

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Richard Conner, Presiding
March 3, 2005
9:00 A.M. – 11:30 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Alberto Benavides, Community Inspections Officer
Lin Bradley, Community Code Supervisor
Peggy Burks, Community Inspections Officer
Michael Champion, Community Inspections Officer
Andre Cross, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
Deborah Haskins, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Todd Nobles, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Ursula Thime, Community Inspections Officer
Lori Milano, Community Inspections Director
John Simmons, Community Inspections Assistant Director
Valerie Bohlander, Building Department Director

Also Present:

*Hernando Porras, CE04051264
*Robert Lee, CE03070858
Raymond Nyhuis, CE04090435
Darren Blake, CE04121812
*Donna Hickenbottom, CE04110930
*Hope Calhoun, CE02061207
Timothy Greene, CE04120335
Hector Flores, CE04041572
Elsa Dennis, CE04121578
Robert Dennis, CE04121578
*Mark Burns, CE04070810
James Bartlett, CE04070997
*Ari Glazer, CE04121733
Vivienne Brown, CE04111550
*John Langille, CE04121733

*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 CE04051264

Hernando Porras
305 Southwest 24th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on January 6, 2005 with compliance ordered by February 5, 2005. The property was complied and fines had accrued in the amount of \$225.

Ms. Peggy Burks, Community Inspections Officer, informed Mr. Conner that Mr. Porras had come to the office to find out what repairs needed to be made and completed them within a few days.

Mr. Conner abated the fine.

Reference CE02061207

W & W LLC
808 West Broward Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on August 1, 2001 with compliance ordered by October 30, 2001. The property was not complied and fines had accrued in the amount of \$24,200.

Ms. Hope Calhoun, attorney for the owner, explained that final DRC approval of the site plan was holding up compliance. They were waiting for a demolition permit that should be issued this week. Once the demolition took place, the DRC would sign off on the property and it would be in compliance. Ms. Calhoun felt 90 days would be sufficient to demolish the building and complete the DRC process.

Mr. Mike Maloney, Community Inspections Officer, stated that he had no objection to a 90-day extension.

The Assistant City Attorney stated that the correct date of the case was 2002, not 2001.

Mr. Conner granted a 90-day extension.

Reference CE04121733

Rovic Properties Inc.
2700 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on January 20, 2005 with compliance ordered by January 27, 2005. The property was complied and fines had accrued in the amount of \$7,650.

Mr. Ari Glazer, attorney for the owner, explained that the property was leased to a tire store. Mr. Glazer explained the violations and fines and explained that the owner and tenant both thought the City had agreed the property was complied prior to the January hearing and therefore did not attend it. Upon receipt of the order, the manager had taken care of any violations immediately. The issue of unlicensed cars being stored on the property was fixed by requiring used car dealers sending cars to the tire store to include paper license tags for all of their cars. Mr. Glazer stated his client had photographic evidence that the property was entirely complied by February 24, 2005. He presented these photographs to Mr. Conner and they were admitted into evidence as respondent's exhibit 1. Mr. Glazer asked that the fines be abated.

Mr. John Langille, the tire store manager, explained the timing of compliance and noted the dates of the photos presented by Mr. Glazer.

Mr. Burt Fletcher, Community Inspections Officer, admitted that there may have been some misunderstanding about compliance and the owner's need to attend the January hearing. He agreed that the store manager came into the office as soon as he realized the property was not complied.

Mr. Conner abated the fine.

Reference CE03070858

Robert Martin Lee, Jr.
702 Northwest 6th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on November 6, 2003 with compliance ordered by November 13, and December 6, 2003. One of the original three violations was still not complied and fines had accrued in the amount of \$7,050.

Mr. Robert Lee, owner, informed Mr. Conner that they were awaiting a permit to erect a building on the property. The plumbing, zoning, and landscaping had all passed DRC.

Mr. Lee Kaplan, Community Inspections Officer, explained that the building was to contain all items Mr. Lee had been storing outside. He confirmed that the only outstanding violation

was the wall Mr. Lee needed to build to enclose the storage area. Inspector Kaplan confirmed that \$1,900 of the \$7,050 fine was for Section 9-281(b), which was complied.

The Assistant City Attorney confirmed the outstanding violation and suggested an extension of time. Mr. Lee hoped that a 90-day extension would be sufficient.

Mr. Conner abated the \$1,900 fine for Section 9-281(b) and granted a 90-day extension for Section 47-19.9.

Reference CE04110930

William Meyers
1046 Northwest 8th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on January 20, 2005 with compliance ordered by January 27, 2005. The property was complied and fines had accrued in the amount of \$2,700.

Ms Donna Hickenbottom, owner, explained that one of the vehicles had always been licensed and the other had been removed in time to comply. There was some confusion over the car for which Inspector Haskins had cited the property.

Ms. Deborah Haskins, Community Inspections Officer, confirmed that Ms. Hickenbottom had removed the car as soon as she clarified which car must be removed.

Mr. Conner abated the fine.

Reference CE04070810

Oakview Equities, LLC
1900 Southeast 4th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on November 4, 2004 with compliance ordered by December 4, 2004 and February 2, 2005. The property was complied and fines had accrued in the amount of \$3,050.

Mr. Mark Burns, property manager, stated he thought the property was complied. Sod had been installed on December 8, 2004. Mr. Burns presented an invoice from the company that put the sod down. He stated that the sidewalk repair was complete as well. Ms. Bazer confirmed that the sidewalk was repaired; Section 47-21.8 was complied on January 7, 2005 and had incurred a fine of \$1,650.

Mr. Todd Nobles, Community Inspections Officer, informed Mr. Conner that fines for Section 47-21.8 had begun on December 4, 2004 at \$50 per day. Inspector Nobles had

complied the property on January 7, 2005. Based on the date of the invoice for the sod, Inspector Nobles agreed the fine should only have run 4 days, for a total of \$200.

Mr. Conner reduced the fine to \$200.

Reference CE04070997

Emma Jo Bartlett Trust
2617 Southwest 7th Street

Request for Extension

Ms. Bazer announced that this case was first heard on November 4, 2004 with compliance ordered by March 4, 2005.

Mr. James Bartlett, son of the owner, requested a 90-day extension to comply the property. They were waiting for his mother's pension problems to be straightened out to cover the costs of the ground cover. He presented a letter from the Human Services Department of Broward County and the Veterans Administration to Mr. Conner concerning his mother's pension that were admitted into evidence as respondent's exhibit 1.

Ms. Peggy Burks, Community Inspections Officer, confirmed that there were extenuating circumstances in this case.

Mr. Conner granted a 90-day extension.

Reference CE04041572

Floval Oil Corp.
1075 West Sunrise Boulevard

Request for Extension

Ms. Bazer announced that this case was first heard on August 5, 2004 with compliance ordered by October 4, 2004. One of the original four violations was still not complied.

Mr. Hector Flores, son of the company owner and company manager, requested an extension to comply. Mr. Conner confirmed that only the ground cover violation was not complied.

Ms. Cheryl Pingitore, Community Inspections Officer, confirmed that Mr. Flores was renovating the entire property and agreed that a 6-month extension was warranted.

Mr. Conner granted a 183-day extension.

Reference CE04111550

Vivienne Williams & Keith Brown
3551 Southwest 1st Street

Sec. 9-306: Peeling paint/stained
surfaces; Sec. 9-313(a): Required display of
address

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 26, 2005.

Mr. Andre Cross, Community Inspections Officer, testified there were areas of bare concrete on the building; Section 9-313(a) was complied. Inspector Cross presented a copy of the inspection report, property history and photos of the property that were admitted into evidence as City exhibit 1 and recommended ordering compliance with Section 9-306 within 90 days or a fine of \$25 per day.

Ms. Vivienne Brown, owner, told Mr. Conner that she was making repairs all over the house, including the roof. She had just received a permit to repair the roof and would paint the house after the roof was completed.

Mr. Conner found in favor of the City and ordered compliance with Section 9-306 within 90 days or a fine of \$25 per day would be imposed.

Reference CE04120335

Timothy Greene
1519 Northwest 15th Avenue

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

Ms. Bazer announced that personal service had been made by Inspector Ackley on February 19, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were 2 unlicensed, inoperable vehicles stored on the property. Per CE02110232, Special Master hearing dated 8/7/03 and CE96060452, Special Master hearing dated 9/5/96, this violation was constant and repetitive. Inspector Pingitore had written a courtesy notice for the violation on December 3, 2004 and when she revisited the property on January 18, 2005, there were two vehicles still on the property. She returned to the property on March 1, 2005 and the vehicles had been removed. Inspector Pingitore presented a copy of the history of the property, the Special Master notice, the Notice of Violation and photos of the property that were admitted into evidence as City exhibit 1 and recommended a fine of \$500 per day to run from January 18, 2005 to March 1, 2005, a total of 41 days.

Mr. Timothy Greene, owner, stated that one of the cars was still present and he had displayed the license in the windshield. The truck belonged to someone else but was licensed as well. Mr. Greene stated that he had called Inspector Pingitore several times but she had never returned his call. He offered to bring in his phone bill to prove this.

Inspector Pingitore stated that she had never received a phone call from Mr. Greene. She noted that both cars she had photographed had flat tires, making them inoperable. Mr. Greene reiterated that he had indeed called Inspector Pingitore several times. Mr. Conner felt the fine suggested by Inspector Pingitore was rather high.

Mr. Conner set a fine of \$2,000 - \$100 per day for 20 days.

Reference CE04090435

Arch James III & Kay Oliver
651 North Andrews Avenue

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 25-56(a): Sidewalk in disrepair

Ms. Bazer announced that service was via posting at the property on January 19, 2005 and at City hall on February 21, 2005.

Ms. Ursula Thime, Community Inspections Officer, testified that the parking area was in disrepair, the building was in need of paint and the sidewalk was in disrepair. Inspector Thime presented photos of the property that were admitted into evidence as City exhibit 1 and recommended ordering compliance within 120 days or a fine of \$100 per day, per violation.

Mr. Raymond Nyhuis, prospective new lessee, explained that he was performing repairs at the property now and requested 120 days to complete them. Inspector Thime agreed there were many repairs to be made.

Mr. Conner found in favor of the City and ordered compliance within 120 days or a fine of \$100 per day, per violation would be imposed.

Reference CE04121578

Elsa Dennis
1300 Northwest 15th Court

Sec. 9-281(b): Unlicensed, inoperable vehicles on property; Sec. 9-278(g): Broken windows;
Sec. 47-21.8: Missing ground cover;
Sec. 18-27(a): Trash on property;
Sec. 9-276(c)(2): Stagnant water

Ms. Bazer announced that personal service had been made by Sergeant Miller on March 1, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was an unlicensed, inoperable grey Cadillac stored on the property; there were broken window panes in the building; there were areas of dead or missing ground cover and bare sand; there was trash, rubbish and debris scattered about the property and the pool was filled with green, stagnant

water, creating a health hazard. Inspector Pingitore presented a copy of the Special Master notice, the Notice of Violation, and photos of the property that were admitted into evidence as City 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;
- Section 9-278(g) within 7 days or a fine of \$100 per day;
- Section 47-21.8 within 30 days or a fine of \$100 per day;
- Section 18-27(a) within 7 days or a fine of \$100 per day and
- Section 9-276 (c)(2) within 30 days or a fine of \$100 per day.

Mr. Robert Dennis, the owner's son, stated that he was in the process of fixing the flat on the car when the police came to tow it away and that the officers swore at him when he asked them to permit him to finish. Mr. Conner told Mr. Dennis he was concerned about the other existing violations.

Ms. Elsa Dennis, owner, stated that her husband had recently died and she had no money for repairs now. Mr. Conner suggested that the pool be drained if she could not afford to repair the pump.

Mr. Dennis stated that Inspector Pingitore had come through the property's gate without his permission in order to cite the property. Inspector Pingitore stated that she never opened the gate and the photos were taken from behind the gate. She also insisted that no foul language had been used.

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;
- Section 9-278(g) within 30 days or a fine of \$25 per day;
- Section 47-21.8 within 30 days or a fine of \$25 per day;
- Section 18-27(a) within 7 days or a fine of \$100 per day and
- Section 9-276 (c)(2) within 30 days or a fine of \$100 per day would be imposed.

Reference CE04090597

Geraldine & R.C. Muringer
707 Northeast 17th Way

Sec. 25-56(a): Sidewalk in disrepair;
Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail addressed to the owner had been accepted on February 4, 2005.

Ms. Ursula Thime, Community Inspections Officer, testified that the sidewalk was in disrepair and ground cover was missing. Inspector Thime had received a letter from the owner requesting 90 days to obtain permits to remove the tree that was causing the problem. She presented photos of the property and a copy of the owner's letter that were

admitted into evidence as City exhibit 1 and recommended ordering compliance within 90 days or a fine of \$50 per day, per violation.

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

Reference CE04121111

Rene Finzi
416 Northwest 15th Way

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

Supervisor Bradley announced that certified mail addressed to the owner had been accepted on February 14, 2005.

Ms. Ursula Thime, Community Inspections Officer, testified that the parking area was in disrepair and paint on the building was stained. Inspector Thime had spoken with the owner and he had sent a fax requesting 120 days to complete repairs. She presented photos of the property and a copy of the inspection report that were admitted into evidence as City exhibit 1.

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

Reference CE04111067

James Williams
510 Pennsylvania Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 9-313(a): Required display of address

Supervisor Bradley announced that certified mail addressed to the owner was accepted (no date on card) and personal service had been made by Inspector Margerum on February 26, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there was an inoperable, unlicensed white Infiniti stored on the property; there were areas of stained paint on the building and there were no house numbers visible from the street. Inspector Cross presented a copy of the inspection report, the Notice of Violation and photos of the property that were admitted into evidence as City 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;
- Section 9-306 within 30 days or a fine of \$25 per day, and
- Section 9-313(a) within 7 days or a fine of \$25 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;
- Section 9-306 within 30 days or a fine of \$25 per day, and
- Section 9-313(a) within 7 days or a fine of \$25 per day would be imposed.

Reference CE04111298

Kirk Edwards
631 East Evanston Circle

Sec. 9-281(b): Unlicensed, inoperable vehicles on property; Sec. 39-79(e): Dead and missing ground cover

Ms. Bazer announced that personal service had been made to a family member by Inspector Margerum on February 26, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead and missing ground cover on the property; Section 9-281(b) was complied. Inspector Cross presented a copy of the inspection report, a history of the property, the Notice of Violation and photos of the property that were admitted into evidence as City exhibit 1 and recommended ordering compliance with Section 39-79(e) within 30 days or a fine of \$25 per day.

Mr. Conner found in favor of the City and ordered compliance with Section 39-79(e) within 30 days or a fine of \$25 per day would be imposed.

Reference CE04111473

Edwin & Chandral Johnson
845 East Dayton Circle

Sec. 9-281(b): Unlicensed, inoperable vehicles on property; Sec. 39-79(e): Dead and missing ground cover

Ms. Bazer announced that certified mail addressed to the owner was accepted (no date on card) and personal service had been made by Inspector Margerum on February 26, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead and missing ground cover on the property; Section 9-281(b) was complied. Inspector Cross presented a copy of the inspection report, a history of the property, the Notice of Violation and photos of the property that were admitted into evidence as City exhibit 1 and recommended ordering compliance with Section 39-79(e) within 30 days or a fine of \$25 per day.

Mr. Conner found in favor of the City and ordered compliance with Section 39-79(e) within 30 days or a fine of \$25 per day would be imposed.

Reference CE05010878

Jeannette & Esau Jean
1113 Northwest 14th Court

Sec. 18-27(a): Trash on property;
Sec. 24-27(b): Garbage carts left in public view
after service; Sec. 47-21.8: Missing ground cover;
Sec. 9-281(b): Unlicensed, inoperable vehicle on
property; Sec. 9-306: Peeling paint/stained
surfaces

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash, rubbish and debris scattered about the property and paint on the building was stained; Sections 24-27(b), 47-21.8, and 9-281(b) were complied. Inspector Pingitore presented a copy of the inspection report, the Special Master Notice and photos of the property that were admitted into evidence as City exhibit 1 and recommended ordering compliance with Section 18-27(a) within 30 days or a fine of \$50 per day and with Section 9-306 within 30 days or a fine of \$25 per day.

Mr. Conner found in favor of the City and ordered compliance with Section 18-27(a) within 30 days or a fine of \$50 per day and with Section 9-306 within 30 days or a fine of \$25 per day would be imposed.

Reference CE04121812

Darran Blake
801 Northwest 17th Avenue

Sec. 18-27(a): Trash on property;
Sec. 47-21.8: Missing ground cover;
Sec. 6-11(a): Dogs inadequately maintained;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail had been accepted on February 2, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash, rubbish and debris scattered about the property; the dog residing at the property did not have adequate protection from sun and weather and the fascia board had bare wood and was in disrepair; Section 9-280(h)(1) was complied. Inspector Pingitore had spoken with the owner earlier, who informed her that all violations were now complied. Inspector Pingitore presented a copy of the inspection report and photos of the property that were admitted into evidence as City exhibit 1 and recommended ordering compliance with Sections 18-27(a), 47-21.8, 6-11(a), and 9-306 (c)(2) within 7 days or a fine of \$50 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with Sections 18-27(a), 47-21.8, 6-11(a), and 9-306 (c)(2) within 7 days or a fine of \$50 per day, per violation would be imposed.

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:

CE04120621	CE04121535	CE04121450	CE04121873
CE04121876	CE04070855	CE04091365	CE04121743
CE04121990	CE04121991	CE04091005	CE04121900
CE04091338	CE04101190	CE04110440	CE05010206
CE05010574	CE05011075	CE05012311	CE04121113
CE05010970	CE04121738	CE02030124	CE04121809
CE04122149			

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:

CE04090350	CE04111336	CE04121595	CE04122115
CE04111008	CE04122338	CE05010751	CE04101253
CE04120059	CE04120352	CE04121327	CE04091371
CE04111205	CE04120636		

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:

CE04100295	CE04090660	CE00121201	CE04061941
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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:

CE04090579	CE99100416	CE04081252
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Approved for Claim of Lien

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

CE04080111 – \$2,500

There being no further business, the hearing was adjourned at 11:30 a.m.

Special Magistrate

ATTEST:

Clerk, Special Magistrate