

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Zebedee Wright, Presiding
January 6, 2005
9:00 A.M. – 11 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Dick Eaton, Secretary
Leonard Ackley, Community Inspections Officer
Alberto Benavides, Community Inspections Officer
Lin Bradley, Community Code Supervisor
Peggy Burks, Community Inspections Officer
Mila Champion, Community Inspections Officer
Andre Cross, Community Inspections Officer
Deborah Haskins, Community Inspections Officer
John Hudak, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Dan Mullarkey, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Frank Stockinger, Community Inspections Officer
Wayne Strawn, Building Inspector
Ursula Thime, Community Inspections Officer

Also Present:

*Leonard Oshinsky, CE02101734
Kimo Hayes, CE04052103
Debra Conaway, CE04101128
Kevin Deonarine, CE04101402
Janet Erlick, CE04110315
Jeanette Bien Aime, CE04101333
*Abedel Shebadeh, CE02101734
*Michael Matta, CE02101734
*Theresa Smith, CE02020446
*Jihad Abuznaid, CE04100510
Victor Leoni, CE04090589
Kathleen Stephens, CE04052103
*Patricia Vaughn Houchins, CE04071478
Michel Gagne, CE04110565
Michael Garretson, CE04110565
Mitchell Bierman, CE03042269

NOTE: All individuals who presented information to the Special Magistrate 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.

[Tape begins mid-case]

Reference CE02020446

Martha Menendez
3728 Southwest 12th Place

Massey Hearing

Ms. Bazer announced that this case was originally heard on March 7, 2002 with compliance ordered by March 14, 2002. The property was complied and fines had accrued in the amount of \$ 84,300.

Ms. Theresa Smith, daughter of the owner, stated that former tenants had caused the problems and then been evicted. Upon eviction, the tenants stripped the house of plumbing, flooring, appliances and ceilings. Ms. Menendez had spoken to Commissioner Moore, who advised them to get involved in the "First Time Owners" program. If a first-time buyer were found for the house, the fines would be abated and liens removed. Subsequently, a couple had approached Ms. Menendez's mother and told her they would buy the house from her and stop the fines. Ms. Menendez had found out that these people were known for taking advantage of the elderly. The City Commission denied them the ability to buy the property.

The couple, named Ackerbloom, had then put a lien on the home for \$60,000 with the intent of waiting for the home to go into bankruptcy and their lien being paid as part of the settlement and sale of the house. There were no documents signed by Ms. Martha Menendez contracting with the Ackerblooms for anything. A lawyer had advised Ms. Menendez to wait until the Ackerbloom's lien expired on December 18 and return to the January Special Magistrate hearing to deal with the City's fines.

The Ackerblooms had not renewed their lien and as of 5:30 p.m. January 5, 2005, there were no re-issues of liens or lawsuits so Ms. Menendez could now request abatement of fines with the understanding that the house would be sold to a first-time homebuyer.

Mr. Skip Margerum, Community Inspections Officer, explained that Jeanie Ackerbloom was a local realtor who had approached Martha Menendez and told her she would help her with the property. Ms. Ackerbloom had done a little work at the property and appeared before the City Commission herself to request fine relief for the property. Commissioner Moore realized that Ms. Ackerbloom was trying to take the property from Ms. Menendez and the

fine reduction was denied at that meeting. Commissioner Moore had told Ms. Menendez he would be in favor of reducing the fines if Ms. Menendez found a legitimate first-time buyer, but would not do it if Ms. Ackerbloom were involved.

Mr. Wright wanted to reschedule the case for Judge Hull to re-hear, as he had advised Ms. Menendez previously to wait for the Ackerbloom lien to expire and then schedule the case to be heard.

Mr. Wright rescheduled the case for Judge Hull to hear.

Reference CE04100510

Munaz Enterprises
201 Northwest 6th Street

Massey Hearing

Ms. Bazer announced that this case was originally heard on November 18, 2004 with compliance ordered by December 2, 2004. The property was complied on December 14, 2004 and fines had accrued in the amount of \$275.

Mr. Skip Margerum, Community Inspections Officer, explained that the problem arose from the dumpster company's not removing the dumpster from Mr. Munaz's property. Mr. Munaz had tried in good faith to have it removed and Mr. Margerum stated that the City did not object to abatement of the fine.

Mr. Jihad Abuznaid, brother of the owner, was pleased with Inspector Margerum's recommendation.

Mr. Wright abated the fine.

Reference CE04070867

Adaish Jangbahadoor
1032 Northwest 3rd Avenue

Sec. 10 4-4.1: Fire extinguisher maintenance;
Sec. 10 3-1.2.2: Missing fire extinguisher

Ms. Bazer announced that Inspector Shumaker was not present, so the case would be rescheduled to February 3, 2005.

Reference CE04100556

Gaffel Grant
1461 Northwest 20th Street

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 24-27(b): Garbage carts left in right-of-way

Ms. Bazer announced that certified mail had been accepted on December 14, 2004. Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and overgrowth on the property; Section 24-27(b) was now complied. She presented a

photograph of the property that was accepted into evidence and recommended 7 days to comply Section 18-27(a) or a fine of \$100 per day.

Mr. Wright found in favor of the City and ordered compliance with Section 18-27(a) within 7 days, or a fine of \$100 per day would be imposed.

Reference CE04081646

Ross Sullivan
801 Southwest 18th Street

Sec. 47-21.8: Missing ground cover;
Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-281(b): Rubbish and trash on property

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

Mr. Alberto Benavides, Community Inspections Officer, testified that the roof leaked, the garage door was rusted and the paint was peeling and there was trash on the property; Section 47-21.8 was now complied. He submitted photographs of the property that were admitted into evidence and recommended 60 days to comply Sections 9-280(b) and 9-281(b) or a fine of \$100 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance with Sections 9-280(b) and 9-281(b) within 60 days or a fine of \$100 per day, per violation would be imposed.

Reference CE04051264

Hernando Porras
305 Southwest 24th Avenue

Sec. 9-281(b): Trash and overgrowth on property;

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was trash, overgrowth, and a makeshift fence on the property. The owner had come into the office and Ms. Burks had a translator explain what needed to be done at the property. He had subsequently removed the overgrowth and the makeshift fence but replaced it with what appeared to be file cabinet drawers. She presented photographs of the property that were accepted into evidence and recommended 30 days to comply or a fine of \$25 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE04100992

Peninsular Florida District Council
Of Assemblies of God, Inc.
1600 Southwest 5th Place

Sec. 18-27(a): Rubbish and trash on property

Ms. Bazer announced that certified mail addressed to the director of the company had been accepted on December 16, 2004, certified mail addressed to an officer of the company had been accepted on December 20, 2004, and certified mail addressed to the owner of the company had been accepted on December 29, 2004.

Mr. Dan Mullarkey, Community Inspections Officer, testified that there was trash and rubbish on the property. He recommended 14 days to comply or a fine of \$25 per day.

Mr. Wright found in favor of the City and ordered compliance within 14 days, or a fine of \$25 per day would be imposed.

Reference CE04060213

Wilhelmine Tappan/Trustee Billy Peed
5225 Northeast 31st Avenue

Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on December 27, 2004.

Mr. Frank Stockinger, Community Inspections Officer, testified that areas of the roof needed cleaning and painting. Inspector Stockinger had a stipulated agreement with the owner to comply within 30 days or a fine of \$25 per day.

Mr. Wright found in favor of the City and ordered compliance with within 30 days or a fine of \$25 per day would be imposed.

Reference CE04100748

Angie Morejon & Argelio Hupp
3632 Southwest 22nd Street

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 18-27(a): Overgrowth on property;
Sec. 47-34.1 A.1: Permitted uses: outdoor storage

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that the building was in need of paint; Sections 18-27(a) and 47-34.1 A.1 were now complied. Inspector Lopez presented documentation and photographs of the property to Mr. Wright and informed him that he had spoken with the owner and agreed to recommend 45 days to comply Section 9-306 or a fine of \$50 per day.

Mr. Wright found in favor of the City and ordered compliance with Section 9-306 within 45 days or a fine of \$50 per day would be imposed.

Reference CE04102042

David Cone
1403 Southwest 36th Avenue

Sec. 47-21.8: Missing ground cover;
Sec. 9-306: Peeling paint/stained surfaces

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that there were areas of dead or missing ground cover and the building was in need of paint. He recommended 30 days to comply or a fine of \$25 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE04060307

Peter Addison
1609 Northeast 4th Court

Sec. 25-56(a): Sidewalk in disrepair;
Sec. 47-20.20 H: Parking area in disrepair

Ms. Bazer announced that certified mail had been accepted on December 23, 2004.

Ms. Ursula Thime, Community Inspections Officer, testified that the sidewalk was in poor condition and the parking lot surface was deteriorated, cracked, and uneven. Ms. Thime had spoken to the owner, who claimed the building would soon be demolished for new town home development but inspector Thime had found no evidence of this. She presented photographs and a history of the property and recommended 30 days to comply or a fine of \$100 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days, or a fine of \$100 per day, per violation would be imposed.

Reference CE04081147

Clarence Maron
3337 Northeast 16th Place

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

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

Mr. Leonard Ackley, Community Inspections Officer, testified that there were areas of chipped, peeling, faded paint on the building and there was overgrowth and trash on the property He had spoken with the owner, who informed him most of the work had been done

but requested an additional 30 days to complete repairs. Inspector Ackley recommended 30 days to comply or a fine of \$25 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE04110489

Ronald & Marilyn Toms Living Trust
1116 Northeast 15th Avenue

Sec. 9-307(a): Doors and windows not water tight and insect proof; Sec. 9-306: Stained surfaces; Sec. 9-280(g): Electrical components in disrepair

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

Mr. Leonard Ackley, Community Inspections Officer, testified that the doors and windows were not watertight and insect proof; the building and awnings were dirty and mildewed and the outside electrical components were in disrepair. He had spoken with the owner, who informed him that most of the work had been completed and Inspector Ackley had agreed to recommend 7 days to comply or a fine of \$50 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 7 days or a fine of \$50 per day, per violation would be imposed.

Reference CE03100474

Steven Grotowski
6760 Northwest 23rd Terrace

Sec. 9-306: Peeling paint/stained surfaces

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

Mr. Skip Margerum, Community Inspections Officer, testified that there were areas of chipped, dirty paint on the building. Inspector Margerum 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 \$50 per day.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day would be imposed.

Reference CE04101323

Jean & Abulaine Pierre
819 Northwest 3rd Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 18-27(a): Trash on property;
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail had been returned unclaimed on December 15, 20, and 30, 2004. This constituted service.

Mr. Skip Margerum, Community Inspections Officer, testified that the parking area was in disrepair and lacked striping; there was trash on the property, and the fence was in disrepair. He presented photographs of the property and a copy of his inspection report and recommended 30 days to comply or a fine of \$50 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day, per violation would be imposed.

Reference CE04101332

Celien Bien-Aime
921 Northwest 2nd Avenue

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

Ms. Bazer announced that certified mail had been returned unclaimed on December 15, 20, and 30, 2004. This constituted service.

Mr. Skip Margerum, Community Inspections Officer, testified that the paint on the building and fascia was chipped and stained and the parking area was in disrepair and lacked striping. He presented photographs and an inspection report of the property and recommended 30 days to comply or a fine of \$50 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day, per violation would be imposed.

Reference CE04101333

Jeannette Bien Aime
919 Northwest 2nd 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 December 21, 2004.

Mr. Skip Margerum, Community Inspections Officer, testified that the parking area was in disrepair and lacked striping and the paint on the building was chipped and stained. He presented photographs and an inspection report of the property and recommended 30 days to comply or a fine of \$50 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day, per violation would be imposed.

Reference CE04101398

Elizabeth Florestal
910 Northwest 2nd Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 18-27(a): Overgrowth on property;
Sec. 9-308 (b): Roof in disrepair

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

Mr. Skip Margerum, Community Inspections Officer, testified that paint on the building was chipped and stained, there was overgrowth on the property, and the roof was stained and dirty. He presented photographs and an inspection report of the property and recommended 30 days to comply or a fine of \$50 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day, per violation would be imposed.

[The following cases do not appear on the recording]

Reference CE04110565

School Board of Broward County
1201 Middle River Drive

Sec. 47-34.1 A.1: Parking lot lacks
buffer yard requirements; Sec. 47-25.3 A.3.d:
Required landscaped buffer

Ms. Bazer announced that certified mail had been accepted on December 23, 2004.

Mr. Wright found in favor of the City and ordered compliance within 90 days.

Reference CE04101128

Liberty Management, inc.
25 Southwest 18th Avenue

Sec. 9-280(b): Structure or Fixtures in disrepair

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

Mr. Dan Mullarkey, Community Inspections Officer, testified that the roof was in disrepair and recommended 90 days to comply or a fine of \$50 per day.

Mr. Wright found in favor of the City and ordered compliance within 90 days, or a fine of \$50 per day would be imposed.

Reference CE04102052

Liberty Management
35 Southwest 18th Avenue

Sec. 9-280(b): Structure or Fixtures in disrepair

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

Mr. Dan Mullarkey, Community Inspections Officer, testified that the roof was in disrepair and recommended 90 days to comply or a fine of \$50 per day.

Mr. Wright found in favor of the City and ordered compliance within 90 days, or a fine of \$50 per day would be imposed.

Reference CE04110315

The Fort Lauderdale
Children's Theater, Inc.
640 North Andrews Avenue

Sec. 18-27(a): Trash and overgrowth on property,
swale, and sidewalk; Sec. 47-20.20 H: Parking
area in disrepair

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

Ms. Ursula Thime, Community Inspections Officer, testified that there was overgrowth and trash on the property and swale, the sidewalk was covered with trash, and the parking area was deteriorated, with potholes, cracks, and weeds. She recommended 15 days to comply Section 18-27(a) and 90 days to comply Section 47-20.20 H or a fine of \$50 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance with Section 18-27(a) within 15 days or a fine of \$50 per day and with Section 47-20.20 H within 90 days or a fine of \$50 per day would be imposed.

Reference CE02101734

Garden Investments, Inc.
2910 East Commercial Boulevard

Massey Hearing

Mr. Wright reduced the fine to \$1,000 and ordered that it must be paid within 7 days.

Reference CE04071478

Hazel Vaughn
431 Arizona Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on November 4, 2004 with compliance ordered by December 4, 2004. The property is not in compliance and fines have accrued in the amount of \$800.

Mr. Wright granted a sixty-day extension.

Reference CE04052103

Stan's On the Water, Inc.
3300 East Commercial Boulevard

Request for Extension

Ms. Bazer announce that this case was originally heard on November 4, 2004 to comply by January 3, 2005. The property is not in compliance and fines have accrued in the amount of \$100.

Mr. Wright granted a 60-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:

CE04091661	CE04111228	CE04071057	CE04100466
CE04101999	CE04080061	CE04072051	CE04091381
CE04110356	CE04110357	CE04110419	CE04110439
CE04110529	CE04110597	CE04110289	CE04110495
CE04120719	CE04100945	CE04100955	CE04101320
CE04101400			

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:

CE04100608	CE04120193	CE04081024	CE04100586
CE03042269	CE04110143	CE04011723	CE04100239
CE04071729	CE04101540	CE04101996	CE04080075
CE04081197	CE04111008	CE04101334	CE04101335

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:

CE04031491

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:

CE04090710

CE04120260

CE04101402

CE04061766

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.

CE04071298

CE04081004

CE04081390

CE04071728

There being no further business, the hearing was adjourned at 11 a.m.

Special Magistrate

ATTEST:

Clerk, Special Magistrate