

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
John Gaudiosi, Presiding
June 16, 2005
9:00 A.M. – 10:45 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Maurice Murray, Community Inspections Supervisor
Leonard Ackley, Community Inspections Officer
Michael Champion, Community Inspections Officer
Thomas Clements, Fire Inspector
Andre Cross, Community Inspections Officer
John Hudak, Community Inspections Officer
Karl Lauridsen, Community Landscape Officer
Gilbert Lopez, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Dallas Shumaker, Fire Inspector
Bill Snow, Community Inspections Officer
Robert Urow, Community Inspections Officer

Also Present:

*Randolph Williams, trustee, CE98110736
Cynthia Bulk, owner, CE04120247
Flora Shanks, owner, CE04121868
David Shanks, owner, CE04121868
*Calvin Sapp, owner, CE05010277
*Voreece McLendon, owner, CE05010815
Ross Sullivan, owner, CE04081646
Bob Heaton, contract administrator, CE05041548
Ken Frank, property manager, CE05021363
*Christina Perera, Executive Director, CE99100715, CE01010017
Eddie Robinson, owner, CE05030266

*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 CE04081646

Ross Sullivan
801 Southwest 18th Street

Massey Hearing

Ms. Bazer announced that this case was first heard on January 6, 2005 with compliance ordered by March 7, 2005. The property was complied on April 29, 2005 and fines had accrued in the amount of \$5,200.

Mr. Ross Sullivan, owner, stated that Inspector Benavides had informed him the property was complied some months ago and he was unaware that any fines were running. He explained that he had put some items into storage, landscaped the yard and removed the cars in March.

Mr. Mike Maloney, Community Inspections Officer, explained the fine period to Mr. Gaudiosi. Inspector Maloney presented photos he had taken of the property on June 8, 2005 and noted that the property was now complied. He stated he had no knowledge of whether or not the property was complied in the time period Mr. Sullivan stated it was.

Mr. Gaudiosi abated the fine.

Ms. Bazer called the next two cases together

Reference CE01010017

Kiddco II
1801 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on April 19, 2001 with compliance ordered by July 18, 2001. The property was complied and fines had accrued in the amount of \$55,400.

Ms. Christine Perera, Executive Director, explained that her children's center had assumed the mortgage on 1801 Davie Boulevard, which was across the street from Kiddco, in June 2003. Many different organizations had helped to make repairs on the property. They were unaware that fines were running on the property until they had applied for a grant.

Mr. Maurice Murray, Community Inspections Supervisor, testified that since Ms. Perera had taken over, there were considerable improvements on the property. Supervisor Murray had no objection to reduction of the fine.

Mr. Gaudiosi abated the fine.

Reference CE99100715

Kiddco II
1801 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on December 16, 1999 with compliance ordered by December 23 and 30, 1999. The property was complied and fines had accrued in the amount of \$6,075.

Mr. Gaudiosi abated the fine.

Reference CE05010277

Calvin & Lucille Sapp
131 Florida Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on April 7, 2005 with compliance ordered by April 14 and 21, 2005. The property was complied and fines had accrued in the amount of \$3,325.

Mr. Calvin Sapp, owner, explained that he had experienced financial problems while making repairs. He asked Mr. Gaudiosi to reduce the fines.

Mr. Andre Cross, Community Inspections Officer, explained the fines to Mr. Gaudiosi and confirmed that Mr. Sapp was having financial difficulty. He noted that Mr. Sapp had kept in contact with him in regard to the repairs. Inspector Cross said he had no objection to reducing the fine.

Mr. Gaudiosi reduced the fine to \$100.

Reference CE05010815

Voreece McLendon
416 Northwest 20th Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on April 7, 2005 with compliance ordered by May 5, 2005. The property was complied and fines had accrued in the amount of \$400.

Ms. Voreece McLendon, owner, stated that she had needed to replace the roof after the hurricanes last summer and discovered additional structural damage during the roofing project. Repairing these problems had taken more time. She explained the repairs she had made and asked Mr. Gaudiosi to reduce the fine.

Mr. Gilbert Lopez, Community Inspections Officer, testified that the property was complied on May 25, 2005.

Mr. Gaudiosi reduced the fine to \$25.

Reference CE98110736

Marran Irrevocable Living Trust Massey Hearing
240 Southwest 20th Avenue

Ms. Bazer announced that this case was first heard on December 3, 1998 with compliance ordered by December 10, 1998. The property was complied on January 21, 1999 and fines had accrued in the amount of \$1,025.

Mr. Randolph Williams, trustee, stated he had never seen the vehicle for which the property was cited and was unaware the fine was running. He had also experienced problems and delays in changing his address with the tax records.

Mr. Gilbert Lopez, Community Inspections Officer, testified that this was an old case and Inspector Margerum had confirmed that the property was complied and would agree with Mr. Gaudiosi's determination. Inspector Lopez confirmed that there were no other problems at the property.

Mr. Gaudiosi abated the fine.

Reference CE005030266

Eddie Robinson & Bessie McClam Sec. 47-21.8: Missing ground cover
2971 Southwest 2nd Court

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Mr. John Hudak, Community Inspections Officer, testified that there were bare spots on the property and swale. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 14 days or a fine of \$25 per day.

Mr. Eddie Robinson, owner, explained that he had been renovating since he purchased the house and had spent a considerable amount of money recently on a new sprinkler system and had ordered sod to be installed this weekend.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day.

Reference CE05041548

David Damereau
1241 Middle River Drive

Sec. 18-1: Derelict vehicle on property

Ms. Bazer announced that personal service to the property agent had been made by Inspector Ackley on June 15, 2005.

Mr. Leonard Ackley, Community Inspections Officer, testified that the pool was filled with stagnant water, providing a breeding place for insects and creating a life safety hazard. Inspector Ackley noted that the case began on April 28, 2005 and it had taken until to June to get service on the property. Inspector Ackley stated that the pool had only very recently been treated and he presented photos of the pool prior to treatment.

Mr. Bob Heaton, property agent, stated that remedial action had obviously been taken. He objected to the presentation of the older photo to Mr. Gaudiosi. Inspector Ackley explained the violations and compliance times for Mr. Gaudiosi.

Mr. Heaton stated that this was a house under development and he had informed Community Inspections of a working address to use for mailings. Mr. Heaton pointed out that Section 18-1 in the code did not refer to dirty pool water specifically. Mr. Heaton stated that there had been preexisting bad blood between the owner, the developer and Inspector Ackley.

Inspector Ackley stated that this was the second job site where there had been a nuisance pool for which this owner was cited. Inspector Ackley stated that Mr. Heaton had added bleach to the pool immediately prior to his inspection yesterday. He wanted to ensure that the pool was maintained from this point on and recommended ordering compliance within 1 day or a fine of \$200 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 1 day or a fine of \$200 per day would be imposed.

Reference CE04121868

David & Flora Bell Shanks
520 Northwest 21st Avenue

Request for Extension

Ms. Bazer announced that this case was heard on March 17, 2005 with compliance ordered by June 15, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that the owners were cited for overgrowth and areas of missing ground cover on the property and chipped paint on the

building. He explained that the owners were having financial problems and required 30 more days to comply.

Mr. David Shanks, owner, confirmed the extension time with Mr. Gaudiosi. Mr. Gaudiosi granted a 30-day extension.

Reference CE05021363

Gateway Shopping Center Corp. Request for Extension
1932 East Sunrise Boulevard

Ms. Bazer announced that this case was heard on April 1, 2005 with compliance ordered by May 5 and June 5, 2005. Two of the original three violations were complied and fines had accrued in the amount of \$4,075.

Mr. Len Ackley, Community Inspections Officer, testified that the owners were cited for the parking area condition, missing landscaping, and sign maintenance. The property was complied except for the parking area repairs. The owner was having difficulty obtaining a permit for the parking area because the property had no survey. Mr. Ackley recommended as additional 60 days to obtain a survey and permit.

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

Reference CE04120247

Brewer Revocable Living Trust Request for Extension
301 East Sunrise Boulevard

Ms. Bazer announced that this case was heard on March 17, 2005 with compliance ordered by June 15, 2005. Three of the original five violations were complied.

Ms. Cynthia Bulk, owner, stated that she had been working on the property for some time and many violations were now complied. She had obtained a lease for the building on June 3 and the lessee had an engineer and developer working to reconstruct the property. Ms. Bulk felt it would have been a waste to paint the building when the lessee intended to rehabilitate the exterior. She requested enough time for the property to go through the DRC process.

Mr. Andre Cross, Community Inspections Officer, stated he had no objection to an extension. He felt 4 months was reasonable.

Mr. Gaudiosi granted a 120-day extension on 47.21.8.A. & 9-306.

Reference CE04101324

Robert & Pauline Green Trust Sec. 47-20.20 H: Parking area in disrepair
916 Northwest 3rd Avenue

Ms. Bazer announced that certified mail had been accepted on June 8, 2005. Mr. Gilbert Lopez, Community Inspections Officer, testified that the driveway was in disrepair. He presented photos of the property and a copy of the inspection report into evidence. Inspector Lopez had spoken with the owner and agreed to recommend ordering compliance within 90 days or a fine of \$50 per day.

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

Reference CE05032042

David Jackson
1428 Southwest 33rd Street

Sec. 18-27(a): Trash on property;
Sec. 24-27(b): Garbage carts left in right-of-way;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-281(b): Unlicensed, inoperable vehicle on property

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

Mr. Mike Champion, Community Inspections Officer, testified that there was an unlicensed, inoperable red Ford Probe on the property; the other violations were now complied. Inspector Champion presented photos of the property and a copy of the inspection report into evidence 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.

Mr. Gaudiosi 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 CE05041286

Jose & Mardesy Pozo
3330 Southwest 15th Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on property;
Sec. 18-27(a): Trash on property;
Sec. 24-27(b): Garbage carts left out after service

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 1, 2005.

Mr. Michael Champion, Community Inspections Officer, confirmed that the garbage carts were left out after service; the other violations were now complied. Inspector Champion

presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 24-27(b) within 7 days or a fine of \$50 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance with Section 24-27(b) within 7 days or a fine of \$50 per day.

Reference CE05030893

Glodine Joasil
1182 Southwest 30th Avenue

Sec. 47-34.4 B.3.a: Commercial vehicle
parked/stored on property

Ms. Bazer announced that certified mail addressed to the owner had been accepted on May 18, 2005.

Mr. John Hudak, Community Inspections Officer, testified that there was a white Ford commercial truck kept on this residential property. Inspector Hudak presented photos of the property and a copy of the inspection report and recommended ordering compliance within 7 days or a fine of \$100 per day would be imposed 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 vehicle would be towed

Reference CE05040191

Abraham & Ruth Narkes
3090 West Broward Boulevard

Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the owner had been accepted on May 20, 2005.

Mr. John Hudak, Community Inspections Officer, testified that there was chipped, peeling paint on the buildings. Inspector Hudak presented photos of the property and a copy of the inspection report and recommended ordering compliance within 14 days or a fine of \$100 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would be imposed.

Reference CE04090152

Candeo Restaurants Corp.
2960 North Federal Highway

Sec. 9-329(a): Required certificate of boarding

Ms. Bazer announced that certified mail addressed to the owner had been accepted on May 3, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that the building had been boarded up for more than 6 months without a certificate of bearding. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 14 days or a fine of \$100 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would be imposed.

Reference CE05050534

Richard Bolden
1300 Northeast 14th Court

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

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

Mr. Len Ackley, Community Inspections Officer, testified that there was an inoperable, unlicensed Lincoln on the property. Inspector Ackley presented photos of the property and a copy of the inspection report 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 or the vehicle would be towed.

Reference CE05051334

EG International Holdings LLC
705 Northwest 2nd Street

Sec. 1 13.6.6.1.1: Missing extinguisher;
Sec. 1 13.7.1.4.9.1: Missing smoke detector

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

Mr. Dallas Shumaker, Fire Inspector, testified that the violations still existed as cited. Inspector Shumaker recommended ordering compliance within 30 days or a fine of \$150 per day, per violation.

Mr. Gaudiosi found in favor of the City and ordered compliance within 30 days or a fine of \$150 per day, per violation would be imposed.

Reference CE05051336

1115 Terrace Corp.
1444 Windsor Court

Sec. 101 7.1.10.2.1: Blocked emergency
egress

Ms. Bazer announced that certified mail addressed to the owner and registered agent had both been accepted on May 26, 2005.

Ms. Dallas Shumaker, Fire Inspector, testified that the violation still existed as cited. Inspector Shumaker recommended ordering compliance within 30 days or a fine of \$150 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 30 days or a fine of \$150 per day would be imposed.

Reference CE05041181

Ana Dieguez
3605 Southwest 13th Court

Sec. 1 1.7.6: Storage in meter room

Ms. Bazer announced that certified mail addressed to the owner had been accepted on May 27, 2005.

Mr. Thomas Clements, Fire Inspector, testified that the violation existed as cited. Inspector Clements recommended ordering compliance within 14 days or a fine of \$100 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would be imposed.

Reference CE05050850

Salvatore Seragusa
2880 Southwest 1st Street

Sec. 1 10.13.1.1: Missing unit numbers

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

Mr. Thomas Clements, Fire Inspector, testified that the violation existed as cited. Inspector Clements recommended ordering compliance within 14 days or a fine of \$100 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would be imposed.

Reference CE05051102

Daniel Dieguez & Ana Betsy
3609 Southwest 13th Court

Sec. 1 1.7.6: Storage in meter room

Ms. Bazer announced that certified mail addressed to the owner had been accepted on May 27 2005.

Mr. Thomas Clements, Fire Inspector, testified that the violation existed as cited. Inspector Clements recommended ordering compliance within 14 days or a fine of \$100 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would be imposed.

Reference CE05051410

Michael Gordon & Jason Neitzel
716 Southwest 16th Avenue

Sec. 1 1.7.6: Storage in meter room;
Sec. 1 13.6.3.10: Fire Extinguisher not mounted;
Sec. 1 13.6.3.5: Fire extinguisher cabinet missing
striker

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

Mr. Thomas Clements, Fire Inspector, testified that there was storage in the meter room; the other two violations were complied. Inspector Clements recommended ordering compliance with Section 1 1.7.6 within 21 days or a fine of \$100 per day.

Mr. Gaudiosi found in favor of the City and ordered compliance with Section 1 1.7.6 within 21 days or a fine of \$100 per day would be imposed.

The following three cases were heard together:

Reference CE05051418

3333 Davie LLC
3363 Davie Boulevard

Sec. 1 4.5.8.1: Inoperable emergency lights

Ms. Bazer announced that certified mail addressed to the owner, registered agent and manager had all been accepted on June 7, 2005.

Mr. Thomas Clements, Fire Inspector, testified that he had visited the properties repeatedly and explained the violations and repairs needed to comply but repairs were never made.

Inspector Clements recommended ordering compliance within 14 days or a fine of \$250 per day. He also asked that the order be recorded

Mr. Gaudiosi found in favor of the City and ordered compliance within 21 days or a fine of \$250 per day would be imposed. He also agreed to record the order.

Reference CE05051419

3333 Davie LLC

Sec. 1 4.5.8.1: Inoperable emergency lights

3333 Davie Boulevard

Sec. 1 13.6.3.5: Fire extinguisher cabinet missing
striker

Ms. Bazer announced that certified mail addressed to the owner and registered agent had both been accepted on June 7, 2005.

Mr. Gaudiosi found in favor of the City and ordered compliance within 21 days or a fine of \$250 per day, per violation would be imposed. He also agreed to record the order.

Reference CE05051420

3333 Davie LLC

Sec. 1 4.5.8.1: Inoperable emergency lights

3343 Davie Boulevard

Sec. 1 13.6.3.5: Fire extinguisher cabinet missing
striker

Ms. Bazer announced that certified mail addressed to the owner, registered agent and manager had all been accepted on June 7, 2005.

Mr. Gaudiosi found in favor of the City and ordered compliance within 21 days or a fine of \$250 per day, per violation would be imposed. He also agreed to record 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:

CE05050770

CE05051601

CE04081587

CE05041288

CE05050113

CE05030369

CE05030824

CE05030370

CE05040217

CE05011067

CE05041391

CE05041463

CE05050610

CE05041175

CE05050798

CE05050799

CE05051094

CE05051120

CE05051338

CE05051190

CE05051191

CE05051409

CE05051421

CE05050529

CE05031603

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:

CE05010022	CE05021809	CE05040597	CE05031869
CE05040824	CE05050743	CE05051366	CE05050855
CE05050857	CE05051189	CE05051196	CE05051422
CE05050697			

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:

CE05021678	CE05051466	CE05050573	CE05050954
CE05050956	CE05050957	CE05050959	CE05030697
CE04040868	CE05030018		

Cases to Vacate the Previous Order

Ms. Bazer announced that the City was requesting that the previous orders for the below listed cases be vacated. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE02041937

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

CE04101323 -- \$ 19,500	CE04101398 -- \$ 19,500
CE04120261 -- \$ 7,800	CE04120262 -- \$ 7,800
CE04120264 -- \$ 7,800	CE04120265 -- \$ 3,900
CE04120266 -- \$ 7,800	CE05020179 -- \$ 1,125
CE04111475 -- \$ 13,900	CE05031182 -- \$ 1,700

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

Special Magistrate

ATTEST:

Clerk, Special Magistrate