

**SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Karen Zann, Presiding
February 17, 2005
9:00 A.M. – 1:30 P.M.**

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
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
Robert Guilford, Community Inspections Officer
John Hudak, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Karl Lauridsen, Community Landscape Officer
Gilbert Lopez, Community Inspections Officer
Rose Reed, Community Code Supervisor
Waynette Smith, Occupational License Inspector
Ursula Thime, Community Inspections Officer

Also Present:

*Nathalie Coupet, CE01100530
*James Leech, Attorney, CE01100530
Patricia Eager, CE04121474
Michael Sill, CE00060143
Steve Chess, CE04110317
Patricia McDonald, CE04100603
*Nancy Figueroa, CE04071956
*Rose Shevchuk, CE04080455
*Gaffel Grant, CE04100556
Edward Ramos, CE04122007
Deborah Carpenter-Toye, Attorney, CE04121784
Alfred Louis Deleo, CE04121784
Andrew B. Yaffa, Attorney, CE04090277
Jill Dobrinsky, CE04090277

*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. Ms. Zann introduced herself and explained her role in ensuring adherence with the City's codes. She also pointed out that the proceedings were being recorded.

Reference CE04121784

Esposito Enterprises, Inc.
2910 East Sunrise Boulevard

Sec. 15-28: Required occupational license;

Ms. Bazer announced that certified mail addressed to the owner had been accepted (no date on card) and certified mail addressed to the corporate attorney had been accepted on January 26, 2005.

Ms. Deborah Carpenter-Toye, attorney for the owner, requested a 30-day continuance.

Ms. Waynette Smith, Occupational License Inspector, testified that she did not object to the continuance.

Ms. Zann granted a 30-day continuance.

Reference CE04071956

Nancy Figueroa & Marcos Mercado
1840 Southwest 34th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on December 16, 2004 with compliance ordered by January 15, 2005. One of the two original violations was still not complied and fines had accrued in the amount of \$800.

Ms. Nancy Figueroa, owner, explained that she had put sod down in another area of her yard, not the area for which Inspector Cross had cited her. She was in the process of replacing the sprinkler system in the cited area now.

Mr. Andre Cross, Community Inspections Officer, agreed that Ms. Figueroa had misunderstood and she had not called when the sod was put down, so the fines had started. Inspector Cross recommended a 30-day extension for Section 47-21.8.

Ms. Zann granted a 30-day extension for Section 47-21.8.

Reference CE04100556

Gaffel Grant

Massey Hearing

1461 Northwest 20th Street

Ms. Bazer announced that this case was first heard on January 6, 2005 with compliance ordered by January 13, 2005. The property was complied and fines had accrued in the amount of \$3,100.

Ms. Peggy Burks, Community Inspections Officer, confirmed that the property was in compliance.

Mr. Gaffel Grant, respondent, explained that he had cleaned up the property immediately, but admitted he did not notify Inspector Pingitore to reinspect the property. He had been out of the country when he should have called her. Inspector Burks confirmed that she had spoken with Inspector Pingitore, who stated she had no objection to abatement of the fine since the property was usually well taken care of.

Ms. Zann abated the fine.

Reference CE04080455

Ocean Mountain Lodging, Inc
2021 Northeast 33rd Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on November 18, 2004 with compliance ordered by December 18, 2004. The property was now complied and fines had accrued in the amount of \$2,950.

Ms. Rose Shevchuk, owner, explained that the driveway had been damaged by a construction company working across the street. It had taken time to coordinate the repairs because Ms. Shevchuk lived in New York.

Mr. Len Ackley, Community Inspections Officer, stated that the company responsible for the repairs had "dropped the ball" when obtaining the permit. He had no objection to reducing the fine, as long as the City was compensated for administrative costs. He felt a \$250 fine would be appropriate.

Ms. Zann reduced the fine to \$250.

Reference CE04110317

Steven & Karen Chess
773 Middle River Drive

Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on January 28, 2005.

Ms. Ursula Thime, Community Inspections Officer, testified that the house walls were dirty. Inspector Thime presented photos of the property, a copy of the letter sent by the owner to the Community Inspections Department and a copy of the inspection report to Ms. Zann and recommended ordering compliance within 30 days or a fine of \$25 per day.

Mr. Steven Chess, respondent, stated, "If the City is proven correct and this is a lawful act, I will comply; not a problem." Mr. Chess then stated that he was not guilty as the ordinance cited was not a valid ordinance for this infraction. Mr. Chess asked Inspector Thime her title and position, the head of her department, how long she was employed at Community Inspections, what qualifications and education a code inspector must have, her previous job experience, and if she had "ever attended any specific courses in recognizing dirt, stains, or what is considered unattractive." Inspector Thime replied that her title was Code Compliance Officer; the head of her department was Lori Milano; she had been employed at Code Enforcement for two years; she had been a Public Safety Aide for seven years prior to that; she had taken level one, two, and three of Code Enforcement; Ms. Thime was unsure what the educational requirement was, but she did possess a college degree; Inspector Thime replied to the dirt recognition training question by stating, "No, but I have common sense."

Mr. Chess informed Ms. Thime that because she lacked training in certain disciplines, such as "chemistry, metallurgy, construction methods and practices", she had no way of determining what was on his wall. She agreed that she could not determine exactly what was on his wall. Ms. Zann then read the ordinance Mr. Chess was cited under: "Section 9-306: Minimum standards for exterior building structures and exterior building walls. All exterior building walls shall be maintained in a secure and attractive manner. All defective structural and decorative elements of such building façade shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials construction of the building. All exterior building walls and structural parts, including fascia, soffits, and balcony shall have all graffiti and loose material removed and patching or resurfacing shall be accomplished to match existing or adjacent surfaces as to materials, color, bond adjoining, and shall be impervious to the elements. All cornices, trim, windows and window frames that are damaged, sagging, or otherwise deteriorated shall be repaired or replaced and made structurally sound and all exposed materials painted, stained, or otherwise treated in a consistent manner. Provided, however, broken or damaged windows may be repaired by placement of painted plywood or other consistent materials rather than replacement of the windows as provided in Section 9-307 hereof.

Mr. Chess asked Inspector Thime her interpretation of the "intent" of the ordinance. Inspector Thime stated "All deteriorated parts shall be repaired or replaced and made structurally sound and all exposed materials painted, stained or otherwise treated in a consistent manner provided, however, broken or damaged windows –" Mr. Chess interrupted and asked Inspector Thime if she agreed that the majority of the ordinance dealt with "defective structural and decorative elements, that they should be repaired or replaced, and it does not address dirty walls in any manner." Inspector Thime deferred to the Assistant City Attorney.

The Assistant City Attorney referred to the second sentence's reference to repairing the façade to match original materials. She assumed the original material put on the house was clean paint. Mr. Chess stated this was not true. He reiterated that the ordinance did not specifically address dirty walls. He insisted the exterior material was original Marbelcrete stucco, special stucco made with marble that was never painted. He thought the surface was supposed to be allowed to weather.

Mr. Chess felt the inspectors were "making up" interpretations of the ordinance as they went along. Mr. Chess claimed that before he could be required to wash his wall, the City must determine "what is 'dirty.'" "If there's no quantitative measure to tell me how much dirt I'm allowed, then how can possibly the citizen meet with the approval of the City, or will it be a random situation where I have a dictatorial power coming to my house saying, "well, your car is dirty, your dog is dirty, and your walls are dirty, and you need to clean them because the City told you to."

Mr. Chess wished to be shown a "dirty walls" reference in the ordinance. The Assistant City Attorney stated the ordinance required that all elements be repaired in a manner that replaces the original materials.

Ms. Zann referred to the first sentence, "All exterior building walls shall be maintained in a secure and attractive manner." Ms. Zann noted the obvious appearance of what looked like mildew stains on the building. Ms. Zann informed Mr. Chess that the inspectors and she made these determinations on behalf of the citizens of Fort Lauderdale. She stated that these walls were not attractive and informed Mr. Chess that she would uphold Inspector Thime's recommendation.

Mr. Chess argued with Ms. Zann that he be given more time to speak. He stated he felt he was not obligated to wash the wall because the ordinance was flawed and it was impossible to meet the code. Ms. Zann advised Mr. Chess to speak with Inspector Thime about possible remedies. Mr. Chess interrupted and told her, "We're going to have another discussion in front of a judge; I'm not worried about it."

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

Reference CE04090277

Jill Dobrinsky
326 Northeast 23rd Avenue

Sec. 47-19.5 H: Hedge exceeds ten feet in height

Ms. Bazer announced that service was via the presence of the respondent at this hearing.

Mr. Lee Kaplan, Community Inspections Officer, testified that the hedge was taller than ten feet. He presented photos of the property to Ms. Zann and recommended ordering 60 days to comply or a fine of \$25 per day.

Mr. Andrew B. Yaffa, attorney for the owner, stated that something was “not kosher with the way this came about.” He agreed that the hedge was taller than ten feet, but stated that the hedges were kept that tall to provide privacy from an adjacent two-story home. There were also several hedges in the neighborhood that exceeded ten feet in height.

Ms. Zann stated that she could only find whether or not there was a violation of the code in this case.

Mr. Yaffa noted that his client had been found not in violation of this ordinance in 2004; someone had reopened the case and he did not know why. He also thought there was an ordinance that grandfathered in hedges that had reached a height of ten feet prior to 1992. Inspector Kaplan stated that there was an “unwritten rule” that grandfathered in hedges existing prior to the completion of the ULDR.

Ms. Zann felt they should continue the case until Greg Bruton could be consulted and the Assistant City Attorney agreed. The Assistant City Attorney said she would also ask Ms. Milano if there was a specific complaint that started this case.

Ms. Zann granted a 30-day continuance.

Reference CE04121474

H. Louis Eager
725 Northeast 14th Street

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 29, 2005.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was overgrowth and trash on the property and there was an inoperable, unlicensed blue Chevrolet stored on the property. Inspector Fletcher presented a copy of the inspection report and photos of the property to Ms. Zann and recommended ordering compliance with Section 18-27(a) within 7 days or a fine of \$25 per day and with Section 9-281(b) within 7 days or a fine of \$100 per day.

Ms. Patricia Eager, respondent, stated that most of the cleanup was complete. She was selling the house because she could not afford to maintain it. The car belonged to Ms. Eager’s daughter, who was mentally ill and was not taking her medication. She requested two weeks to get her daughter to remove the car.

Ms. Zann found in favor of the City and ordered compliance with Section 18-27(a) within 7 days or a fine of \$25 per day and with Section 9-281(b) within 14 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE04100603

Luma properties Inc.
1747 North Federal Highway

Request for Extension

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

Ms. Patricia McDonald, property manager, stated that construction had been delayed and the crew had discovered that the underlying structure was unsound so additional work would be required. She requested 90 days to complete the work.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was still the matter of the sign on the property; their 30-day permit had expired. He had no objection to an extension for construction, but requested that the sign be moved immediately. Ms. McDonald agreed to have the sign removed immediately.

Ms. Zann granted a 7-day extension for Section 47-22.3 R and a 90-day extension for Section 9-306.

Reference CE04122007

Edward & Gladys Ramos
1105 Southwest 15th Terrace

Request for Extension

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

Mr. Edward Ramos, respondent, requested a 60-day extension. He had to replace the trees that had been removed and could not afford it right now.

Mr. Karl Lauridsen, Community Landscape Officer, stated that usually only 30-day extensions were granted; if Mr. Ramos needed more time after 30 days, he should return. He also advised Mr. Ramos that the caliper replacement could not be reduced.

Ms. Zann granted a 30-day extension.

Reference CE01100530

Renold Theoc
1341 Northeast 5th Terrace

Massey Hearing

Ms. Bazer announced that this case was first heard on December 6, 2001 with compliance ordered by December 9 and 20, 2001. The property was complied and fines had accrued in the amount of \$136,800.

The Assistant City Attorney stated that the Massey hearing had been continued a few times since June. After sending the notice for the Massey hearing, the City had received a

respondent's objection to the hearing and a brief from the respondent's attorney. The Assistant City Attorney had sent a response and had just received a response back from the respondent's attorney today.

The order to impose the fine had been executed in February 2002. The City had begun rescheduling all cases with outstanding liens for Massey cases in February of 2003. This was Mr. Theoc's opportunity to challenge the City's finding of violations and fines, so the Assistant City Attorney was confused as to why he would contest the hearing.

The Assistant City Attorney noted that the Massey hearing limited the Special Magistrate to the powers allowed in statute 162.09. She did not want to pursue certain issues that Mr. Theoc's attorney had included, as these were outside the purview of the Special Magistrate.

Mr. James Leech, attorney for the owner, referred to the Keyhaven case, which established three levels of constitutional challenges. He believed the second and third of these applied here, concerning the facial unconstitutionality of the City's code provision and his ability to challenge valid code provisions before the administrative agency. Mr. Leech objected to holding the hearing years after the case was closed, when receipts had been lost and witnesses had become unreachable. Mr. Leech also cited problems with the owner's proper notice of the first hearing. Mr. Theoc had received a Notice of Violation on October 30, 2001 stating that failure to comply the violations would result in the matter's being heard at a hearing on December 6, 2001. Since Mr. Theoc felt the violations were complied, he did not appear at the hearing. He had communicated with various employees at Code Enforcement on many different occasions. Mr. Leech noted that the property was not accessible, so it was impossible for the Inspector to say which items were complied and which were not without being permitted in the yard.

The Assistant City Attorney stated that in response to Mr. Leech's reference to the Keyhaven case, the case did not concern a City ordinance but an agency rule. Neither the Code Enforcement Department nor the Special Magistrate had rule making authority. She felt Mr. Leech had also misunderstood the phrase "implementing action"; this referred to how an agency formulated a rule and again, the Special Magistrate did not formulate rules, it followed ordinance and state statute.

Regarding the notice issues, the Assistant City Attorney presented the green card notice dated November 16, 2001 signed by Mr. Theoc and asked to have it admitted as City exhibit 1. There was another green card dated December 20, 2001 signed by Mr. Theoc with a notation that it was for the order issued at the December 6, 2001 hearing. She noted that the appeal period expired one month after the Special Magistrate signed the order.

Mr. Leech felt the Assistant City Attorney had misinterpreted the Keyhaven case. He stated that his client did not want to waive the Massey hearing.

Ms. Zann denied the constitutional arguments and felt these needed to be considered by the circuit court. She felt they should go forward with the Massey hearing.

Ms. Bazer clarified the violations and compliance dates for Ms. Zann:

- Section 9-280(b), compliance ordered by December 20, 2001, complied on May 12, 2004, total fine: \$43,650,
- 9-278(d), compliance ordered by December 20, 2001, complied on March 26, 2002, total fine: \$4,750,
- Section 9-280(g), compliance ordered by December 9, 2001, complied on May 12, 2004, total fine: \$88,400.

Mr. Burt Fletcher, Community Inspections Officer, confirmed that the property was still in compliance today. He informed Ms. Zann that he had visited the property numerous times, but tenants had not allowed him access to the building.

Mr. Leech confirmed with Inspector Fletcher that his original visit had been prompted by a complaint from a tenant that Mr. Theoc was evicting. Mr. Leech confirmed with Inspector Fletcher that on his visit of December 5, 2001, Inspector Fletcher noted that the vehicle and trash had already been removed, but the outside lighting was still inoperable; he was unable to gain access to the building to confirm compliance for the indoor violations.

Mr. Begeansme, tenant in the building, confirmed that when he and his father moved in during December 2001, there were no holes in the ceiling, there was no smoke detector dangling from wires in the bedroom, the outside light was working properly, the kitchen cabinets were sound and the air conditioner was working. Neither he nor his father had received a shock from the old stove and a new stove had been installed in March or April 2002.

Mr. Rafael Smith, another tenant, stated he had lived there since 1999. His door had been resurfaced in June 2002. Mr. Leech asked Mr. Smith if his kitchen cabinets were in disrepair and the Assistant City Attorney objected, saying the inspector found violations in December 2001; this would amount to an impermissible re-litigation of the first Special Magistrate hearing. Mr. Smith confirmed that new cabinets were installed in July of 2002. Mr. Smith said his air conditioner and outside light were both working in late December 2001, but noted that light bulbs from the outside lights were frequently stolen.

Mr. Theoc spoke through an interpreter, Nathalie Coupet, and confirmed that he discovered the lien when he applied for a second mortgage on the house to build a new home for his mother in Haiti to replace her home that had been destroyed by a hurricane. Mr. Theoc explained that the building had four units. He confirmed that he had evicted the tenant in unit one in November 2001 because he was very difficult to collect rent from and threatened to beat Mr. Theoc the next time he came to collect the rent.

The Assistant City Attorney stated that all of this was irrelevant; only the dates of compliance were relevant. Ms. Zann allowed Mr. Theoc to affirm that new tenants, Mr.

Begeansme and his son, had moved into unit one in December 2001 and Mr. Smith had moved into unit four in December 2001 as well.

Mr. Theoc stated that he fixed the violations one by one. He had not met with an inspector to confirm specific violations. Ms. Zann asked Mr. Theoc what action he took after he received notice of the December hearing. Mr. Theoc stated that he spoke to no one; he put the notice aside. He went to the office two weeks after he made the repairs in December 2001. Mr. Leech clarified that Inspector Fletcher visited Mr. Theoc and discussed the violations a few weeks after the December hearing.

Mr. Theoc explained that light fixtures were always operational but kids would constantly steal the light bulbs. The Assistant City Attorney reiterated that the Inspector had already testified that the lights were not operational; why they were not operational was not the issue.

Mr. Theoc confirmed that in November 2001, the only ceiling hole was in unit one and this was repaired prior to the new tenants' moving in at the beginning of December. The Assistant City Attorney read from the order that did not specify which units had holes on their ceilings.

Mr. Theoc confirmed that the door of unit four had rotted wood and he had repaired it; Inspector Fletcher had not indicated that any other doors required repair.

Mr. Theoc confirmed that the window locks were inoperable only in unit two. Mr. Theoc had replaced this in March or April of 2002.

Mr. Theoc performed some minor kitchen cabinet repairs in units one and four in May and June 2002.

Mr. Theoc confirmed that the smoke detector in unit one was hanging from the ceiling; he re-hung the alarm in December, prior to the Begeansmes' moving in.

Mr. Theoc testified that the Begeansmes never complained about being shocked by their stove. This stove was replaced before the Begeansmes moved in.

After a brief break, Ms. Bazer announced that the other cases from the agenda with good service would be heard and then they would return to Mr. Theoc's case.

Upon returning, Ms. Zann wanted clarification about when the rotten door in unit four was repaired. Mr. Theoc stated that he had replaced pieces of wood in the door and painted it. There had been no holes in the door.

Mr. Leech confirmed with Mr. Theoc that he had a pager in 2001 – 2002 and that this was the only means by which he could be contacted. Mr. Theoc stated he had replied to a page by an inspector in December 2001.

The Assistant City Attorney submitted the December 6, 2001 order as City exhibit 3. As to the inspection report, the notice of violation, and other materials, it was the City's position that these did not comprise the record for the Massey hearing. This hearing was about whether or not the violations were complied by the ordered date. Mr. Leech offered the Notice of Violation, the courtesy report and the inspection history into evidence. The Assistant City Attorney objected to the submission of everything except the inspection history. Ms. Zann admitted these into evidence.

Mr. Leech confirmed with Mr. Theoc that his pager was broken most of the time between December 2001 and May 2004. He had gone to Community Inspections several times; someone there had told him to keep calling the inspector. He had actually spoken to an inspector in December 2001.

Mr. Theoc said he had no receipts for the repairs because he had performed them himself; receipts from the materials he had thrown away, not realizing he would need them. He stated he performed all repairs in December 2001 but could not state specific dates.

Mr. Leech confirmed with Inspector Fletcher that he had visited the property on December 12, 2001, but had been unable to gain access; he visited again on December 20, 2001 and could still not get inside. On January 24, 2002 he tried and failed again.

Mr. Leech submitted Inspector Fletcher's Affidavit of Non-compliance dated December 28, 2002, testifying as to the condition of the property on December 20, 2001, as respondent's exhibit 1. The Assistant City Attorney objected on the grounds that since the inspector was present, the affidavit was not relevant to this hearing. Ms. Zann admitted the affidavit into evidence.

Mr. Leech asked Inspector Fletcher how he knew the violations were not complied; Inspector Fletcher stated that unless the owner proved to him that the violations were complied, he could not assume that their condition had changed.

The Assistant City Attorney stated the cited violations were obvious safety issues and Mr. Theoc was charging rent for these units. She admitted there was a communication problem with Mr. Theoc, because of the language barrier and the pager problems. She asked Ms. Zann to impose the previously stated fines for the violations: \$136,600. The Assistant City Attorney had offered Mr. Leech to settle for 75% of the total: \$102,600. She would leave it up to Ms. Zann to decide.

Mr. Leech reiterated that his argument was that the City did not comply with the City code because the code says, "if the violation is not timely corrected" and Inspector Fletcher had testified that when he visited the property, he was unable to determine if any violations had been corrected other than the light bulbs. He also alleged that the notice was not sufficient to notify Mr. Theoc of the December 6, 2001 hearing.

Mr. Leech remarked on the communication problems between Mr. Theoc and the City. Mr. Leech stated it was clear that a number of the violations were repaired prior to the December 6, 2001 hearing. He reviewed the various violations and the tenants' testimony for Ms. Zann.

The Assistant City Attorney reiterated that it was the respondent's responsibility to contact the inspector to confirm that the violations had been repaired. It was also Mr. Theoc's responsibility to maintain his apartments in accordance with the requirements of the minimum housing code.

Ms. Zann felt the City should make it clearer that the hearing would take place unless the inspector confirmed the property's compliance. Ms. Zann found the following:

- Section 9-280(b):
 - The holes in the ceiling and doors were repaired by December 21, 2001. Mr. Theoc would be fined for one day on each item.
 - The window locks were repaired by April 1, 2002
 - The kitchen cabinets were replaced by May 15, 2002.

The Assistant City Attorney stated that violations were not considered complied until all elements were complied. Ms. Zann stated that she would split the individual components for fine purposes; the fine for each of the 4 elements of Section 9-180(b) was \$12 per day.

- Section 9-278(d):
 - The violation was complied by the ordered date; no fine.
- Section 9-280(g):
 - The air conditioning was repaired by December 21, 2001;
 - The smoke detector was repaired by December 21, 2001;
 - The stove was replaced by April 1, 2002.

Ms. Zann stated these elements would each be fined at \$33 per day.

Reference CE05011099

Pedro Meza
742 Northwest 13th Terrace

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

Ms. Bazer announced that certified mail had been accepted on February 9, 2005.

Mr. John Hudak, Community Inspections Officer, testified that there was an unlicensed, inoperable grey Buick on the property. Inspector Hudak presented a copy of the inspection report and photos of the property to Ms. Zann and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

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

Reference CE04110887

Blake Heinemann
838 Southwest 16th Street

Sec. 9-281(b): Trash on property
Sec. 47-34.1 A.1: Permitted uses: illegal storage

Ms. Bazer announced that certified mail had been accepted on January 28, 2005.

Mr. Alberto Benavides, Community Inspections Officer, testified that there was trash on the property and hurricane shutters were stored on the property. Inspector Benavides presented photos of the property and a copy of the inspection report and recommended ordering compliance within 7 days or a fine of \$50 per day, per violation.

Ms. Zann 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 CE04121314

St. James Lodge #83 Inc.
670 Northwest 22nd Road

Sec. 47-20.20 H: Parking area in disrepair

Ms. Bazer announced that certified mail addressed to the registered agent and an officer of the company were both accepted on January 29, 2005.

Mr. Lee Kaplan, Community Inspections Officer, testified that the parking area was in disrepair. Inspector Kaplan presented photos of the property and his case file to Ms. Zann and recommended ordering compliance within 30 days or a fine of \$25 per day.

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

Reference CE05010067

Freddie Mae Davis
1712 Northwest 15th Avenue

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 29, 2005.

Ms. Peggy Burks, Community Inspections Officer, testified that there was an inoperable tar trailer on the property; Section 18-27(a) was complied. Inspector Burks presented photos of the property and a copy of the inspection report to Ms. Zann 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.

Ms. Zann found in favor of the City and ordered compliance with Section 9-281(b) within 7 days or a fine of \$100 per day would be imposed or the vehicle would be towed.

Reference CE04121152

D.L. & Marion Curington
524 Northwest 16th Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 18-27(a): Overgrowth on property;
Sec. 9-280(b): Roof in disrepair

Ms. Bazer announced that certified mail had been accepted on February 3, 2005.

Mr. Burt Fletcher, Community Inspections Officer, testified that the house and fascia had dirty, peeling or missing paint; there was overgrowth on the property and the roof was in disrepair. Inspector Fletcher presented photos of the property and copies of the inspection report to Ms. Zann and recommended ordering compliance within 30 days or a fine of \$25 per day, per violation.

Ms. Zann 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 CE04110175

Linda Ward
2301 Northwest 13th Street

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 28, 2005.

Ms. Peggy Burks, Community Inspections Officer, testified that there was overgrowth on the property and swale. Inspector Burks presented photos of the property and a copy of the inspection report to Ms. Zann and recommended ordering compliance within 7 days or a fine of \$25 per day.

Ms. Zann found in favor of the City and ordered compliance within 7 days or a fine of \$25 per day would be imposed.

Reference CE05010302

WRH Rio Properties Inc.
634 Northwest 10th Terrace

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

Ms. Bazer announced that certified mail addressed to the owner, the registered agent, an officer of the company and the company director had all been accepted on January 31, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that there was an unlicensed, inoperable blue Chevrolet on the property. Inspector Ackley presented photos of the property and copies of the Notice of Violation to Ms. Zann and recommended ordering compliance within 7 days or a fine of \$100 per day would be imposed or the vehicle would be towed.

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

Reference CE05011300

Stephen & Mary Judith Stephenson
623 Northwest 9th Avenue

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 28, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that there was an unlicensed, inoperable white Ford van and tan Toyota on the property. Inspector Ackley presented photos of the property and copies of the inspection report and a history of the property to Ms. Zann and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicles would be towed.

Ms. Zann 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 CE03121020

Nozzie Adams
1061 Northwest 25th Way

Request to Vacate the Previous Order

Ms. Bazer announced that the City was requesting the original order be vacated

Ms. Zann 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:

CE04111361	CE04121081	CE04121792	CE04051986
CE04111016	CE04121033	CE04121280	CE04121312
CE04101554	CE04110555	CE04052112	CE04121547
CE05010215	CE05010218	CE05010219	CE05010558
CE04082353	CE04091703	CE04121318	CE04121341
CE05010303	CE05010831	CE05010925	CE04101552

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:

CE05010421	CE04121249	CE04121307	CE04101581
CE04121365	CE04121367	CE05010881	CE04111464
CE04121364			

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:

CE04070943	CE00060143
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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:

CE04091338	CE04101190
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Approved for Claim of Lien

Ms. Bazer presented Ms. Zann with the following cases to sign the order to impose the fine, which Ms. Zann signed based on the affidavits of the inspectors

CE04101560	CE02071359	CE01060611	CE02070066
CE04090694	CE04081818		

There being no further business, the hearing was adjourned at 1:30 p.m.

Special Magistrate

ATTEST:

Clerk, Special Magistrate