

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Meah Tell, Presiding
February 16, 2006
9:00 A.M. – 11:20 A.M.

Staff Present:

Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Eve Bazer, Administrative Assistant II
Leonard Ackley, Community Inspections Officer
Andre Cross, Community Inspections Officer
Deborah Haskins, Community Inspections Supervisor
Mike Maloney, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Bill Snow, Community Inspections Officer
Ursula Thime, Community Inspections Officer
Robert Urow, Community Inspections Officer
Salvatore Viscusi, Community Inspections Officer

Also Present:

CE05120543: Todd Thomsen, owner
*CE00080168: Evangelos Anthony, owner
CE05100561: Guy Strem-pack, owner's attorney; Donald Weiner, tenant; Frank Lodato, tenant
CE05121434: Michael Faulkner, manager
CE05090665: Lois Brakefield, owner; Matt Brakefield, owner
CE06010884: Lester Alexander, owner
*CE05050440: Alder Brown, owner; Noel Davis, owner
*CE05051785: Anne Fleming Naves, owner, Bruce Naves, owner's son
*CE05021363: James Kevern, manager
CE06010844: Lester Alexander, owner

*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 9:05 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 CE05051785

Annie Naves
1750 Northwest 25th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on September 15, 2005 with compliance ordered by September 22 and October 15, 2005. The property was complied on February 14, 2006 and fines had accrued to \$17,425.

Ms. Cheryl Pingitore, Community Inspections Officer, testified she visited the property on January 13, 2006 when she saw and photographed an unlicensed Buick and the missing sod; she had started the fines running for both of these violations on that date. Inspector Pingitore had visited the property later and witnessed another unlicensed vehicle on the property. She had returned to the property on February 14 and complied the property.

Ms. Annie Naves, owner, said they had worked hard to comply the property, replanting sod and painting the house. Mr. Bruce Naves, the owner's son, said he had appeared at the previous hearing and Inspector Pingitore had told him that everything was complied and he could leave. Inspector Pingitore stated she had spoken with him regarding compliance dates and fines and reported to Ms. Tell that she had a verbal agreement for compliance, not that the property was already complied.

Mr. Naves stated that the truck [the first vehicle] was removed within 30 days and the car [the second vehicle] was present for only three weeks. Inspector Pingitore said the fines had run for the car, not for the truck. Mr. Naves thought they had complied the ground cover violation.

Inspector Pingitore noted that even though it had taken extra time, they had gone "over and above" and turned the property around to make it "extremely acceptable." She suggested a reduction to \$1,000.

Ms. Tell reduced the fine to \$1,000.

Reference CE05021363

Gateway Shopping Center Corp.
1932 East Sunrise Boulevard

Massey Hearing

Ms. Bazer announced that this case was originally heard on April 21, 2005 with compliance ordered by May 5 and June 5, 2005. On June 16, 2005 the date was extended to August 16, 2005 and on September 1, 2005 the date was extended to December 1, 2005. The property was complied and fines had accrued to \$8,950.

Mr. Jim Kevern, property manager, explained that the sign was damaged in 2004 and the previous manager had hired an unlicensed contractor who had taken their money but never

performed the work. In May 2005, Mr. Kevern had hired a licensed sign contractor and the sign was complete in June. The new sign had subsequently been damaged and repaired and finally removed by Hurricane Wilma. Mr. Kevern explained that the owner's son had neglected to show up for a previous hearing.

Regarding the parking area surfacing and striping, Mr. Kevern explained that when the contractor applied for a permit in April 2005, the City informed him a survey was required; this had delayed the project. Building construction had also taken place on the property preventing work on the parking area. Mr. Kevern had called to request an extension after the hurricane, before the fines started. Ms. Bazer clarified that fines had accrued between the two extension dates.

Ms. Ursula Thime, Community Inspections Officer, confirmed that the surveys, the building construction and the hurricanes had delayed the work. She recommended reducing the fine to \$250.

Ms. Tell reduced the fine to \$250.

Reference CE05050440

Aulder Brown & Noel Davis
1621 Northwest 28th Avenue

Massey Hearing

Ms. Bazer announced that this case was originally heard on August 18, 2005 with compliance ordered by August 25, 2005. The property was complied and fines had accrued to \$14,050.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that fines had begun on August 25, 2005. Inspector Pingitore presented photos of the trash in several areas on the property and noted that a portable toilet had blocked the sidewalk.

Mr. Aulder Brown, owner, stated that the portable toilet was removed within a few days, not 27 days and noted that the sidewalk was "not really useable." Mr. Brown added that the mail was being sent to the wrong address; Mr. Eaton confirmed that mail had been returned. They had discovered the lien on the property when they closed on the sale of the house a couple of weeks earlier. Inspector Pingitore explained that she posted the original notice on the building on May 6, 2005 and presented photos taken on that date. She had specifically mentioned the portable toilet and the lack of a trash receptacle on the notice.

The Assistant City Attorney testified that the owners had received proper service for the notice of the first hearing on August 18, 2005. Inspector Pingitore recommended reducing the fine to \$7,000.

Mr. Noel Davis, owner, reiterated that they did not know fines were running and a lien was put on the property until the title company informed them. He stated they had removed the

trash within 7 days of receiving the notice. Inspector Pingitore stated that the violations existed constantly during the construction, including the presence of the portable toilet.

Ms. Tell reduced the fine to \$5,500.

Reference: CE00080168

Evangelos Anthony
735 West Las Olas Boulevard

Massey Hearing

Ms. Bazer announced that this case was originally heard on November 16, 2000 with compliance ordered by November 30, 2000. The property was complied on December 15, 2000 and fines had accrued to \$700.

Mr. Evangelos Anthony, owner, said he intentionally kept a greenery buffer in the front yard since he could not have a fence. He had trimmed it after Supervisor Murray had advised him to do so, but Supervisor Murray had returned and informed him it needed further trimming. Mr. Anthony said he felt he should not have accrued any fine.

Mr. Mike Maloney, Community Inspections Officer, stated he was not the inspector in December, but had experienced no recent problems with the property.

Ms. Tell reduced the fine to \$50.

Reference CE05090665

Cassandra Brakefield
1221 Northwest 5th Avenue

Sec. 9-308 (a): Roof shingles in disrepair;
Sec. 9-279(g): Inoperable plumbing

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 24, 2006. Insp. Andre Cross presented the case for Insp. Irma Westbrook who was unable to attend the hearing.

Mr. Andre Cross, Community Inspections Officer, testified that the roof was leaking and the plumbing was leaking. He presented photos of the property and recommended ordering compliance within 60 days or a fine of \$50 per day.

Mr. Matt Brakefield, owner, admitted the problems existed and requested 60 days to complete repairs.

Ms. Tell found in favor of the City and ordered compliance within 60 days or a fine of \$50 per day, per violation would be imposed.

Reference CE05121434

Paul & Nancy Ahrens
1218 Northwest 11th Place

Sec. 9-279(f):No City water service

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 11, 2006. Ms. Bazer stated she had a power of attorney for the owner's property manager for another property address.

Mr. Michael Faulkner, property manager, confirmed that he managed all of the owner's properties and had power of attorney for all of them.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was no City water service to the building. She had checked yesterday and discovered the meter was still not operating and a balance of \$ 376.50 plus a reconnect charge was due. Mr. Faulkner agreed this was true.

Mr. Faulkner stated that the tenant was "Section 8" and was being evicted; he asked for time to remove the tenant. Ms. Tell informed Mr. Faulkner that she would not grant him time to evict the tenant; he must reconnect the water while the building was occupied.

Inspector Pingitore recommended ordering compliance within 72 hours or a fine of \$250 per day. Mr. Faulkner agreed to have the service reconnected.

Ms. Tell found in favor of the City and ordered compliance within 72 hours or a fine of \$250 per day would be imposed.

Reference CE05120543

Todd Thomsen
146 Southwest 21st Way

Sec. 9-281(b): Rubbish and trash on property;
Sec. 47-34.1 A.1: Permitted uses: outside storage

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 18, 2006. Insp. Skip Margerum presented the case for Insp. Peggy Burks who was unable to attend the hearing.

Mr. Skip Margerum, Community Inspections Officer, testified that there was trash and debris on the property and there was outside storage of construction material on the property. He presented photos of the property, a copy of the inspection report and history of the property and recommended ordering compliance within 21 days or a fine of \$50 per day, per violation.

Mr. Todd Thomsen, owner, said he was in the process of removing all of the cars. He needed to remove all of the tree debris first. He felt he could finish within 2 weeks.

Ms. Tell found in favor of the City and ordered compliance within 21 days or a fine of \$50 per day, per violation would be imposed.

Reference CE05100561

Goran Dragoslavic
1000 Northwest 24th Avenue

Sec. 9-313(a): Required display of address;
Sec. 47-1.15: Non-permitted use: outside display;
Sec. 47-22.9: Signs without permits;
Sec. 47-22.6 E.1: Non-permitted signs

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 5 and January 6, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were Unpermitted signs on the property; per Special Magistrate order CE04031343 dates 4/15/04, this violation was constant and repetitive; there were signs taped to the fence; Sections 9-313(a) and 47-1.15 were complied. Inspector Pingitore stated she had spoken to Mr. Dragoslavic on October 20, 2005 and he had assured her at that time that the violations would be corrected in a timely manner. Inspector Pingitore had taken three sets of photos on three occasions and presented these to Ms. Tell. She recommended for Section 47-22.9 that a fine from October 9, 2005 to January 12, 2006 at \$250 per day be imposed, since this was a constant and repetitive violation. She recommended that the other violations be included in the order.

Mr. Guy Strem-pack, the owner's attorney, said he had been informed of the case two days ago and had visited the property yesterday. He confirmed that the violations were cleared as of his visit yesterday. Inspector Pingitore confirmed that the property was now entirely complied. Ms. Tell explained the previous order on the property for signs that were painted and hung on the building. Mr. Donald Weiner, tenant, agreed that those previous violations had existed. Inspector Pingitore said she had conversations with the owner and his former attorney regarding the specific signs. She read from her notes regarding these conversations. Mr. Weiner insisted that these cardboard signs were different from the previous signs; he said the signs were the only way to let the public know they were open after the hurricane.

Ms. Tell felt they should continue the case so that the previous attorney could appear for this case; Inspector Pingitore wanted the owner to be present as well.

Ms. Tell continued the case to April 20, 2006.

Reference CE06010844

Lester Alexander
1333 Northeast 17th Avenue

Sec. 18-27(a): Overgrowth on property;
Sec. 9-281(b): Unlicensed, inoperable vehicle on
property

Ms. Bazer announced that service was via the appearance of the owner at this hearing. Mr. Leonard Ackley, Community Inspections Officer, testified that he had spoken with the owner and had agreed to recommend ordering compliance with Section 18-27(a) within 7 days or a fine of \$25 per day; Inspector Ackley noted that the motor home was tagged, but there was another vehicle, a white commercial truck, present. The owner had agreed to comply Section 9-281(b) within 7 days or a fine of \$25 per day. Inspector Ackley presented photos taken of the property yesterday and his other file material.

Mr. Lester Alexander, owner, said the truck had been removed already. Mr. Alexander had his own set of photos taken this morning that Ms. Tell admitted into evidence as respondent's composite exhibit 1. Inspector Ackley said Mr. Alexander just needed to run the mower over the property to comply Section 18-27(a). Mr. Alexander said he already had mowed the lawn but wanted to be sure of exactly what was required regarding overgrowth. Inspector Ackley agreed to explain exactly what must be done.

Ms. Tell found in favor of the City and ordered compliance with Section 18-27(a) within 7 days or a fine of \$25 per day and with Section 9-281(b) within 7 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE05111307

Paul Simpson
4500 Northwest 12th Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicles on
property; Sec. 18-27(a): Overgrowth on property;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 21, 2006.

Mr. Sal Viscusi, Community Inspections Officer, testified that there were two derelict vehicles on the property: a white Chevy van and a white Olds Cutlass Sierra; there was overgrowth on the property and swale; ground cover was missing; exterior walls were mildew stained and the sidewalk was in disrepair. He presented photos of the property, a copy of the notice of violation and the Broward County Building Department's case against the property 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 and with Sections 18-27(a), 47-21.8.A, 9-306 and 25-56(a) within 30 days or a fine of \$50 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance with Section 9-281(b) within 7 days or a fine of \$100 per day or the vehicle would be towed, and with Sections 18-27(a), 47-21.8.A, 9-306 and 25-56(a) within 30 days or a fine of \$50 per day, per violation would be imposed.

Reference CE05090436

Rivers Burke Trust
2048 Southwest 28th Avenue

Sec. 9-281(b): Unlicensed vehicle on property;
Sec. 18-27(a): Trash on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on December 31, 2005. Insp. Skip Margerum presented the case for Insp. Peggy Burks who was unable to attend the hearing.

Mr. Skip Margerum, Community Inspections Officer, testified that there was an unlicensed camouflage Jeep on the property; Section 18-27(a) was complied. He presented photos of the property and a copy of the inspection report 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.

Ms. Tell found in favor of the City and ordered compliance with Section 9-281(b) within 7 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE06010068

South East Conference Association
of Seventh Day Adventists
1227 Northwest 6th Street

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

Ms. Bazer announced that certified mail addressed to the owner was accepted [no date on card].

Mr. William Snow, Community Inspections Officer, testified that the building was boarded for more than six months without a board-up certificate. He presented photos of the property, a copy of the case history and permit history, and recommended ordering compliance within 30 days or a fine of \$50 per day. Inspector Snow had discovered that the church recently purchased the property and was in the process of cleaning it up.

Ms. Deborah Haskins, Community Inspections Supervisor, stated that when Inspector Snow was absent recently, some boards were removed from the property and vagrants were inhabiting it. Supervisor Haskins had phoned the Church Secretary in Mount Dora,

who, after learning who Supervisor Haskins was and why she was calling, claimed she could not hear her and hung up on her several times.

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

Reference CE06010398

Alnadi Inc.
3300 West Broward Boulevard

Sec. 39-133.(e)(1): Peeling paint/stained surfaces;
Sec. 39-215.(f): Parking area in disrepair;
Sec. 39-294.(c)(3): Rubbish around dumpster enclosure; Sec. 39-56.(13): Signs cover more than 20% of window; Sec. 39-79(e): Dead and missing ground cover; Sec. 39-52(2): Unpermitted banner signs

Ms. Bazer announced that certified mail addressed to the owner, registered agent and an officer of the company were all accepted [no date on cards].

Mr. Andre Cross, Community Inspections Officer, testified that there was trash scattered around the dumpster enclosure and unpermitted banner signs on the property; Sections 39-133.(e)(1), 39-215.(f), 39-56.(13) and 39-79(e) were complied. He presented photos of the property, copies of the inspection report and history of the property, and recommended ordering compliance with Sections 39-294.(c)(3) and 39-52(2) within 7 days or a fine of \$150 per day, per violation. Ms. Tell wanted to increase the possible fine to \$250 per day, per violation but Inspector Cross noted that the owner was making an effort to comply and was in constant contact.

Ms. Tell found in favor of the City and ordered compliance with Sections 39-294.(c)(3) and 39-52(2) within 7 days or a fine of \$150 per day, per violation would be imposed.

Reference CE05111021

Jeff Paperman
716 Northeast 7th Street

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 24-27(b): Trash containers left in swale after pickup; Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 30, 2006.

Ms. Ursula Thime, Community Inspections Officer, testified that the trash containers were constantly left in the swale after pickup; Sections 18-27(a) and 9-280(h)(1) were complied. She presented photos of the property and a copy of the property history and recommended ordering compliance with Section 24-27(b) within 15 days or a fine of \$25 per day. Inspector Thime explained that the tenants would sometimes move the dumpsters off the

swale and in front of the fence, still in public view. Ms. Tell felt the owner, who lived out of state, must have more specific instruction to give the tenants to guarantee compliance. Inspector Thime noted that they could specify the corrective action on the order.

Ms. Tell found in favor of the City and ordered compliance with Section 24-27(b) within 15 days or a fine of \$25 per day would be imposed.

Reference CE05081238

Webert Doremy
1045 Northwest 7th Avenue

Sec. 9-281(b): Overgrowth and inoperable, unlicensed vehicle on property; Sec. 9-307(a): Broken windows in building

Ms. Bazer announced that service was via posting on the property on January 18, 2006 and at City Hall on February 2, 2006.

Mr. Leonard Ackley, Community Inspections Officer, testified that the property was overgrown and there were unlicensed, inoperable vehicles in the yard; there were also broken windows in the house. He presented photos of the property, a copy of the inspection report and case history, and recommended ordering compliance within 10 days or a fine of \$50 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$50 per day, per violation would be imposed.

Reference CE05101530

J.A. & Danielle Miller
1421 Coral Ridge Drive

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 47-19.9: Non-permitted storage on property
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that personal service was made to the owner by Inspector Ackley on February 15, 2006.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was trash and overgrowth on the property, debris on the property and the fence was in disrepair. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 15 days or a fine of \$25 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance within 15 days or a fine of \$25 per day, per violation would be imposed.

Reference CE05111721

Joann & Roger Charles
2205 Bayview Drive

Sec. 18-1: Stagnant pool water;
Sec. 18-27(a): Trash and overgrowth on property

Ms. Bazer announced that service was via posting on the property on January 18, 2006 and at City Hall on February 2, 2006.

Mr. Leonard Ackley, Community Inspections Officer, testified that the pool was green and the water was not circulating and the property was overgrown and strewn with trash. Inspector Ackley noted that the case was ongoing for some time but had been postponed by the hurricanes. He presented a series of photos of the property taken since October, and a copy of the inspection report, and recommended ordering compliance within 10 days or a fine of \$250 per day, per violation. Inspector Ackley agreed to post the order on the property in conjunction with the order's mailing.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$250 per day, per violation would be imposed.

Reference CE05091512

J.W. Field
1225 Northwest 10th Place

Sec. 47-21.8: Missing ground cover;
Sec. 18-27(a): Trash on property;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-313(a): Required display of address

Ms. Bazer announced that certified mail addressed to the owner had been accepted on December 31, 2005.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead or missing ground cover; there was trash and debris scattered about the property and the address number was not visible from the street; Section 9-306 was complied. She presented photos of the property and recommended ordering compliance with Sections 47-21.8, 18-27(a) and 9-313(a) within 10 days or a fine of \$50 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance with Sections 47-21.8, 18-27(a) and 9-313(a) within 10 days or a fine of \$50 per day, per violation would be imposed.

Reference CE05100309

Ryan Lindsey Trustee
918 Northwest 13th Street

Sec. 18-27(a): Overgrowth on property;
Sec. 25-4: Blocking public sidewalk;
Sec. 9-280(g): Electrical components in disrepair;
Sec. 9-313(a): Required display of address;
Sec. 9-329: Required certificate of boarding;
Sec. 9-331: Improper boarding

Ms. Bazer announced that service was via posting on the property on January 20, 2006 and at City Hall on February 2, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was overgrowth on the property; overgrowth was encroaching on the public sidewalk; there were broken electrical fixtures on the building; the numerical address was not visible from the street; a board-up certificate was not obtained and the boarding was improperly done. She presented photos of the property and recommended ordering compliance with Section 9-329 within 30 days or a fine of \$50 per day and with Sections 18-27(a), 25-4, 9-280(g), 9-313(a), and 9-331 within 7 days or a fine of \$50 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance with Section 9-329 within 30 days or a fine of \$50 per day and with Sections 18-27(a), 25-4, 9-280(g), 9-313(a), and 9-331 within 7 days or a fine of \$50 per day, per violation would be imposed.

Cases Complied

Ms. Bazer announced that the below listed cases were in compliance. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05121622	CE05120678	CE05101393	CE05090212
CE05091472	CE05120735	CE05120952	CE05120833
CE05121529	CE05121532	CE06010405	CE06010334
CE05070744	CE05071348	CE05091192	CE05110561
CE06010095	CE05090809	CE05100543	

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:

CE05101411	CE05111574	CE05081662	CE05091172
CE05100668	CE05080745		

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:

CE05091348

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

CE05110558 - \$ 850.00

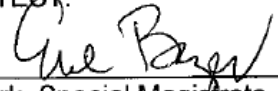
CE05061600 - \$ 9,000

There being no further business, the hearing was adjourned at 11:20 a.m.



SPECIAL MAGISTRATE

ATTEST:



Clerk, Special Magistrate