

**SPECIAL MAGISTRATE HEARING**  
**City Commission Meeting Room**  
**Judge John Gaudiosi, Presiding**  
**March 2, 2006**  
**9:00 A.M. – 12:40 P.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  
Peggy Burks, Community Inspections Officer  
Robert Guilford, Community Inspections Officer  
Deborah Haskins, Community Inspections Supervisor  
Mike Maloney, Community Inspections Officer  
Skip Margerum, Community Inspections Officer  
Angelo Paloumbis, Community Inspections Officer  
Cheryl Pingitore, Community Inspections Officer

Also Present:

\*CE01040420: Carmen Caamano, owner  
\*CE00101634, \*CE02100996: Darryl Tunnage owner  
CE05121924: Carlton Rhoden, owner  
CE05070732, CE05070738: Leon Hardschutt, owner's representative  
CE05080347: Christina Graham, owner  
\*CE02082013: Anthony Bigmall, owner  
CE05120873: Francisco Gonzales, owner  
CE06011623: Stephen Stella, owner; Reed McClosky, attorney; James Plichik, witness,  
Fred Sutton, witness; Deiter Warmherd, witness; Stephen Holloway, witness; Timothy Cole  
Dagett, witness; Bruce Schaffner, witness  
CE05091695: Ruben Wiggan, owner  
CE06011446: Mark Dalen, agent

\*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 9:12 A.M. Judge 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 CE06011446**

1630 Westchester Realty Company  
3520 North Federal Highway

Sec. 47-22.6 E.1: Banner signs on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 3, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were unpermitted signs on the property and swale. Per Special Master order CE05091515 dated 1/19/06, this was a constant, repetitive violation. Inspector Pingitore explained that Scott Helmus, company director, had testified in January that the signs would be removed. Inspector Pingitore returned on January 24, 25, 30, 31, February 1, 2, 3, 6, 15, 27, March 1, and today and had found signs on the property, swale or median on all occasions. Inspector Pingitore requested a fine be imposed for the 29 days the violation was in evidence after effective service.

Mr. Mark Dalen, company agent, said the former manager was trying to get fired and put up the signs to force the company to fire him. Mr. Dalen confirmed that the employee was fired on February 27, 2006. Mr. Dalen said someone from the City had told the store that the two signs that were now on the property were allowed [he described the City employee as balding, with an earring in his left ear]. He agreed to remove them if they were, in fact, not allowed. Mr. Dalen confirmed that the photos Inspector Pingitore had taken this morning of the signs were correct. Inspector Pingitore submitted the photos and her case file to Judge Gaudiosi. Mr. Dalen asked Judge Gaudiosi for compassion in regard to the fines. Inspector Pingitore said that three different inspectors had visited the store and told the former manager to cease placing the signs outside. Inspector Pingitore reiterated that the director appeared at the January hearing and promised to remove the signs. Mr. Dalen said if notices had been sent or a call made to corporate headquarters in Miami, the problem would have been handled sooner.

The Assistant City Attorney reminded Judge Gaudiosi that they used the county tax records to identify and notify the owners of cited properties. Notice had been sent to the property owner, 1630 Westchester Realty, on February 3, 2006.

Judge Gaudiosi found that the violation existed for a period of ten (10) days and imposed a fine of \$500 a day; Inspector Pingitore informed Mr. Dalen that the two remaining signs must be removed.

Judge Gaudiosi imposed a fine of \$5,000.

**Reference CE02082013**

Joyce Bigmall-McNeil  
1545 Northwest 8<sup>th</sup> Avenue

Request to Vacate Previous Order/Massey  
Hearing

Ms. Bazer announced that this case was first heard on September 18, 2003 with compliance ordered by September 25, 2003. The property was complied on December 21, 2005 and fines had accrued in the amount of \$163,400.

The Assistant City Attorney announced that the City was requesting vacation of the order dated November 6, 2003 due to improper service. She then recited compliance dates and fines and asked Judge Gaudiosi to impose the fine.

Judge Gaudiosi vacated the November 6, 2003 Massey hearing order.

Mr. Anthony Bigmall, owner, explained that they purchased the fire-damaged property in 2003 and had never received notification of any violations. They had learned of the fines in December 2005 when they tried to refinance the property.

Mr. Andre Cross, Community Inspections Officer, stated he had taken over the case in May 2006. In December 2006, he had heard from Mr. Bigmall regarding the violations and the property was complied later that month.

The Assistant City Attorney stated they had served the previous property owner for the first Massey hearing, so Mr. Bigmall was correct that he had never received proper service. She asked Judge Gaudiosi to vacate the first order in the case and agreed to release the claim of lien.

Judge Gaudiosi agreed to vacate the first order of September 18, 2003 as well.

**Reference CE01040420**

Daniel & Carmen Caamano  
17 Northeast 9<sup>th</sup> Avenue

Massey Hearing/Request for Abatement

Ms. Bazer announced that this case was originally heard on August 2, 2001 with compliance ordered by August 9, 2001. The property was complied on August 21, 2001 and fines had accrued to \$1,100.

Ms. Carmen Caamano, owner, said she had never been notified of any violations on her property.

Mr. Robert Guilford, Community Inspections Officer, testified that he was not the original inspector, but had visited on several occasions and noted that the property was always complied.

The Assistant City Attorney said the Caamanos had received service for the first hearing in 2001. She noted that there were 10 – 12 notices that had been sent to the owners since 2001 that were returned undelivered. The Assistant City Attorney noted that if the owner had received proper service, she would have been eligible for the amnesty program, wherein the City would have settled for \$275; she agreed to accept that fine amount now.

Judge Gaudiosi reduced the fine to \$200.

**Reference CE00101634**

Darryl Tunnage  
914 Northwest 13<sup>th</sup> Avenue

Request to Vacate Previous Order

Ms. Bazer announced that the City was requesting vacation of the order imposing fines dated August 12, 2004.

Judge Gaudiosi vacated the order.

**Reference CE02100996**

Darryl Tunnage  
914 Northwest 13<sup>th</sup> Avenue

Request to Vacate Previous Order

Ms. Bazer announced that the City was requesting vacation of the order imposing fines dated August 12, 2004.

Judge Gaudiosi vacated the order.

**Reference CE00101634**

Darryl Tunnage  
914 Northwest 13<sup>th</sup> Avenue

Massey Hearing/Request for Abatement

Ms. Bazer announced that this case was first heard on February 1, 2001, with compliance ordered by May 2, 2001. Fines had accrued in the amount of \$21,300.

Mr. Robert Guilford, Community Inspections Officer, testified that he was not the original inspector, but had visited the property several times and the property was always complied.

Mr. Darryl Tunnage, owner, said this was “an experiment gone bad.” He said he had done his best to comply and kept in contact with Inspector Donovan, but they had experienced a

personality conflict. He felt some of the violations were “frivolous”, but admitted to others. Mr. Tunnage informed Judge Gaudiosi that child support payments were “consuming” him right now. He wanted to return the property to his father to manage as soon as possible.

Inspector Guilford said he accepted Mr. Tunnage’s sincerity and noted he could not confirm the compliance date. He reiterated that the property was in “immaculate condition as we speak.” He recommended “very reasonable abatement of the fine.”

Judge Gaudiosi reduced the fine to the amnesty amount of \$5,325.

**Reference CE02100996**

Darryl Tunnage  
914 Northwest 13<sup>th</sup> Avenue

Massey Hearing/Request for Abatement

Ms. Bazer announced that this case was first heard on November 7, 2002, with compliance ordered by December 22, 2002. The property was complied on February 16, 2006 and fines had accrued in the amount of \$655,500. Ms. Bazer presented photos of the property to Judge Gaudiosi.

Mr. Robert Guilford, Community Inspections Officer, informed Judge Gaudiosi that this had been a constant and repetitive case.

The Assistant City Attorney stated that this property too, would have been eligible for the amnesty program and recommended reducing the fine to that amount, 25% of the total for both of Mr. Tunnage’s cases. Inspector Guilford determined that this would total approximately \$170,000 for both cases. Judge Gaudiosi was afraid this amount would be “confiscatory”; Mr. Tunnage confirmed that the property was worth approximately \$100,000. Inspector Guilford recommended that the fine for case CE02100996 be abated entirely. Mr. Darryl Tunnage, owner, agreed to this agreement “very happily.”

Judge Gaudiosi abated the fine.

**Reference CE05120873**

Francisco Gonzales  
1631 Northwest 12<sup>th</sup> Court

Sec. 18-27(a): Trash on property;  
Sec. 9-281(b): Unlicensed, inoperable vehicle on  
property; Sec. 47-21.8: Missing ground cover

Ms. Bazer announced that certified mail addressed to the owner had been accepted on February 2, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and debris scattered about the property and missing ground cover; Section 9-281(b) was

complied. She presented photos of the property, a copy of the inspection report and notice of violation.

Mr. Francisco Gonzales, owner, said he had discovered the violations on the property only recently; he claimed he had never received certified mail. He contacted the inspector and took steps immediately to comply. He had only to replace the sod to comply. Inspector Pingitore confirmed that he had contacted her immediately and said they had agreed to recommended ordering compliance with Section 18-27(a) within 7 days or a fine of \$25 per day, and with Section 47-2.8 within 30 days or a fine of \$25 per day.

Judge Gaudiosi 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 47-2.8 within 30 days or a fine of \$25 per day would be imposed.

**Reference CE05070732**

Strand Management, Inc.  
401 Southwest 6<sup>th</sup> Street

Sec. 18-27(a): Trash on property;  
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner and registered agent were both accepted on January 19, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that the chain link fence was in disrepair; Section 18-27(a) was complied. Inspector Maloney recommended ordering compliance with Section 9-280(h)(1) within 120 days or a fine of \$25 per day.

Mr. Leon Hardschutt, the owner's representative, said the chain link fence was built in 1994 and had failed final inspection because the inspector had wanted changes that were not included on the permit. After the hurricanes, the contractor had never returned to complete the work. Mr. Hardschutt then hired a new contractor, who had applied for a new permit including the design changes. Once the permit was received, the contractor informed him the work could be done in 120 days.

Inspector Maloney agreed to this timeframe; he noted the extensive hurricane damage the fence had suffered and also the difficulty in obtaining a contractor since the hurricane.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 9-280(h)(1) within 120 days or a fine of \$25 per day would be imposed.

**Reference CE05070738**

Strand Management Inc.  
419 Southwest 6<sup>th</sup> Street

Sec. 18-27(a): Trash on property;  
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner and registered had both been accepted [no date on card].

Mr. Mike Maloney, Community Inspections Officer, testified that the chain link fence was in disrepair; Section 18-27(a) was complied. Inspector Maloney recommended ordering compliance with Section 9-280(h)(1) within 120 days or a fine of \$25 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 9-280(h)(1) within 120 days or a fine of \$25 per day would be imposed.

**Reference CE05091695**

Rueben Wiggan  
2420 Northwest 19<sup>th</sup> Street

Sec. 18-27(a): Overgrowth on property;  
Sec. 47-20.20 H: Parking area in disrepair

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 22, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and rubbish on the property, and the parking lot was in disrepair.

Mr. Rueben Wiggan, owner, said he had taken care of the violation but people at a nearby bus stop continually littered the property. He had already filled the potholes and intended to repave the lot soon. He presented photos of the work he had done. Inspector Pingitore recommended ordering compliance within 7 days or a fine of \$25 per day, per violation.

Judge Gaudiosi found in favor of the City and ordered compliance within 7 days or a fine of \$10 per day, per violation would be imposed.

**Reference CE05121924**

Rhoden Luxury Care Inc.  
261 Southwest 38<sup>th</sup> Terrace

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

Ms. Bazer announced that certified mail addressed to the registered agent had been accepted on February 3, 2006 and certified mail addressed to the owner had been accepted on February 6, 2006.

Mr. Andre Cross, Community Inspections Officer, testified that there was an unlicensed, inoperable Gray Honda and blue Toyota Corolla on the property. He presented photos of

the property and recommended ordering compliance within 7 days or a fine of \$100 would be imposed or the vehicles would be towed.

Mr. Carlton Rhoden, owner, said the Honda belonged to a client and the Toyota belonged to him, but he had already removed it. He would see that the client removed the other vehicle.

Judge Gaudiosi found in favor of the City and ordered compliance within 7 days or a fine of \$100 would be imposed or the vehicle[s] would be towed.

**Reference CE05080347**

Christina Graham  
1213 Northwest 6<sup>th</sup> Avenue

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

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was an unlicensed, inoperable blue Ford Thunderbird on the property. Inspector Burks presented photos of the property and recommended ordering compliance within 90 days or a fine of \$5 per day.

Ms. Christine Graham, owner, said the vehicle had belonged to her deceased husband. Her son intended to license the car but was having trouble getting it done, so Ms. Graham was in the process of selling the car. The prospective buyer promise to remove the car by February 13. Judge Gaudiosi remarked that since this was a beautiful, classic car, it was not a detriment to the neighborhood. The City Attorney confirmed that since the car was not registered, it was still in violation.

Judge Gaudiosi found in favor of the City and ordered compliance within 90 days or a fine of \$5 per day would be imposed.

**Reference CE06011623**

Stephen Stella  
2137 Tanbark Lane

BCZ 39-279: Operating a business on residential property

Ms. Bazer announced that this case was continued from February 2, 2006.

Mr. Robert Guilford, Community Inspections Officer, testified that the zoning was single-family. The Assistant City Attorney explained that the owner was cited properly using Broward County zoning code. This was slightly unusual, but was done because this was annexed property and a zoning review had yet to be done in the area, therefore, they must use County codes. The notice of violations stated they were using Broward Zoning through Section 9-1A of City codes but she was not sure why, since this section did not make reference to Broward County Zoning codes.



Mr. Reed McClosky, the owner's attorney, explained that the notice cited Broward County Code Section 39-279 and said "through Section 9-1 of the City of Fort Lauderdale code of ordinances." Mr. McClosky noted that Section 9-1 adopted the South Florida building code; Section 39-279 of the county code was not the South Florida building code. The Assistant City Attorney informed Mr. McClosky that his copy of 9-1 was old; it had been amended in 2001 to adopt the Florida building code. She admitted that this did not affect the substance of Mr. McClosky's argument. She stated that the citation was still proper through the Broward County code.

Mr. McClosky read the citation, presented a series of photos to Judge Gaudiosi, and offered to present his witnesses.

Inspector Guilford informed Judge Gaudiosi that since the business had started, the neighbors had advised him that there was an increase in traffic to the location and also an increase in suspicious activity. The neighbors felt there was a negative impact on the neighborhood. Inspector Guilford admitted there was no proof that business was being conducted, but many boats had been sighted docked at the property. Judge Gaudiosi remembered the previous case and Inspector Guilford showed Judge Gaudiosi the old case.

Mr. McClosky stated that this was "part of a pattern of harassment as a result of a petty dispute between neighbors" regarding the neighbors' use of the lot as a sort of "private little doggie park."

Mr. Fred Sutton, neighbor, said Mr. Stella had been working with Hargraves, an outfitter, on the property. He had also spoken with Marine Electronics and other contractors who came to work on the boats. He had also heard that people were living on boats docked there. Mr. McClosky asked Mr. Sutton if he had ever seen invoices or money change hands for work done on the boats and Mr. Sutton said he had not.

Mr. Stephen Holloway, neighbor, said the problem began after Mr. Stella built the dock last year. The City had cited him and ruled at a hearing that he could not have more than two boats at the dock. In the fall, work at the property had increased. Mr. Holloway estimated 20-25 vehicles visited the property daily, some from Hargraves Yachts, some from other contractors and workers and some from food provisioners as well. Mr. Holloway attributed a recent break-in at a neighbor's house to one of the "strangers" who visited Mr. Stella's property. Mr. Holloway confirmed for Mr. McClosky that there were two houses under construction on the block and that he too, had never seen invoices or money change hands for work done at Mr. Stella's dock.

Mr. Deiter Warmherd, neighbor, stated Mr. Stella had gone to jail for "a violation he has done to me and my property." Mr. Warmherd said that today he was worried that "all that ruffraff that goes up and down that block" would harm the local pets while speeding. Mr. Warmherd confirmed for Mr. McClosky that he had called various agencies regarding Mr. Stella's filling in the property. Mr. McClosky asked if it was true that Mr. Warmherd made a

false charge of assault against Mr. Stella, for which Mr. Stella was acquitted. Mr. Warmherd said he did not know of this; he stated Mr. Stella had spent time in jail.

Mr. Timothy Cole Daggett, neighbor, explained that he had purchased his home because it was remote and private. Mr. Daggett said he and his neighbors could "walk our dogs without leashes because we can." Mr. Daggett noted the exponential increase in traffic during season and stated his cabana and his wife's car had been broken into. He said he was afraid for his 14-year old daughter and his dog. Mr. Daggett presented photos he had taken of Mr. Stella's property. Mr. Daggett said he often saw Headhunter [a company dealing in marine toilet equipment] trucks at the property, and offered to have the company owner appear to testify about work being done at the property. Mr. Daggett admitted to Mr. McClosky that he had trespassed twice on Mr. Stella's property in order to take the photos. Judge Gaudiosi asked Mr. McClosky what the relevance was for his questions and Mr. McClosky replied that they went to "the motive of these people coming in there; this has been a reign of terror against Mr. Stella by these people." Mr. Daggett confirmed that he was not aware of any money changing hands for work done at Mr. Stella's property.

Mr. McClosky cited Section 8-149 of City code, "repair and/or maintenance of watercraft in residential areas shall be permitted when such repair or maintenance is routine or minor in nature." The Assistant City Attorney confirmed that Mr. Stella was not cited for violating that Section.

Mr. Stephen Stella, owner, testified that he had lived on Tanbark lane since 1982. Mr. McClosky asked if he was operating a boat storage and cleaning business, and Mr. Stella replied that he was not; he stated he did not receive any money for boat storage or cleaning. Mr. Stella explained that the boats were docked at his property to protect the shoreline. Prior to the boats' dockage, neighborhood kids were using his dock for fishing and vandalizing his property. Mr. Stella confirmed that he knew the owner or captain of every boat.

Mr. McClosky asked Mr. Stella how the problems with the neighbors had begun. Mr. Stella explained that he used to allow the neighbors to walk their dogs on his property, but the neighbors had not cleaned up after their animals, so he asked them to stop. After several additional requests to stop, Mr. Stella had found Mr. Holloway walking his dog on the property and Mr. Holloway was indignant about being asked again to stop. According to Mr. Stella, Mr. Holloway had then written nasty letters about him that he mailed to several neighbors and even distributed to passing cars. Mr. Stella noted that he and another gentleman were building or remodeling homes at the end of the street.

The Assistant City Attorney asked Mr. Stella what he did for a living; Mr. Stella explained that he was in land development. He explained that the yacht services visited the boats at his dock to perform warranty work, and described the various sorts of issues that often arose with boat maintenance. He claimed that food provisioners had only visited the property once or twice. Mr. Stella informed the Assistant City Attorney that if a boat's problem was more significant, he told the boat owners that they could not perform the work

at his dock. Mr. Stella said that the owners dealt with the repair people; he was not involved.

Mr. Stella explained the permissions he had obtained in order to reclaim 20,000 square feet of his property that had been lost to erosion: the Governor of Florida, the Secretary of State, the Attorney General of the State of Florida, the Army Corps of Engineers, the Department of Environmental Protection, and the Department of Natural Resources. He informed the Assistant City Attorney that having a boat at dock acted to protect the shoreline by buffering it against boat wakes.

Mr. James Plichik, neighbor, said he had witnessed Mr. Holloway return to Mr. Stella's property after Mr. Stella had asked him to stop. Mr. Plichik confirmed that he and other neighbors had kept boats at Mr. Stella's dock and were not charged for it.

The Assistant City Attorney stated it was the City's position that Mr. Stella was running a business at the property by allowing service professionals to tend to the needs of the boats. She said the City would not object to the boats' dockage, but Mr. Stella must stop all "commercial or warranty ...all yacht provisioning" immediately.

Inspector Guilford stated the City never objected to the boats' presence, but to the activity surrounding the boats, and its attendant negative impact on the neighborhood. He stated the activity must cease "so that the neighborhood can return to its compatible nature."

Mr. McClosky referred to the notice of violation that stated, "running a vessel storage and cleaning business at a residential location" and noted that the City had brought no proof by testimony or document that Mr. Stella was running a business.

Judge Gaudiosi concluded that "if it looks like a storage and cleaning business, it smells like a storage and cleaning business, and it sounds like a storage and cleaning business, it most likely is a cleaning and storage business, and it sounds ludicrous that you would promote ongoing servicing of yachts as protection against kids and their bicycles." Judge Gaudiosi found there was a violation of the County statute and asked Inspector Guilford for his recommendation. Inspector Guilford recommended ordering compliance within 30 days, which meant removing the boats and ceasing business activity, or a fine of \$250 per day.

Mr. McClosky stated that even if Judge Gaudiosi determined there was a violation, there was nothing in the code prohibiting the boats' being docked there and he requested that Judge Gaudiosi restrict the order to ceasing any business activity on the boats. The Assistant City Attorney stated that since the Judge found that there was a boat storage facility being operated at the property, the City was requesting that the boat storage cease as well. Inspector Guilford conceded to Mr. Stella's statement that the boats' presence could help retard erosion at the property, and stated that therefore, the City would be satisfied if the boat provision and maintenance activity ceased, and the boats could remain. He reiterated his recommendation that non-compliance result in a fine of \$250 per day.

Judge Gaudiosi found in favor of the City and ordered compliance within 30 days or a fine of \$250 per day would be imposed.

**Reference CE05121701**

Richard Hatcher  
1843 Southwest 4<sup>th</sup> Avenue

Sec. 18-27(a): Trash on property;  
Sec. 9-280(h): Fence in disrepair;  
Sec. 9-281(b): Rubbish, trash and overgrowth on  
Property

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 10, 2006.

Mr. Angelo Paloumbis, Community Inspections Officer, testified that the fence was in disrepair and there was trash and overgrowth throughout the property; Section 18-27(a) was complied. He presented photos of the property and a copy of his inspection report and recommended ordering compliance with Sections 9-280(h) and 9-281(b) within 14 days or a fine of \$25 per day, per violation.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 9-280(h) and 9-281(b) within 14 days or a fine of \$25 per day, per violation would be imposed.

**Reference: CE04122115**

Mattie Lou Willis  
514 Northwest 12<sup>th</sup> Avenue

Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that service was via posting at the property on February 9, 2006 and at City Hall on February 17, 2006. Insp. Margerum will be presenting the case in the absence of Insp. John Gossman.

Mr. Skip Margerum, Community Inspections Officer, testified the parking area was in disrepair and the walls were stained and paint on the building was deteriorated. He presented photos of the property and recommended ordering compliance within 30 days or a fine of \$50 per day, per violation.

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

**Reference CE04121494**

Michele Keaton  
532 Northwest 15<sup>th</sup> Terrace

Sec. 18-27(a): Trash on property;  
Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that service was via posting at the property on February 15, 2006 and at City Hall on February 16, 2006. Insp. Ackley will be presenting the case in the absence of Insp. Ursula Thime.

Mr. Len Ackley, Community Inspections Officer, testified that the parking area was in disrepair and the paint on the building was dirty and chipping; Section 18-27(a) was complied. He presented photos of the property and a copy of the notice of violation and recommended ordering compliance with Sections 47-20.20(h) and 9-306 within 30 days or a fine of \$25 per day.

Judge Gaudiosi asked to see a copy of the ordinance for Section 47-20.20.H to clarify what type of substance could be used on a parking area. Inspector Ackley read from the Code Section: "Parking facilities should be kept in good operating condition. All parking lots or spaces shall be maintained so as not to create a hazard or nuisance." Inspector Ackley noted, "That doesn't cover, but it says in our code that a private residence doesn't have to be paved; it can be rocks or other ground cover." Inspector Ackley assured Judge Gaudiosi that the City had done proper due diligence for notifying the owner of the violations. Ms. Bazer explained the processes the City used to notify the owner of violations and orders. Judge Gaudiosi wanted this order posted at the property.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 47-20.20(h) and 9-306 within 30 days or a fine of \$10 per day would be imposed.

**Reference CE05090433**

Alicia Nunes  
743 Northeast 17<sup>th</sup> Way

Sec. 18-27(a): Trash on property;  
Sec. 25-4: Blocking public sidewalk;  
Sec. 25-56(a): Sidewalk in disrepair;  
Sec. 9-281(b): Unlicensed, inoperable vehicle on property;  
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 27, 2006. Insp. Ackley will be presenting the case in the absence of Insp. Ursula Thime.

Mr. Len Ackley, Community Inspections Officer, testified that there was overgrowth on the property; the sidewalk was in disrepair and the soffits and fascia were in disrepair; Sections 25-4 and 9-281(b) were complied. Inspector Ackley presented photos of the property and a copy of the inspection report and recommended ordering compliance with Sections 18-27(a), 25-56(a) and 9-306 within 30 days or a fine of \$25 per day, per violation.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 18-27(a), 25-56(a) and 9-306 within 30 days or a fine of \$25 per day, per violation would be imposed.

**Reference CE05100936**

Fort Lauderdale Victoria Park LLC  
601 Northeast 16<sup>th</sup> Avenue

Sec. 18-27(a): Trash on property;  
Sec. 24-27(b): Garbage carts left in right-of-way

Ms. Bazer announced that certified mail addressed to the owner had been accepted on February 10, 2006; service was also via posting at the property on February 15, 2006 and at City Hall on February 16, 2006. Insp. Ackley will be presenting the case in the absence of Insp. Ursula Thime.

Mr. Len Ackley, Community Inspections Officer, testified that the dumpster was constantly stored in the parking lot and there was trash scattered about it; Section 18-27(a) was complied. Inspector Ackley presented photos of the property and a copy of the property history and recommended ordering compliance with Section 24-27(b) within 7 days or a fine of \$50 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 24-27(b) within 7 days or a fine of \$25 per day would be imposed.

**Reference CE05090147**

Jon & Susan Shebel  
1425 Ponce De Leon Drive

Sec. 47-19.3 G: Required boat setbacks

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 9, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that the boat at the property was extending into the setback area [5 feet from property line]. Inspector Maloney explained that there was a 48-foot Hatteras docked at a 50-foot lot. The owner had been denied a variance by the Board of Adjustment on December 14, 2005 but had reapplied for another variance, the case for which would be heard by the Board of Adjustment on March 8.

Inspector Maloney recommended ordering compliance within 30 days or a fine of \$250 per day. If the owner prevailed at the Board of Adjustment, Inspector Maloney would comply the case; if the board denied the variance, the fine would begin. Judge Gaudiosi felt \$250 per day was too high for the fine. Inspector Maloney presented Judge Gaudiosi photos of the property, copies of the Board of Adjustment finding and notice of violation.

Judge Gaudiosi found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day would be imposed.

**Reference CE05121174**

PHD Development LLC  
809 Southwest 4<sup>th</sup> Avenue

Sec. 18-27(a): Trash on property;  
Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that certified mail addressed to the owner and registered agent were both accepted on February 9, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that there was overgrowth and trash on the property and swale; paint on the building was chipped and peeling and the chain link fence was in disrepair. Inspector Maloney presented photos of the property and recommended ordering compliance within 30 days or a fine of \$25 per day, per violation.

Judge Gaudiosi 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 CE05080367**

Savera & Rosemarie Philistin  
1010 Northwest 6<sup>th</sup> Avenue

Sec. 9-281(b): Rubbish and trash on property;  
Sec. 47-20.20 H: Parking area in disrepair

Ms. Bazer announced that certified mail addressed to the owner was accepted on January 20, 2006.

Ms. Peggy Burks, Community Inspections Officer, testified that the parking lot was in disrepair; Section 9-281(b) was complied. She noted that the parking area had been resurfaced, but not yet re-striped. Inspector Burks recommended ordering compliance with Section 47-20.20.H within 30 days or a fine of \$25 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 47-20.20.H within 30 days or a fine of \$25 per day would be imposed.

**Reference CE05080364**

Erick Chery  
1034 Northwest 6<sup>th</sup> Avenue

Sec. 18-27(a): Trash and overgrowth on property;  
Sec. 47-21.8 A: Missing ground cover;  
Sec. 9-313(a): Required display of address

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was overgrowth and trash on the property and missing ground cover; Section 9-313(a) was complied. Inspector Burks presented photos of the property and recommended ordering compliance with Sections 18-27(a) and 47-21.8.A within 30 days or a fine of \$25 per day, per violation.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 18-27(a) and 47-21.8.A within 30 days or a fine of \$20 per day, per violation would be imposed.

**Reference CE06010637**

Joseph Mondelli  
2511 Southwest 6<sup>th</sup> Street

Sec. 9-281(b): Inoperable, unlicensed  
vehicle on property

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

Ms. Peggy Burks, Community Inspections Officer, testified that there was an unlicensed, inoperable trailer on the property. She presented photos of the property and recommended ordering compliance within 7 days or a fine of \$100 per day, or the trailer would be towed. Judge Gaudiosi found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day, or the trailer would be towed.

**Reference CE05120872**

Michael Dilbert  
1230 Northwest 15<sup>th</sup> Terrace

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 2, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was an unlicensed, inoperable beige pickup truck and blue van on the property. Inspector Pingitore presented photos of the property and recommended ordering compliance within 7 days or a fine of \$100 per day or the vehicle would be towed.

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

**Reference CE06010608**

Phillip Brown  
2886 Northeast 26<sup>th</sup> Place

Sec. 18-27(a): Overgrowth on property;  
Sec. 47-19.9: Non-permitted storage on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 10, 2006. She added that Inspector Ackley had a stipulated agreement with the owner.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was outside storage of building and landscaping material on the property; Section 18-27(a) was complied. Inspector Ackley presented photos of the property and a copy of the stipulated agreement with the owner to comply Section 47-19.9 within 60 days or a fine of \$50 per day.



Judge Gaudiosi found in favor of the City and ordered compliance with Section 47-19.9 within 60 days or a fine of \$50 per day would be imposed.

**Reference CE06010605**

R. & Helen Rickel Trust and  
Northridge Properties LLC  
2051 North Federal Highway

Sec. 18-27(a): Trash and Debris on property;  
Sec. 24-28(a): Garbage accumulated around  
dumpster

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 9, 2006 and certified mail addressed to the registered agent was accepted on February 24, 2006.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was garbage accumulated around the dumpster; 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 24-28(a) within 7 days or a fine of \$50 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 24-28(a) within 7 days or a fine of \$50 per day would be imposed.

**Reference CE05120995**

James & Mary Clinton  
740 Northeast 15<sup>th</sup> Avenue

Request to Vacate Previous Order

Ms. Bazer announced that the City was requesting vacation of the order dated February 2, 2006.

Judge Gaudiosi vacated 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:

CE05080168	CE05120040	CE06010315	CE06010796
CE06100802	CE05100075	CE05100073	CE06010863
CE05120985	CE06010146	CE05080783	CE05081730
CE05091850	CE05121958	CE06010632	CE06010634
CE06010636	CE06010046	CE06011077	CE06011545
CE05101653	CE05120931	CE05121420	CE05121528
CE05121614	CE05121619	CE06010199	CE05091450
CE05120541	CE05121309	CE06010703	

**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:

CE05091478	CE05121403	CE05081518	CE05121616
CE05121620	CE05120874	CE05122027	

**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:

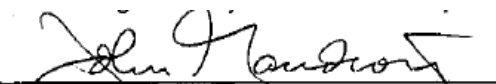
CE05081229

**Approved for Claim of Lien**

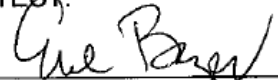
Ms. Bazer presented Judge Gaudiosi with the following cases to sign the order to impose the fine, which Judge Gaudiosi signed based on the affidavits of the inspectors

CE05041581 - \$ 31,500      CE05091250 - \$ 4,200

There being no further business, the hearing was adjourned at 12:40 p.m.

  
\_\_\_\_\_  
Special Magistrate

ATTEST:

  
\_\_\_\_\_  
Clerk, Special Magistrate