefit of the doubt and presume the original violations were on both properties. He could not ascertain which violations were for which property.

Judge Hull felt there was definitely a violation on Ms. Mosby's property and imposed an administrative fee of \$500.00.

Judge Hull reduced the fine to \$500.00.

**Reference 9214928**

Vernon & Jennifer Edwards

110 Southwest 19<sup>th</sup> Avenue

Ms. Bazer announced that this case was originally heard on February 18, 1993 with compliance ordered by March 4, 1993. The property was complied July 29, 1993 and fines had accrued in the amount of \$7,350.00.

Mr. Vernon Edwards, property owner, explained that he had attended a hearing where the fine for this case had been reduced to \$1,500.00. He claimed to have paid the fine but his credit union had gone out of business and he had no proof. He had discovered the fine still open when he attended an amnesty hearing a few months ago. Judge Hull was not satisfied with this explanation.

Mr. Frank Stockinger, Community Inspections Officer, stated that the fine had been reduced to \$550.00 but had never been paid, so the fine had reverted to the original amount. When Mr. Edwards attended the amnesty hearing, the City agreed to lower the fine from \$7,300.00 to \$1,837.50 but that was never paid either. Mr. Edwards stated he made arrangements to pay off the \$550.00 fine monthly. Mr. Stockinger confirmed that the fine was reduced to \$500.00 on January 17, 1995.

Judge Hull was not satisfied with Mr. Edwards's explanation for either property and refused to alter the fines.

Judge Hull signed the order to impose the fine for \$7,350.00.

**Reference CE96081329**

Vernon & Jennifer Edwards  
110 Southwest 19<sup>th</sup> Avenue

Ms. Bazer announced that this case was originally heard November 21, 1996 with compliance ordered by November 28, 1996. The property was complied on January 30, 1997 and fines had accrued in the amount of \$37,800.00.

Mr. Vernon Edwards, property owner, explained that the notices had been sent to the property and he had never been notified. He found out about this case at the amnesty hearing as well. He claimed he had taken care of the violations before the ordered date.

Mr. Frank Stockinger, Community Inspections Officer, stated that there was still a violation at the property as of yesterday: a new derelict vehicle was present. Judge Hull was not satisfied with Mr. Edwards' explanation for either property and refused to alter the fines.

Judge Hull signed the order to impose the fine for \$37,800.00.

**Reference CE00070960**

Munaz Enterprises Inc.  
223 Northwest 6<sup>th</sup> Street

Ms. Bazer announced that this case was originally heard on August 17, 2000 with compliance ordered by August 31, 2000. The property was still not complied and fines had accrued in the amount of \$432,300.00.

Ms. Sera Grossfeld, representative of the property, stated that there was a long history of problems at the property. She pointed out that there were two adjoining properties with violations and fines. The properties were both in foreclosure and her client was now in a position to make an offer to settle the fines. The properties had been appraised recently and were worth well below the fine amount.

This property and several others were owned by a family of brothers. The brother who was responsible for this property had been arrested, leaving his brothers responsible for the violations and fines. They had realized after his arrest that he had not complied the property or paid the fines for years. The brothers were now securing new funding for two properties and wished to get all of the fines taken care of at once.

Judge Hull stated that no work had ever been done to comply the property. Ms. Grossfeld stated that the property had been complied at one point.

Mr. John Hudak, Community Inspections Officer, stated that compliance was very simple: the grounds needed cutting and tending and trash should be picked up. The building might need some paint as well.

Ms. Grossfeld confirmed that there was a mortgage on the property for approximately \$85,000.00 and the two properties were appraised for \$360,000.00. She noted that this appraisal didn't differentiate the two properties' value.

Mr. Lin Bradley, Community Code Supervisor, stated that since the property was not yet complied, they could only discuss what was necessary for compliance. Judge Hull wanted them to negotiate both properties.

Mr. Hudak stated that since the property was not complied, he wanted Judge Hull to sign the order. Any negotiations could be worked out later. Ms. Grossfeld reminded Judge Hull that the fine amount well exceeded the value of both properties. This would scare away the financing.

Judge Hull stated that he was going to sign the order but suggested they reappear at the next Massey hearing in September to present all the facts of all the cases.

Judge Hull signed the order to impose the fine.

**Reference CE01040352**

Jean Etienne & Georges St. Jean  
1470 Northwest 20<sup>th</sup> Street

Ms. Bazer announced that this case was originally heard on May 3, 2001 with compliance ordered by May 10, 2001. The property was complied on May 7, 2004 and fines had accrued in the amount of \$76,425.00.

Ms. Cheryl Pingitore, Community Inspections Officer, stated that there were no extenuating circumstances and the City was seeking an order for the full amount.

Ms. Etienne stated that they did not know about the case and Mr. St. Jean had been arrested. Ms. Pingitore clarified that Mr. St. Jean had been brought up in civil court and jailed for 30 days for code violations.

Judge Hull asked Mr. St. Jean about the property. Mr. St. Jean replied that the mortgage was \$79,000.00, he bought the property in 1996, and he was unsure how much he paid for the house, but the down payment was \$4,000.00.

Judge Hull signed the order to impose the fine.

**Reference CE01090259**

United Mutual Trust Inc.  
1537 Northwest 4<sup>th</sup> Avenue

Ms. Bazer announced that this case was originally heard on December 6, 2001 with compliance ordered by January 5, 2002. The property was still not complied and fines had accrued in the amount of \$47,450.00.

Ms. Cheryl Pingitore, Community Inspections Officer, stated that this case had been turned over to Detective Abrams. The tenant was present, but the City still showed that Washington Mutual Trust was the owner, so perhaps the deed was never filed.

Mr. Moses Spencer explained that he had been bed-ridden for some time. He had purchased the property around 2000.

Supervisor Bradley wondered whether they needed to continue with the case, as the lien was against the prior owner. Judge Hull agreed to reschedule the case.

Judge Hull continued the case.

**Reference CE01011228**

Jessie Walden  
2336 Northwest 15<sup>th</sup> Street

Ms. Bazer announced that this case was originally heard on March 1, 2001 with compliance ordered by March 31, 2001. One section was complied on May 9, 2001 and the two other violations were still not complied. Fines had accrued in the amount of \$62,400.00.

Ms. Cheryl Pingitore, Community Inspections Officer, stated that she had reinspected on August 11 and the property was in the same state. There were no extenuating circumstances, so the City was seeking the imposition of the fines.

Jessie Walden, owner, stated that the City was going to install a new water line.

Judge Hull signed the order to impose the fine.

**Cases with Fines Imposed**

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

CE01050578	9311159	CE01041373	CE01121513
CE00061742	CE00101634	CE02100996	9302045
CE98071897	CE02121756	CE96040557	9119018
CE99100617	9116926	CE98101169	CE03011005
CE02081456	CE97030508	CE01061248	CE00120733

**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:

CE02082288                      CE99110628

There being no further business, the hearing was adjourned at 10:30 A.M.

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Special Master

ATTEST:

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Clerk, Special Master