

**SPECIAL MAGISTRATE HEARING**  
**City Commission Meeting Room**  
**John Gaudiosi, Presiding**  
**May 5, 2005**  
**9:00 A.M. – 10:45 A.M.**

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Staff Present:

Eve Bazer, Administrative Assistant  
Assistant City Attorney  
Dick Eaton, Secretary, Special Magistrate  
Leonard Ackley, Community Inspections Officer  
Lin Bradley, Community Inspections Supervisor  
Peggy Burks, Community Inspections Officer  
Andre Cross, Community Inspections Officer  
Robert Guilford, Community Inspections Officer  
Deborah Haskins, Community Inspections Officer  
Lee Kaplan, Community Inspections Officer  
Mike Maloney, Community Inspections Officer  
Cheryl Pingitore, Community Inspections Officer  
Maria Christine Roque, Occupational License Inspector  
Waynette Smith, Occupational License Inspector  
Robert Urow, Community Inspections Officer

Also Present:

Stuart MacIver, attorney, CE05030549  
\*Craig Shiple, owner, CE04032515  
Patricia Houchens, owner's daughter, CE04071478  
Hazel Vaughn, owner, CE04071478  
Melvin Williams, owner, CE04121226  
Jeremy Armstead, tenant, CE04120249  
Fred Sutton, neighbor, CE04111075  
Jeremy Chancey, neighbor, CE04111075  
Stephen Stella, owner, CE04111075, CE05021334  
Stephen Holloway, owner, CE04111075  
Sawjit Deb, tenant, CE05030960  
Eddie Robinson, owner, CE05030266  
Alan Kozich, engineer, CE04051864  
Kenneth Aled, property manager, CE04051864

\*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. Gaudiosi 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 CE04032515**

Craig & Mary Shiple  
1525 Northwest 7<sup>th</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on December 16, 2004 with compliance ordered by March 16, 2005. The single violation was still not complied and fines had accrued in the amount of \$2,450.

Ms. Deborah Haskins, Community Inspections Officer, testified that fines were running concerning the parking lot at \$50 per day. As of her reinspection yesterday, the property was still not complied. Inspector Haskins had spoken with the owner, who informed her that he was selling the property. She recommended a 14-day extension to comply the parking lot.

Mr. Craig Shiple, owner, felt 14 days would be sufficient to comply.

Mr. Gaudiosi granted a 14-day extension.

The following 6 cases were called together.

**Reference CE05030549**

James & Marta Batmasian, C/O  
Investments Ltd.  
259 Southwest 27<sup>th</sup> Avenue

Continued from April 7, 2005

Mr. Stuart MacIver, attorney for the owners, clarified that the Batmasians were the current owners of all the properties. He explained that all businesses had been cited for not possessing a valid occupational license. Each of the tenants was a church.

Mr. MacIver made a motion to dismiss the case, as churches were exempt from the occupational license requirement in Florida statute. He distributed copies of the statute.

A recess was granted to allow the Assistant City Attorney to attend.

Mr. MacIver had been forced to leave to attend a deposition, and Ms. Bazer requested that the cases be continued to May 19, 2005.

Mr. Gaudiosi continued all 6 cases to May 19, 2005.

**Reference CE05030945**

James & Marta Batmasian, C/O  
Investments Ltd.  
261 Southwest 27<sup>th</sup> Avenue

Continued from April 7, 2005

**Reference CE05030950**

James & Marta Batmasian, C/O  
Investments Ltd.  
265 Southwest 27<sup>th</sup> Avenue

Continued from April 7, 2005

**Reference CE05030957**

James & Marta Batmasian, C/O  
Investments Ltd.  
325 Southwest 27<sup>th</sup> Avenue

Continued from April 7, 2005

**Reference CE05030954**

James & Marta Batmasian, C/O  
Investments Ltd.  
345 Southwest 27<sup>th</sup> Avenue

Continued from April 7, 2005

**Reference CE05030948**

James & Marta Batmasian, C/O  
Investments Ltd.  
263 Southwest 27<sup>th</sup> Avenue

Continued from April 7, 2005

**Reference CE04071478**

Hazel Vaughn  
431 Arizona Avenue

Request for Abatement

Ms. Bazer announced that this case was originally heard on November 4, 2004 with compliance ordered by December 4, 2004. The property was complied and \$800 in fines had been imposed.

Ms. Patricia Houchens, the owner's daughter, stated that the man responsible for maintaining the lawn had informed her he could not keep mowing due to a bee infestation in one of the trees in the yard. A professional had attempted to lure the bees out of the tree but this had not worked. Eventually, the bees had left, but the hurricanes had taken their toll on the lawn. Ms. Houchens asked that the fines be abated as no one had ever spoken with her mother, who is deaf and 92 years old.

Mr. Andre Cross, Community Inspections Officer, stated that the case had been granted a 60-day extension in January. He had no objection to an abatement of the fine.

Mr. Gaudiosi abated the fine.

**Reference CE04051864**

Bima II LLC  
3033 Northeast 32<sup>nd</sup> Avenue  
Shooters Bar and Restaurant

Request for Extension

Ms. Bazer announced that this case was originally heard on July 15, 2004 with compliance ordered by August 29, 2004. The one section in violation was still not complied.

Mr. Alan Kozich, attorney for the owner, requested a 90-day extension to correct the problem. He explained that there was some confusion regarding the zoning of the property.

Mr. Leonard Ackley, Community Inspections Officer, stated that they had retested the sound levels. He admitted this had not been accomplished in a timely manner because he had been ill. He had no objection to a 90-day extension.

Mr. Gaudiosi granted a 90-day extension.

**Reference CE04121226**

Melvin Williams, Charles Johnson  
& Billy Sumlin  
500 Northwest 2<sup>nd</sup> Street

Request for Extension

Ms. Bazer announced that this case was originally heard on April 7, 2005 with compliance ordered by May 7, 2005. Three Sections in violation were complied.

Mr. Melvin Williams, owner, stated that all of the violations except the parking lot were complied. They were in the process of obtaining a permit to repave the parking lot.

Ms. Deborah Haskins, Community Inspections Officer, confirmed that the parking area was the sole remaining violation. She agreed to a 60-day extension, as a survey was required before a permit could be issued.

Mr. Gaudiosi granted a 60-day extension for Section 47-20.20.H.

**Reference CE04120249**

Ella Sobolevsky  
525 West Sunrise Boulevard Request for Extension

Mr. Jeremy Armstead, tenant, requested an extension to obtain a permit for the sign; the other violations were complied.

Ms. Deborah Haskins, Community Inspections Officer, confirmed that all other violations were complied before fines began. She agreed to allow a 60-day extension for the sign.

Mr. Gaudiosi granted a 60-day extension for Section 47-22.6 G.1.

**Reference CE05030960**

Super Stop #301Inc. 1900 Northwest 9 <sup>th</sup> Avenue	Sec. 15-28: Required occupational license; Sec. 18-27(a): Trash on property; Sec. 47-19.4 D.4: Dumpster enclosure gates not opaque; Sec. 47-20.20 H: Parking area in disrepair; Sec. 47-21.8 A: Missing ground cover; Sec. 47-22.6 F: Signs in disrepair
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Ms. Bazer announced that certified mail addressed to the owner and registered agent had both been accepted on April 7, 2005.

Ms. Deborah Haskins, Community Inspections Officer, testified that there was trash, rubbish and debris on the property; the dumpster enclosure gates were not made of opaque material; the parking lot had faded striping; the landscape areas were not maintained and the sign was in disrepair; Section 15-28 was complied. Inspector Haskins presented photos of the property into evidence and recommended ordering compliance with:

- Sections 47-19.4 D.4, 47-21.8 A, and 47-22.6 F within 60 days or a fine of \$100 per day, per violation;
- Section 18-27(a) within 10 days or a fine of \$100 per day, and
- Section 47-20.20.H within 90 days or a fine of \$100 per day.

Mr. Sawjit Deb, tenant, agreed to comply the property in the time suggested.

Mr. Gaudiosi found in favor of the City and ordered compliance with:

- Sections 47-19.4 D.4, 47-21.8 A, and 47-22.6 F within 60 days or a fine of \$100 per day, per violation;
- Section 18-27(a) within 10 days or a fine of \$100 per day, and
- Section 47-20.20.H within 90 days or a fine of \$100 per day.

The following 2 cases were heard together

**Reference CE04111075**

Stephen & Patricia Stella  
2170 Tanbark Lane

Continued from March 17, 2005

Ms. Bazer announced that this case was continued from March 17, 2005.

Mr. Lee Kaplan, Community Inspections Officer, testified that the property was cited for violation of Sections 39-275(12), 39-279, 39-275(12)(f), and 8-149.

Inspector Kaplan presented photos of the property and a copy of the inspection report that were admitted into evidence as City exhibits 1 and 2 respectively. He noted that Sections 39-275(12) and 39-275(12)(f) were complied on both properties.

Mr. Stephen Holloway, a neighbor, stated that neighbors were concerned with this commercial operation on a private road. Until Mr. Stella was cited, 30-40 commercial vehicles would travel the road every day. Mr. Holloway had experienced thefts from his property as well. Since the citation, problems had decreased significantly. Neighbors were upset at the "enormous disruption of our quality of life as a consequence of all of these vehicles coming and going on the private road."

Mr. Fred Sutton, neighbor, added that he was very upset at the traffic as well. He claimed that Mr. Stella had stated that the Jungle Queen traffic on a parallel road was much worse than traffic to his property. Mr. Sutton did not feel this was relevant. Repairs had been required to the private road because of damage caused by Mr. Stella's traffic.

Mr. Stephen Stella, owner, presented a survey of his property and explained his property lines. He insisted that he was not conducting a business on his property. Two vessels were currently docked at his property.

Mr. Lin Bradley, Community Inspections Supervisor, confirmed with Mr. Stella that neither of the boat owners was paying rent for the dock space. Mr. Stella said that they paid for electricity at the docks. Mr. Stella confirmed that the boat owned by Mr. Taylor had been provisioned for a trip to the keys while at his dock. He claimed that the only exterior work done to the boat at that time was washing and waxing. Supervisor Bradley stated that the City had cited an individual on the property who claimed to be outfitter installing equipment on the boat. Mr. Stella stated that he may have been installing something inside the boat. Mr. Stella said he had informed the boat owners that they could not generate undue traffic anymore.

Mr. Stella explained construction of a workshop and living space on the property, and his request for a variance and subsequent homesteading of the property. There was some

confusion regarding the homestead status of the property. Supervisory Bradley stipulated to the fact that the property was homesteaded.

Mr. Sutton stated that neighbors had witnessed large-scale repairs being made at the property. A crane had been positioned in the river to perform engine repairs on one of the boats at the dock. All of the activities taking place on the property were not attributable to Mr. Stella's friends preparing for trips.

Mr. Jeremy Chancey, neighbor, stated that parts of the docks were leased to neighbors. Boats had been outfitted at the docks and contractors moved about within the neighborhood daily.

Mr. Holloway said the neighbors were not concerned solely with the traffic but also with the fact that Mr. Stella was conducting an "illegal activity" in a private area.

Mr. Stella confirmed that there were two vessels on the property at present, owned by Todd Manderlily and Russ Nelson. Mr. Stella considered this a permanent arrangement. Mr. Gaudiosi questioned Mr. Stella about his personal and business relationship with the owner of one of the boats.

Inspector Kaplan explained that the City could disallow the rental of dock space and the running of a business from a dock. These were the violations still outstanding on Mr. Stella's property. When Inspector Kaplan visited the property, there were 10 vehicles present and a yacht agent was showing one of the boats to a prospective buyer. Inspector Kaplan felt this was "clearly not used as it's intended to be used." Mr. Stella explained that the broker was showing the boat to someone interested in buying another boat from the same manufacturer, not this boat.

Mr. Gaudiosi stated that the "90-foot vessel being docked there gratis by you...is not credible." He said he would rule that the vessel must be removed within 7 days, if possible. Inspector Kaplan stated that Mr. Gaudiosi could not order the removal of a vessel. The City was requesting that the dock no longer be used for maintenance or as a business. Supervisor Bradley recommended ordering compliance with Sections 39-279 and 8-149 within 7 days or a fine of \$100 per day, per violation. Inspector Kaplan submitted his case folders for both properties. Mr. Stella entered a plat drawing of the properties into evidence.

Mr. Gaudiosi found in favor of the City and ordered compliance with Sections 39-279 and 8-149 within 7 days or a fine of \$100 per day, per violation would be imposed.

**Reference CE05021334**

Stephen & Patricia Stella  
2230 Tanbark Lane

Continued from March 17, 2005

Mr. Gaudiosi found in favor of the City and ordered compliance with Sections 39-279 and 8-149 within 7 days or a fine of \$100 per day, per violation would be imposed.

**Reference CE04120886**

Victor & Michele Roc  
504 Southwest 7<sup>th</sup> Street

Sec. 18-27(a): Trash on property;  
Sec. 47-21.13 A: Dead ficus tree on property

Ms. Bazer announced that certified mail addressed to the owner had been accepted on April 7, 2005.

Mr. Mike Maloney, Community Inspections Officer, testified that there was trash, debris, and overgrowth on the property; Section 47-21.13 A was complied. Inspector Maloney recommended ordering compliance with Section 18-27(a) within 7 days or a fine of \$25 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance with Section 18-27(a) within 14 days or a fine of \$25 per day would be imposed.

**Reference CE05040434**

Harbor Village LLC  
801 Southeast 18<sup>th</sup> Court

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to the owner, registered agent and manager had all been accepted on April 20, 2005.

Ms. Waynette Smith, Occupational License Inspector, testified that the business was operating without the required occupational license. She recommended ordering compliance within 14 days or a fine of \$50 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$50 per day would be imposed.



**Reference CE05040435**

Harbor Village LLC  
712 Southeast 18<sup>th</sup> Street

Sec. 15-28: Required occupational license

Ms. Bazer announced that certified mail addressed to the owner, registered agent and manager had all been accepted on April 20, 2005.

Ms. Waynette Smith, Occupational License Inspector, testified that the business was operating without the required occupational license. She recommended ordering compliance within 14 days or a fine of \$50 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$50 per day would be imposed.

**Reference CE05031182**

Concorde Petroleum Enterprises  
3690 West Broward Boulevard

Sec. 18-27(a): Trash and overgrowth on swale

Ms. Bazer announced that certified mail addressed to the owner, registered agent and an officer had been accepted (no date on cards).

Mr. Andre Cross, Community Inspections Officer, testified that there was trash and overgrowth on the swale. Inspector Cross presented photos of the property and a copy of the inspection report into evidence and recommended ordering compliance within 7 days or a fine of \$50 per day.

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

**Reference CE05020532**

Joyce Shaw Davis  
1560 Northwest 15<sup>th</sup> Terrace

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on April 2, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was an unlicensed, inoperable green Chevy pickup stored on the property. She presented photos of the property and a copy of the property history and Notice of Violation into evidence and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

Mr. Gaudiosi 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 CE05020766**

Gy-Rich Inc.  
301 West Sunrise Boulevard

Sec. 9-306: Peeling paint/stained surfaces; Sec. 18-27(a): Trash on property  
Sec. 47-21.8 A: Missing ground cover;  
Sec. 47-19.4 D.8: Dumpster enclosure in disrepair; Sec. 47-20.20 H: Parking area in disrepair; Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner had been accepted on April 5, 2005 and certified mail addressed to the registered agent had been accepted on April 6, 2005.

Ms. Deborah Haskins, Community Inspections Officer, testified that the building paint was dirty; there was trash on the property; landscaped areas were dead and not maintained; the dumpster enclosure was in disrepair and unsanitary; the parking area was in disrepair, with no striping and broken wheel stops and curbing, and the fence was in disrepair. Inspector Haskins recommended ordering compliance with all violations within 30 days or a fine of \$100 per day, per violation.

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

The Assistant City Attorney arrived and Supervisor Bradley informed her that the cases for which she had been called were continued.

In regard to the Batmasian's cases, Supervisor Bradley told the Assistant City Attorney about the attorney's motion and claim that churches were not required by statute to have occupational licenses. The Assistant City Attorney said she had sent a memo explaining that according to the City's occupational license schedule, churches having a state charter were exempt. She had discussed this with Lori Milano some time ago and Ms. Milano informed her that churches were still required to have the license, but it was free. The Assistant City Attorney felt this was the wrong interpretation. No one was clear as to what the meaning of "state charter" was either. The Assistant City Attorney had sent a memo to the new head of Community Inspections stating that "state charter" would be interpreted as state articles of incorporation or businesses registered to do business in Florida. This would exempt them from the tax entirely.

**Reference CE05031812**

Tammie Habersham & Johnny Slaughter  
2501 Northwest 16<sup>th</sup> Court

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on April 8, 2005.

Ms. Peggy Burks, Community Inspections Officer, testified that there was an unlicensed, inoperable green four-door vehicle on the property. Inspector Burks presented a file on the property into evidence and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

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

**Reference CE00060143**

Michael Sill  
320 Southwest 14<sup>th</sup> Court

Massey Hearing

Ms. Bazer announced that this case was first heard on July 20, 2000 with compliance ordered by July 27, 2000. The property was complied and fines had accrued in the amount of \$3,425. The City requested that the fine be reduced to a \$200 administrative fee.

Mr. Gaudiosi reduced the fine to \$200.

**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:

CE05020238	CE05021575	CE05040260	CE05040263
CE05031849	CE05031851	CE05020560	CE05030342
CE05012272	CE05012303	CE05011741	CE05030146
CE05030812	CE05010880	CE05030286	CE05030694

**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:

CE05021809  
CE05030824

CE05030893  
CE05030697

CE05021678  
CE05021725

CE04121741

**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:

CE05011465

**Approved for Claim of Lien**

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

CE04080189 – \$4,100  
CE04111085 - \$1,000

CE04081544 - \$3,600  
CE05020340 – \$1,900

There being no further business, the hearing was adjourned at 10:45 a.m.

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Special Magistrate

ATTEST:

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Clerk, Special Magistrate