

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Zebedee Wright, Presiding
July 7, 2005
9:00 A.M. – 11:00 A.M.

Staff Present:

Eve Bazer, Administrative Assistant
Assistant City Attorney
Dick Eaton, Secretary
Deborah Haskins, Community Inspections Supervisor
Leonard Ackley, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Mike Champion, Community Inspections Officer
Andre Cross, Community Inspections Officer
John Gossman, Community Inspections Officer
Robert Guilford, Community Inspections Officer
John Hudak, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Todd Nobles, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Waynette Smith, Occupational License Inspector
Ursula Thime, Community Inspections Officer

Also Present:

*Giovanni Bellio, owner, CE05010751
*Jim Scandrito, owner's attorney, CE04081024
Edgar Lewis, owner, CE05020260
*Bennie Jenkins, owner, CE04121110
Renee LeFloch, tenant, CE05031885
Nesley Laird, owner, CE05040295
Bruce Herman, owner & attorney, CE04110241
* Bruce Herman, owner & attorney, CE05040435
* Bruce Herman, owner & attorney, CE05040434
*Miriam Velasco, owner, CE04101581
*Ted Topousis, owner's attorney, CE04101581
Edward Ramos, owner, CE05010598
Giselle Marrero, property manager, CE05010143
*Mary Hyde, owner, CE04120636
Bob Heaton, property manager, CE05051127
Ronald Bibace, unit owner, CE05050466
Donald Doody, attorney, CE05050466

Henny Orfaly, unit owner, CE05050466
Gladys Oswald, unit owner, CE05050466

*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. Wright 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 CE04101581

Miriam Velasco
960 Alabama Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on March 17, 2005 with compliance ordered by March 24 and April 16, 2005. The property was complied and fines had accrued in the amount of \$ 6,300.

Mr. Andre Cross, Community Inspections Officer, stated that there had been a communication problem with Ms. Velasco. He confirmed that the last violation – the unlicensed, inoperable vehicle – had been complied on May 31. Inspector Cross had no objection to abatement of the fine.

Mr. Ted Topousis, the owner's attorney, stated that the vehicles had belonged to the property tenants. It had taken some time to sell the vehicles and be able to put down sod. Ms. Velasco now had someone checking on the property more often.

Mr. Wright reduced the fine to \$600.

Reference CE05050466

Ocean Manor Condo Association
4040 Galt Ocean Drive

Sec. 17-10.1: Excessive noise

Ms. Bazer announced that Inspector Guilford made personal service to the owner, Frank Talerico, on July 1, 2005.

Mr. Robert Guilford, Community Inspections Officer, explained that this was a noise issue. Mr. Donald Doody, the owner's attorney, interrupted Inspector Guilford to request a continuance. He was recently retained by Mr. Talerico and felt this was a very complicated case that would require his client to hire expert consultants. Mr. Doody also moved to strike any testimony the residents who had shown up for the hearing would give because

they were “not trained, not certified, and they’re not going to be able to testify with respect to decibel ranges.”

Inspector Guilford explained to Mr. Wright that the noise was from a band playing at the resort. He informed Mr. Wright that as a departmental noise officer, he had conducted a decibel test on May 28. He had submitted his inspection report with this information to the respondent on that date. He felt the respondent had already had time to retain counsel and perform independent tests. Inspector Guilford felt his data could substantiate any questions raised at the hearing and wanted to proceed with the case.

Mr. Doody said that he believed his client was in compliance and his client was prepared to testify to the basis of this. There were previously two bands who performed at the resort and Mr. Doody stated that the band playing when the complaint was made and Inspector Guilford’s test was run had been fired.

Inspector Guilford was concerned that the noise would recur between now and the next hearing. He stated he would revisit the property to perform additional tests in the meantime.

Mr. Wright continued the case to August 4, 2005.

Reference CE05040295

Nesley Laird
505 Southeast 20th Street

Request for Extension

Ms. Bazer announced that this case was originally heard on June 2, 2005 with compliance ordered by July 2, 2005. The property was not complied and fines had accrued in the amount of \$ 200.

Mr. Nesley Laird, owner, stated he had applied for the permit and it had been rejected for landscaping and zoning. Mr. Laird requested an extension to obtain the permit and hire a contractor.

Mr. Todd Nobles, Community Inspections Officer, said Mr. Laird had already been granted an extension but he had no objection to granting another 60 days to enable Mr. Laird to obtain the permit.

Mr. Wright granted a 60-day extension.

Reference CE04081024

Ethel May
410 Southwest 30th Terrace

Massey Hearing

Ms. Bazer announced that this case was originally heard on April 21, 2005 with compliance ordered by May 21, 2005. The property was not complied and fines had accrued in the amount of \$ 1,150.

Mr. Jim Scandrito, owner's estate's attorney, informed Mr. Wright that the owner was deceased and this was a probate case. There was a buyer for the property and he requested an extension until after the closing on August 1, 2005.

Mr. John Hudak, Community Inspections Officer, stated he had no objection to allowing an extension for the property to be sold but he did want it cleaned up. He suggested that Mr. Scandrito obtain the boarding certificate in the meantime and Mr. Scandrito agreed.

Mr. Wright continued the case to August 4, 2005.

Reference CE05040434

Harbor Village LLC
801 Southeast 18th Court

Massey Hearing

Ms. Bazer announced that this case was originally heard on May 5, 2005 with compliance ordered by May 19, 2005. The property was complied and fines had accrued in the amount of \$ 150.

Mr. Bruce Herman, owner and attorney, explained that there was a delay in paying the license fee; he claimed it was a clerical error. He asked Mr. Wright to abate the fine.

Ms. Waynette Smith, Occupational License Inspector, said the fee was actually due on October 1, 2004.

Mr. Wright reduced the fine to \$50.

Reference CE5040435

Harbor Village LLC
712 Southeast 18th Court

Massey Hearing

Ms. Bazer announced that this case was originally heard on May 5, 2005 with compliance ordered by May 19, 2005. The property was complied on May 23 and fines had accrued in the amount of \$ 150.

Mr. Wright reduced the fine to \$50.

Reference CE05010751

Giovanni Bellio
312 Northeast 13th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on April 21, 2005 with compliance ordered by May 5, 2005. The property was not complied and fines had accrued in the amount of \$ 1,550.

Mr. Giovanni Bellio, owner, explained that he had been out of town for some time but was working to comply the property. He requested additional time to comply.

Ms. Ursula Thime, Community Inspections Officer, confirmed, "slowly, slowly, he has been coming into compliance." She acknowledged that the previous tenant had left the rubbish on the property.

Mr. Wright continued the case to August 4, 2005.

Reference CE04120636

Bennie Pope
1609 Northwest 11th Street

Massey Hearing

Ms. Bazer announced that this case was originally heard on April 7, 2005 with compliance ordered by April 14, 2005. The property was not complied and fines had accrued in the amount of \$ 8,300.

Ms. Mary Hyde, owner, informed Mr. Wright that her mother had died in 2000 and left the property to her children. She explained that the four cars left on the property belonged to her brother. She had not been able to find proof of when the cars were removed.

Ms. Cheryl Pingitore, Community Inspections Officer, stated had had visited the property yesterday and there was a black Chrysler and a white Buick on the property. She presented photos of these vehicles. Ms. Hyde said these were her cars that she could not afford to license but she had removed them last night. Inspector Pingitore noted that the property had a history of disabled vehicles.

Mr. Wright continued the case to August 4, 2005.

Reference CE05010598

Edward & Gladys Ramos
1103 Southwest 15th Terrace

Request for Extension

Ms. Bazer announced that this case was originally heard on March 17, 2005 with compliance ordered by May 16, 2005. The property was not complied and fines had accrued in the amount of \$ 1,275.

Mr. Edward Ramos, owner, said that most of the work was done. He requested an additional 60 days to complete compliance.

Mr. Mike Champion, Community Inspections Officer, showed Mr. Wright photos taken of the property yesterday and explained that Mr. Ramos needed to complete the landscaping and curbing.

Mr. Wright granted a 60-day extension.

Reference CE04121110

Bennie & Sandra Jenkins
420 Northwest 15th Way

Massey Hearing

Ms. Bazer announced that this case was originally heard on March 17, 2005 with compliance ordered by April 16, 2005. The property was complied on May 23, 2005 and fines had accrued in the amount of \$ 3,600.

Mr. Bennie Jenkins, owner, informed Mr. Wright that the parking area and address display were now complied. He explained that he had hired a contractor to repave the driveway, but the contractor had told him he didn't need a permit. He asked Mr. Wright to reduce the fine.

Ms. Ursula Thime, Community Inspections Officer, stated that she had spoken with the owner's son and he confirmed that the owner thought the contractor would comply the driveway by the compliance date. She stated that the property was now complied and looked nice.

Mr. Wright reduced the fine to \$450.

Reference CE04110241

Harbor Village LLC
705 Southeast 18th Court

Sec. 28-33(a): Not connected to City sewer system

Mr. Todd Nobles, Community Inspections Officer, testified that the property was not connected to the City sewer system. Inspector Nobles recommended ordering compliance within 30 days or a fine of \$100 per day.

Mr. Bruce Herman, owner & attorney, stated the area was to be demolished and redeveloped in a few months. The area was still on septic and residents had until October 1 to leave.

Mr. Wright found in favor of the City and ordered compliance within 60 days or a fine of \$100 per day would be imposed.

Reference CE05031885

Mervin & Faye Berger
501 Northeast 16th Street

Sec. 18-27(a): Trash on property;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-307(a): Broken windows/doors

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 15, 2005.

Ms. Ursula Thime, Community Inspections Officer, testified that the parking lot had broken wheel stops and the rear door had broken glass awnings and some windows had broken cranks and could not be opened or closed properly. Section 18-27(a) was now complied. Inspector Thime said she had spoken with the owner, who requested 45 days to comply and confirmed this request by fax. She presented Mr. Wright a copy of that fax. Inspector Thime presented photos of the property and a copy of the inspection report and recommended ordering compliance with Sections 47-20,20 H and Section 9-307(a) within 45 days or a fine of \$100 per day.

Ms. Renee LeFloch, tenant, explained to Mr. Wright that she had written to the owner for the first time in August 2004 to inform him of problems at the duplex and the owner had never performed any repairs. Mr. Berger had stated in letters to Ms. LeFloch that he would clean up the property but had not. Ms. LeFloch presented a copy of this letter and photos of the duplex to Mr. Wright.

Mr. Wright found in favor of the City and ordered compliance with Section 47-20,20 H within 14 days or a fine of \$25 per day and with Section 9-307(a) within 14 days or a fine of \$100 per day.

Reference CE05010143

Eduardo Maurizi
1133 Northwest 2nd Street

Sec. 47-20.20 H: Parking area in disrepair

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

Ms. Peggy Burks, Community Inspections Officer, testified that the parking area was in disrepair. Inspector Burks presented photos of the property and a copy of the inspection report and recommended ordering compliance within 60 days or a fine of \$25 per day.

Ms. Giselle Marrero, property manager, requested a continuance to allow more time to comply.

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

Reference CE05051127

David Damerou
1717 Middle River Drive

Sec. 18-27(a): Trash on property;
Sec. 47-34.1 A.1: Permitted uses

Ms. Bazer announced that Inspector Ackley had made personal service to property manager Bob Heaton on June 15, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that building materials and equipment were stored on the property; Section 18-27(a) was now complied. Inspector Ackley presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 47-34.1 A.1 within 7 days or a fine of \$100 per day.

Mr. Bob Heaton, property manager, explained that there was an open demolition permit on the property. He admitted the property was a bit of an eyesore and asked for a 30-day extension. Inspector Ackley described the materials and equipment being stored on the property and informed Mr. Wright that the demolition permit had expired; they therefore had no excuse to leave equipment and materials on the property. Mr. Heaton stated that the permit was open.

Ms. Deborah Haskins, Community Inspections Supervisor, confirmed that the permit's current status in the computer was "open." Based on the issue date, the permit should be expired, but the City had not gone through the process to change the permit status to "expired." She noted that even with a valid demolition permit, the materials stored on the property currently were not allowed as they were not for demolition, but for new construction.

Mr. Wright found in favor of the City and ordered compliance with Section 47-34.1 A.1 within 14 days or a fine of \$100 per day would be imposed.

Reference CE05020260

Edgar Lewis
107 Northwest 7th Avenue

Sec. 47-21.8: Missing ground cover

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 15, 2005.

Mr. John Gossman, Community Inspections Officer, testified that the property's swale had no ground cover. Inspector Gossman presented photos of the property and his other file documents and recommended ordering compliance within 14 days or a fine of \$50 per day.

Mr. Edgar Lewis, owner, explained that the property was adjacent to a rehab center and visitors there parked on his swale. He did not believe that the sod would survive this. Inspector Gossman agreed to consult with Mr. Lewis on appropriate materials for the swale.

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

Reference CE05031804

Jessie Lacey C/O Roasters Ltd
5990 North Federal Highway

Sec. 47-19.4 D.8: Open dumpster enclosure gates

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 10, 2005

Mr. Skip Margerum, Community Inspections Officer, testified that the dumpster area was unsanitary, attracting vermin and causing odors. Inspector Margerum presented photos of the property and a copy of the inspection report and recommended 7 days to comply or a fine of \$250 per day.

Mr. Wright found in favor of the City and ordered compliance within 7 days or a fine of \$250 per day would be imposed.

Reference CE05050921

Coastal Investment Properties
2731 Northeast 14th Street

Sec. 9-280(g): Electrical components in disrepair

Ms. Bazer announced that certified mail addressed to the owner was accepted on June 16, 2005.

Mr. Len Ackley, Community Inspections Officer, testified that there were illegal air conditioning units in the windows. Inspector Ackley presented photos of the property and a copy of the inspection report and recommended ordering compliance within 10 days or a fine of \$100 per day.

Mr. Wright found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day would be imposed.

Reference CE05021139

Ragos Rent LLC
1424 Chateau Park Drive

Sec. 47-21.8: Missing ground cover;
Sec. 18-27(a): Trash and overgrowth on property

Ms. Bazer announced that certified mail addressed to the owner and registered agent had both been accepted on June 10, 2005; certified mail addressed to an officer of the company had been accepted on June 13, 2005 and Inspector Pingitore had made personal service to the owner on June 24, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead and missing ground cover on the property and there was trash on the property. Inspector Pingitore presented photos of the property and a copy of the case history and Notice of Violation and recommended ordering compliance within 7 days or a fine of \$50 per day, per violation.

Mr. Wright 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 CE05040805

Pauline Jules
1091 Northwest 21st Street

Sec. 47-21.8 A: Missing ground cover

Ms. Haskins announced that certified mail addressed to the owner had been accepted on June 11, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead and missing ground cover on the property. Inspector Pingitore presented photos of

the property and a copy of the case history and Notice of Violation and recommended ordering compliance within 30 days or a fine of \$50 per day.

Mr. Wright found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day would be imposed.

Reference CE05040806

Juan Valle
1101 Northwest 21st Street

Sec. 24-27(b): Garbage carts left out after service

Ms. Haskins announced that certified mail addressed to the owner had been accepted (no date on card).

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the garbage carts were left out after service. Inspector Pingitore presented photos of the property and a copy of the case history and Notice of Violation and recommended ordering compliance within 7 days or a fine of \$50 per day.

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

Reference CE05050074

J & E Investments LLC
1650 Northwest 23rd Avenue

Sec. 24-27(f): Dumpster lids left open;
Sec. 18-27(a): Overgrowth and trash on property

Ms. Haskins announced that certified mail addressed to the registered agent and an officer of the company had both been accepted on June 10, 2005 and certified mail addressed to an officer of the company had been accepted on June 23, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the dumpster lids were left open after service and there was overgrowth and trash on the property. Inspector Pingitore presented photos of the property and a copy of the case history and Notice of Violation and recommended ordering compliance within 7 days or a fine of \$250 per day, per violation.

Mr. Wright found in favor of the City and ordered compliance within 7 days or a fine of \$250 per day, per violation would be imposed.

Reference CE05050370

Connie, Denise, Rose, Wayne, etc. Davis
2300 Northwest 13th Street

Sec. 18-27(a): Trash on property;
Sec. 9-278(b): Windows blocked by
plywood; Sec. 9-280(b): Structure or
Fixtures in disrepair; Sec. 9-280(g):
Electrical components in disrepair;
Sec. 9-280(h)(1): Fence in disrepair

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash on the property; the windows were blocked by plywood; the windows were not weather or rodent proof; the electrical wiring was not in safe operating condition and the fence was in disrepair. Inspector Pingitore presented photos of the property and a copy of the case history and Notice of Violation and recommended ordering compliance within 30 days or a fine of \$25 per day, per violation.

Mr. Wright 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 CE05050452

Dwight Gipson
2571 Northwest 18th Court

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 June 27, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was a commercial vehicle stored on the property. Inspector Pingitore presented photos of the property and a copy of the case history and Notice of Violation and recommended ordering compliance within 7 days or a fine of \$25 per day.

Mr. Wright found in favor of the City and ordered compliance within 7 days or a fine of \$25 per day 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:

CE05051693

CE05041399

CE04121630

CE05050667

CE05051130	CE05060399	CE05040105	CE04100949
CE05041320	CE05041586	CE05010146	CE05010147
CE05040008	CE05050238	CE04120429	CE05051056
CE05021137	CE05041381	CE04122063	

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:

CE05011925	CE05011084	CE04110131	CE05030244
CE05041180	CE05040802	CE05040804	CE05050440

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:

CE04071007	CE04071008	CE04071009	CE04080281
CE01111067			

Approved for Claim of Lien

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

CE05011428 – \$ 1,700

There being no further business, the hearing was adjourned at 11:00 a.m.

Special Magistrate

ATTEST:

Clerk, Special Magistrate

