

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Richard Conner, Presiding
February 3, 2005
9:00 A.M. – 11:15 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Susan Batchelder, Community Inspections Supervisor
Leonard Ackley, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Michael Champion, Community Inspections Officer
Andre Cross, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
Robert Guilford, Community Inspections Officer
John Hudak, 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
Ursula Thime, Community Inspections Officer

Also Present:

*James Kautz, CE03102430
Joemar Vedad, CE04081512
Peter Addison, CE04060307
Allan Kozich, CE04051864
Jodie Siegel, CE04082393
Edward Shifter, CE04082393
Lucille Brown, CE04121377
*Perry Martin, CE03030841
*Alvaro Zuluaga, CE04052238
*Charles Crawson, CE04071014
Lonworth Butler, CE04111839
Mitchell Bierman, CE03042269
*Alvin Goodwin, 9213045
Scott Stringham, CE04090710
*Kathryn Boggess, CE04070569
* William Wessinger, CE04082393
*Massey Hearing

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. 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 CE03102430

Evangel Church
1045 Northwest 1st Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on January 15, 2004 with compliance ordered by March 15, 2004. One of the original five violations was still not complied and fines had accrued in the amount of \$4,225.

Mr. James Kautz, Pastor of Evangel Church, stated that the parking lot was the remaining issue. Contractors had applied for permits in July and these had just been granted in December. Ms. Bazer confirmed that the other violations had been complied by the ordered date.

Mr. Skip Margerum, Community Inspections Officer, agreed that the permit process had held up the project and had no objection to a 60-day extension.

Mr. Conner granted a 60-day extension.

Reference CE03030841

Palms 200 Master Association
2110 North Ocean Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on June 3, 2004 with compliance ordered by January 14, 2005. The property was complied and fines had accrued in the amount of \$1,000.

Mr. Perry Martin, General Manager, stated that the work was basically completed but they were waiting for final inspection.

Mr. Robert Guilford, Community Inspections Officer, testified that the project had experienced delays in permitting; he had no objection abatement of the fines.

Mr. Conner abated the fine.

Reference CE04082393

G.S. & Sarah Schifter
3322 Northeast 18th Street

Request to Vacate the Previous Order

Ms. Bazer announced that this was a request to vacate the previous order.

Ms. Jodie Siegel, attorney for the owner, stated there were mix-ups with notice for this case. The first violation had been complied and a contractor had been hired to work on the property. The owner now wished to rehabilitate the property and not apply for a renewal of the board up certificate.

Mr. Len Ackley, Community Inspections Officer, testified that the case was first heard in 2002; the house had been boarded up for two or three years. There was a \$1,400 lien on the property for the boarding violation. A representative from the Inspections Department confirmed Ms. Siegel's assertion that the owner was now going to rehabilitate the property. Mr. Ackley wanted to be sure a timetable was set for the work to be started.

Mr. William Wessinger, contractor, explained that he had already begun work on the property. Once the interior was clean, the architect could take measurements for plans. Mr. Ackley felt they should allow 90 days to obtain permits.

The Assistant City Attorney clarified that the vacation of the order referred to the order to impose the fine.

Mr. Conner vacated the previous order and granted a 90-day extension.

Reference CE03042269

Chavez Acquisitions
Limited Partnership
500 West Broward Boulevard

Sec. 15-28: Required occupational license;
Sec. 47-34.2 D: Planning/Zoning violation; use
as a parking lot; Sec. 47-34.2 B: Planning/Zoning
violation; permitted uses: use as a parking lot

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 18, 2005; certified mail addressed to the registered agent had been accepted on January 19, 2005 and certified mail addressed to the corporate attorney had been accepted on January 24, 2005.

Mr. Mike Maloney, Community Inspections Officer, testified that the business was operating without the required occupational license; the property was being used as a commercial parking lot in violation of a Board of Adjustment order dated March 12, 2003 and the property was used as a commercial parking lot in violation of the requirements of the ULDR. Inspector Maloney presented a copy of the Board of Adjustment meeting agenda from March 12, 2003 that was admitted into evidence as City exhibit 1, and photos of the

property and a copy of the inspection report that were admitted into evidence as City composite exhibit two.

Mr. Mitchell Bierman, attorney for the owner, stated that his client had appeared at the Board of Adjustment again in April of 2004 and had been denied a variance. His client had then sought relief under the dispute resolution provisions of the Burt J. Harris Act. This hearing might resolve the issue and should take place this month.

The Assistant City Attorney agreed that this hearing was scheduled to occur and requested 120 days for this to be resolved or the property to comply or a fine of \$250 per day per violation. Mr. Bierman argued that the fines were too high in the event the issue was not resolved in time and the Assistant City Attorney replied that this was the only recourse the City had to be sure the process moved along, especially considering that this was a repeat violation.

Mr. Conner found in favor of the City and ordered compliance within 120 days for all violations or a fine of \$250 per day, per violation would be imposed.

Reference CE04052238

Alvaro & Maria Zuluaga
5140 Northeast 18th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on August 19, 2004 with compliance ordered by September 18, 2004. The property was complied and fines had accrued in the amount of \$425.

Mr. Alvaro Zuluaga, respondent, told Mr. Conner that the original property cleanup had been delayed by the hurricanes and he had called Inspector Stockinger when the cleanup was complete. He thought the property was complied and did not realize fines were running.

Mr. Skip Margerum, Community Inspections Officer, confirmed that Inspector Stockinger had been in contact with Mr. Zuluaga. Inspector Margerum had no objection to abatement of the fine.

Mr. Conner abated the fine.

Reference CE04071014

Fiesta Hospitality LLC
1830 South Federal Highway

Request for Abatement

Ms. Bazer announced that the owner was requesting abatement of the fine.

Mr. Charles Crawson, Director of Operations, informed Mr. Conner that the property had passed final inspection on January 20, 2005.

Mr. Todd Nobles, Community Inspections Officer, testified that fines had accrued in the amount of \$800. He noted that one of the violations was wrong to begin with; the property was never on a septic system. He agreed that Mr. Crawson had worked diligently with the City to get the property into compliance.

Mr. Conner abated the fines.

Reference 9213045

Alvin Goodwin
1206 northwest 19th Street

Massey Hearing

Ms. Bazer announced that this case was first heard on November 5, 1992 with compliance ordered by November 12 and December 3, 1992. The property was now complied and fines had accrued in the amount of \$25,650.

Mr. Alvin Goodwin, son of the original respondent, stated he had been unaware of the fines and requested some form of payment schedule.

Ms. Susan Batchelder, Community Inspections Supervisor, explained fines and compliance dates. The property was finally complied on May 26, 2003. The original lien was recorded in 1993.

Mr. Goodwin stated he had first heard of the fines last year when he received a letter about the amnesty program. Mr. Conner clarified notice and hearing dates with Supervisor Batchelder; she noted that in 1992, when the original lien was recorded, Massey hearings were not required. The owner should have received a letter stating the property was not in compliance and the City was imposing a lien. Supervisor Batchelder discovered that this letter had been returned unclaimed. Mr. Conner admitted the letter into evidence as City exhibit 1. Supervisor Batchelder said the City did not object to accepting the amnesty amount for the fines: \$6,412.50.

Mr. Conner reduced the fine to \$6,412 and signed the order.

Reference CE04121377

Robert Brown
505 Northwest 15th Way

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

Ms. Bazer announced that certified mail had been accepted on January 15, 2005.

Mr. Burt Fletcher, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles on the property including, but not limited to a black Mercedes and an unidentified vehicle under a tarp. Inspector Fletcher presented a copy of the inspection report and photos of the property that were admitted into evidence as City composite exhibit one and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicles would be towed.

Ms. Lucille Brown, wife of the owner, informed Mr. Conner that her husband was incarcerated. Both of the vehicles were now running and registered. Inspector Fletcher confirmed that the violation was therefore complied.

Mr. Conner dismissed the case.

Reference CE04090710

Sunrise Sports Cars Inc.
1721 Northwest 9th Lane

Sec. 47-19.9 A.2: Outside storage

Ms. Bazer announced that personal service had been made to the owner by Inspector Guilford on January 28, 2005.

Mr. Robert Guilford, Community Inspections Officer, testified that there was outside storage of junk vehicles on the property. Inspector Guilford presented a copy of the City code, photos of the property taken on several occasions, and a copy of the inspection report to Mr. Conner. The report and photos were admitted into evidence as City composite exhibit 1; the copy of City code was admitted as City exhibit 2. Inspector Guilford noted that the vehicles were stored on an unpaved lot without proper drainage and that the lot lacked proper screening. He recommended ordering compliance within 60 days or a fine of \$250 per day.

Mr. Scott Stringham, owner, stated that portions of the lot were utilized free of charge by the City Police and Fire Departments; cars from the lot were used for training. Mr. Stringham requested 180 days to get the property complied by obtaining permits and erecting a wall. He submitted photos of the existing wall to Mr. Conner that were admitted into evidence as respondent's exhibit 1. Inspector Guilford stated that he did not object to allowing 180 days for compliance.

Mr. Conner found in favor of the City and ordered compliance within 180 days or a fine of \$250 per day would be imposed.

Reference CE04111839

Alice & H.C. Davis
2451 Northwest 16th Street

Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-280(b): Windows in disrepair

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was garbage and trash on the property and there were several broken windows. Inspector Burks presented photos of the property and a copy of the Notice of Violation that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance with Section 9-281(b) within 30 days or a fine of \$25 per day, and with Section 9-280(b) within 90 days or a fine of \$25 per day. She had spoken with the owner's attorney, who advised her of the work the owner intended to do at the property.

Mr. Lonworth Butler, attorney for the owner, agreed to comply the property within the ordered time.

Mr. Conner found in favor of the City and ordered compliance with Section 9-281(b) within 30 days or a fine of \$25 per day would be imposed and with Section 9-280(b) within 90 days or a fine of \$25 per day would be imposed.

Reference CE04060307

Peter Addison
1609 Northeast 4th Court

Request for Extension

Ms. Bazer announced that the owner was requesting an extension of time.

Mr. Peter Addison, respondent, stated he had applied for permits to erect two new buildings on the property. He felt it would take 4 to 5 months to obtain the permits and demolish the existing buildings.

Ms. Ursula Thime, Community Inspections Officer, testified that the case could be closed as soon as the existing buildings were demolished. She confirmed that a fine had never begun running.

Mr. Conner granted a 120-day extension.

Reference CE04051864

BIMA II LLC
3033 Northeast 32nd Avenue

Request for Extension

Ms. Bazer announced that the owner was requesting an extension of time.

Mr. Len Ackley, Community Inspections Officer, testified that the site must be revisited with noise measuring equipment and then the owners would need time to obtain permits. Inspector Ackley had no objection to allowing an additional 90 days, as the owner requested.

Mr. Conner granted a 90-day extension.

Reference CE04070569

Bellamarc Investments, Inc.
6890 Northwest 9th Avenue

Request for Extension

Ms. Bazer announced that the owner was requesting an extension of time.

Ms. Kathryn Boggross, property manager, informed Mr. Conner that the owner had applied for a loan to repave the parking lot and requested a 120-day extension to complete the project.

Mr. Skip Margerum, Community Inspections Officer, testified that the other violations had been complied and stated he did not object to the 120-day extension.

Mr. Conner granted a 120-day extension for Section 47-20.20 H.

Reference CE05010330

Maria Juana Cardenas
3661 Southwest 23rd Court

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

Ms. Bazer announced that certified mail had been accepted on January 12, 2005.

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was an unlicensed, inoperable white Ford on the property and an unlicensed, inoperable vehicle under a tarp in the carport. Inspector Lopez presented photos of the property and copies of the inspection report, Notice of Violation, and the courtesy notice that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicles would be towed.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$100 per day would be imposed or the vehicles would be towed.

Reference CE04062030

Frederick & Willette Lehman
2412 Tortugas Lane

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

Ms. Bazer announced that certified mail had been accepted on January 13, 2005.

Mr. Lee Kaplan, Community Inspections Officer, testified that there was an unlicensed, inoperable black Chrysler on the property and trash on the property. Inspector Kaplan presented photos of the property and copies of the inspection report, the Notice of

Violation, and a history of the property that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance with Section 9-281(b) within 7 days or a fine of \$100 per day or the vehicle would be towed, and with Section 18-27(a) within 7 days or a fine of \$100 per day.

Mr. Conner found in favor of the City and ordered:

- compliance with Section 9-281(b) within 7 days or a fine of \$100 per day or the vehicle would be towed, and
- compliance with Section 18-27(a) within 7 days or a fine of \$100 per day would be imposed.

Reference CE04111649

Susan Pedersen
2001 Southeast 25th Avenue

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

Ms. Bazer announced that certified mail had been accepted on January 15, 2005.

Mr. Lee Kaplan, Community Inspections Officer, testified that paint on the building was chipping and peeling and the fascia was in disrepair and there was dead and missing ground cover on the property; Section 9-281(b) was now complied. Inspector Kaplan presented photos of the property and copies of the inspection report and the Notice of Violation that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance with Sections 9-306 and 47-21.8 A within 60 days or a fine of \$50 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with Sections 9-306 and 47-21.8 A within 60 days or a fine of \$50 per day, per violation would be imposed.

Reference CE04100586

Pablo Lopez
501 Southwest 27th Terrace

Sec. 47-21.8 A: Ground cover not maintained

Ms. Bazer announced that certified mail addressed to the owner had been returned unclaimed on three attempts: January 14, 19, and 29, 2005.

Mr. John Hudak, Community Inspections Officer, testified that ground cover on the property was not maintained. Inspector Hudak presented photos of the property and a copy of the inspection report that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance within 7 days or a fine of \$50 per day.

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

Reference CE04120646

Irene Erskine
2812 Southwest 2nd Court

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 12, 2005.

Mr. John Hudak, Community Inspections Officer, testified that there was an inoperable blue Lincoln on the property. Inspector Hudak presented photos of the property and a copy of the inspection report that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE04071729

Linda Schlueter
251 Florida Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-308 (b): Roof in disrepair;
Sec. 39-79(e): Dead and missing ground cover

Ms. Bazer announced that certified mail had been accepted on January 21, 2005.

Mr. Michael Champion, Community Inspections Officer, testified that there were areas of mildew and stained paint on the building; the roof was mildew-stained, and ground cover was dead or missing. Inspector Champion presented photos of the property and copies of the inspection report and Notice of Violation that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance with all violations within 30 days or a fine of \$25 per day, per violation.

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

Reference CE04110572

Perry & Valerie Hinton
120 Berkeley Boulevard

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

Ms. Bazer announced that certified mail had been accepted on January 12, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there were 2 unlicensed, inoperable Volkswagen bugs stored on the property. Inspector Cross presented photos of the property and copies of the inspection report, history of the property and Notice of

Violation that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicles would be towed.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$100 per day or the vehicles would be towed.

Reference CE04110803

Donna Ventura
390 Florida Avenue

Sec. 18-27(a): Ground cover not maintained;
Sec. 39-275(7)(a): Commercial vehicle stored on property; Sec. 39-79(e): Dead and missing ground cover

Ms. Bazer announced that certified mail addressed to the owner had been returned unclaimed on three attempts: January 14, 19, and 29, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there was overgrowth on the property; there was a white commercial vehicle stored on the property and there was dead ground cover on the property. Inspector Cross presented photos of the property and copies of the inspection report, a history of the property and the Notice of Violation that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance with Sections 18-27(a) and 39-79(e) within 30 days or a fine of \$25 per day, per violation, and with Section Sec. 39-275(7)(a) within 7 days or a fine of \$100 per day or the vehicle would be towed.

Mr. Conner found in favor of the City and ordered compliance with Sections 18-27(a) and 39-79(e) within 30 days or a fine of \$25 per day, per violation, and with Section Sec. 39-275(7)(a) within 7 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE04121487

G.L. & Agnes Burrows
1600 Northwest 4th Street

Sec. 18-27(a): Trash on property

Ms. Bazer announced that certified mail had been accepted on January 14, 2005.

Ms. Ursula Thime, Community Inspections Officer, testified that there was trash and rubbish at the rear of the property. Inspector Thime presented photos of the property and copies of the inspection report and Notice of Violation that were admitted into evidence as City composite exhibit 1 and recommended ordering compliance within 15 days or a fine of \$25 per day. Ms. Thime stated that she had left a copy of the Notice of Violation at the legal address of the owner as well.

Mr. Conner found in favor of the City and ordered compliance within 15 days or a fine of \$25 per day would be imposed.

Reference CE04111008

Anthony Family Limited Partnership
795 East Sunrise Boulevard

Sec. 47-34.1 A.1: Permitted uses: outside
display of merchandise

Ms. Bazer announced that personal service had been made to an employee by Inspector Thime on January 15, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that the furniture store kept furniture for sale in the parking lot. This was a recurring violation. Inspector Ackley presented photos of the property and copies of the inspection report and a history of the property that were admitted into evidence as City composite exhibit 1 and noted that the history went back to November 2004.

Ms. Bazer then stated that service was not correct, so Mr. Conner returned Inspector Ackley's evidence.

Mr. Conner rescheduled the case to March 3, 2005.

Reference CE04080075

John Zimmerman
440 Northeast 13th Avenue

Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that Inspector Thime had received a certified letter from the owner.

Ms. Ursula Thime, Community Inspections Officer, testified that after the City had sent the owner a letter rescheduling his hearing to January 6, 2005, the owner had sent a letter to the City requesting until March 12, 2005 to comply the property. Inspector Thime presented a copy of the City's letter to Mr. Zimmerman that was admitted into evidence as City exhibit 1; a copy of Mr. Zimmerman's letter to Inspector Thime date January 12, 2004 was admitted into evidence as City exhibit 2, and photos of the property and copies of the inspection report and a history of the property that were admitted into evidence as City composite exhibit 3 recommended ordering compliance within 60 days or a fine of \$25 per day.

Mr. Conner found in favor of the City and ordered compliance within 60 days or a fine of \$25 per day would be imposed.

Reference CE04031491

Christopher Cartwright
2609 Northeast 26th Street

Sec. 47-34.4 B.2.a: Unconcealed boat and trailer
parked/stored on property

Ms. Bazer announced that personal service was made by Inspector Thime on December 11, 2004.

Mr. Len Ackley, Community Inspections Officer, testified that there was a boat and trailer stored in the driveway. Inspector Ackley informed Mr. Conner that the case was continued from December, but a decision had yet to be made about some ambiguity in the code by the building Department. He therefore requested a continuance to March 3, 2005.

Mr. Conner continued the case to March 3, 2005.

Reference CE04111152

Calman Parker
420 Southeast 22nd Street

Request to Vacate the Previous Order

Ms. Bazer announced that the City was requesting the original order be vacated as the wrong property owner had been cited for the violations.

Mr. Conner vacated the order.

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:

CE04121182	CE04121426	CE04121235	CE04070867
CE04081512	CE04120706	CE04121880	CE04122133
CE04091363	CE04100223	CE04101749	CE04081080
CE04090684	CE04090903	CE04101540	CE04120678
CE04121380	CE04121381	CE04121385	CE04121572
CE04121706	CE04122089	CE04122209	CE05010121
CE05010122	CE04100286	CE04121042	CE04121114
CE04121473	CE04121475	CE04121482	CE05010007
CE05010338	CE04121369		

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	CE04101155	CE04120492	CE04111524
CE04121993	CE04081197		

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:

CE04100807 CE00021515 CE04101988 CE04071269
CE04052266

Approved for Claim of Lien

Ms. Bazer presented Mr. Conner with the following cases, for which respondents had failed to appear, to sign the order to impose the fine, which Mr. Conner signed based on the affidavits of the inspectors. Mr. Conner confirmed for each case that the property owners failed to appear, service was valid, and therefore the City had the right to impose the fines.

CE04051497 CE04070937 CE04071296 CE04060626
CE04031303

There being no further business, the hearing was adjourned at 11:15 a.m.

Special Magistrate

ATTEST:

Clerk, Special Magistrate