

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Judge John Gaudiosi, Presiding
June 15, 2006
9:00 A.M. –11:52 A.M.

Staff Present:

Assistant City Attorney

Eve Bazer, Clerk of Special Magistrate Supervisor

Dick Eaton, Secretary, Special Magistrate

Lindwell Bradley, Community Inspections Supervisor

Tuchette Bryant-Torres, Community Inspections Officer

Peggy Burks, Community Inspections Officer

Andre Cross, Community Inspections Officer

Adam Feldman, Community Inspections Officer

John Gossman, Community Inspections Officer

Karl Lauridsen, Community Landscape Officer

Gilbert Lopez, Community Inspections Officer

Al Lovingshimer, Community Inspections Officer

Mike Maloney, Community Inspections Officer

Skip Margerum, Community Inspections Officer

Dallas Shumaker, Fire Inspector

Irma Westbrook, Community Inspections Officer

Also Present:

CE05122002: Sylverus Francois, Pastor, Mathemise Pierre, the pastor's wife

CE05121522: Jeremy Corcoran, property manager

CE06051003: Hasnadeen Satar, engineer

CE06010874: Gerald Gerardi, General Manager

CE06031901: Narain Lalwani, owner's son; Dayaldas Lalwani, owner's nephew

CE06010175: John Francavilla, owner

CE06050884: David Murray, owner

CE05120190: Doug Fleisham, realtor

CE05071293: Laura Coffey, attorney

CE06011772: Robert Theocles, owner

CE06040773: Glenn Powell, owner

CE06040480: Stephen Blair

CE06051050: Rosena Major, owner

CE06011779: Frantz Eugene, owner's brother

CE051201030: Lucille Hayes, property manager

CE06050997: Ari Glazer, attorney; Rodolfo Rodrigues, owner

CE05120958: Mary Thomas, secretary, owner; Tim Lincoln, attorney

CE06050272: Ronald Malec, property president

CE06051000: Robert Ronci, condo association president

CE06040489: Richard Seaman, owner

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

The meeting was called to order at 9:00 A.M. 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 CE05121030

American Federated Title Corp. Request for Extension
1909 Northwest 9th Avenue

Ms. Bazer announced that this case was originally heard on 5/18/06 with compliance ordered by 6/17/06: eight sections at \$100 per day.

Ms. Lucy Haynes requested another 120 days to comply. She explained that they were having difficulty finding anyone to bid on the roofing job.

Judge Gaudiosi granted a 30-day extension.

Reference CE05071293

Navarro Enterprises Limited Massey Hearing/Request for Extension
1341 Southwest 21st Terrace

Ms. Bazer announced that this case was originally heard on 3/16/06 with compliance ordered by 5/15/06: one section at \$50 per day. The property was not complied and the City was requesting \$1,500 and the continuation of the fines.

Ms. Laura Coffey, the owner's attorney, requested abatement of the fines. She also requested an additional 90 days to comply. She noted that the contractor was having difficulty procuring the concrete for the wall.

Mr. Mike Maloney, Community Inspections Officer, remarked that the owner had consistently cooperated with the City. He recommended against abating any fines now, but had no objection to a 90-day extension.

Judge Gaudiosi granted an extension to September 7, 2006 and ordered the owner to appear at that hearing.

Reference CE06010874

Natchez Resort 1997 Ltd.
734 Breakers Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on 4/6/06 with compliance ordered by 7/5/06: two sections at \$250 per day. The property was not complied.

Mr. Al Lovingshimer, Community Inspections Officer, said he had no objection to a 90-day extension because the owner was considering alternatives for parking.

Judge Gaudiosi granted an extension to September 7, 2006.

Reference CE05122002

First Ebenezer Missionary
Christian Church
619 Northwest 3rd Avenue

Massey Hearing/Request for Extension

Ms. Bazer announced that this case was originally heard on 4/20/06 with compliance ordered by 5/4/06: one section at \$25 per day. The property was not complied and the City was requesting \$1,025 and the continuation of the fine.

Ms. Mathemise Pierre, the pastor's wife, explained that someone else had signed to notice and they had been unaware of the violations. She requested an extension to have the fence repaired.

Mr. Gilbert Lopez, Community Inspections Officer, said he had no objection to an extension. Mr. Lindwell Bradley, Community Inspections Supervisor, recommended a 90-day extension.

Judge Gaudiosi granted a 90-day extension.

Reference CE06050997

Rovic Properties Inc.
2758 Davie Boulevard

Sec. 47-21.8 A: landscape permit required

Ms. Bazer announced that certified mail addressed to the owner and registered agent were both accepted on May 18, 2006.

Mr. Karl Lauridsen, Community Landscape Officer, testified that a permit was required for the landscaping changes made at the property. He recommended ordering compliance by September 29, 2006 or a fine of \$50 per day to coincide with their deadline to comply parking area violations.

Mr. Ari Glazer, the owner's attorney, explained to judge Gaudiosi that the notice of violation was insufficient. He explained that the notice mentioned the permit requirement, a

landscape plan requirement, and landscape requirements. Mr. Glazer said his client had applied for a permit for the parking area in 2005 and noted that the landscape requirements were already included in the parking lot violations citation. They were in the process of submitting a landscape plan as part of the parking area permit.

Inspector Lauridsen said there were issues of missing trees and asphalt that must be removed that should have been included in their parking area plan. Mr. Lauridsen felt the respondent seemed to require a judge's order in order to act on this issue. Mr. Glazer reiterated that the landscape plan was part of the requirement for the parking area and did not need a separate order.

Judge Gaudiosi dismissed the case.

Reference CE06051000

Frances Terrace Condo Association
3209 Northeast 36th Street

Sec. 47-21.12 A.5: Required replacement for tree removal; trees removed without permit

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 26, 2006; certified mail addressed to the condo association was accepted [no date].

Mr. Karl Lauridsen, Community Landscape Officer, testified that trees were removed from the property without a permit and were not replaced. He recommended ordering Landscape Department-approved equivalent replacement within 10 days or a fine of \$50 per day.

Mr. Robert Ronsi, condo association president, presented photos showing the hurricane damage to the property and said they had hired a tree company to clean up after the storm. Mr. Ronsi said the tree company recommended Bismarck Palms as replacements.

The Assistant City Attorney said the code required specific trees as replacements. The Bismarck Palms were not on the approved list, so the owners must obtain a permit for the tree removal and select trees from the approved list.

Inspector Lauridsen explained that "even if the tree is broken up by wind damage, if it is not totally blown over: roots exposed... a permit is required for its removal." Trees from the south side of the property had been removed that were not completely blown over. Inspector Lauridsen said they had applied for an after-the-fact permit, but had never paid for it. Mr. Ronsi said they had paid \$200 for the permit on March 2.

Inspector Lauridsen said the owners and tree company were present when he visited the property and they were all aware that a permit was required. If they had obtained the permit, they must still use approved replacement trees.

Judge Gaudiosi found in favor of the City and ordered compliance by obtaining a permit and replacing tree growth within 30 days or a fine of \$50 per day would be imposed.

Reference CE06051003

Rose SPE 1 LP
720 Northeast 62nd Street
Hampton Inn

Sec. 47-21.12 A.4.b: Mitigation for tree removal; Sec. 47-21.8 A: Required landscaping plan and permit

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 19, 2006; certified mail addressed to the registered agent was accepted on May 23, 2006.

Mr. Karl Lauridsen, Community Landscape Officer, testified that trees were removed from the property without replacement and the new landscaping required submission of a landscape plan and permit. He recommended ordering compliance within 45 days or a fine of \$50 per day, per violation.

Mr. Hasnadeen Satar, engineer, explained that the trees were destroyed by the hurricane. He requested 90 days to provide a landscape plan and get a permit.

Judge Gaudiosi found in favor of the City and ordered compliance within 90 days or a fine of \$50 per day, per violation would be imposed.

Reference CE06050998

1470 Dixie LLC
1470 North Dixie Highway

Sec. 47-21.12 A.5: Unpermitted tree removal

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 24, 2006; certified mail addressed to the registered was accepted on May 18, 2006.

Mr. Karl Lauridsen, Community Landscape Officer, testified that trees were removed from the property without a permit and were not replaced with approved trees. He recommended ordering compliance by obtaining a permit and replacing tree growth within 10 days or a fine of \$50 per day. Inspector Lauridsen said the owner had submitted a landscape plan for the site but had never performed any remediation of the tree removal.

The Assistant City Attorney explained that when the after-the-fact permit was obtained, the owner would meet with the Landscape Department and determine what the replacement requirements were.

Judge Gaudiosi found in favor of the City and ordered compliance by obtaining a permit and replacing tree growth within 20 days or a fine of \$50 per day would be imposed.

Reference CE06051050

Rosena Major & Deon John
1518 Northwest 15th Terrace

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

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

Ms. Irma Westbrook, Community Inspections Officer, testified that the building had areas of stained paint; there were areas of dead or missing ground cover and unlicensed, inoperable vehicles were stored on the property. Inspector Westbrook presented photos of the property and a copy of the inspection report and notice of violation and recommended ordering compliance with Sections 9-306 and 47-21.8 within 30 days or a fine of \$50 per day and with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicle would be towed.

Ms. Rosena Major, owner, explained that she had paid someone \$4,000 to repair the roof and they had taken her money and never done the work. Inspector Westbrook noted that the roof was not in violation. Ms. Major said there was no unlicensed vehicle left on the property. Someone kept parking on her lawn; this was why the grass was dying. Judge Gaudiosi felt that painting and landscaping should wait until the roof was completed. Ms. Major said she hoped the roof would be completed in two weeks.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 9-306 and 47-21.8 within 45 days or a fine of \$50 per day and with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE06040773

Glenn & Mara Powell
1511 Northwest 11th Street

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 9-281(b): Unlicensed, inoperable vehicles on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 24, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there was overgrowth and trash on the property; Section 9-281(b) was complied. Inspector Westbrook presented photos of the property and copies of the inspection report and notice of violation and recommended ordering compliance with Section 18-27(a) within 10 days or a fine of \$100 per day.

Mr. Glenn Powell, owner, said he had spoken with Inspector Pingitore soon after receiving the notice. There was a new tenant on the property who had not been tending it properly. The tenant had since cleaned the property up and removed the vehicle.

Mr. Lindwell Bradley, Community Inspections Supervisor, noted that the photos taken on June 13 showed the property was again not tended properly. He asked Judge Gaudiosi to find in favor of the City.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 18-27(a) within 10 days or a fine of \$100 per day would be imposed.

Reference CE06010175

John & Kandi Francavilla
1016 Waverly Road

Sec. 18-27(a): Overgrowth and trash on property;
Sec. 9-278(e): Windows blocked;
Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that service was via posting at the property on May 24, 2006, and at City Hall on June 1, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that there was overgrowth and trash on the property; doors and windows were boarded, impeding ventilation; some doors were not weather-tight and the buffer wall was mildew-stained. Inspector Maloney presented photos of the property and recommended ordering compliance with Sections 18-27(a) and 9-306 within 30 days or a fine of \$25 per day, per violation and with Sections 9-278(e) and 9-280(b) within 90 days or a fine of \$25 per day. Inspector Maloney noted that the owner had already completed most of the work on Section 18-27(a).

Mr. John Francavilla, owner, said he had just acquired the property and agreed to comply in the required time.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 18-27(a) and 9-306 within 30 days or a fine of \$25 per day, per violation and with Sections 9-278(e) and 9-280(b) within 90 days or a fine of \$25 per day would be imposed.

Reference CE06031901

Shankardas & Jamna Lalwani
853 North Fort Lauderdale Beach Boulevard

Sec. 47-19.9.A: Outside displays

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

Mr. Al Lovingshimer, Community Inspections Officer, testified that there was outside display of merchandise and merchandise hanging from doorways, impeding ingress and egress. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 10 days or a fine of \$100 per day.

Mr. Dale Lalwani said they had already complied the property.

Judge Gaudiosi found in favor of the City and ordered compliance within 2 days or a fine of \$100 per day would be imposed.

Reference CE05120958

Parkson Property LLC
5601 Northeast 14th Avenue

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 26, 2006; certified mail addressed to the registered agent was accepted on June 12, 2006.

Mr. Skip Margerum, Community Inspections Officer, testified that there was trash, including broken trailers on the property. Inspector Margerum said he had last visited the property on June 13 and the owner had already removed most of the debris. He presented photos of the property and a copy of his inspection report and recommended ordering compliance within 30 days or a fine of \$50 per day.

Mr. Tim Lincoln, the owner's attorney, said the debris was mostly removed. He requested 30 days to keep working with the tenant to complete the cleanup.

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

Reference CE06050884

Atlantic Beach Properties Inc.
900 Sunrise Lane

Sec. 24-27(f): Dumpster lids left open;
Sec. 24-28(a): Garbage accumulated around
dumpster; Sec. 24-7(b): Trash in dumpster
enclosure

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 18, 2006 and certified mail addressed to the registered agent was accepted on May 17, 2006.

Mr. Al Lovingshimer, Community Inspections Officer, testified that trash containers had overflowed and service was therefore inadequate; Sections 24-27(f) and 24-7(b) were complied. He noted that the area was clean now, but dumpster service was still not provided. Inspector Lovingshimer presented photos of the property and a copy of his file and recommended ordering compliance within 10 days or a fine of \$100 per day.

Mr. David Murray, owner, said the tenant had informed him that a new dumpster was on the way; her felt the problem would be complied within 10 days. Judge Gaudiosi felt that since the property was clear of trash right now, he could not find a violation existed.

Judge Gaudiosi dismissed the case.

Reference CE06011772

1440 Southwest 4th Avenue LLC
1440 Southwest 4th Avenue

Sec. 9-280(h): Fence in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed the owner and registered agent were both accepted on May 2, 2006.

Ms. Peggy Burks, Community Inspections Officer, testified that the wooden fence was in disrepair and exterior surfaces were not properly maintained. She said she had spoken with the owner earlier, who requested 60 days to finish cleaning up after his roofing job. Inspector Burks presented photos of the property and copies of the inspection report and recommended ordering compliance within 60 days or a fine of \$50 per day, per violation.

Judge Gaudiosi 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 CE06011779

Edzer & Shirlene Ledain & Lidena Michael
1680 North Dixie Highway

Sec. 18-27(a): Trash on property;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-21.8 A: Missing ground cover

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

Mr. Adam Feldman, Community Inspections Officer, testified that there was trash on the property, the parking area was in disrepair and ground cover was missing. Inspector Feldman had spoken with the property manager who had been present earlier and they had agreed on compliance dates and fines. He presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 18-27(a) within 10 days or a fine of \$50 per day; with Section 47-20.20.H within 90 days or a fine of \$50 per day and with Section 47-21.8 within 30 days or a fine of \$50 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 18-27(a) within 10 days or a fine of \$50 per day; with Section 47-20.20.H within 90 days or a fine of \$50 per day and with Section 47-21.8 within 30 days or a fine of \$50 per day would be imposed.

Reference CE05121522

Adam Levinson
201 Southwest 11th Avenue

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 service was via posting at the property on May 28, 2006, and at City Hall on June 1, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that the chain link fence was in disrepair and paint on the building was chipped and peeling; Section 18-27(a) was complied. He presented photos of the property and recommended ordering compliance with Section 9-280(h)(1) within 90 days or a fine of \$25 per day and with Section 9-306 within 30 days or a fine of \$25 per day.

Mr. Jeremy Corcoran, property manager, agreed to comply in the required time.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 9-280(h)(1) within 90 days or a fine of \$25 per day and with Section 9-306 within 30 days or a fine of \$25 per day would be imposed.

Reference CE06040480

Stephen & Veronica Blair
1540 Northwest 19th Avenue

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 17, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there was trash and overgrowth and missing ground cover on the property. Inspector Westbrook presented photos of the property and copies of the inspection report and notice of violation and recommended ordering compliance within 10 days or a fine of \$25 per day, per violation.

Mr. Stephen Blair, owner, explained that the City was working on the sewer main in the street in front the property right now. The bare spot on the swale had been scraped by the City. Mr. Blair stated the property was cut twice per month and he was doing renovation work on the property right now. Judge Gaudiosi said he saw nothing in the photos indicating that street construction was causing the damage to Mr. Blair's property. Mr. Blair said the City used his swale to store gravel and other items.

Inspector Westbrook said the City was finished with the sewer work on this street. Mr. Blair said they were still working there, and Inspector Pingitore had visited on Monday.

Mr. Lindwell Bradley, Community Inspections Supervisor, confirmed that the swale was Mr. Blair's responsibility to maintain and keep cut. He said Mr. Blair need not lay sod in the swale until the sewer project was complete, but he must keep it cut and maintain living ground cover on the rest of the property. Supervisor Bradley recommended ordering compliance within 30 days, or a fine of \$100 per day, per violation.

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

Reference CE05120190

Progresso Development LLC
1215 Northeast 2nd Avenue

Massey Hearing/Request for Extension

Ms. Bazer announced that this case was originally heard on 4/6/06 with compliance ordered by 5/6/06: one section at \$50 per day. The property was not complied and the City was requesting \$1,950 and the continuation of the fines.

Mr. Doug Fleisham, realtor for the property, explained that the current owner had passed away and the property was under contract for purchase. The new owner planned to demolish the property and build town houses.

Ms. Irma Westbrook, Community Inspections Officer, requested a 90-day extension to allow the new owner to get a permit for the sidewalk.

Judge Gaudiosi granted a ninety-day extension.

Reference CE06050272

Keystone Halls Inc.
301 Northwest 8th Street

NFPA 1 1.7.6: Storage in meter room;
NFPA 1 13.6.6.1.1: Missing extinguisher;
NFPA 1 4.5.8.1: Smoke detectors in kitchen;
NFPA 10 6.3.1: Fire extinguisher maintenance

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 12, 2006.

Mr. Dallas Shumaker, Fire Inspector, testified that the violations still existed as cited. He recommended ordering compliance within 30 days or a fine of \$150 per day, per violation.

Mr. Ronald Malec, property president, explained that work was being done at the property. He agreed to comply in the ordered time.

Judge Gaudiosi found in favor of the City and ordered compliance within 30 days or a fine of \$150 per day, per violation would be imposed.

Reference CE06050507

Key West Hobe Sound LLC
2650 North Federal Highway

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

Ms. Bazer announced that certified mail addressed to the registered agent was accepted on May 19, 2006.

Mr. Adam Feldman, Community Inspections Officer, testified that the property was covered with trash and was not being maintained. He presented photos of the property and a copy

of the inspection report and recommended ordering compliance within 10 days or a fine of \$100 per day.

Judge Gaudiosi found in favor of the City and ordered compliance within 15 days or a fine of \$100 per day would be imposed.

Reference CE06050132

Cory Canzone & John Mislow
3729 Southwest 12th Court

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 16, 2006.

Mr. Andre Cross, Community Inspections Officer, testified that there was trash on the property and there was an unlicensed, inoperable grey and black Ford on the property. Inspector Cross presented photos of the property and a copy of the notice of violation and inspection report and recommended ordering compliance with Section 18-27(a) within 10 days or a fine of \$25 per day, and with Section 9-281(b) within 10 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 with Section 18-27(a) within 10 days or a fine of \$25 per day, and with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE05021857

Flagler Warehouse I LLC
501 Northwest 1st Avenue

Sec. 18-27(a): Trash on property;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-22.6 F: Signs in disrepair;
Sec. 47-22.9: Signs without permits;
Sec. 9-280(g): Electrical components in disrepair;
Sec. 9-306: Canopies in disrepair;
Sec. 9-307(a): Broken windows and doors;
Sec. 9-308 (c): Fascia in disrepair

Ms. Bazer announced that certified mail addressed to the registered agent and the owner were both accepted [no date].

Mr. John Gossman, Community Inspections Officer, testified that he had heard from Mr. Siler, the owner's attorney, who requested a continuance to August 3 when he could attend the hearing.

Judge Gaudiosi continued the case to August 3, 2006.

Reference CE06021372

Firth Properties Ltd.
15 Northwest 7th Avenue

Sec. 9-305(b): Required ground cover;
Sec. 9-306: Building maintenance

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 5, 2006 and certified mail addressed to the registered agent was accepted on May 2, 2006.

Mr. John Gossman, Community Inspections Officer, testified that the landscaping was not maintained; the walls, fascia and soffit were in need of paint and the walkways required cleaning. Inspector Gossman presented photos of the property and recommended ordering compliance within 30 days or a fine of \$100 per day, per violation.

Judge Gaudiosi remarked on how difficult the property appeared to be to maintain. Inspector Gossman noted that sod was not required; the owner could use some other form of ground cover or landscaping.

Mr. Lindwell Bradley, Community Inspections Supervisor, agreed that this was a well-traveled bit of property, but they wanted the owner to improve the condition because it was a main thoroughfare. Inspector Gossman said small shrubbery could be planted in the area. He recommended allowing the owner 30 days to create a landscaping plan, or a fine of \$100 per day. Judge Gaudiosi recommended ordering compliance with the paint violation within 90 days or a fine of \$25 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 9-306 within 90 days or a fine of \$25 per day would be imposed, and for the owner to create a landscape plan for the section 9-305(b) violation within 30 days or a fine of \$100 per day would be imposed.

Reference CE06030808

TIITF/HRS
807 Northwest 8th Avenue

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

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

Mr. Gilbert Lopez, Community Inspections Officer, testified that the fence was in disrepair and there was trash on the property. Inspector Lopez presented photos of the property and a copy of the case history and recommended ordering compliance with Section 9-280(h)(1) within 90 days or a fine of \$50 per day, and with Section 9-281(b) within 14 days or a fine of \$50 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 9-280(h)(1) within 90 days or a fine of \$50 per day, and with Section 9-281(b) within 14 days or a fine of \$50 per day would be imposed.

Reference CE06040489

Middle River Oasis
6540 Northeast 21st Drive

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 [no date]; certified mail addressed to the registered agent was accepted on May 25, 2006.

Mr. Skip Margerum, Community Inspections Officer, testified that there were areas of dead or missing ground cover on the property; Section 9-306 was complied. Inspector Margerum presented photos of the property and a copy of the inspection report and said he had spoken with the owner this morning and agreed to recommend ordering compliance with Section 47-21.8.A within 14 days or a fine of \$50 per day.

Judge Gaudiosi found in favor of the City and ordered compliance with Section 47-21.8.A within 14 days or a fine of \$50 per day would be imposed.

Reference CE06031708

Dave Sinclair
2204 Northwest 15th Avenue

Sec. 47-21.8: Missing ground cover

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

Ms. Irma Westbrook, Community Inspections Officer, testified that there was missing ground cover on the property. Inspector Westbrook presented photos of the property and a copy of the inspection report and notice of violation and recommended ordering compliance within 30 days or a fine of \$25 per day.

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

Reference CE06041472

Irene & Paul Sullivan
1543 Northwest 10th Place

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on May 26, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there was no City water service to this occupied building. She presented a copy of her inspection report and recommend ordering compliance within 72 hours or a fine of \$100 per day. Inspector Westbrook was unsure if anyone lived at the property. Judge Gaudiosi wanted to determine if the property was legally occupied.

Mr. Lindwell Bradley, Community Inspections Supervisor, felt they should continue to case to determine if the house was occupied.

Judge Gaudiosi continued the case to July 6, 2006.

Reference CE06021432

Moses Spencer
1537 Northwest 4th Avenue

Sec. 18-27(a): Trash on property;
Sec. 47-19.9: Outside storage;
Sec. 9-281(b): Unlicensed, inoperable vehicles on property

Supervisor Bradley announced that service was via posting at the property on May 19, 2006, and at City Hall on June 1, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there was trash on the property; there was outside storage of car parts and other items on the property and there was an unlicensed, inoperable white pickup truck and an unlicensed, inoperable brown pickup truck on the property. Inspector Westbrook presented photos of the property and recommended ordering compliance with Sections 18-27(a) and 47-19.9 within 10 days or a fine of \$25 per day and with section 9-281(b) within 10 days or a fine of \$100 per day or the vehicles would be towed.

Judge Gaudiosi found in favor of the City and ordered compliance with Sections 18-27(a) and 47-19.9 within 10 days or a fine of \$25 per day and with section 9-281(b) within 10 days or a fine of \$100 per day or the vehicles would be towed.

Reference CE06031154

Homecycles Inc.
732 Northwest 19th Avenue

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 9-306: Building maintenance

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

Mr. Al Lovingshimer, Community Inspections Officer, testified that there was trash and overgrowth on the property and there were sections of damaged or missing soffits and fascia. Inspector Lovingshimer said the property was a blight on the neighborhood and the owner had totally disregarded its condition. Inspector Lovingshimer presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation.

Mr. Lindwell Bradley, Community Inspections Supervisor, stated this property was directly across from the Building Department and they had been trying to "get the attention" of the property owner for some time, to no avail.

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

Reference CE05061451

Gloria Burnell
2133 Northwest 6th Street

Massey Hearing/Request for Abatement

Ms. Bazer announced that this case was originally heard on 8/18/05 with compliance ordered by 8/25/05: one section at \$50 per day. The property was complied on 9/30/05 and the City was requesting \$1,750.

Judge Gaudiosi inquired about service and whether the building was occupied. Mr. Lindwell Bradley, Community Inspections Supervisor, stated this property had been boarded up and was therefore not occupied.

Judge Gaudiosi reduced the fine to \$875.

Reference CE05071321

Sheldon Friedburg
1242 Northwest 5th Avenue

Massey Hearing/Request for Abatement

Ms. Bazer announced that this case was originally heard on 1/5/06 with compliance ordered by 3/6/06: one section at \$25 per day. The property was complied on 5/11/06 and the City was requesting \$1,625.

Judge Gaudiosi reduced the fine to \$250.

Reference CE05081972

Corbel & Hilda Cooper
653 Northwest 15th Street

Massey Hearing

Ms. Bazer announced that the City was requesting \$5,800 and the continuation of the fine.

Judge Gaudiosi signed the order to impose the fine.

Reference CE05090804

Corbel & Hilda Cooper
653 Northwest 15th Street

Massey Hearing

Ms. Bazer announced that the City was requesting \$5,125 and the continuation of the fine.

Judge Gaudiosi signed the order to impose the fine.

Reference CE06011169

Fenold Jean
611 Southwest 31st Avenue

Massey Hearing

Ms. Bazer announced that the City was requesting \$1,050 and the continuation of the fine.

Judge Gaudiosi signed the order to impose the fine.

Reference CE06050263

Collins Plummer
922 Northwest 2nd Street

NFPA 10 6.3.1: Fire extinguisher maintenance;
Sec. 1 4.5.8.1: Inoperable emergency lights;
Sec. 1 13.6.3.5: Fire extinguisher cabinet missing
striker

Ms. Bazer requested a continuance due to the absence of Inspector Shumaker.

Judge Gaudiosi continued the case to July 6, 2006.

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:

CE06050089	CE06050123	CE05101490	CE06021475
CE06050258	CE06050261	CE06050262	CE06012136
CE05100441	CE06021730	CE06040689	CE06040813
CE06040673	CE06040352	CE06021270	CE06030810
CE06030811	CE06031345	CE06031444	CE06011810
CE06040619	CE06041844	CE06040825	CE05081166
CE06031445	CE06040723	CE06050267	CE06050268
CE06050273	CE06050276	CE06050277	CE06050280
CE06050281	CE06050282	CE06050284	CE06020618
CE06031238	CE06041011	CE06041054	CE06041139
CE06031380	CE06031576	CE06041455	CE06040113
CE06041456	CE06041716	CE06050286	CE06011493

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:

CE05090812	CE06041668	CE05101495	CE06031828
CE06050995	CE06031459	CE06050287	CE06050283
CE06041619			

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:

CE04090152

CE06050999

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:

CE05100249


CE05091253

Request to Vacate Previous Order

Ms. Bazer presented Judge Gaudiosi with the following cases, requesting that he vacate the previous orders.

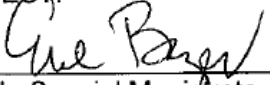
CE02070187 – Order date: March 17, 2005

There being no further business, the hearing was adjourned at 11:52 a.m.



Special Magistrate

ATTEST:



Clerk, Special Magistrate