

**SPECIAL MAGISTRATE HEARING**  
**City Commission Meeting Room**  
**Judge Floyd Hull, Presiding**  
**July 20, 2006**  
**9:00 A.M. –1:25 P.M.**

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Staff Present:

Assistant City Attorney  
Eve Bazer, Clerk of Special Magistrate Supervisor  
Dick Eaton, Secretary, Special Magistrate  
Sue Manning, Secretary, Special Magistrate  
Sue Holmes, Service Clerk  
Leonard Ackley, Community Inspections Officer  
Lindwell Bradley, Community Inspections Supervisor  
Tuchette Torres, Community Inspections Officer  
Peggy Burks, Community Inspections Officer  
Michael Champion, Community Inspections Officer  
Andre Cross, Community Inspections Officer  
Lee Kaplan, Community Inspections Officer  
Karl Lauridsen, Community Landscape Officer  
Gilbert Lopez, Community Inspections Officer  
Mike Maloney, Community Inspections Officer  
Skip Margerum, Community Inspections Officer  
Maurice Murray, Community Inspections Supervisor  
Cheryl Pingitore, Community Inspections Officer  
Bill Snow, Community Inspections Officer  
Ursula Thime, Community Inspections Officer  
Robert Urow, Community Inspections Officer  
Salvatore Viscusi, Community Inspections Officer  
Irma Westbrook, Community Inspections Officer  
Joe Zubrenic, Community Inspections Officer

Also Present:

CE05121924: Carlton Rhoden, owner  
CE06021732: Efrain Cortes, the owner's attorney; Nancy Glickman, the owner's daughter  
CE06050515: Barbara Gibson, owner  
CE06011645: Carlos Sigala, property manager  
CE00061317: Mary Shorter, the property owner's assistant; Sandra Stokes, friend of the property manager; Raleigh Rawls, attorney; Jacqueline Banke Trumbore, attorney  
CE05050817: Edmund Waterman, owner  
CE06061224: Kim Zimmerman, landscape architect; Mark Marsh, architect; Leslie Stracher, attorney  
CE06060282: Wallace Dulal, owner

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CE05091695: Reuben A. Wiggan, owner  
CE05101513: Ronald Surin, attorney  
CE06041426: Robert Belizaire, owner  
CE06021621: Bruce Tyrell, owner  
CE06011011: Joshua Gulbranson, owner  
CE06050995: Zachary Finn, owner  
CE05030960: Gopu Mitra, tenant  
CE05121030: Lucille Haynes, property manager  
CE06062113; 06070119; 06070118: Edward Zinkil, Jr., owner; Ginnee Hancock, neighbor  
CE06051595: Bruce Hiltquist, property manager  
CE05120076: Thomas Reich: owner  
CE05050370: Connie Davis, owner  
CE06050012: Noy Hadar, owner  
CE06020909: Byron Bartley, owner  
CE06051421: Randy Dunlap, owner; Helen Dunlap, neighbor; Robert Harvey, neighbor; Mark Keonig, neighbor  
CE06031689: Rueben Wiggans, owner  
CE06050736: Louis McCutcheon, owner  
CE06060815: Linda Dawkins, neighbor; Mahmoud Hamadeh, owner  
CE05111478: Joe Welsch, Landings resident; Meredith Spira, attorney  
CE06011938: Nectaria Chakas, attorney  
CE06031989: Timothy Kellogg, 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 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 CE05121030**

American Federated Title  
1909 Northwest 9<sup>th</sup> Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on 5/18/06 with compliance ordered by 6/18/06: 8 sections at \$100 per day, per violation; fines had been suspended from 6/18/06 to 7/19/06.

Ms. Lucille Haynes, property manager, informed Judge Hull that five of the original eight violations were now complied. She requested another 90 to 120 days to complete the mansard.

Ms. Cheryl Pingitore, Community Inspections Officer, confirmed that the owner was diligently working on the violations; she recommended a 90-day extension.

Judge Hull granted a 90-day extension.

**Reference CE06011011**

Joshua Gulbranson  
1550 Southwest 27<sup>th</sup> Court

Request for Abatement

Ms. Bazer announced that this case was originally heard on 6/1/06 with compliance ordered by 6/11/06: 1 section at \$25 per day. The property was complied and the City was requesting \$450 in fines.

Mr. Joshua Gulbranson, owner, explained that he had received the notice at his home address on June 9 or 10 and the fines had begun on June 11. He informed Judge Hull that there was a discrepancy in the tax records regarding his home address. He said he had contacted inspector Cross as soon as he received the notice and made all the corrections within 30 days.

Mr. Andre Cross, Community Inspections Officer, confirmed that Mr. Gulbranson had contacted him and begun repairs immediately and recommended abatement of the fine.

Judge Hull abated the fine.

**Reference CE05030960**

Super Stop #301 Inc.  
1900 Northwest 9<sup>th</sup> Avenue

Request for Extension

Ms. Bazer announced that this was a request for an extension.

Mr. Gopu Mitra, tenant, explained that he was waiting for a permit to be issued. He had needed a survey and plans to submit for the permit, which he had done at the end of June.

Mr. Andre Cross, Community Inspections Officer, confirmed that Mr. Mitra was still waiting for his permit. Mr. Mitra requested another 120 days to get the permit and repaint the striping. Inspector Cross confirmed that the other violations were complied. Inspector Cross said he didn't "understand why it's taking so long, just for parking" and felt "we need to enforce something so they can get a move on." Judge Hull advised Mr. Mitra to "go to the Building Department and follow through on this thing... the Building Department doesn't take three months to issue a permit."

Judge Hull denied the request for an extension.

**Reference CE05050370**

Connie, Rose & Wayne Davis, etc.  
2300 Northwest 13<sup>th</sup> Street

Massey Hearing/Request for Extension

Ms. Bazer announced that this case was originally heard on 7/7/05 with compliance ordered by 8/6/05. The property was not complied and the City was requesting \$9,250 in fines.

Ms. Connie Davis, owner, said they had already complied several of the violations and asked for additional time to complete the repairs. She explained that her sister had resided at the property and had died in February. This was when the family became aware of the violations.

Ms. Cheryl Pingitore, Community Inspections Officer, said she had worked the case originally with Rose Davis [the deceased sister]. She confirmed that Ms. Davis and Ms. Green were in the process of obtaining permits. Inspector Pingitore recommended allowing another 90 days to comply.

Judge Hull granted a 90-day extension.

**Reference CE05091695**

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

Request for Extension

Ms. Bazer announced that this was a request for an extension.

Mr. Rueben Wiggans, owner, said he had needed a survey to apply for the permit. He had received the permit and intended to do the work the previous week, but someone had murdered his grandson and he had not done the work yet. Mr. Wiggans requested an extension to raise the funds for the repaving; he had used the money originally set aside for the parking lot to bury his grandson.

Ms. Cheryl Pingitore, Community Inspections Officer, said Mr. Wiggans had done all of the interior work, and she had no objection to 60 more days.

Judge Hull granted a 60-day extension.

**Reference CE00061317**

Alfred Mallard  
910 Northwest 13<sup>th</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on 9/7/2000 with compliance ordered by 9/17/2000: 5 sections at \$50 per day. The property was complied and the City was requesting \$179,300 in fines.

The Assistant City Attorney said the owner was deceased and the estate's attorney was present and would present her case that service was not proper to the property's representative.

Ms. Jacqueline Bank-Trubour, attorney for the guardian, Mary Shorter, explained that Mr. Mallard had died in May 2005. Prior to this, in December 2003, his sister was appointed his guardian; this was after the code enforcement case was over and fines had been imposed. When Ms. Banks-Trubour discovered the liens while preparing the estate for probate, she tried several times to notify several City departments and had said she "wasn't really getting anywhere." She had met with Mayor Naugle, who contacted Nadine Blue, who scheduled their appearance at this hearing. The City had sent the certified mail notice to Ms. Bank-Trubour about the hearing, but not to Ms. Shorter.

Ms. Bank-Trubour said she and the other estate attorney, Mr. Rawls, wanted to reschedule this hearing. Ms. Bank-Trudour also wanted to address the \$179,000 lien, which would be "a major obligation to the estate and ... impact the payment of debts upon the estate and also the beneficiaries would not be protected." She noted that the property was only worth approximately \$150,000, and had a small mortgage.

Ms. Bank-Trubour explained that Mr. Mallard had suffered from dementia and psychosis and a head injury, which had all ultimately led to the State's appointing his sister as guardian. Mr. Mallard was not married and had no children. While the code violation case was progressing, his nearest relative was Ms. Shorter, who resided in St. Augustine. Ms. Bank-Trubour thought a neighbor had intervened to help comply the violations in 2002. She explained to Judge Hull that in 2003, Mr. Mallard was wandering about and his home was found to be filthy and he was moved to an assisted living facility temporarily. After his sister was named guardian and rehabilitated the property, Mr. Mallard returned with a full-time aide.

Ms. Bank-Trubour reiterated that she was trying to protect the estate, its debtor's and beneficiaries. She had so far been unsuccessful in getting anyone to negotiate regarding the lien.

The Assistant City Attorney said the case was scheduled for this hearing pursuant to a request by the attorney. She said that on September 23, 2004, the Special Magistrate had signed the order to impose the fine. The Assistant City Attorney said they did not have proper service for that hearing, so she asked Judge Hull to vacate that order. Judge Hull vacated that order.

The Assistant City Attorney continued that today the City was seeking to impose the fines. She stated the case was heard on 9/7/2000 with compliance ordered by 9/17/2000: 5 sections at \$50 per day. The property was eventually complied. She said the inspector in the case had recalled that the owner was "quite elderly." Today the City was requesting the imposition of \$179,300 in fines. Ms. Bank-Trubour said she was trying to provide information regarding "Mr. Mallard's state of mind and the reason why the property was neglected and possibly the reason why it took so long to get the property in order."

Ms. Bank-Trubour said Mr. Mallard had begun to suffer the effects of dementia in 2000, according to several neighbors. She did not know what happened to get the property into compliance in 2002. She thought Mr. Mallard might have complied much earlier, but neglected to call anyone for reinspection.

Judge Hull asked the Assistant City Attorney if the City had any leanings toward reducing the fine amount. The Assistant City Attorney said, "I wish the department did; the inspector's been instructed to ask for the full amount." She reported that there had been more recent complaints about the condition of the property. The Assistant Attorney agreed that it would be difficult to sell the property with the current fines attached to it.

Mr. Raleigh Rawls, attorney, confirmed that he would be taking over the estate. He explained that they had not yet filed a petition for probate. Mr. Rawls said he had known Mr. Mallard, and described how his condition had worsened at the same time the condition of his property worsened.

Mr. Lee Kaplan, Community Inspections Officer, remembered that Mr. Mallard had a tenant who did all the household work for him because he was not physically able. Inspector Kaplan said Mr. Mallard's condition had worsened between 2000 and 2002. At this time, Inspector Kaplan said he would meet with the tenant, another elderly gentleman, instead of Mr. Mallard, realizing that Mr. Mallard did not understand what needed to be done. The tenant's repair work, Inspector Kaplan explained, "wasn't up to the City of Fort Lauderdale standard."

The Assistant City Attorney said the City usually did not negotiate the reduction of a fine until it was imposed. After the fine was imposed, the owner could meet with City Staff to negotiate a reduction. This agreement would then be reviewed by the City Manager and sent to the City Commission for approval. Judge Hull said he would impose the fine, with a request for negotiation of the fine.

Ms. Bank-Trubour said she had contacted the City during the amnesty program, but the amnesty amount was still so high that the guardian would have been forced to sell the property to pay it, which she had not wanted to do.

Mr. Maurice Murray, Community Inspections Supervisor, said he sat on the committee that heard discussion regarding reductions. Since he was present today, he agreed to attend the meeting when this case was discussed.

Judge Hull signed the order to impose the fine.

**Reference CE05121924**

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

Massey Hearing

Ms. Bazer announced that this case was originally heard on 3/2/06 with compliance ordered by 3/9/06: 1 section at \$100 per day. The property was complied and the City was requesting \$2,700 in fines.

Mr. Andre Cross, Community Inspections Officer, stated that Mr. Rhoden called to inform him the vehicle was removed, but it was still there when he reinspected the property on March 10. Inspector Cross reinspected again on April 7 and the car was still present. When Inspector Cross returned on May 5, the car was gone, so he complied the violation.

Judge Hull signed the order to impose the fine.

**Reference CE06031989**

Casa Bella Builders Inc.  
519-520 Southwest 10<sup>th</sup> Street

Request for Extension

Ms. Bazer announced that this case was originally heard on 5/18/06 with compliance ordered by 7/17/06: 4 sections at \$50 per day.

Mr. Timothy Kellogg, owner, explained that they had a permit number, but did not have the permit as yet. They also had the contract to demolish the property. He requested another 60 days to complete demolition and cleanup of the property. He informed Judge Hull that the damage after the hurricanes was severe and they had decided to demolish rather than repair the property.

Mr. Mike Maloney, Community Inspections Officer, confirmed that demolition was the only way to comply the property and that he had no objection to the extension.

Judge Hull granted a 60-day extension.

**Reference CE06060282**

Chaitmatee Dulal  
1471 Northwest 20<sup>th</sup> Court

Sec. 18-27(a): Trash on property;  
Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 9-280(h)(1): Fence in disrepair

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

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the parking lot was in disrepair and the fence was in disrepair; Section 18-27(a) was complied. She presented photos of the property and a copy of the inspection report and property history and recommended ordering compliance with Sections 47-20.20.H and 9-280(h)(1) within 30 days or a fine of \$25 per day, per violation.

Mr. Chaitmatee Dulal, owner, said he had contracts to perform the work. He said he was awaiting his permits and parts for the wheel stops, which must be ordered. He felt he would get the wheel stops in a couple of weeks, but was unsure how long it would take to get the permits.

Judge Hull found in favor of the City and ordered compliance with Sections 47-20.20.H and 9-280(h)(1) within 30 days or a fine of \$25 per day, per violation would be imposed.

**Reference CE06051595**

Eagle Capital Inc. Trust  
2041 Northwest 30<sup>th</sup> Way

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

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

Ms. Tuchette Torres, Community Inspections Officer, testified that there was outside storage on the property; Section 9-281(b) was complied.

Mr. Bruce Hiltquist, property manager, requested two weeks to comply.

Judge Hull found in favor of the City and ordered compliance with Section BCZ 39-275(6)(b) within 14 days or a fine of \$25 per day would be imposed.

**Reference CE06060815**

Alnadi Inc.  
3300 West Broward Boulevard

Sec. 17-9: Noise disturbance;  
Sec. 18-27(a): Trash on property;  
Sec. 25-8: Blocking public swale;  
Sec. 9-280(g): Electrical components in disrepair; Sec. 9-306: Peeling paint/stained surfaces; Sec. 9-307(a): Broken windows;  
BCZ 39-217.(f): Parking area in disrepair;  
BCZ 39-217.(d): Parking area in disrepair;  
Sec. 39-294.(c)(3): Rubbish around dumpster enclosure; BCZ 39-294.(c)(7): Dumpster enclosure in disrepair; BCZ 39-300.(m): Occupancy requirements; BCZ 39-79(a): Landscape maintenance; BCZ 39-79(b): Landscape maintenance

Ms. Bazer announced that certified mail addressed to the registered agent was accepted on June 23, 2006 and certified mail addressed to the owner was accepted on June 30, 2006.



Mr. Andre Cross, Community Inspections Officer, testified that the dumpster enclosure was constantly overflowing, with inadequate service: this was a repeat violation of CE06010398 dated 2/16/06, and the dumpster enclosure was in disrepair; all of the other violations were complied. He presented photos of the property and a copy of the inspection report and recommended ordering compliance with Sections BCZ 39-294(c)(3) and BCZ 39-294(c)(7) within 30 days or a fine of \$100 per day, per violation. Mr. Mahmoud Hamadeh, owner, said he wanted to install new fencing around the entire building. He requested 20 days to complete compliance. Mr. Hamadeh said people used his dumpster illegally. He described his efforts to keep the property clear of vagrants.

Ms. Linda Dawkins, neighbor, said Mr. Hamadeh's tenants caused the dumpster problems. She presented her own photos of the property, depicting problems behind the building. Ms. Dawkins said that despite Mr. Hamadeh's efforts to remedy problems, they always recurred.

Judge Hull found in favor of the City and ordered compliance with Sections BCZ 39-294(c)(3) and BCZ 39-294(c)(7) within 30 days or a fine of \$100 per day, per violation.

**Reference CE06041426**

Robert Belizaire  
1334 Northwest 9<sup>th</sup> Avenue

Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 47-21.8: Missing ground cover;  
Sec. 9-280(g): Electrical components in disrepair

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

Ms. Irma Westbrook, Community Inspections Officer, testified that the parking area was in disrepair; Sections 47-21.8 and 9-280(g) were complied. She presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 47-20.20 H within 30 days or a fine of \$25 per day.

Mr. Robert Belizaire, owner, agreed to comply in 30 days. He explained that he had been in and out of the hospital in the past three months.

Judge Hull 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 CE06061224**

Morse Operations Inc.  
1240 North Federal Highway

Sec. 47-21.12 A.7: Required tree replacement;  
Sec. 47-21.4: Landscaping without permit

Ms. Bazer announced that certified mail addressed to the owner, the registered agent and an officer of the company were all accepted on June 23, 2006.

Mr. Karl Lauridsen, Community Landscape Officer, testified that the tree removal/replacement permit had expired and landscape work was done without a permit. Regarding Section 47-21.12 A.7, inspector Lauridsen acknowledged that work was scheduled on Federal Highway that would affect the property's landscaping plans. Regarding Section 47-21.4, Inspector Lauridsen wanted the owner to maintain a landscape buffer on the property. He recommended ordering compliance with Section 47-21.4 [regarding the buffer wall] within 30 days or a fine of \$100 per day.

Mr. Leslie Stracher, attorney, explained that the DOT had a major renovation in the works for this section of Federal Highway. This would require major site revisions at his client's property. He clarified that Inspector Lauridsen wanted the buffer for the rear of the property where it abutted the Intracoastal. Mr. Stracher said the project would definitely take more than 30 days, since a permit and new irrigation system at the rear of the property was required.

Ms. Kim Zimmerman, landscape architect, confirmed the work that needed to be done.

Inspector Lauridsen felt some temporary buffer could be accomplished within the 30 days. He agreed to withdraw Section 47-21.12.A.7.

Mr. Stracher agreed to comply by installing some form of temporary screening at the rear of the property within 60 days.

Judge Hull found in favor of the City and ordered compliance with Section 47-21.4 within 60 days or a fine of \$25 per day would be imposed.

**Reference CE06051421**

Countrywide Home Loans Inc. &  
Goldman Sachs Mortgage Co.  
2418 Andros Lane

Sec. 9-281(b): Trash on property

The Assistant City Attorney explained that the City had not attained proper service for this case.

Several neighbors had shown up for the hearing and Judge Hull allowed a representative to speak for them.

Mr. Randy Dunlap, neighbor, said they knew the owners would not appear, as "this was a mortgage fraud deal to start with." He said there were seven cars parked on the front lawn of the property this morning and the air conditioner was held up by a bucket. Mr. Dunlap said that since the property was sold in 2003 it had "gone completely to the devil." Mr. Dunlap felt that due process was not being taken seriously by the City or the property owner. Judge Hull said the City would now post the property and would then be able to take action.

The next three cases for the same owner were heard together:

**Reference CE06062113**

JV Development Group Inc.  
1925 Southwest 5<sup>th</sup> Place

Sec. 18-27(a): Trash on property;  
Sec. 24-29(a): Garbage accumulated around  
dumpster; Sec. 24-4: No building maintenance  
person; Sec. 47-19.4 D.4: Open dumpster  
enclosure gates; Sec. 47-19.4 D.8: Open  
dumpster enclosure gates; Sec. 9-280(b):  
Structure or Fixtures in disrepair; Sec. 9-  
280(g): Electrical components in disrepair;  
Sec. 9-281(b): Unlicensed vehicles on  
property; Sec. 9-306: Peeling paint/stained  
surfaces

Ms. Bazer announced that certified mail addressed to the registered agent and an officer of the company were both accepted on July 7, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that Section 18-27(a) was complied, but since it was a repeat violation, it was presented to the Special Magistrate. Inspector Maloney continued: there was no on-site manager at the property; there were damaged windows in the structure and the exterior of the building was dirty and stained; Sections 24-29(a), 47-19.4.D.4 and 47-19.4.D.8 were withdrawn and Sections 9-280(g) and 9-281(b) were complied.

Judge Hull asked for an explanation of Section 24-4. Mr. Maurice Murray, Community Inspections Supervisor, provided a copy of code section 24-4 and said the Assistant City Attorney had informed him that in any multi-family residence, the building manager must reside on the property.

Judge Hull agreed with the owner, Mr. Eduard Zinkil, that he had never seen this violation presented to a Special Magistrate in Fort Lauderdale. Mr. Zinkil remarked that the ordinance did not specifically state that a manager must reside on the premises. He noted that under "corrective action that must be taken" the notice stated he must "put in place a manger or responsible person on the property." Mr. Zinkil said there was a property manger, but the notice didn't specify hours during which the manager must be present. He felt that this requirement could not be accomplished for all multi-family properties. Mr. Zinkil wanted the requirement made more specific.

The Assistant City Attorney read from the ordinance, "In every multi-family residence, occupied by two or more families in which the owner does not reside, there shall be a responsible person designated as such by the owner." She felt the obvious meaning of this was that there must be someone residing at the property who was responsible. Mr. Zinkil said his maintenance person was present on the property during the day. Mr.

Zinkil noted that the ordinance did not specifically say “resides in” and it was therefore not obvious that this was what the ordinance meant.

Supervisor Murray said Code Enforcement had cited owners in the past for this, and in some instances, a tenant was the designated contact person.

Inspector Maloney reiterated that the when he had reinspected the property the previous day, all of the trash and overgrowth had been removed, but he had presented that violation because it was recurring at the property. Mr. Zinkil explained that the dumpster violations no longer applied because he no longer owner the property where the dumpster was located. Inspector Maloney and Supervisor Murray confirmed this, stating that was why those violations were withdrawn.

Inspector Maloney said the windows were being repaired when he visited the property the previous day. Mr. Zinkil explained that the last violation, the broken sidewalks, was caused by a sewer repair truck driving over the sidewalks. He was attempting to get the sewer company’s insurance to pay for repairs.

The Assistant City Attorney said Mr. Zinkil could notify the City of the property manager’s identity and all contact information via letter. Inspector Maloney said he had contacted Mr. Zinkil and met with him four times at the properties, and he had been very easy to get in touch with.

Ms. Ginnee Hancock, neighbor, said the property was in violation “every day since this owner has taken it over.” She Showed Jude Hull her own photos of the property and the neighboring property where the dumpster was situated. She said it was Mr. Zinkil’s tenants who were causing problems with the dumpster, even though he no longer owner the property where the dumpster was located.

Inspector Maloney submitted his case file to Judge Hull.

Judge Hull found in favor of the City and ordered compliance with:

- ❖ Section 9-280(b) within 10 days or a fine of \$25 per day;
- ❖ Section 24-4 within 30 days, by providing Community Inspections with documentation naming a property manager, including contact information, or a fine of \$25 per day, and
- ❖ Section 9-306 within 60 days or a fine of \$25 per day would be imposed.

**Reference CE06070119**

JV Development Group Inc.  
1935 Southwest 5<sup>th</sup> Place

Sec. 18-27(a): Trash on property;  
Sec. 24-4: No building maintenance person;  
Sec. 47-20.20 H: Parking area in disrepair;  
Sec. 9-280(b): Structure or Fixtures in disrepair

Ms. Bazer announced that certified mail addressed the registered agent and an officer of the company were both accepted on July 7, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that there was no on-site building manager; the parking lot was in disrepair; there was a window boarded in one unit and rotted doors in another unit and the electrical room; Section 18-27(a) was complied.

Mr. Zinkil confirmed that the repairs were already under way.

Judge Hull found in favor of the City and ordered compliance with:

- ❖ Section 24-4 within 30 days, by providing Community Inspections with documentation naming a property manager, including contact information, or a fine of \$25 per day;
- ❖ Section 47-20.20 H within 60 days or a fine of \$25 per day and
- ❖ Section 9-280(b) within 30 days or a fine of \$25 per day would be imposed.

**Reference CE06070118**

JV Development Group Inc.  
1945 Southwest 5<sup>th</sup> Place

Sec. 18-27(a): Trash on property;  
Sec. 24-28(c): Required dumpster enclosure;  
Sec. 24-4: No building maintenance person;  
Sec. 47-20.20 H: Parking area in disrepair

Ms. Bazer announced that certified mail addressed the registered agent and an officer of the company were both accepted on July 7, 2006.

Mr. Mike Maloney, Community Inspections Officer, testified that there was no on-site building manager and the parking lot was in disrepair; Sections 18-27(a) and 24-28(c) were complied. He recommended ordering compliance with:

- ❖ Section 24-4 within 30 days, by providing Community Inspections with documentation naming a property manager, including contact information, or a fine of \$25 per day;
- ❖ Section 47-20.20 H within 60 days or a fine of \$25 per day.

Judge Hull found in favor of the City and ordered compliance with:

- ❖ Section 24-4 within 30 days, by providing Community Inspections with documentation naming a property manager, including contact information, or a fine of \$25 per day;
- ❖ Section 47-20.20 H within 60 days or a fine of \$25 per day would be imposed.

**Reference CE06020909**

Byron Bartley & Deatrice Mitchell  
2210 Northwest 31<sup>st</sup> Avenue

Sec. 9-281(b): Trash and unlicensed,  
inoperable vehicle on property

Ms. Bazer announced that Officer Foulks made personal service to the owner on June 14, 2006. She noted that the property was homesteaded.

Ms. Tuchette Torres, Community Inspections Officer, testified that there was trash on the property and an unlicensed, inoperable green Nissan and white Mazda on the property.

Mr. Byron Bartley, owner, explained that one of the cars was damaged during the hurricane and he was awaiting information from his insurance regarding where to take it for repairs. Mr. Bartley said he would routinely let the air out for the Nissan's tires to prevent his son from stealing it at night.

Judge Hull found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day would be imposed.

**Reference CE05101513**

Agape Church of God Inc.  
1317 Northeast 4<sup>th</sup> Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on 4/6/06 with compliance ordered by 7/5/06: 3 sections at \$25 per day. The property was not complied.

Mr. Ronald Surin, attorney for the church, explained that the architect and engineer were still working on the plans and requested an extension. He said he had neglected to tell his client to remove the sign, believing that this was part of the whole building renovation, but he would instruct him to do this immediately. Mr. Surin noted that the window repairs were a part of the renovation project. The architect had told Mr. Surin that he needed another 6 months.

Ms. Irma Westbrook, Community Inspections Officer, stated that she had reinspected the property on July 5 and noted that the roof had been repaired. She had reminded Mr. Surin that removal of the signs would comply that violation. The building had not been painted yet either. Mr. Surin reiterated that all of the work was part of the renovation of the entire building; this was why no work had been done yet. Mr. Surin explained to Judge Hull that the engineer and architect were redesigning the entire façade of the building.

Mr. Surin said that when he appeared in April, he was told that he could reappear to request additional time if it was necessary, and he had expected to be able to do this today. Judge Hull said he would not grant an extension when Mr. Surin did not yet have plans for the renovation.

Judge Hull denied the request for an extension.

**Reference CE06021732**

Maria Salas & Emma Lucena  
311 Florida Avenue

Continued from June 1, 2006

Ms. Bazer announced that this case was continued from June 1, 2006.

Mr. Andre Cross, Community Inspections Officer, testified that there was trash scattered about the property; there was an unlicensed, inoperable white van on the property and there were areas of dead or missing ground cover on the property. He presented photos of the property to Judge Hull.

Mr. Efrain Cortes, the owner's attorney, explained that as soon as he was contacted by Ms. Salas, he had sent certified mail to Juan Norberto Marine, the tenant. Ms. Salas had conveyed the property to Mr. Marine in October 2003. Mr. Cortes said he had examined the quitclaim deed signed by Ms. Salas and found it to be invalid and not recorded with the state. Mr. Cortes was now trying to get a legal quitclaim deed to transfer the property to Mr. Marine.

Ms. Nancy Glickman, the owner's daughter, reminded Judge Hull that at the last hearing, she had informed him that her mother no longer owner the property. She had shown Judge Hull the deed, and informed him that they were hiring an attorney to make sure the conveyance was legal and proper. As of now, Mr. Marine had still not complied the violations. Ms. Glickman requested an additional 90 days to have the deed created and filed properly and legally, so Mr. Marine would be responsible for the property.

Mr. Cortes added that there was also a mortgage taken by Mr. Marine to pay Ms. Salas for the property. This mortgage had no note and was not signed, so Ms. Salas could not enforce the debt.

Judge Hull stated that this meant that Ms. Salas currently owned the property.

Mr. Cortes said he had contacted Mr. Marine's attorney, Mr. Bush, because all of his attempts to contact Mr. Marine had been unsuccessful. He intended to give him another deed, and record the deed with a note for the mortgage. He and Ms. Salas had decided that she might need to take care of the ground cover violation and include these costs in the mortgage.

The Assistant City Attorney said the City wanted to go ahead with the case today. She felt none of the issues described by Mr. Cortes were relevant since the violations had existed since February 2006. She asked Judge Hull to deny the request for a continuance.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a) and 39-79(e) within 30 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 CE06050995**

Zachary Finn  
1616 Southeast 2<sup>nd</sup> Court

Sec. 47-21.12 A.4.b: Mitigation for  
tree removal

Ms. Bazer announced that service was via posting at the property on June 20, 2006, and at City Hall on July 6, 2006.

Mr. Karl Lauridsen, Community Landscape Officer, said adequate replacement was required for a tree removed under permit 05061163. He recommended ordering compliance within 15 days or a fine of \$50 per day.

Mr. Zachary Finn, owner, explained that after closing on the property, he had hired an arborist to trim the tree in an effort to save it, but the arborist had recommended removal. Inspector Lauridsen said that Mr. Finn must provide replacement for that tree, regardless of the reason for the removal. Inspector Lauridsen said Mr. Finn had spoken with David Gennaro, Senior Landscape Inspector, to determine what must be done. Mr. Finn presented his own photos, including new trees and landscaping he had installed over the past year. Inspector Lauridsen said that even this new extensive landscaping did not cover the permit's requirements. Mr. Finn said he was never made aware of the replacement tree requirement.

Inspector Lauridsen said Mr. Finn must contact Inspector Gennaro and that "locations and the replacement requirement has been worked out; he just needs to follow up." Mr. Finn said this was not true; he had spoken to Inspector Gennaro several times, and said Inspector Gennaro was "unaware of the replacement requirements of the City." Mr. Finn said he had received a list of possible replacements, but felt that there was not room on the lot for any more large trees. He said he had offered to make a donation or to plant a tree elsewhere in the City.

After Judge Hull ordered Mr. Finn to comply within 14 days, Mr. Finn requested 60 days because replacement trees were "extremely expensive." He also felt that planting any more trees would compromise the aesthetics of his property.

Judge Hull found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day would be imposed.

**Reference CE06061228**

Florida Power & Light  
6101 Northwest 31<sup>st</sup> Avenue

Sec. 47-21.8 A: Missing ground cover

Ms. Bazer announced that certified mail addressed to the owner, the registered agent and an officer of the company were all accepted on June 23, 2006.

Mr. Karl Lauridsen, Community Landscape Officer, testified that there was dead sod, a dead coco plum hedge and other dead trees at this FPL substation. He noted that



these were new plantings that had died for lack of irrigation. Inspector Lauridsen recommended ordering compliance within 15 days or a fine of \$25 per day.

Judge Hull found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day.

**Reference CE06050515**

Barbara Gibson  
203 Southwest 10<sup>th</sup> Street

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 July 11, 2006.

Ms. Ursula Thime, Community Inspections Officer, testified that there was a grey inoperable vehicle stored at the rear of the property; Section 18-27(a) was complied. She presented photos of the property and a copy of the inspection report and notice of violation and recommended ordering compliance with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicle would be towed.

Ms. Barbara Gibson, owner, explained that the tenants would remove all of the vehicles within 10 days.

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

**Reference CE05120076**

2625 Holdings LLC  
2099 Northwest 26<sup>th</sup> Avenue

BCZ 39-280: Permitted uses

Ms. Bazer announced that certified mail was accepted by the registered agent on June 23, 2006.

Ms. Tuchette Torres, Community Inspections Officer, testified that the property was being used as more than three living units, a non-permitted use in RD-10 zoning. Inspector Torres said the single-family home had been converted into apartments and rented out. She said the owner was requesting 60 days to hire a lawyer to investigate the situation.

Mr. Thomas Reich, owner, said he thought he was complied. He requested time to hire an attorney to determine the status of the building. He said the building looked like it should be a two family building, and even Inspector Torres thought it was a four-unit building. He felt the dispute was whether this was a three or four unit building. Mr. Reich said the second floor was permitted and built years ago and the outside staircase

to provide the entrance to the second floor was permitted as well. Mr. Reich informed Judge Hull that he purchased the property in November 2005.

Inspector Torres said that according to Broward County Code, under which she had cited Mr. Reich because the property was annexed last year, this property was in an RD-10 zoning district, in which "multi-family dwelling, three or more dwelling units is non-permitted." She submitted a copy of the County Code section she had cited. Inspector Torres added that according to surveys she had obtained from the County, the building Mr. Reich was using as a two-family duplex was shown as a single-family dwelling. The other building, with the added second floor, was permitted to have the second floor added, but was not supposed to be rented out to several tenants.

Mr. Reich said that since only two families lived at the property, he was not in violation. He requested 90 days to hire an attorney and perform research. Inspector Torres said one of the tenants had not moved out as yet. She also noted that Mr. Reich had a paralegal working on these issues already.

Judge Hull continued the case to August 17, 2006.

**Reference CE06050736**

Louis McCutchen  
2709 Northwest 20<sup>th</sup> Street

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; BCZ 39-275(7)(a): Commercial vehicle stored on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on July 1, 2006.

Ms. Tuchette Torres, Community Inspections Officer, testified that the following unlicensed, inoperable vehicles were present on the property: a 1952 Chevy truck, a 1970 Lincoln and a 1978 yellow van; Section BCZ 39-275(7)(a) was complied. She presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicles would be towed.

Mr. Louis McCutchen, owner, admitted there were two unlicensed vehicles on the property. He requested 30 days to clear out his storage yard on 9<sup>th</sup> Avenue to make room for these vehicles. Inspector Torres reiterated that there were three vehicles that must be removed, not two.

Judge Hull found in favor of the City and ordered compliance with Section 9-281(b) within 14 days or a fine of \$100 per day or the vehicles would be towed.

**Reference CE05111478**

Bay Colony Exxon Inc.  
5556 North Federal Highway

Massey Hearing/Request for Abatement

Ms. Bazer announced that this case was originally heard on 4/20/06 with compliance ordered by 6/19/06: 1 section at \$100 per day. The property was complied and the City was requesting \$2,900 in fines.

Ms. Meredith Spira, attorney, explained that they had received the permit for the roof on May 5 and repaired the roof on June 14. Soon after this, a truck had damaged the roof, so when the inspector returned on June 20, it was not complied. They received notice of the new damage on June 28 and made repairs on July 14.

Mr. Skip Margerum, Community Inspections Officer, said it was possible that the damage he witnessed on June 20 occurred after repairs had been made and the owner was unaware of it. He confirmed that the roof was now complied.

Judge Hull abated the fines.

**Reference CE06050012**

Noy Hadar  
2101 Southwest 10<sup>th</sup> Avenue

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

Ms. Bazer announced that certified mail addressed to the owner was accepted on June 27, 2006.

Mr. Lee Kaplan, Community Inspections Officer, testified that there was overgrowth on the property and two unlicensed, inoperable limousines and an inoperable Jeep on the property. He presented photos of the property 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 vehicles would be towed.

Mr. Noy Hadar, owner, explained that the property manager had not been maintaining the property, but he now had a tenant who was. He had spoken with Inspector Kaplan regarding the vehicles the previous day and understood he must register them. Mr. Hadar said he would be out of town and requested 30 days to register the vehicles. Inspector Kaplan said his supervisor had informed him that he could only allow 10 days to register or remove the vehicles.

Judge Hull found in favor of the City and ordered compliance with Section 18-27(a) within 14 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 CE05050817**

Edmund Waterman  
627 North Federal Highway

Sec. 9-306: Peeling paint/stained  
surfaces; Sec. 9-329(a): Required certificate of  
boarding

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

Ms. Ursula Thime, Community Inspections Officer, testified that the exterior walls were not maintained, with deteriorated fascia and soffit; Section 9-329(a) was complied. She presented photos of the property to Judge Hull.

Mr. Edmund Waterman, owner, requested 90 days, due to the extensive amount of work that must be done. Mr. Waterman said he must hire a contractor to perform the work. Inspector Thime said the property was vacant and had been in bad condition for quite some time. She was unsure if a permit would be required for the work. She recommended ordering compliance with Section 9-306 within 30 days.

Judge Hull found in favor of the City and ordered compliance with Section 9-306 within 90 days or a fine of \$75 per day would be imposed.

**Reference CE06060714**

Jesus Rosas  
1301 Northeast 14<sup>th</sup> Court

Sec. 18-27(a): Trash on property;  
Sec. 24-27(b): Garbage carts left in right-of-way; Sec. 9-313(a): Required display of address

Ms. Bazer announced that certified mail addressed to the owner was accepted on June 27, 2006.

Mr. Len Ackley, Community Inspections Officer, testified that the property was overgrown and shrubbery needed trimming; trash containers were left on the swale after collection, and there were no identification numbers visible from the street. He presented photos of the property and recommended ordering compliance within 10 days or a fine of \$50 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.

**Reference CE06031950**

Juanita Cuthbert  
1518 Northwest 15<sup>th</sup> Street

Sec. 18-27(a): Trash on property;  
Sec. 9-280(h)(1): Fence in disrepair;  
Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 9-313(a): Required display of address

Ms. Bazer announced that personal service was made to the owner by Inspector Lovingshimer on June 10, 2006; she noted that the property was homesteaded.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash on the property; the fence was in disrepair; there was an unlicensed, inoperable blue Cadillac on the property and the address was not visible from the street. She presented photos of the property and a copy of the property history, notice of violation and Special Magistrate notice.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a) and 9-313(a) within 14 days or a fine of \$25 per day; with Section 9-280(h)(1) within 21 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 CE06030508**

Irene Holden  
2951 Northwest 21<sup>st</sup> Street

BCZ 39-275(6)(b): Outdoor storage

Ms. Bazer announced that Inspector Torres made personal service to the owner on June 28, 2006.

Ms. Tchette Torres, Community Inspections Officer, testified that items were stored outside on the property. She presented photos of the property and a copy of the property history and notice of violation and recommended ordering compliance within 14 days or a fine of \$25 per day.

Judge Hull found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day would be imposed.

**Reference CE06041619**

Thaddeus Jones  
2401 Northwest 19<sup>th</sup> Street

Sec. 18-27(a): Trash and overgrowth on property; Sec. 9-281(b): Unlicensed, inoperable vehicle on property; BCZ 39-224(2): Parking facility used by non-tenants, owners, employees, customers

Ms. Bazer announced that service was via posting at the property on June 21, 2006, and at City Hall on July 6, 2006.

Ms. Tchette Torres, Community Inspections Officer, testified that there was overgrowth and trash on the property and there was an unlicensed ice cream truck on the property; Section BCZ 39-224(2) was complied. She presented photos of the property and recommended ordering compliance with Section 18-27(a) within 14 days or a fine of \$25 per day, and with Section 9-281(b) within 10 days or a fine of 100 per day.

Judge Hull found in favor of the City and ordered compliance with Section 18-27(a) within 14 days or a fine of \$25 per day, and with Section 9-281(b) within 10 days or a fine of 100 per day would be imposed.

**Reference CE05121606**

BIC Corp.  
5101 Northwest 9<sup>th</sup> Avenue

Sec. 47-19.9: Outside storage; Sec. 47-20.20  
H: Parking area in disrepair

Ms. Bazer announced that certified mail addressed to the owner and officer of the company were both accepted on June 26, 2006.

Mr. Sal Viscusi, Community Inspections Officer, testified that the parking lot was in disrepair; Section 47-19.9 was complied. He presented photos of the property and recommended ordering compliance with Section 47-20.20.H within 90 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance with Section 47-20.20.H within 90 days or a fine of \$75 per day would be imposed.

**Reference CE06050157**

Gleason & Gene Colbeth  
1501 Northwest 6<sup>th</sup> Avenue

Sec. 47-21.8: Missing ground cover;  
Sec. 9-280(b): Structure or Fixtures in  
disrepair; Sec. 9-281(b): Unlicensed,  
inoperable vehicle on property;  
Sec. 9-304(b): Maintenance of parking area

Ms. Bazer announced that certified mail addressed to the owner was accepted on July 7, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there were broken windows in the structure and there were vehicles parked on the grass; Sections 47-21.8 and 9-281(b) were complied. She presented photos of the property and a copy of the inspection report, notice of violation and property history and recommended ordering compliance with Sections 9-280(b) and 9-304(b) within 10 days or a fine of \$50 per day.

Judge Hull found in favor of the City and ordered compliance with Sections 9-280(b) and 9-304(b) within 10 days or a fine of \$50 per day would be imposed.

**Reference CE06031689**

Matilda Brinson  
2420 Northwest 20<sup>th</sup> Street

Massey Hearing/Request for Abatement

Ms. Bazer announced that the City request that the fine not be imposed.

Judge Hull ordered that the fine not be imposed.

**Cases Complied**

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

CE06030061	CE06031487	CE06040499	CE06041290
CE06050843	CE06021537	CE06021628	CE06040800
CE06040802	CE06050908	CE06051080	CE05111317
CE06030806	CE06050956	CE06050957	CE06060195
CE06050877	CE06060043	CE05031158	CE05050397
CE05050697	CE05051366	CE06041372	CE05121033
CE06060363	CE06060931	CE06031311	CE06050742
CE06050855	CE06050863	CE06020024	CE06041433
CE06050308	CE06051242	CE06060445	CE06041763
CE06011488	CE06021300		

### **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:

CE06040355	CE06031287	CE06050266	CE06030381
CE06050826	CE05120428	CE06060201	CE06031497
CE06050876	CE06052004	CE06020139	CE06041468
CE06060459	CE05121569	CE06030507	CE06050707
CE06051640	CE06041428	CE06031823	CE06021133
CE06010845	CE06051421		

### **Cases Rescheduled**

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

CE06021621	CE06031545	CE03081082
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### **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:

CE06011938	CE05011525	CE06011779	CE06011645
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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 she signed based on the affidavits of the inspectors

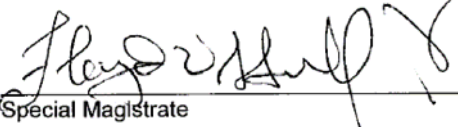
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CE05051079 - \$ 34,450  
CE03091067 - \$ 700  
CE06030321 - \$ 2,500


CE06011195 - \$ 6,900  
CE06041603 - \$ 8,050  
CE00050986 - \$ 9,950

CE05110650 - \$ 26,500  
CE06030678 - \$ 1,600

There being no further business, the hearing was adjourned at 1:25p.m.

  
Special Magistrate

ATTEST:

  
Clerk, Special Magistrate