

**SPECIAL MASTER HEARING**  
**City Commission Meeting Room – City Hall**  
**Special Master Richard Conner, Presiding**  
**October 21, 2004**  
**9:00 A.M. – 10:00 A.M.**

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Staff Present:

Eve Bazer, Administrative Assistant II  
Assistant City Attorney  
Jennifer Chenault, Secretary  
Andre Cross, Community Inspections Officer  
Burt Fletcher, Community Inspections Officer  
Deborah Haskins, Community Inspections Officer  
John Hudak, Community Inspections Officer  
Lee Kaplan, Community Inspections Officer  
Mike Maloney, Community Inspections Officer  
Skip Margerum, Community Inspections Officer  
Todd Nobles, Community Inspections Officer  
Waynette Smith, Occupational License Inspector

Also Present:

Patricia Elliott, CE04051237  
Osvaldo Iglesias, CE04090450  
David Nuby, CE04071126  
Martin Walker, CE04080420  
Jack Braunstein, CE04071126  
Maria Salas, CE04070923  
Nancy Glickman, CE04070923

NOTE: All individuals who presented information to the Special Master during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:00 A.M. Mr. Conner introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

**Reference CE04051237**

Mark & Patricia Elliott  
3106 Northwest 69<sup>th</sup> Court

Sec. 9-281(b): Rubbish, trash and overgrowth on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail had been accepted on October 1, 2004. Mr. Skip Margerum, Community Inspections Officer, testified that the fascia was in need of painting and there was overgrowth on the property; Section 47-21.8 A was now complied. He presented photographs of the property that were admitted into evidence as City exhibit 1 and recommended 30 days to comply Sections 9-306 and 9-281(b) or a fine of \$25.00 per day, per violation.

Ms. Patricia Elliot, respondent, requested additional time to finish painting.

Mr. Conner found in favor of the City and ordered compliance with Sections 9-306 and 9-281(b) within 30 days or a fine of \$25.00 per day, per violation would be imposed.

**Reference CE04071126**

Jack Braunstein  
1909 South Miami Road

Request for Extension

Mr. Jack Braunstein, owner, explained that work had been delayed by two hurricanes. There was also a problem with the sewer tap line that the City had to take care of. Mr. Braunstein asked for additional time to allow the City to complete its work.

Mr. Todd Nobles, Community Inspections Officer, stated that he didn't believe it would take 45 days, but agreed.

Mr. Conner granted a 45-day extension.

**Reference CE04080420**

Beach Boys Plaza Inc.  
405 South Ft. Lauderdale Beach Boulevard

Sec. 24-27(b): Garbage carts left in right-of-way; Sec. 47-19.4 C.1: Dumpster enclosure in disrepair; Sec. 47-20.20 H: Parking area in disrepair; Sec. 47-34.1 A.1: Permitted uses; Sec. 9-281(b): Rubbish and trash on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 47-19.4 D.8: Dumpster enclosure in disrepair

Ms. Bazer announced that certified mail addressed to the owner had been accepted on October 4, 2004; certified mail addressed to the registered agent and an officer of the company had been accepted (no date on card).

Mr. Lee Kaplan, Community Inspections Officer, testified that the parking lot was in disrepair; there was outside storage throughout the building and there was trash and debris scattered on the property; Sections 24-27(b), 47-19.4, 9-306 and 47-19.4 D.8 were now complied. He presented photographs of the property that were admitted into evidence as

City exhibit 1 and recommended 7 days to comply Sections 47-34.1 A.1 and 9-281(b) or a fine of \$100.00 per day and 180 days to comply Section 47-20.20 H or a fine of \$100.00 per day.

Mr. Stephen Walker, tenant, stated that it was stipulated in his lease that he was responsible for fixing the problems.

Mr. Conner found in favor of the City and ordered compliance with Sections 47-34.1 A.1 and 9-281(b) within 7 days and with Section 47-20.20 H within 180 days or a fine of \$100.00 per day, per violation would be imposed.

**Reference CE04070923**

Maria Salas & Jose Lucena  
311 Florida Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicles on property; Sec. 47-21.8: Missing ground cover; Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on October 1, 2004 and personal service had been made by Inspector Malik on October 16, 2004.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of bare sand on the property and areas of faded and peeling paint on the house; Section 9-281(b) was now complied. Mr. Cross noted that the owner was in the process of painting now. He presented photographs of the property that were admitted into evidence as City Exhibit 1 and recommended 30 days to comply Sections 47-21.8 and 9-306 or a fine of \$25.00 per day, per violation.

Ms. Maria Salas and her daughter, Nancy Goodman, agreed to comply in time.

Mr. Conner found in favor of the City and ordered compliance with Sections 47-21.8 and 9-306 within 30 days or a fine of \$25.00 per day, per violation would be imposed.

**Reference CE04080028**

Alice & H.C. Davis  
2451 Northwest 16<sup>th</sup> Street

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 18-27(a): Trash on property

Ms. Bazer announced that certified mail addressed to the owner had been returned unclaimed on September 29, October 4 and 14, 2004. .

Ms. Peggy Burks, Community Inspections Officer, testified that there was an unlicensed, inoperable Nissan Truck on the property and trash on the property. She presented photographs of the property and recommended 7 days to comply both violations or a fine of \$100.00 per day or the vehicle would be towed for Section 9-281(b) and a fine of \$25.00 per day for Section 18-27(a).

Mr. Conner found in favor of the City and ordered compliance with Section 9-281(b) within 7 days or a fine of \$100.00 per day or the vehicle would be towed, and with Section 18-27(a) within 7 days or a fine of \$25.00 per day.

**Reference CE03061177**

Wareh Construction Company  
1354 Southwest 26<sup>th</sup> Avenue

Request by City to Vacate Order

Mr. Dan Mullarkey, Community Inspections Officer, requested that Mr. Conner vacate the original September 9, 2003 order as the property owner had changed recently and the City no longer had a valid case. The original compliance date was September 18 and the property had never been complied nor a fine started.

Mr. Conner vacated the order.

**Reference 04090271**

Nancy Bartley Gracely  
800 State Road 84

Sec. 18-1: Stagnant water;  
Sec. 47-34.1 A.1: Permitted uses

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

Mr. Todd Nobles, Community Inspections Officer, testified that water had collected in tires and was a breeding place for mosquitoes and tires were being stored outside on the property. He presented photographs of the property that were admitted into evidence as City exhibit 1 and recommended 7 days to comply or a fine of \$100.00 per day, per violation.

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

**Reference CE04070129**

Laisener Auguste &  
Cherilia Belisaire  
1424 Northeast 2<sup>nd</sup> Avenue

Sec. 9-281(b): Rubbish, trash and overgrowth on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 47-21.8 A: Missing ground cover; Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner was returned unclaimed on September 29, 30, and October 4 and 14, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was trash, debris and overgrowth on the property; there was rotted fascia on the house; the lawn consisted of

bare sand and weeds and the chain link fence was in disrepair. She presented photographs of the property that were admitted into evidence as City composite exhibit 1 and recommended 14 days to comply or a fine of \$100.00 per day per violation. Mr. Conner felt they should be allowed more time to repair the fascia and sod; Ms. Haskins suggested 30 days for all the violations.

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

**Reference CE04071298**

Gerard Pond  
1309 Northwest 7<sup>th</sup> Terrace

Sec. 9-281(b): Overgrowth on property;  
Sec. 47-34.1 A.1: Permitted uses

Ms. Bazer announced that certified mail had been accepted on September 30 and personal service had been made by Inspector Margerum on October 17, 2004.

Ms. Deborah Haskins, Community Inspections Officer, testified that the lawn was overgrown and there was outside storage of commercial kitchen equipment and other items. She presented photographs of the property that were admitted into evidence as City exhibit 1 and recommended 7 days to comply or a fine of \$50.00 per day, per violation.

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

**Reference CE04070309**

Thomas Smith  
948 Northwest 14<sup>th</sup> Court

Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 47-21.8: Missing ground cover;  
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that personal service had been made by Inspector Malik on October 16, 2004.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead or missing ground cover and bare sand on the property; Sections 9-306 and 9-280(h)(1) were now complied. He presented photographs of the property that were admitted into evidence as City exhibit 1 and recommended 30 days to comply Section 47-21.8 or a fine of \$25.00 per day.

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

**Reference CE04070533**

Harriet Greenberg  
1515 Northwest 13<sup>th</sup> Avenue

Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 9-281(b): Rubbish, trash and overgrowth on  
property

Ms. Bazer announced that certified mail was accepted (no date on card).

Mr. Andre Cross, Community Inspections Officer, testified that the soffit and fascia were in disrepair, the paint was peeling and there was trash and overgrowth on the property. He presented photographs of the property that were admitted into evidence as City exhibit 1 and recommended 30 days to comply Section 9-306 and 7 days to comply Section 9-281(b) or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with Section 9-306 within 30 days and with Section 9-281(b) within 7 days or a fine of \$25.00 per day, per violation would be imposed.

**Reference CE04090619**

Mark Floied  
1432 Northeast 5<sup>th</sup> Avenue

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

Ms. Bazer announced that certified mail had been accepted (no date on card).

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

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

**Reference CE04081004**

David Damerou  
1717 Middle River Drive

Sec. 18-1: Stagnant pool water;  
Sec. 9-281(b): Rubbish, trash and overgrowth on  
property

Ms. Bazer announced that service was via posting on the property on September 28, 2004 and via posting at City Hall on October 4, 2004.

Mr. Len Ackley, Community Inspections Officer, testified that there were two pools on the property with stagnant water and tree and yard debris on the property. He presented photographs of the property that were admitted into evidence as City exhibit 1 and recommended 7 days to comply or a fine of \$100.00 per day, per violation.

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

**Reference 04071024**

2110 Trust  
2110 South Federal Highway

Request for Extension of Time

Ms. Bazer announced that this was a WaterWorks case and the City should grant the same extension as had been granted to Jack Braunstein.

Mr. Conner found granted a 45-day extension.

**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:

CE04081836	CE04061874	CE04070944	CE04081927
CE04090250	CE04070452	CE04070272	CE04080376
CE04082387	CE04090417	CE04090456	CE04090617
CE04090618	CE04090633	CE04081012	CE04081780
CE04082312	CE04082336	CE04090674	CE04091337

**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:

CE04081024	CE04080995	CE04031467	CE04081430
CE04061862	CE04082125	CE04082460	CE04090223
CE04080998	CE04081927	CE04071260	CE04070925
CE04080450	CE04082393		

**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:

CE04071296

**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:

CE04001369

CE04091125

CE04090450

There being no further business, the hearing was adjourned at 10:00 A.M.

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Special Master

ATTEST:

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Clerk, Special Master