

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Judge Hull, Presiding
April 6, 2006
9:00 A.M. – 1:20 P.M.

Staff Present:

Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Eve Bazer, Administrative Assistant II
Leonard Ackley, Community Inspections Officer
Lindwell Bradley, Community Inspections Supervisor
Andre Cross, Community Inspections Officer
Bob Dunckel, Assistant City Attorney
Robert Guilford, Community Inspections Officer
Lee Kaplan, Community Inspections Officer
Al Lovingshimer, Community Inspections Officer
Skip Margerum, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Ursula Thime, Community Inspections Officer
Irma Westbrook, Community Inspections Officer

Also Present:

CE05100062: Thomas Thomas, Owner's son; Joseph Sharrow, owner's representative
*CE05120543: Todd Thorsen, owner
*CE05121924: Carlton Rhoden, owner
CE02100295: Willie Lee, owner; Jeanne Dhalli, owner's representative, Mr. Martinez, new owner
CE05070403: Wayne Abbott, owner; Neal Kalis, attorney; Michael Liss, attorney; Diane Beers, neighbor, Molly Thayer, neighbor; Steven Osber, neighbor's attorney; William Lynch, surveyor, Joseph Pasquale, architect; Richard Seers, neighbor; Charles Thayer, neighbor
CE06010875: Lawrence Chicanowicz, contractor; Gerald Gerardi, manager; Joseph Gellar, attorney
CE05100563: Donna Collins, owner
CE05091478: Jacquelin Pierre, owner
*CE05100309: Ryan Lindsey, guardian
*CE05040935: Jerry Riggs, owner
*CE05081238: Webert Doremy, owner
CE06010826: Jacob Condell, owner
CE05080294: Richard Coker, owner's attorney
CE05122023: Tim O'Brien, owner's representative
CE06020417: Richard Bolden, owner
CE05101513: Ronald Surin, owner's attorney

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CE06012119: Mary Rivers, owner; Douglas Mitchell, owner; Jonathan Keeson, owner's representative

CE05090417: Tony Coaxam, 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 9:11 A.M. Judge Hull 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 CE05091478

Jean Pierre, N., Jacquelin &
Marie Abulaine
819 Northwest 3rd Avenue

Sec. 18-27(a): Trash on property;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that service was via posting at the property on March 10, 2006 and at City Hall on March 24, 2006.

Mr. Gilbert Lopez, Community Inspections Officer, testified that the property was overgrown; the parking area was in disrepair; there was trash and rubbish on the property and paint was faded and peeling. He presented photos of the property and recommended ordering compliance with Sections 18-27(a) and 9-281(b) within 7 days or a fine of \$25 per day, and with Section 47-20.20.H within 90 days or a fine of \$50 per day and with Section 9-306 within 60 days or a fine of \$50 per day.

Mr. Jean Pierre, owner, agreed to comply by Inspector Lopez's deadlines.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a) and 9-281(b) within 7 days or a fine of \$25 per day, and with Section 47-20.20.H within 90 days or a fine of \$50 per day and with Section 9-306 within 60 days or a fine of \$50 per day would be imposed.

Reference CE05080294

William Regis
1221 East Las Olas Boulevard

Continued from October 6, 2005

Mr. Richard Coker, the owner's attorney, requested a continuance to May 18, 2006 because the issue of the property's use was currently under litigation. He felt they would have a court date by then.

Mr. Robert Guilford, Community Inspections Officer, said he had no objection to the continuance.

Judge Hull continued the case to May 18, 2006.

Reference CE05040935

Jerry Riggs
1025 Northwest 7th Avenue

Massey Hearing/Continued from
January 5, 2006

Ms. Bazer announced that this case was first heard on August 4, 2005 with compliance ordered by August 11 and September 3, 2005; the fines had been suspended from January 5, 2006 to April 7, 2006. Three of the four original violations were not complied and fines had accrued in the amount of \$9,800.

Mr. Jerry Riggs, owner, requested a continuance and reminded Judge Hull of the confusion regarding the property's titleholder. Mr. Riggs wanted to refinance the property to pay for repairs and comply the property but had discovered there was a cloud on the title and the titleholder was not clear. Further litigation was conducted and title was vested to Mr. Riggs in March. Once he recorded this order, Mr. Riggs could secure financing to make the improvements.

Mr. Andre Cross, Community Inspections Officer, was willing to grant Mr. Riggs two more months to correct the problems.

Judge Hull continued the case to June 1, 2006.

Reference CE02100295

Willie Lee
360 Florida Avenue

Request to Vacate Previous Order/Request for
Abatement

Ms. Bazer announced that the City was requesting vacation of the previous order dated October 14, 2004, due to improper service.

Judge Hull vacated the order dated October 14, 2004.

Ms. Bazer announced that this case was first heard on January 16, 2003 with compliance ordered by February 15, 2003; fines had accrued to \$29,275.

Ms. Jeanne Dhalli, the former owner's representative, explained that service was not proper in 2003, but Mr. Lee wanted to settle the matter now.

Mr. Andre Cross, Community Inspections Officer, noted that Mr. Lee had experienced health problems, the property had caught fire, and he had been forced to sell the property

to get out from under it. Mr. Martinez, the new owner, was now performing repairs. Inspector Cross suggested a 60-day extension. Inspector Cross clarified that Sections 9-280(b) and 9-313(a) were still not complied.

Mr. Lindwell Bradley, Community Inspections Supervisor, asked Judge Hull to determine what fine to impose. They would then cite the new owner for any ongoing violations.

Judge Hull reduced the fine to \$1,000.

Reference CE05081238

Webert Doremy
1045 Northwest 7th Avenue

Request for Extension/Massey Hearing

Ms. Bazer announced that this case was originally heard on February 16, 2006 with compliance ordered by February 26, 2006. The property was not complied and fines had accrued to \$3,900.

Mr. Webert Doremy, the owner, explained that he had refinanced the home twice, and the tenant had refused to move so he could make repairs. He was in the process of evicting the tenant now.

Mr. Len Ackley, Community Inspections Officer, testified that the property was overgrown and had unlicensed vehicles in the yard, neither of which concerned the tenant. He said there had been some effort to comply, but it was inadequate. Inspector Ackley recommended extending the case until after the eviction date.

Judge Hull granted an extension to June 1, 2006 for Section 9-307(a), and ordered that the vehicle violation must be complied within 10 days or there would be a fine of \$100 per day or the vehicles would be towed.*

* 9-281(b) already had a previous Special Magistrate order on it. When made aware of it after the hearing, Judge Hull instructed me to dismiss this order and grant the extension on this violation as well so as not to prejudice the property owner.

Reference CE05070403

Wane Abbott Revocable Trust
421 Isle of Capri

Continued from January 5, 2006

Ms. Bazer announced that this case was continued from January 5, 2006.

Mr. Lindwell Bradley, Community Inspections Supervisor, described the violations: Section 47-19.3 E: Top surface of dock exceeds 5-½ feet above sea level, and Section 47-34.1 A.1: Unpermitted structure height.

Mr. Bob Dunckel, Assistant City Attorney, explained to Judge Hull that the City engineers and the owner's engineer had agreed the structure exceeded the code height limitation by 3.75 inches. The City was dismissing the dock violation. Mr. Dunckel explained the computations used to determine "mean sea level" for specific locations. The City Attorney's office had suggested to the City Commission that a figure of 5.5 feet above National Geodetic Vertical Datum [NGVD] be used as the mean sea level benchmark from now on. This dock was within 5.5 feet NGVD.

Mr. Dunckel explained that the City Attorney's office had met with the owner's attorney, and the owner was in the process of obtaining bids from roofing contractors. The owner had agreed to install a flat roof that would be within the height requirement. Mr. Dunckel recommended allowing 90 days to comply the property or a fine of \$250 per day.

Mr. Michael Liss, the owner's attorney, said the architect could address any architectural issues, but the owner was not stipulating that there was any violation. Mr. Dunckel interrupted Mr. Liss to inform Judge Hull that he had conversed several times with Mr. Kalis [the owner's attorney and Mr. Liss's boss] and their agreement to go forward as they were today was predicated on the agreement that the building was, indeed, 3.75 inches too high. Mr. Liss said they were stipulating to the height of the building, but not that this was a violation. Mr. Liss said he needed to establish a record "for whatever recourse my client wishes to explore, whether it's at a higher courts level, or whether it's in a separate administrative level." Mr. Dunckel confirmed for Judge Hull that the City engineers and property owner's engineers agreed on the building's height. He noted that Mr. Liss had just confirmed that the building was 3.75 inches over the code's maximum-allowed height.

Judge Hull confirmed with Mr. Liss that the City had issued permits and a CO for the building. Judge Hull wondered if the City was, in fact, estopped from proceeding with the code violation case, since it had issued permits and a CO.

Mr. Liss wanted to discuss initial notice of the violations. He complained that the original 90-day deadline for compliance on the notice was "not a reasonable time to bring this property into compliance." Mr. Liss wanted the City to dismiss the case until the City could "tell my client on a fundamental fairness basis what compliance means and what a reasonable time period to effect compliance is."

Judge Hull asked if neighbors had legal recourse against the City if it refused to recognize or take action on its own code. Mr. Liss felt the neighbors had the right to pursue damages for injury to their properties, which they had already done and was currently in litigation. Regarding the property owner's legal options, Mr. Liss felt this hearing was "the initial step which gives him entry into his other avenues, but we need to develop a factual predicate to raise any issues in any other jurisdiction."

Mr. Liss cited two cases in which a City was estopped from prosecuting in situations where someone relied, to their detriment, upon the City's action. Mr. Dunckel reminded Judge

Hull that this proceeding was quasi-judicial; they were not bound by formal rules of evidence or pleadings. He felt they were now at the point of determining whether there was a violation, how much time to allow for compliance, and what an appropriate fine would be. He noted that the purpose of the Code Enforcement hearing was to allow an "efficient remedy." Either party could later appeal to circuit court. Mr. Dunckel then cited from a case exploring neighbors' rights in cases such as this: neighbors had "a right to rely on existing zoning conditions and they have a right to a continuation of these conditions in the absence of a showing that a change requisite to an amendment has taken place." Mr. Dunckel explained that the neighbors had a right to rely on the City's zoning code and a right to expect the City to enforce it, which was what they were trying to do at this hearing. In Mr. Dunckel's opinion, they did not have the right of mandamus. He felt this option would arise if the City did not take any action.

Mr. Dunckel then cited a case in which a zoning official had signed off on an occupational license issued for business operation in a residential area. The business had already begun operations and an action was brought, but the City was not estopped from enforcing its own code. He quoted from a Dade County case: "While at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently or through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative branch of the government." Another judge had remarked: "Estoppel cannot be asserted against a government entity based on mistaken statements of law."

Mr. Dunckel admitted that the City issuance of the permits and the CO were in violation of the City's own ordinance. The City had relied on erroneous information supplied with the plans to issue the permits and CO.

Mr. Dunckel reiterated his request for a 90-day deadline for compliance or the \$250 per day fine, saying he had spoken with opposing counsel, who led him to believe compliance could actually be accomplished in 60 days. He felt the City was entitled to adjudication that there was a violation and that compliance should be ordered within a timeframe or a fine would be imposed.

Judge Hull asked about Building Department Director Bohlander's assertion at the previous hearing that she could not issue a cease and desist order once it appeared that there might be an error in a permit's issuance. Mr. Dunckel explained that he had since researched this question and determined that this was incorrect. Ultimately, the Florida Building Code gave the Building official the ability to revoke a permit or CO for non-compliance with zoning requirements.

Mr. Liss stated, "We are moving to dismiss the allegations raised, and if the court's not inclined to do so, we intend to defend the matter as it's prosecuted by the City."

Judge Hull granted the City request to dismiss the dock violation.

Judge Hull found in favor of the City and ordered compliance with Section 47-34.1.A.1 within 90 days or a fine of \$250 per day would be imposed.

Mr. Dunckel asked Judge to vacate that ruling and allow the respondent the "opportunity to put their case on with regard to what is needed to bring it into compliance, the cost, the amount of time." He feared that not allowing them to do this would constitute reversible error and he did not want this to occur. Mr. Liss stated that the Judge had issued his finding without any testimony regarding notice or compliance.

Mr. Dunckel repeated that they had discussed the fact that the building was 3.75 inches too high; he did not feel they needed to have engineers testify since that had agreed on this already. He felt this was ready for adjudication now. Regarding the compliance deadline, Mr. Dunckel repeated that the owner's attorney had informed him that compliance could be accomplished within 60 days. If they had now different information, Mr. Dunckel wanted this put on the record. Mr. Dunckel felt that while the owner's attorney had stipulated the building was 3.75 inches higher than the maximum permitted by code, Mr. Liss was refusing to stipulate that this was a violation of the ordinance.

Mr. Liss stated that his client had the right to a hearing on the facts of the matter. Mr. Liss said they had not stipulated "that the address is correct, that the zoning is correct. I stipulated, was willing to stipulate to the height of a building, okay? And why is this important? It's because if you're finding a violation now, by statute, you have to write a written order affording the proper relief consistent with the powers granted in this chapter. And your honor, it is not somebody defending his rights' burden to tell you what is reasonable and proper relief consistent with these powers. The City has to prove to you, under the statute, proper relief consistent with the powers. How are you going to write your report and state what time is reasonable under these situations when the City hasn't put on a case at all?"

Judge Hull asked if Mr. Liss stipulated the building was 3.75 inches over code and Mr. Liss stated, "No, I stipulate that the building is 35 feet, 3.7 inches over grade." Mr. Dunckel felt this was a "masterful job of obfuscation." Mr. Liss felt his client should be told "based upon some reasoning, what is proper relief. He felt Judge Hull could not "just issue an order without any idea of what that proper relief is." Mr. Liss said he would be satisfied if the City put on witnesses to state what a reasonable time for compliance would be. Mr. Dunckel said he was not prepared for this, since Mr. Kalis had told him compliance could be accomplished in 60 days.

Mr. Neal Kalis, the owner's attorney, apologized to Judge Hull for any confusion. He acknowledged that he stipulated to Mr. Dunckel that the building was "three and three quarter inches above the thirty five feet." He said he told Mr. Dunckel that since they had only agreed on the building's true height a couple of weeks ago, they were unable to have the architect and structural engineer determine the feasibility of any remediation. Mr. Kalis had spoken to Mr. Pasquale yesterday, who told him this was "really complex" because of the uniqueness of the roof design. He agreed to draw some new plans, but said they must

wait for the engineer to determine the feasibility of any new design. Mr. Kalis said it would take 30 to 60 days to determine if it was possible and what the costs would be. He felt this was what Mr. Liss was suggesting, that until it was determined that a particular remedy was reasonable and feasible, Judge Hull could not rule. Mr. Kalis felt that this sort of thing happened all the time and there were instances of it all over the City. He remarked that, "these are tolerances that, frankly, are anticipated in situations like this. It's unfortunate that because of probably neighborhood pressure, that the City looked at the technical part of its code and felt like it was compelled to go forward. " He felt it was premature for Judge Hull to make a decision.

Mr. Dunckel did not believe Judge Hull must set a deadline or fine at this hearing. Since he did not have a contractor ready to testify to the specifics, he suggested that Judge Hull find that a violation existed, and continue the case to the May 4, 2006 hearing, where the City would present testimony regarding reasonable compliance time.

Mr. Liss felt that Mr. Dunckel's suggestion was in violation of the ordinance by asking Judge Hull to find that a violation existed. He wanted Judge Hull to hear testimony and evidence today in order to make any finding or issue any order. Mr. Dunckel said he would agree to continue the case to May 4, 2006 without the Judge's finding that there was a violation. Mr. Liss then asked for more than 30 days to prepare his case. Mr. Dunckel said the City would be prepared by May 4 to testify to remediation and costs.

Judge Hull vacated his previous finding, reiterated the dismissal of the dock violation, and continued the case to June 1, 2006.

Reference CE05100065

David & Christine Thomas
39 Northeast 16th Court

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Unlicensed, inoperable vehicle on
property

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

Mr. Lee Kaplan, Community Inspections Officer, testified that the chain link fence was in disrepair and there were unlicensed, inoperable vehicles and a trailer on the property.

Mr. Thomas Thomas, the owner's son, said he had not received notice of the violations. Inspector Kaplan said the inspection report was mailed on October 6, 2005. The Assistant City Attorney said Christine Thomas [the owner] had signed for the notice of this hearing, which was mailed on March 10, 2006. Mr. Thomas was not clear that the violations he was appearing to address today were the same as those for which he received notice in October 2005. Inspector Kaplan said they were the same violations.

Mr. Thomas said he presented registrations for the vehicles and photos of the repaired fence to Community Inspections Supervisor Haskins on October 13, 2005. He followed up his visit with a letter to Inspections Supervisor Maurice Murray.

Inspector Kaplan said the chain link fence was leaning up against the carport and must be removed and the trailers on the property must have tags. Inspector Kaplan presented his case folder to Judge Hull and recommended ordering compliance with Sections 9-280(h)(1) and 9-281(b) within 10 days or a fine of \$50 per day, per violation. Mr. Thomas clarified that the section of fence Inspector Kaplan referred to was the fence gate, which had been blown off its hinges during the hurricane.

Mr. Thomas presented Judge Hull with the registrations for the vehicles and trailer on the property which complied the violation. Inspector Kaplan wanted Mr. Thomas to apply for a permit to re-hang the fence gate. Mr. Thomas felt he should not be required to obtain a permit to re-hang the gate.

Mr. Thomas said he had repeatedly requested minutes from two hearings regarding his property in 2003 and the City had never provided them. Because of this, he had hired his own stenographer to attend this hearing. Mr. Thomas offered into evidence his photos, his letter to Supervisor Murray from October, and another letter regarding this case.

Ms. Bazer said the Special Magistrate Secretary did not recall any request from Mr. Thomas for minutes, but she stated that once he made the request, the City would provide him with copies within 24 hours.

Mr. Joseph Sharrow, the owner's representative, said he thought Mr. Thomas had been singled out for code issues. Mr. Sharrow also pointed out a typo on the notice of violation that rendered it confusing.

Judge Hull found in favor of the city and ordered compliance with Section 9-280(h)(1) within 30 days or a fine of \$25 per day would be imposed

Reference CE06020417

Richard Bolden
1300 Northeast 14th Court

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

Supervisor Bradley announced that service was via the appearance of the owner at this hearing.

Mr. Len Ackley, Community Inspections Officer, testified that he had spoken with the owner earlier and had a verbal agreement with him to comply. Supervisor Bradley felt the case should be continued since there was no proof of service via mail.

Judge Hull continued the case to April 20, 2006.

Supervisor Bradley later admitted that he had been unaware of the facts of the case and asked Judge Hull to remove the continuance. Judge Hull dismissed the continuance.

Mr. Len Ackley, Community Inspections Officer, testified that there was an unlicensed, inoperable blue Lincoln Continental on the property. Inspector Ackley he had spoken with the owner earlier and he agreed to comply within 10 days or a fine of \$100 per day or the vehicle would be towed. He submitted a copy of the notice of Violation to Judge Hull.

Judge Hull found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE05100563

Donna Collins
732 Northwest 18th Street

Sec. 25-16: Removal of sidewalk

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

Ms. Irma Westbrook, Community Inspections Officer, testified that a section of sidewalk had been removed from the property. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 90 days or a fine of \$25 per day.

Ms. Donna Collins, owner, said she had removed a section of sidewalk because it was broken and unsafe. She had spoken with Sean Nillem from the sidewalk department; he agreed to send a contractor out for an estimate and Ms. Collins would pay for the new sidewalk. She felt this would take at least 90 days. Inspector Bob Pignataro advised Ms. Collins to get in touch with the Engineering Department and the City would help her to cover the costs. Judge Hull asked Inspector Pignataro to help Ms. Collins with this.

Judge Hull found in favor of the City and ordered compliance within 90 days or a fine of \$25 per day would be imposed.

Reference CE06012119

Dragonfly Holding Co. LLC
1738 Northwest 29th Lane

Sec. 47-34.1 A.1: Permitted uses: outside storage
Sec. 9-281(b): Unlicensed, inoperable vehicle on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 24, 2006, and certified mail addressed to the registered agent was accepted on March 1, 2006.

Mr. Andre Cross, Community Inspections Officer, testified on behalf of Inspector Torres that there were various items stored outside at the property; Section 9-281(b) was complied. He presented photos of the property and a copy of the inspection report and history of the property and recommended ordering compliance with Section 47-34.1.A.1 within 14 days or a fine of \$25 per day.

Judge Hull found in favor of the City and ordered compliance with Section 47-34.1.A.1 within 14 days or a fine of \$25 per day would be imposed.

Reference CE05090417

Tony Coaxam
3371 Jackson Boulevard

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-306: Peeling paint/stained surfaces; Sec. 9-313(b): Improper display of address; Sec. 39-275(7)(a): Commercial vehicle stored on property; Sec. 39-79(e): Dead and missing ground cover

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

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of mildew and stained paint on the building; there were no address numbers on the property and there were areas of dead or missing ground cover; the remaining two violations were complied. Inspector Cross presented photos of the property and a copy of the inspection report and history of the property and recommended ordering compliance with Sections 9-306, 9-313(a) and 39-79(e) within 30 days or a fine of \$25 per day, per violation.

Judge Hull found in favor of the City and ordered compliance with Sections 9-306, 9-313(a) and 39-79(e) within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE05101513

Agape Church of God Inc.
1317 Northeast 4th Avenue

Sec. 47-22.9: Signs without permits;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(a): Broken windows

Ms. Bazer announced that certified mail addressed to an officer of the company was accepted on February 23, 2006 and certified mail addressed to the owner was accepted on March 10, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there were illegal signs on the building; there were areas of dirty and peeling paint on the building and windows in the building were in disrepair. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 90 days or a fine of \$50 per day, per violation.

Mr. Ronald Surin, the church's attorney, stipulated to violations of Sections 9-306 and 9-307(a), but said the signs had been present on the property for over 10 years, prior to the ordinance requiring a permit for such signs. He requested 180 days to comply the other violations, but Inspector Westbrook had informed him that 90 days would be the maximum. Inspector Westbrook explained that the banner sign was illegal and the wall sign was not permitted. She had spoken to the pastor regarding both of these signs.

Judge Hull found in favor of the City and ordered compliance within 90 days or a fine of \$25 per day, per violation would be imposed.

The next three cases were heard together:

Reference CE06010874

Natchez Resort 1997 Ltd.
734 Breakers Avenue

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-304(b): Maintenance of parking area

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

Mr. Al Lovingshimer, Community Inspections Officer, testified that the chain link fence was in disrepair and the vacant lot was used to facilitate high volume parking. Inspector Lovingshimer stated he had an agreement from the owner to submit plans for the parking lot within 15 days. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 90 days or a fine of \$250 per day, per violation; he also requested that the order be recorded.

Mr. Joseph Geller, the owner's attorney, confirmed that his client would submit plans for proper parking or would cease the use. His client had already taken some action to make repairs; Inspector Lovingshimer agreed that some progress had already been made at this and the other properties. He asked Judge Hull not to record the order unless he failed to submit the plans or cease the use within 15 days.

Mr. Gellar requested that all of the inspector's photos for all the properties be copied to him to enable him to track the progress of the property.

Judge Hull found in favor of the City and ordered compliance within 90 days or a fine of \$250 per day, per violation would be imposed. He further stipulated that if plans were not submitted or use was not ceased within 15 days, the order would be recorded.

Reference CE06010875

Natchez Resort 1997 Ltd.
725 North Fort Lauderdale Beach Boulevard

Sec. 9-280(b): Structure or Fixtures in disrepair; Sec. 9-280(c): Stairways /balconies in disrepair; Sec. 9-280(d): Deteriorated structure/fixtures; Sec. 9-280(g): Electrical components in disrepair; Sec. 9-280(h)(1): Structure not maintained; Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the owner had been accepted on March 20, 2006.

Mr. Al Lovingshimer, Community Inspections Officer, recited the Section numbers in violation at the property. Inspector Lovingshimer presented photos of the property and a copy of the inspection report and said he had an agreement with the owner regarding this property to submit plans within 60 days and comply the property within 180 days or a fine of \$150 per day, per violation; he also asked that this order be recorded.

Mr. Joseph Gellar, the owner's attorney, noted that a structural engineer must inspect this property and provide a report prior to any plans being drawn. He requested to return on June 1, 2006 to report to Judge Hull on their progress.

Judge Hull found in favor of the City and ordered compliance within 180 days or a fine of \$150 per day, per violation would be imposed and to record the order.

Reference CE06010877

Natchez Resort 1997 Ltd.
735 North Fort Lauderdale Beach Boulevard

Sec. 9-280(b): Structure or Fixtures in disrepair; Sec. 9-280(c): Stairways /balconies in disrepair; Sec. 9-280(d): Deteriorated structure/fixtures; Sec. 9-280(g): Electrical components in disrepair; Sec. 9-280(h)(1): Structure not maintained; Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the owner had been accepted on March 20, 2006.

Mr. Al Lovingshimer, Community Inspections Officer, recited the Section numbers in violation at the property. Inspector Lovingshimer presented photos of the property and a copy of the inspection report and said he had the same agreement with the owner as for

the previous cases: to comply the property within 180 days or a fine of \$150 per day, per violation; he also asked that the order be recorded.

Mr. Joseph Gellar, attorney, presented Judge Hull with the general contractor's business card.

Judge Hull found in favor of the City and ordered compliance within 180 days or a fine of \$150 per day, per violation would be imposed and to record the order.

Reference CE05122023

Robin Collier
1318 Northwest 11th Court

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 25-4: Blocking public sidewalk;
Sec. 47-21.8: Missing ground cover;
Sec. 47-34.1 A.1: Permitted uses;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-280(b): Structure or Fixtures in disrepair;
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. Ursula Thime, Community Inspections Officer, testified in behalf of Inspector Pingitore that the property was overgrown; the overgrowth had encroached onto the public sidewalk; there were areas of dead or missing ground cover and screens in the building were torn or missing; the remaining violations were complied. Inspector Thime presented photos of the property and a copy of the inspection report and history of the case and recommended ordering compliance with Sections 18-27(a) and 25-4 within 30 days or a fine of \$25 per day, per violation, and with Sections 47-21.8 and 9-278(g) within 60 days or a fine of \$25 per day, per violation.

Mr. Tim O'Brien, the owner's representative, explained that the house had suffered approximately \$40,000 in damage after Hurricane Wilma and the power had never been restored. He said they had repainted and made new sewer connections, and hoped to have the other repairs made within 60 days.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a) and 25-4 within 30 days or a fine of \$25 per day, per violation, and with Sections 47-21.8 and 9-278(g) within 60 days or a fine of \$25 per day, per violation would be imposed.

Reference CE05100309

Ryan Lindsey Trustee
918 Northwest 13th Street

Massey Hearing/Request for Extension

Ms. Bazer announced that this case was first heard on February 16, 2006 with compliance ordered by February 23 and March 18, 2006. The property was not complied and fines had accrued in the amount of \$9,350.

Mr. Ryan Lindsey, trustee, explained that this had been his father's property and he had died almost one year ago. When Mr. Lindsey was first notified of the violations, Inspector Pingitore had advised him to board up the property, which he had done. She later advised him to get a permit for the boarding. He had a contract to sell the property at the time and felt he would not need the permit. Mr. Lindsey described repairs and improvements he had already made to the property.

Judge Hull signed the order to impose the fines.

Reference CE05120543

Todd Thomsen
146 Southwest 21st Way

Request for Abatement/Massey Hearing

Ms. Bazer announced that this case was originally heard on February 16, 2006 with compliance ordered by March 9, 2006. The property was complied and fines had accrued to \$2,150.

Mr. Todd Thomsen, owner, explained that he had suffered a setback making repairs because he had broken an ankle and a few ribs. He had eventually hired someone else to complete the work.

Ms. Ursula Thime, Community Inspections Officer, confirmed on behalf of Inspector Gossman that the property was complied. She recommended reducing the fine to cover administrative costs.

Judge Hull reduced the fine to \$1,000.

Reference CE05121924

Rhoden Luxury Care Inc.
261 Southwest 38th Terrace

Massey Hearing/Request for Extension

Ms. Bazer announced that this case was first heard on March 2, 2006 with compliance ordered by March 9, 2006. The property was not complied and fines had accrued to \$2,800.

Mr. Carlton Rhoden, owner, said the property was complied but he had not called the inspector to re-inspect the property. He had disposed of the car approximately March 15.

Mr. Andre Cross, Community Inspections Officer, confirmed that Mr. Rhoden had never called him to re-inspect and requested some time to confirm compliance.

Judge Hull granted an extension to May 4, 2006.

Reference CE05121403

Richard Waters
2878 Northeast 30th Place

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 March 9, 2006 and at City Hall on March 24, 2006.

Mr. Len Ackley, Community Inspections Officer, testified that there were weeds and tree debris on the property; the parking area was in disrepair and the fence was in disrepair. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 60 days or a fine of \$50 per day, per violation.

Judge Hull 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 CE06020065

Delta Asset Management LLC
Amy Lalonde
1335 Seminole Drive

Sec. 18-1: Stagnant pool water

Ms. Bazer announced that certified mail addressed to the registered agent was accepted on February 24, 2006. Ms. Bazer confirmed the address to which notice was sent.

Mr. Len Ackley, Community Inspections Officer, testified that the pool was filled with stagnant water, creating a nuisance. He presented photos of the property and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

Reference CE06020948

Sherwood Federal Highway LLC
2975 North Federal Highway

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

Ms. Bazer announced that certified mail addressed to the owner and registered agent were both accepted on March 4, 2006.

Mr. Len Ackley, Community Inspections Officer, testified that there was litter and debris on the property; he noted that the owner had done a lot of other work to improve the property. He presented photos of the property and a copy of the inspection report and history of the property and recommended ordering compliance within 10 days or a fine of \$50 per day.

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

Reference CE05081518

Michael & Tami Brooks
2631 Southwest 12th Terrace

Sec. 18-27(a): Overgrowth on property;
Sec. 24-27(b): Garbage carts left in right-of-way;
Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(a): Broken windows;
Sec. 9-308 (b): Roof in disrepair

Ms. Bazer announced that service was via posting at the property on March 9, 2006 and at City Hall on March 24, 2006.

Mr. Andre Cross, Community Inspections Officer, testified that the property was overgrown and there were broken windows and rotted doors on the property; the remaining four violations were complied. He presented photos of the property and a copy of the inspection report and property history and recommended ordering compliance with Section 18-27(a) within 7 days or a fine of \$25 per day, and with Section 9-307(a) within 30 days or a fine of \$25 per day.

Judge Hull 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 9-307(a) within 30 days or a fine of \$25 per day would be imposed.

Reference CE06010940

Cory Canzone & John Mislow
3729 Southwest 12th Court

Sec. 18-27(a): Trash on property;
Sec. 9-281(b): Unlicensed, inoperable vehicle on
property; Sec. 39-275(6)(b): Outside storage

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 18, 2006.

Mr. Andre Cross, Community Inspections Officer, testified that there was trash scattered about the property and there was outside storage of appliances at the property; the remaining cited violation was complied. Inspector Cross presented photos of the property and a copy of the inspection report and recommended ordering compliance with Sections 18-27(a) and 39-275(6)(b) within 10 days or a fine of \$25 per day, per violation.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a) and 39-275(6)(b) within 10 days or a fine of \$25 per day, per violation would be imposed.

Reference CE06010778

Miniaci Enterprises
211 South Fort Lauderdale Beach Boulevard

Sec. 47-19.9 A: Outside storage

Ms. Bazer announced that certified mail addressed to the owner was accepted on February 23, 2006.

Mr. Al Lovingshimer, Community Inspections Officer, testified that there was a wooden stage stored on the public sidewalk. Inspector Lovingshimer noted that this owner was cited at another of his properties for the same violation and he requested the same fine for this property. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 10 days or a fine of \$250 per day. Inspector Lovingshimer explained that the platform was a moveable stage.

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

Ms. Bazer explained that the City would request a continuance on the next three cases because the inspector was no longer employed at the City:

Reference CE06011010

Rio Vista Holding LLC
1616 Southwest 4th Avenue

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Rubbish and trash on property

Judge Hull continued the case to April 20, 2006.

Reference CE06011634

1501 Developers LLC
325 Southwest 16th Street

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-281(b): Rubbish and trash on property

Judge Hull continued the case to April 20, 2006.

Reference CE06020035

Layton Durrence & Jack Loving
1414 Southwest 4th Avenue

Sec. 18-27(a): Trash on property;
Sec. 9-281(b): Rubbish and trash on property

Judge Hull continued the case to April 20, 2006.

Reference CE05080745

Bridget Walker
1112 Northwest 11th Court

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on March 14, 2006.

Ms. Ursula Thime, Community Inspections Officer, testified in behalf of Inspector Pingitore that there were areas of bare concrete on the building; Sections 18-27(a) and 9-280(h)(1) were complied. She informed Judge Hull that Inspector Pingitore had spoken with the owner and agreed to recommend ordering compliance with Section 9-306 within 45 days or a fine of \$25 per day. Inspector Thime presented photos of the property and a copy of the inspection report.

Judge Hull found in favor of the City and ordered compliance with Section 9-306 within 45 days or a fine of \$25 per day would be imposed.

Reference CE05081784

Steven Bader
1608 Northwest 11th Street

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 24-27(b): Garbage carts left in right-of-way;
Sec. 47-21.8: Missing ground cover

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

Ms. Ursula Thime, Community Inspections Officer, testified that there was trash and overgrowth on the property and areas of dear or missing ground cover; Section 24-27(b) was complied. She presented photos of the property and a copy of the inspection report and stated Inspector Pingitore recommended ordering compliance with Sections 18-27(a) and 47-21.8 within 10 days or a fine of \$50 per day, per violation, and that the order be recorded.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a) and 47-21.8 within 10 days or a fine of \$50 per day, per violation would be imposed; he also agreed to record the order.

Reference CE05121277

Yoseph Kidane
1701 Northwest 13th Avenue

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 9-323(a): Property dilapidated and unsafe,
contributing to blight in the City;
Sec. 9-329(d): Required certificate of boarding;
Sec. 9-331(a)(2): Improper boards used for
boarding; Sec. 9-331(a)(3): Unpainted boarding

Ms. Bazer announced that certified mail addressed to the owner was accepted on March 23, 2006.

Ms. Ursula Thime, Community Inspections Officer, testified in behalf of Inspector Pingitore that the property was dilapidated and unsafe; the board up certificate issued for the property had not been renewed, nor had the building/structure been repaired, rehabilitated or sold; the boards used were not to code and were not painted; Section 18-27(a) was complied. She presented photos of the property and a copy of the inspection report and history of the property and a copy of the posting and informed Judge Hull that Inspector Pingitore recommended ordering compliance with Sections 9-323(a), 9-331(a)(2), 9-329(d) and 9-331(a)(3) within 30 days or a fine of \$25 per day, per violation. Judge Hull did not feel the property was contributing to blight in the area and wondered how this could be proven; he subsequently dismissed Section 323(a).

Judge Hull found in favor of the City and ordered compliance with Sections 9-331(a)(2) and 9-331(a)(3) within 30 days or a fine of \$25 per day, per violation, and with Section 9-329(d) within 10 days or a fine of \$25 per day would be imposed.

Reference CE06010912

Alire Ltd.
108 Northeast 16th Avenue

Sec. 24-7(b): Trash in dumpster enclosure;
Sec. 47-19.4 D.4: Open dumpster enclosure
gates

Ms. Bazer announced that certified mail addressed to the owner and registered agent were both accepted on March 3, 2006.

Ms. Ursula Thime, Community Inspections Officer, testified that there was trash collected inside the dumpster enclosure and the gates on the enclosure were left open. Inspector Thime said she had spoken with the management company several times; they had insisted that neighbors and construction crews were tossing the garbage in the enclosure. The management company requested 10 days to clean up the enclosure and have locks installed. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 10 days or a fine of \$25 per day, per violation.

Judge Hull found in favor of the City and ordered compliance within 10 days or a fine of \$25 per day, per violation would be imposed.

The next two cases were heard together:

Reference CE06020428

MANDR LLC c/o R. Fasenmeyer
1408 Southeast 2nd Court

Sec. 47-34.1 A.1: Permitted uses

Ms. Bazer announced that Inspector Thime had a stipulated agreement with the owner to comply.

Ms. Ursula Thime, Community Inspections Officer, testified that both vacant lots were used as parking lots. The owner had signed stipulated agreements for both properties to comply within 15 days or a fine of \$150 per day. Inspector Thime presented photos of the properties and a copy of the inspection reports.

Judge Hull found in favor of the City and ordered compliance within 15 days or a fine of \$150 per day would be imposed.

Reference CE05090812

Jeffrey Smith
1404 Northwest 6th 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 24, 2006 and at City Hall on March 24, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that the parking area was not maintained and there were areas of dirty, stained or missing paint on the building. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$50 per day, per violation.

Judge Hull 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 CE05120190

Progresso Development LLC
1215 Northeast 2nd Avenue

Sec. 25-56(b): Sidewalk in disrepair

Ms. Bazer announced that certified mail addressed to the owner, registered agent and manager were accepted [no date] and service was also via posting at the property on February 24, 2006 and at City Hall on March 24, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that the sidewalk was in disrepair. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$50 per day.

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

Reference CE04011748

Christopher White
1419 Northwest 8th Avenue

Request to Vacate Previous Order

Ms. Bazer announced that the City was requesting vacation of the previous order dated August 19, 2004.

Judge Hull vacated the order dated August 19, 2004.

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:

CE06020373	CE06021318	CE05120060	CE05121009
CE06012109	CE06011755	CE05100234	CE05090533
CE05101514	CE05092163	CE05110390	CE05121620
CE06011829	CE06020205	CE05081793	CE06010308
CE06010522	CE05090566	CE06020063	CE06030028
CE06011953	CE06011042	CE05060048	CE05091619
CE06010160	CE06010431	CE06010432	CE06010826
CE05100668	CE06011426	CE05101411	CE05110643
CE05111680	CE06010206	CE06012040	CE06020095
CE06020126	CE06011764	CE05090147	

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:

CE06010620	CE05111814	CE06011166	CE06020604
CE06010799	CE06010430	CE06020139	CE05050817
CE06010955	CE06010845	CE06011134	CE05090753
CE06020639	CE05081972	CE05090804	CE05071321

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:

CE05051394	CE06021700	CE05121010	CE05111574
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Cases Rescheduled

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

CE05081837	CE06020371
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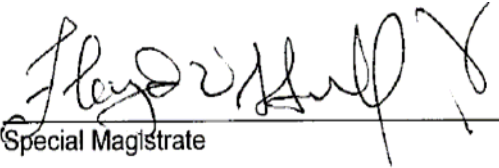
Approved for Claim of Lien

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


CE05101482 - \$ 9,400

CE041210640 - \$ 36,800

There being no further business, the hearing was adjourned at 1:20 p.m.


Special Magistrate

ATTEST:


Clerk, Special Magistrate