

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Ms. Meah Tell, Presiding
October 6, 2005
9:00 A.M. – 11:00 A.M.

Staff Present:

Eve Bazer, Community Inspections Acting Assistant Director
Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Leonard Ackley, Community Inspections Officer
Lindwell Bradley, Community Inspections Acting Assistant Director
Deborah Haskins, Community Inspections Supervisor
Peggy Burks, Community Inspections Officer
Michael Champion, Community Inspections Officer
Andre Cross, Community Inspections Officer
Robert Guilford, Community Inspections Officer
Ken Holt, City Engineer
Diana Horodecki, Waterworks 2011
John Hudak, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Dallas Shumaker, Fire Inspector
Ursula Thime, Community Inspections Officer
Salvatore Viscusi, Community Inspections Officer

Also Present:

*CE03070858: Bob Lee, owner
CE05050349: Robert Bradley, owner
*CE05010598: Edward Ramos, owner
*CE05030035: Orilien Baptiste, owner
*CE02061207: Hope Calhoun, the owner's attorney
CE05080294: Am Patel, lease-holder, William Regis, owner
CE05080201: Richard Coker, the owner's attorney
*CE05071583: Jonas Aurelhomme, owner
*CE05060926: Ronald DuPuis, owner
CE05081827: Christopher Cartwright, owner
CE05041195: Brutus Joseph, owner
*CE05031869: Lautaro Silva, business partner
CE05071023: Craig Hladchuck, owner
*CE05011124: George Criscione, owner
CE05081229: Tony Ferrari, owner

*CE04051864: Alan Kozich, project engineer

*CE04071034: Jay Hepler, contractor

*CE05070272: Zenon Mierzwa, owner

*Hearing to Impose Fine

NOTE: All individuals who presented information to the Special Magistrate during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:00 A.M. Ms. Tell introduced herself and explained her role in ensuring adherence with the City's codes. She also pointed out that the proceedings were being recorded.

Reference CE05071023

Progressive Properties and
Real Estate Holdings Inc.
1509 North Andrews Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on
property; Sec. 47-34.4 B.3.a: Commercial vehicle
parked/stored on property

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

Mr. Andre Cross, Community Inspections Officer, testified that there was an unlicensed, inoperable blue Buick Riviera, and grey Honda Accord on the property; there was also an unlicensed, inoperable tow truck stored on the property. Inspector Cross presented photos of the property that were accepted into evidence as City exhibit 1 and recommended ordering compliance within 7 days or a fine of \$100 per day, per violation or the vehicles would be towed.

Mr. Craig Hladchuck, owner, stated he had been trying to get rid of the vehicles for some time.

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

Reference CE05030035

Orilien Baptiste
632 Southwest 16th Avenue

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on April 7, 2005 with compliance ordered by April 21, 2005. The property was now complied and fines had accrued in the amount of \$33,400.

Mr. Dallas Shumaker, Fire Inspector, confirmed that the property was complied and advised that the City was not recommending any fines.

Ms. Tell abated the fine.

Reference CE02061207

W & W LLC
808 West Broward Boulevard

Hearing to Impose Fine / Request for Extension

Ms. Bazer announced that this case was first heard on August 1, 2002 with compliance ordered by October 30, 2002. On November 7, 2002 the date was extended to March 7, 2003; on March 7, 2003 the date was extended to April 20, 2003; on April 20, 2003 the date was extended to July 16, 2003; on July 16, 2003 the date was extended to February 10, 2004; on March 3, 2005 the date was extended to June 2, 2005. The property was still not complied and fines had accrued in the amount of \$36,900.

Ms. Hope Calhoun, the owner's attorney, requested an additional 30 days to comply. She explained that the demolition portion of the project was completed and they must now receive approval from the DRC to finish the project.

Mr. Mike Maloney, Community Inspections Officer, said he had no objection to an extension.

Ms. Tell granted a 30-day extension.

Reference CE05010598

Edward and Gladys Ramos
1103 Southwest 15th Terrace

Hearing to Impose Fine / Request for Abatement

Ms. Bazer announced that this case was first heard on March 17, 2005 with compliance ordered by May 16, 2005. The property was complied and fines had accrued in the amount of \$1,275.

Mr. Edward Ramos, owner, explained that he had experienced problems with the engineering of the project. He noted that he had kept in close communication with Inspector Champion.

Mr. Michael Champion, Community Inspections Officer, said Mr. Ramos had been very cooperative and suggested a fine to cover administrative costs only.

Ms. Tell reduced the fine to \$250.

Reference CE05070272

Susan Holt
2748 Northeast 20th Street

Hearing to Impose Fine/Request for Abatement

Ms. Bazer announced that this case was first heard on August 18, 2005 with compliance ordered by August 25, 2005. The property was complied and fines had accrued in the amount of \$1,400.

Mr. Zenon Mierzwa, owner, said he had been away and could not attend the first hearing, but had complied the violations as soon as possible. He had been unable to get in touch with Inspector Ackley because of the hurricane.

Mr. Leonard Ackley, Community Inspections Officer, confirmed that his office was closed due to the hurricane and confirmed he reinspected and complied the property on September 2, 2005.

Ms. Tell abated the fine.

Reference CE05011124

George Criscione
2221 Southwest 28th Way

Hearing to Impose Fine / Request for Abatement

Ms. Bazer announced that this case was first heard on July 21, 2005 with compliance ordered by August 20, 2005. On September 15, 2005 the date was extended to October 6, 2005. The property was now complied and fines had accrued in the amount of \$1,250.

Mr. George Criscione, owner, said he removed the fence to comply the property and replaced it with orange safety fencing.

Mr. Lee Kaplan, Community Inspections Officer, confirmed that the fence was removed and the property was complied. He recommended abatement of the fines.

Ms. Tell abated the fines.

Reference CE04051864

BIMA II LLC
3033 Northeast 32nd Avenue

Hearing to Impose Fine / Request for Abatement

Ms. Bazer announced that this case was first heard on July 15, 2004 with compliance ordered by August 29, 2004. On October 7, 2004 the date was extended to February 5, 2005; on February 5, 2005 the date was extended to May 6, 2005; on May 6, 2005 the date was extended to August 4, 2005; on August 4, 2005 the date was extended to October 4, 2005. The property was complied and fines had accrued in the amount of \$1,900.

Mr. Alan Kozich, project engineer, said the property was now complied. His client had made changes to the A/C unit and fans to reduce the noise. He admitted that the person who received the violation notice had not notified the corporate office when it was received. Mr. Leonard Ackley, Community Inspections Officer, said he supported abatement of the fines and the owner had acted as a good neighbor to comply the property.

Ms. Tell abated the fines.

Reference CE05071583

Jonas Aurelhomme
1112 Northwest 18th Court

Hearing to Impose Fine / Request for Abatement

Ms. Bazer announced that this case was first heard on September 1, 2005 with compliance ordered by September 8, 2005. The property was complied and fines had accrued in the amount of \$175.

Mr. Jonas Aurelhomme, owner, said he had difficulty contacting Inspector Pingitore.

Ms. Cheryl Pingitore, Community Inspections Officer, said after Mr. Aurelhomme left a voicemail message, she had researched the water bill and found it was reinstated on September 16, 2005; therefore the property was complied on that date. Fines had accrued from September 9 to September 16.

Ms. Tell signed the order to impose the fine.

Reference CE03070858

Robert Lee
702 Northwest 6th Avenue

Hearing to Impose Fine / Request for Extension

Ms. Bazer announced that this case was first heard on November 6, 2003 with compliance ordered by December 6, 2003. On December 7, 2003 the date was extended to June 4, 2004; on June 4, 2004 the date was extended to November 20, 2004; on March 3, 2005 the

date was extended to June 2, 2005. One of the three original violations was still not complied and fines had accrued in the amount of \$11,450.

Mr. Bob Lee, owner, explained that they were constructing a building on the property but it was taking a long time to get permits.

Mr. Lee Kaplan, Community Inspections Officer, explained that the fine was running on the outside storage because of building delays. He had no objection to a 6-month extension.

The Assistant City Attorney confirmed that Mr. Lee had requested several extensions; the last was until June 2, 2005. Ms. Tell agreed to grant the extension retroactive from June 2, 2005 to December 2, 2005. Mr. Lee thought he had already paid the fines that accrued from November 20, 2004 to March 3, 2005 during the amnesty program. Ms. Tell advised him to research this before returning in December.

Ms. Tell granted a six-month extension retroactive to June 2, 2005.

Reference CE05031869

Omar Deshazior
1301 Northwest 7th Terrace

Hearing to Impose Fine / Request for Extension

Ms. Bazer announced that this case was first heard on August 18, 2005 with compliance ordered by August 25 and September 17, 2005. The property was not complied and fines had accrued in the amount of \$2,225.

Mr. Martin Silva, business partner, explained that the violations were caused by prior tenants. He stated that the owners had not received the notices of the violations. Ms. Tell confirmed that the owners had spoken with Inspector Cross and understood exactly what needed to be done to comply.

Mr. Andre Cross, Community Inspections Officer, confirmed that there had been a communication problem and suggested a 10-day extension. Ms. Tell suggested 14 days.

Ms. Tell granted a 14-day extension.

Reference CE05060926

Ronald DuPuis
1300 Southwest 28th Avenue

Hearing to Impose Fine / Request for Abatement

Ms. Bazer announced that this case was first heard on August 18, 2005 with compliance ordered by September 1, 2005. The property was complied and fines had accrued in the amount of \$600.

Mr. Ronald DuPuis, owner, did not know how the fine had run to \$600 and asked for an explanation.

Ms. Peggy Burks, Community Inspections Officer, said different fines had run for different lengths of time for the various violations. Ms. Tell explained which violations were not complied in time and had accrued fines.

Mr. DuPuis explained that he had tried to start repairs right after the hurricane but supplies had been insufficient at Home Depot at that time.

Ms. Tell reduced the fine to \$50.

Reference CE04071034

West Marine Products, Inc.
2300 South Federal Highway

Hearing to Impose Fine / Request for Abatement

Ms. Bazer announced that this case was first heard on September 16, 2004 with compliance ordered by October 16, 2004. The property was complied and fines had accrued in the amount of \$5,400.

Mr. Lindwell Bradley, Community Inspections Acting Assistant Director, explained that the property was complied. The owners were late in complying due to some confusion with WaterWorks 2011 over a Y fitting.

Ms. Diana Horodecki, Waterworks 2011, confirmed there had been an issue finding the property's lateral and the owner had not appeared at the meeting to request an extension.

Ms. Tell abated the fines.

Reference CE05081229

Leonidus & Athena Tridimas &
Tony Ferrari
2606 Whale Harbor Lane

Sec. 25-8: Blocking public swale

Ms. Bazer announced that personal service had been made to the owner by Supervisor Bradley on September 21, 2005.

Mr. Tim Welch, City Engineer, testified that the owner had constructed a concrete apron in the public swale, blocking the natural runoff from a City street. Mr. Welch informed Ms. Tell that Mr. Ferrari had been present and signed in but had left. Mr. Welch stated Mr. Ferrari was trying to cancel the City's presentation. Mr. Ferrari then returned.

Inspector Welch testified that Mr. Ferrari had been issued a permit last year for the driveway that included requirements for the proper swale. Inspector Welch showed the swale diagram to Mr. Ferrari and explained the City's requirements.

Mr. Tony Ferrari, the owner's son, explained that the property was under the County's jurisdiction when the permit was obtained and therefore everything was done to Broward County's standards. Mr. Ferrari had obtained a survey yesterday and tried to meet with City Engineer Peter Partington, but Mr. Partington had been unavailable. He requested an extension to allow him time to meet with Mr. Partington.

Ms. Tell asked Mr. Welch if it was possible that Mr. Ferrari should comply with County, not City requirements. Mr. Welch reiterated that the permit was issued by the City of Fort Lauderdale and noted that Riverdale Isles was annexed prior to the date of the permit. He said he had spoken with Mr. Ferrari and Mr. Partington last week about looking at a survey of Mr. Ferrari's property to prove the driveway and swale had been constructed properly. Inspector Welch submitted a copy of the permit, design drawings, and photos of the property. Mr. Ferrari said that Inspector Welch's application was the wrong one. He said his lawyer had a permit application from Broward County. Ms. Tell asked why his lawyer was not present. Mr. Ferrari said that he thought he would meet with Mr. Partington and Mr. Welch today and the hearing would be postponed.

Inspector Welch said the City had a number of other issues on Mr. Ferrari's property that had been resolved. Ms. Tell advised Mr. Ferrari to get copies of Inspector Welch's paperwork regarding the driveway to Mr. George, Mr. Ferrari's lawyer. Mr. Ferrari reiterated that at the time the permit was obtained, the City was still using Broward County guidelines for the newly annexed Riverdale Isles. Mr. Welch admitted that this was accurate; Fort Lauderdale applied County standards to annexed properties. He described the catch basin requirement differences between Broward County and the City and noted that Mr. Ferrari's catch basin design complied with County, not City requirements.

Inspector Welch clarified that the diagram he presented referred to the swale, not the catch basin. Ms. Tell advised Mr. Ferrari to confer with Inspector Welch and City Engineer Ken Holt.

Inspector Welch remarked that Mr. Ferrari had vigorously resisted service of the Notice of Violation, refusing to sign it when it was presented to him at a meeting with Inspector Welch. Inspector Welch said, "the City would like to settle this today."

When they returned, Inspector Welch explained that he had spoken with the City Engineer, who confirmed that they had not agreed to postpone the hearing. He had examined Mr. Ferrari's survey, which showed that the swale apron was 1" higher than the edge of the pavement and 2/100 of one foot lower than the road crown at the middle of the swale. Inspector Welch proposed the following resolution: Mr. Ferrari should have his engineer prepare a new paving, grading and drainage plan with complete elevations for modification to this frontage to retain water appropriately in the swale. The City would also work with

adjacent property owners to regrade some of their properties to address Mr. Ferrari's concern that water from their properties would drain onto his property. Inspector Welch also wanted Mr. Ferrari to move his apron slab and grate down 6 inches to allow natural runoff from the street. Inspector Welch wanted the plan prepared within 60 days. Inspector Welch wanted to allow another 30 days to complete the work, or a fine of \$50 per day.

Mr. Ferrari agreed to comply within 90 days, and to advise his lawyer to make arrangements to contact the City by December 15 to request an extension if he felt it would be necessary.

Ms. Tell found in favor of the City and ordered compliance within 90 days or a fine of \$100 per day would be imposed.

Reference CE05050349

Robert & Mary Bradley
1090 Atkinson Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-306: Peeling paint/stain surfaces

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

Mr. Andre Cross, Community Inspections Officer, testified that there was an unlicensed, inoperable red Chevy Blazer on the property; Section 9-306 was complied. He noted that Mr. Bradley had been present earlier and requested 21 days to get the vehicle licensed. Inspector Cross presented photos of the property and a copy of the inspection report and history of the property and recommended ordering compliance with Section 9-281(b) within 21 days or a fine of \$100 per day, or the vehicle would be towed.

Ms. Tell found in favor of the City and ordered compliance with Section 9-281(b) within 21 days or a fine of \$100 per day, or the vehicle would be towed.

Reference CE05080294

William Regis
1221 East Las Olas Boulevard

Sec. 47-20.2: Required on-site parking

Ms. Bazer announced that personal service had been made to the owner and tenant by Inspector Guilford on September 29, 2005.

Mr. Dick Coker, attorney for the owner, asked for a continuance to await results of an appeal to the request for parking reduction the owner was seeking.

Mr. Robert Guilford, Community Inspections Officer, said the City agreed to a continuance.

Ms. Tell continued the case to April 6, 2006.

Reference CE05041195

Brutus & Pelicite Joseph
1645 Northwest 6th Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 9-308 (b): Roof in disrepair; Sec. 18-27(a): Trash and overgrowth on property; Sec. 47-34.4 B.3.a: Commercial vehicle parked/stored on property; Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner was accepted on September 17, 2005 and personal service had been made by Inspector Margerum on August 7, 2005.

Mr. Andre Cross, Community Inspections Officer, testified there was trash and overgrowth on the property; there was a commercial vehicle stored on the property and the fence was in disrepair; Sections 9-281(b), 9-306 and 9-308(b) were complied. He presented photos of the property that were accepted into evidence as City composite exhibit 1 and recommended ordering compliance with Section 18-27(a) within 7 days or a fine of \$25 per day, with Section 47-34.4 B.3.a within 7 days or a fine of \$100 per day or the vehicle would be towed and with Section 9-280(h)(1) within 30 days or a fine of \$25 per day.

Mr. Brutus Joseph, owner, said he still needed to comply the driveway. He had hired a contractor to do the driveway and the permit for which he had applied had expired. The contractor was in process of renewing his license and must get the permit reissued. Mr. Tell advised Mr. Joseph to concentrate on the fence. Inspector Cross had advised Mr. Joseph to repair the fence and if a section must be removed when the driveway was repaired, that was permissible. Mr. Joseph said the truck belonged to a tenant and he had already informed him that it must be moved off the property. Mr. Joseph also agreed to remove the rubbish from the property.

Ms. Tell found in favor of the City and ordered compliance with Section 18-27(a) within 15 days or a fine of \$25 per day, with Section 47-34.4 B.3.a within 7 days or a fine of \$100 per day or the vehicle would be towed and with Section 9-280(h)(1) within 30 days or a fine of \$25 per day.

Reference CE05071240

John Whaley
1643 Northeast 8th Avenue

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

Ms. Bazer announced that service was via posting at the property on September 13 and at City Hall on September 20, 2005.

Ms. Peggy Burks, Community Inspections Officer, testified there was overgrowth on the property. She presented a copy of her file on the property and recommended ordering compliance within 7 days or a fine of \$25 per day.

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

Reference CE05080352

Christine Mundle
1129 Northwest 6th Avenue

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on September 10, 2005.

Ms. Peggy Burks, Community Inspections Officer, testified there was an inoperable, unlicensed black Chevy pickup on the property. She recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

Ms. Tell 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 CE05080353

Marie Aureus
1118 Northwest 6th Avenue

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on September 10, 2005.

Ms. Peggy Burks, Community Inspections Officer, testified there was an inoperable, unlicensed blue Toyota on the property. She presented a copy of her file and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

Ms. Tell 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 CE05081397

Sherborn Development LLC
2764 Northeast 14th Street

Sec. 9-308 (a): Roof in disrepair

Ms. Bazer announced that certified mail addressed to the owner was accepted on September 12, 2005.

Mr. Leonard Ackley, Community Inspections Officer, requested a continuance to February 2, 2006 because the property was scheduled to be demolished by then.

Ms. Tell continued the case to February 2, 2006.

Reference CE05081711

Dan Davies Properties Inc.
2011 Northeast 17th Street

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on September 10, 2005.

Mr. Leonard Ackley, Community Inspections Officer, testified there were three boats on unlicensed trailers on the property. Inspector Ackley noted that the unlicensed vehicles were constantly changing on the property. He presented photos of the property and his case file that were accepted into evidence as City composite exhibit 1 and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

Reference CE05060656

Glen Adderley
1600 Northwest 2nd Avenue

Sec. 47-21.8: Missing ground cover;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(a): Broken windows

Ms. Bazer announced that certified mail addressed to the owner was accepted on September 10, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of dead and missing ground cover on the property; the fence was in disrepair; there was trash scattered about the property; the soffit on the building was rotting and there were broken windows in the building. Inspector Cross presented photos of the property and a copy of the inspection report and history of the property that were accepted into evidence as City composite exhibit 1 and recommended ordering compliance with Sections 47-21.8, 9-280(h)(1), 9-306 and 9-307(a) within 30 days or a fine of \$25 per day and with Section 9-281(b) within 7 days or a fine of \$25 per day.

Ms. Tell found in favor of the City and ordered compliance with Sections 47-21.8, 9-280(h)(1), 9-306 and 9-307(a) within 30 days or a fine of \$25 per day and with Section 9-281(b) 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:

CE05071613	CE05061402	CE05071129	CE05081164
CE05040309	CE05081827	CE05081846	CE05071157
CE05071056	CE05080635	CE05081251	CE05081354
CE05021619	CE05051861	CE05060298	CE05060676
CE05070878	CE05070879	CE05071179	CE05071219
CE05071302	CE05080201		

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:

CE05070705	CE05050486	CE05080351	CE05061451
CE05050440	CE05081238	CE05021691	CE05071144

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:

CE05021183

Approved for Claim of Lien

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

CE04111441 - \$ 400	CE05021383 - \$ 1,150	CE05040410 - \$ 4,100
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There being no further business, the hearing was adjourned at 11:00 a.m.

Special Magistrate

ATTEST:

Clerk, Special Magistrate