

SPECIAL MASTER HEARING
City Commission Meeting Room – City Hall
Special Master Zebedee Wright, Presiding
August 19, 2004
9:10 A.M. – 10:30 A.M.

Staff Present:

Assistant City Attorney
Jennifer Chenault, Secretary
Eve Bazer, Administrative Assistant
Leonard Ackley, Community Inspections Officer
Alberto Benavides, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Andre Cross, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
John Gossman, Community Inspections Officer
Robert Guilford, Community Inspections Officer
Deborah Haskins, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Todd Nobles, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Maria Christine Roque, Community Inspections Officer
Waynette Smith, Occupational License Inspector
Frank Stockinger, Community Inspections Officer
Ursula Thime, Community Inspections Officer

Also Present:

*Alix Montes, CE03092062
Fredrick Fiore, CE03031945
Michael Pateras, CE04061865
*Christopher White, CE04011748
Ron Mastriana, CE04071424
John Buckley, CE04060640
Peter Feldman, CE04071421
Kristen Hooper, CE04071421
Rod Feiner, CE02071508
Craig Hladchuck, CE04031042

*Massey Hearing

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 9:10 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.

The first four cases were called together

Reference 04070140

Flagler 501 LLC
503 West Andrews Avenue

Sec. 47-22.9: Signs without permits

Ms. Bazer announced that certified mail addressed to the registered agent and manager had been accepted on July 29, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that there were several signs attached to the building walls. She presented photographs of the property to Mr. Wright.

Mr. Ron Mastriana, attorney for the LLC and part owner, explained that the banners were part of a promotional campaign for the area's gentrification. The owners thought the CRA would ask the City Commission for permission to use the banners. This had not happened, but there was a proposed ordinance to allow them to use the banners at their various construction sites.

The city attorney stated that while the City supported the project, they were opposed to the unpermitted signs and asked Mr. Wright to find them in violation. If the Association wanted to change the ordinance, that was fine, but they should wait until that had happened to display the signs. Ms. Thime clarified that with the ordinance as it was currently written, permits could not be obtained for the signs. There were other properties she had already cited who had removed the banners.

Mr. Wright found the property in violation but agreed to allow 90 days to file for a permit or a fine of \$100.00 per day would be imposed.

Reference 04070141

Avenue Lofts, Ltd.
435 North Andrews Avenue

Sec. 47-22.9: Signs without permits

Ms. Bazer announced that certified mail addressed to the registered agent and owner had been accepted on July 29, 2004.

See case above.

Mr. Wright found the property in violation but agreed to allow 90 days to file for a permit or a fine of \$100.00 per day would be imposed.

Reference 04071421

Downtown Flagler Village Ltd.
413 North Federal Highway

Sec. 47-22.9: Signs without permits

Ms. Bazer announced that certified mail addressed to the general partner had been accepted on August 4, 2004; certified mail addressed to the owner had been accepted on August 5, 2004 and certified mail addressed to the registered agent had been accepted, illegible.

See cases above.

Mr. Wright found the property in violation but agreed to allow 90 days to file for a permit or a fine of \$100.00 per day would be imposed.

Reference 04071424

Flagler Junction LLC
712 Northeast 3rd Avenue

Sec. 47-22.9: Signs without permits

Ms. Bazer announced that certified mail addressed to the registered agent and manager had been accepted on August 3, 2004 and certified mail addressed to the manager had been accepted on July 28, 2004. .

See cases above.

Mr. Wright found the property in violation but agreed to allow 90 days to file for a permit or a fine of \$100.00 per day would be imposed.

Reference CE04050813

Schaefer Industries Inc.
3301 Southwest 13th Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on June 17, 2004 with compliance ordered by July 17, 2004; on July 17, 2004, a 30-day extension had been granted.

Mr. Rod Feiner, attorney for the owner, explained that they had arranged for a continuance of 90 days to work out zoning issues. Ms. Maria Christine Roque, Community Inspections Officer, testified that the City supported this agreement.

Mr. Wright granted a 90-day extension.

Reference CE02071508

S.C. & Diane Russo
3529 Southwest 12th Court

Continued from July 15, 2004

Ms. Bazer announced that this case was continued form July 15, 2004.

Mr. Skip Margerum, Community Inspections Officer, testified that the house was dirty and in need of paint. He had spoken with the owner and agreed to recommend 45 days to comply or a fine of \$25.00 per day.

Mr. Rod Feiner, attorney for the owner, stated that his client agreed

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

Reference CE03092062

Lex Properties LLC
524 Northwest 8th Avenue

Massey Hearing

Ms. Bazer announced that the case was heard on November 6, 2003, with compliance ordered by December 21, 2003. The property was still not complied and fines had accrued in the amount of \$36,150.00.

Mr. John Gossman, Community Inspections Officer, testified that he had taken photographs the previous day and the violations still existed. Ground cover was missing and windows had broken or missing screens.

Mr. Alix Montes, owner, stated that his partner, who handles the day-to-day operations of the property, was out of the country and his wife had informed Mr. Montes just last night of this hearing. He requested a continuance until his partner returned. Mr. Wright noted that someone had shown up for the hearing in November 2003 and heard the order to comply and the fine that would result from non-compliance. Mr. Wright was only signing the order to impose the fine today.

Inspector Gossman confirmed that someone from Lex Properties had attended the November hearing and Mr. Gossman had spoken with him afterwards. He pointed out that complying the property was not an expensive proposition but nothing had ever been done.

Mr. Wright stopped the fines running and granted 45 days to comply. If compliance was not made in 45 days, the \$36,150.00 fine would be imposed; if the property was complied, Mr. Wright would give some consideration to the imposition of the fine.

Reference CE03031945

728 Group Inc.
728 Northwest 9th Avenue

Request for Abatement

Ms. Bazer announced that this case was originally heard on March 18, 2004 with compliance ordered by May 18, 2004; on May 20, 2004, a 60-day extension had been granted.

Ken Reardon, Building Inspector, testified that the property was now complied; the fines had only run for two days in between the ordered compliance date and an appearance at which Mr. Wright granted an extension. He pointed out that Mr. Fiore was diligent but had experienced problems in the permitting process. Mr. Reardon did not object to abating the fine.

Mr. Wright abated the fine.

Reference CE04061865

Mike & Jenny Pateras
1122 West Broward Boulevard

Sec. 18-27(a): Trash on property;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 24-28(a): Garbage accumulated around
dumpster; Sec. 47-20.20 H: Parking area in
disrepair; Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail had been accepted on July 28, 2004.

Mr. Mike Maloney, Community Inspections Officer, testified that there was trash on the property; the house was dirty and in need of paint; there was garbage accumulated around the dumpster and the lids were broken; the parking lot was disrepair and ground cover was missing. He presented photographs of the property and recommended 45 days to comply or a fine of \$500.00 per day, per violation.

Mr. Michael Pateras, owner, stated that the person responsible for caring for the property had not done his job and been fired. Mr. Pateras was in the process of finding someone new and of obtaining permits to do some of the work. He asked for more time to complete work.

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 CE04011748

Christopher White
1419 Northwest 8th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on July 1, 2004 with compliance ordered by July 31, 2004. The property was still not complied and fines of \$2,700.00 had accrued to date.

Ms. Deborah Haskins, Community Inspections Officer, testified that she had reinspected yesterday and seen two men working on the property. Two of the three violations were now complied. Mr. White was in the process of laying sod, which would comply the last violation.

Mr. Christopher White, owner, stated that there had been a hostile tenant on the property whom Mr. white had been able to evict only yesterday. He informed Mr. Wright that the property was now complied. Ms. Haskins stated that Mr. White had not made the City aware of these problems; if he had, the City would not have opposed allowing additional time. She asked Mr. Wright to impose the accrued fines.

Mr. Wright granted a 30-day extension to comply Section 47-21.8 A.

Reference 04060640

Mary Brown
719 Northeast 2nd Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-281(b): Trash, overgrowth and inoperable,
unlicensed vehicle on property; Sec. 9-306:
Peeling paint/stained surfaces

Ms. Ursula Thime, Community Inspections Officer, testified that the parking area was in disrepair and the building was in need of paint; Section 9-281(b) was now complied. She had spoken with the owner's attorney and recommended 60 days to comply Sections 47-20.20 H and 9-306 or a fine of \$25.00 per day, per violation.

Mr. John Buckley, attorney for the property owner, stated that the tenant was responsible for the repairs and the owner was trying to get the tenant to make them. He requested 60 days to comply. Mr. Wright confirmed that the trash and vehicles were removed and most of the building painted.

Mr. Wright found in favor of the City and ordered compliance with Sections 47-20.20 H and 9-306 within 60 days or a fine of \$25.00 per day, per violation would be.

Reference 04060641

Mary Brown
721 Northeast 2nd Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-281(b): Trash, overgrowth and inoperable,
unlicensed vehicle on property; Sec. 9-306:
Peeling paint/stained surfaces

Ms. Ursula Thime, Community Inspections Officer, testified that the parking area was in disrepair and the building was in need of paint; Section 9-281(b) was now complied. She had spoken with the owner's attorney and recommended 60 days to comply Sections 47-20.20 H and 9-306 or a fine of \$25.00 per day, per violation.

See above case.

Mr. Wright found in favor of the City and ordered compliance with Sections 47-20.20 H and 9-306 within 60 days or a fine of \$25.00 per day, per violation would be.

Reference CE03052012

Denise McClendon
642 Northwest 15th Avenue

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

Ms. Bazer announced that certified mail had been returned unknown on May 27 and July 23, 2004 and service was via posting at the property on August 4 and at City Hall on August 9, 2004.

Mr. Robert Guilford, 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 presented photographs of the property and recommended 10 days to comply or a fine of \$250.00 per day.

Mr. Wright found in favor of the City and ordered compliance within 10 days or a fine of \$250.00 per day, per violation would be imposed.

Reference CE04060971

Oakland Square LLC
3058 North Federal Highway

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(a): Broken windows

Ms. Bazer announced that certified mail addressed to the owner had been accepted on August 4 and 6, 2004 and certified mail addressed to the registered agent had been accepted on August 4, 2004.

Mr. Len Ackley, Community Inspections Officer, testified that the house was dirty and in need of paint and there was a broken window on the west side of the building. He had a stipulated agreement with the owner to comply in 60 days to comply or a fine of \$100.00 per day, per violation.

Mr. Wright 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 CE04051935

Tristan & S. Yadira Keen
951 Southwest 16th Street

Sec. 47-21.8: Missing ground cover

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

Mr. Alberto Benavides, Community Inspections Officer, testified that there were areas of missing ground cover. He presented photographs of the property and recommended 45 days to comply or a fine of \$25.00 per day.

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

Reference CE04051228

Mortgage Electric Registration Systems inc.
1100 Northwest 11th Place

Sec. 9-281(b): Unlicensed, inoperable
vehicle on property; Sec. 47-21.8 A:
Missing ground cover;

Ms. Bazer announced that certified mail addressed to the owner had been accepted on July 29 and 30, 2004 and certified mail addressed to the registered agent had been accepted on July 28, 2004.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of missing ground cover and there were unlicensed, inoperable vehicles stored on the property. He presented photographs of the property and recommended 30 days to comply Section 47-21.8 A or a fine of \$25.00 per day, and 7 days to comply Section 9-281(b) or a fine of \$25.00 per day.

Mr. Wright found in favor of the City and ordered compliance with Section 47-21.8 A within 30 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 \$25.00 per days would be imposed.

Reference CE04052238

Alvaro & Maria Zuluaga
5140 Northeast 18th Avenue

Sec. 47-21.8 A: Missing ground cover;
Sec. 9-281(b): Inoperable, unlicensed vehicles on
property

Ms. Bazer announced that certified mail had been accepted on July 29, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that there was missing ground cover on the property; Section 9-281(b) was now complied. He had spoken with

the owner and agreed to recommend 30 days to comply Section 47-21.8 A or a fine of \$25.00 per day.

Mr. Wright found in favor of the City and ordered compliance with Section 47-21.8 A within 30 days or a fine of \$25.00 per day would be imposed.

Reference CE04061072

Antonio & Elonia Perazzelli
5720 Northeast 19th Terrace

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail had been accepted on July 24, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that there were areas of missing ground cover on the property. He presented photographs of the property and informed Mr. Wright that he had spoken with the owner and agreed to recommend 30 days to comply or a fine of \$25.00 per day.

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

Reference CE04071114

910 Limited LLC
910 Southeast 17th Street
Tenant: Coldwell Banker, Robin Davis

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to the registered agent and tenant had been accepted on July 29, 2004 and certified mail addressed to the manager had been accepted on August 2, 2004.

Ms. Waynette Smith, Occupational License Inspector, testified that the tenant was engaged in business without the required occupational license. She recommended 7 days to comply or a fine of \$50.00 per day.

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

Reference CE04071136

910 Limited LLC
910 Southeast 17th Street
Tenant: Coldwell Banker, Pamela Hills

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to the registered agent and tenant had been accepted on July 29, 2004 and certified mail addressed to the manager had been accepted on August 2, 2004.

Ms. Waynette Smith, Occupational License Inspector, testified that the tenant was engaged in business without the required occupational license. She recommended 7 days to comply or a fine of \$50.00 per day.

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

Reference CE04070351

Franklin & Norma Tse
1101 Northeast 18th Street

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

Ms. Bazer announced that certified mail was accepted on July 29, 2004.

Mr. Burt Fletcher, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property, including, but not limited to gray Toyota van and a gray Mercury Marquis. He had spoken with the owner and told him he would request 14 days to comply or a fine of \$100.00 per day or the vehicle would be towed.

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 or the vehicle would be towed.

Reference CE04051497

J. Thompson
1741 Northwest 27th Terrace

Sec. 47-21.8: Missing ground cover

Ms. Bazer announced that certified mail was accepted on July 24, 2004.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead ground cover and bare sand. She presented photographs of the property and recommended 30 days to comply or a fine of \$50.00 per day.

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

Reference CE04031042

Virginia Peterson
1537 Northwest 7th Terrace

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that the owner was present earlier and reached agreement with Inspector Haskins.

Ms. Deborah Haskins, Community Inspections Officer, testified that there were areas of missing ground cover on the property. She has spoken with the present owner, who was preparing to close on the property. She requested 30 days for the new owner to comply, but asked that the order be recorded.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50.00 per day, and agreed to record the order.

Reference CE04040455

Terusma & Merelie Frederic
1508 Northwest 7th Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on July 31, 2004 and personal service had been made by Inspector Haskins on August 7, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that the parking area was in disrepair and the building was bare stucco. She presented photographs of the property and recommended 60 days to comply or a fine of \$50.00 per day, per violation.

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

Reference CE04060031

Michael Nassar Inc.
1300 Northwest 6th Avenue

Sec. 9-281(b): Unlicensed, inoperable
vehicles on property; Sec. 9-313: Required display
of address

Ms. Bazer announced that certified mail had been returned unclaimed on July 21, August 2 and 9, 2004. Service was via posting on the property on August 7 and at City Hall on August 9, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that there were several unlicensed, inoperable vehicles stored on the property, including, but not limited to: a green Nissan truck, a green Mazda, a white Chevy, a black Infinity, a black Ford and two unidentified vehicles under a tarp. The house also lacked the required display of address. She presented photographs of the property and recommended 7 days to comply Section 9-313 or a fine of \$50.00 per day, and 7 days to comply Section 9-281(b) or a fine of \$250.00.

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:

CE04070616	CE04060244	CE04070408	CE04070824
CE04070837	CE04071250	CE04031318	CE04060574
CE04060575	CE04060014	CE04061672	CE04020194
CE04061984	CE04041734	CE04060587	CE04070876
CE04070877	CE04050187	CE04061785	CE04071167
CE04071169	CE04062010	CE04070252	CE04070984
CE04070991	CE04071364	CE03120681	CE04040803
CE04050940	CE04052108	CE04060254	CE04060793
CE04051080	CE04052175	CE04060652	

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:

CE04070807	CE04011723	CE04051929	CE04051933
CE04040868	CE03120129	CE04051986	CE04040280
CE04062008	CE04052235	CE04061406	CE04061862
CE04061874	CE04061312	CE04070207	CE04041456
CE04052110	CE04052112	CE04060511	CE04060512
CE04050313	CE04060028	CE04061884	CE03100010

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:

CE04010704	CE04071186	CE03102015	CE03012363
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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.

CE04060195	CE03100010	CE04011717	CE04040686
CE04031041	CE04061352		

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

Special Master

ATTEST:

Clerk, Special Master