

**SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Judge Floyd Hull Presiding
December 11, 2006
9:00 A.M. –11:10 A.M.**

Staff Present:

Assistant City Attorney
Eve Bazer, Clerk of Special Magistrate Supervisor
Sue Holmes, Secretary, Special Magistrate
Debra Maxey, Clerk III
Nadine Blue, Clerk III
Maurice Murray, Code Enforcement Supervisor
Adam Feldman, Code Enforcement Officer
Lee Kaplan, Code Enforcement Officer
Al Lovingshimer, Code Enforcement Officer
Cheryl Pingitore, Code Enforcement Officer
Tuchette Torres, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer
Irma Westbrook, Code Enforcement Officer

Also Present:

CE03011738: Michael Sill, owner
CE03081337: Yvon Legros, owner; Costell Walton, attorney
CE04081818: Elvyn Rodriguez, owner
CE02060159: Basil Wees, owner
CE03091933: Mariola Baptiste, owner
CE06010693: Helen Dunsford: owner
9302045; CE03100010: Eunida Lipscomb, owner
CE06081025: Lisa Sperry, owner
CE06050128: Dorothy Burgess, owner
CE04040686: Wadis Santana, owner
CE04040455: Merelie Frederic, owner; Maslande Frederic, owner's daughter
CE06072106: Peter Sgarlato, owner
CE06051369: Jacqueline Myrick, owner
CE06060508: Nicole Desbrunes; Wilson Desbrunes, owners
CE06081558: William Alexander, owner
CE03080166: Errol Edwards, attorney
CE04080189: Carolyn Thompson, owner
CE06081519: Zilla Herring, owner
CE06061837: Geraldine Johnson, 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.

Case: CE06081558

Massey Hearing

William & Lorraine Alexander
3001 Northwest 21st Street

Ms. Bazer announced that this case was originally heard on 11/2/06 with compliance ordered by 11/16/06: 1 section at \$25 per day. The property was not complied and the City was requesting imposition of a \$600 fine and its continued accrual until the property was complied.

Mr. William Alexander, owner, said he had gotten rid of the trash but had saved some timber to complete building a utility shed.

Ms. Tuchette Torres, Code Enforcement Officer, said Mr. Alexander might not understand "outside storage." She had last inspected the property on November 29 and the wood, planks and palettes were still stored on the property. Mr. Alexander said he had removed most things by November 16. Officer Torres said it was possible Mr. Alexander removed or moved most of the items the day after her last inspection.

Judge Hull did not impose any fine.

Case: CE06050128

Massey Hearing

Dorothy Burgess
1233 Northwest 5th Avenue

Ms. Bazer announced that this case was first heard 9/21/06 to comply by 11/20/06: 1 section at \$50 per day. The property was complied and the City was requesting imposition of an \$800 fine.

Ms. Dorothy Burgess, owner, explained that after Hurricane Wilma, it had been very difficult to find someone to provide an estimate for the fence repair and ultimately her insurance company had refused to cover the work. She had been unable to afford the costs of repair herself.

Ms. Irma Westbrook, Code Enforcement Officer, confirmed that the fence was the last violation, and this was complied as of December 7.

Judge Hull imposed an \$800 fine.

Case: CE06081025

Massey Hearing

Bradley Hertz
1022 Northwest 2nd Avenue

Ms. Bazer announced that this case was first heard 10/5/06 to comply by 10/15/06: 2 sections at \$50 per day. The property was complied on 11/16 and the City was requesting imposition of a \$3,100 fine.

Ms. Lisa Sperry, owner, explained that the Section 8 tenant in the residence had eight children. Ms. Sperry had fined the tenant \$250 for the damage. She noted that if she evicted the tenant, she would become homeless because she would lose her Section 8 status. Ms. Sperry said that she would sue the tenant for any fines imposed, but the tenant had no money.

Ms. Irma Westbrook, Code Enforcement Officer, explained which two violations had accrued the fines: the outside storage and the overgrowth, trash and debris. Ms. Sperry said the trash was her tenant's belongings. Officer Westbrook said she had spoken with the tenant, who promised repeatedly to clean up the property but never did. On November 16, the property was finally complied. Officer Westbrook confirmed that the owner had been in contact with her to try to resolve the situation.

Judge Hull imposed a \$1,000 fine.

Case: CE06081519

Massey Hearing

Zilla Thompson & Lizzie White
1629 Northwest 18th Avenue

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/12/06: 1 section at \$100 per day. The property was complied on 11/15/06 and the City was requesting imposition of a \$50 fine [reduced from \$200].

Ms. Zilla Herring, owner, confirmed that the property was complied.

Judge Hull imposed a \$50 fine.

Case: CE06061837

Massey Hearing

Geraldine Johnson
2300 Northwest 31st Avenue

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/12, 11/16 and 11/30/06: 2 sections at \$50 per day and 1 section at \$100 per day. The property was not complied and the City was requesting imposition of a \$4,500 fine and its continued accrual until the property was complied.

Ms. Geraldine Johnson, owner, explained that she had been dealing with the insurance company to cover the repairs. She said the vehicle was registered all along.

Ms. Tuchette Torres, Code Enforcement Officer, said the registration was not displayed on the vehicle, and she had never spoken with Ms. Johnson, so she could not know that the vehicle was registered. Ms. Johnson showed Officer Torres current registration papers for the vehicle.

Ms. Johnson said since the hurricanes, she was just now getting some payment from her insurance and mortgage companies. Officer Torres said she must revisit the property to reinspect and confirm Ms. Johnson's claims of compliance.

Ms. Bazer stated that if two of the sections were complied, the fine was \$4,350 and a \$50 per day fine would continue for the section that was not yet complied.

Judge Hull imposed a \$2,000 fine and its continued accrual until the property is complied.

Case: CE06010693

Massey Hearing

W.J. & Helen Dunsford
910 Northwest 47th Court

Ms. Bazer announced that this case was first heard 7/6/06 to comply by 9/5/06: 3 sections at \$25 per day. The property was not complied and the City was requesting imposition of a \$4,950 fine and its continued accrual until the property was complied.

Ms. Helen Dunsford, owner, said her husband had injured his back trying to remove the trees and he now needed back surgery and prostate surgery. Ms. Dunsford said they had no money to afford to pay someone else to do the work and they were slowly doing it themselves.

Mr. Sal Viscusi, Code Enforcement Officer, confirmed that Ms. Dunsford had tried to comply, but it just seemed to get worse. Ms. Dunsford said the property was improved since the case was begun. Officer Viscusi presented photos taken on November 29, and older photos from his case file. Ms. Dunsford described the various items that were stored on the porch and in the yard.

Judge Hull imposed a \$4,950 fine and its continued accrual until the property is complied.

Case: CE06060508

Massey Hearing

Nicole M. & Wilson O. Desbrunes
2464 Northwest 21st Street

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/17 and 12/1/06: 4 sections at \$25 per day. The property was not complied and the City was requesting imposition of a \$1,600 fine and its continued accrual until the property was complied.

Mr. Wilson Desbrunes, owner, explained that a tree had fallen through the roof of their house during Hurricane Wilma. The roofer they had hired had abandoned the job. Mr. Desbrunes said he had cleaned up the yard, but passers-by were constantly littering the property. He requested a 60-day extension to hire a new roofer.

Ms. Nicole Desbrunes, owner, explained that they had not had the money to hire a landscaper.

Judge Hull imposed a \$1,600 fine and its continued accrual until the property is complied.

Case: CE06072106

Massey Hearing

Peter A. Sgarlato
1835 South Ocean Drive

Ms. Bazer announced that this case was first heard 9/7/06 to comply by 9/21/06: 1 section at \$25 per day. The property was not complied and the City was requesting imposition of a \$2,000 fine and its continued accrual until the property was complied.

Mr. Peter Sgarlato, owner, said the house on the property had been demolished in August, 2005 and he did not know what was going on at the property.

Mr. Al Lovingshimer, Code Enforcement Officer, explained that this case was for missing ground cover. Mr. Sgarlato said this had been taken care of immediately. Officer Lovingshimer said there were sections of missing grass and overgrowth and presented photos from a previous inspection.

Judge Hull imposed a \$2,000 fine and its continued accrual until the property is complied.

Case: CE03091933

Massey Hearing

Jacques Baptiste
631 Arizona Avenue

Ms. Bazer announced that this case was first heard 12/4/03 to comply by 12/18/03: 2 sections at \$25 per day. The property was complied and the City was requesting imposition of a \$212.50 fine [reduced from \$2,125].

Ms. Mariola Baptiste, owner, said she had received the first notice and inquired about it at the Building Services Code Counter, where she was told everything was fine. She had not thought about the case anymore until she received notice for today's hearing.

Mr. Maurice Murray, Code Enforcement Supervisor, recommended reducing the fine to \$212.50 based on the recent history of the property.

Judge Hull imposed a \$212.50 fine.

Case: CE03100010

Massey Hearing

C. & Eunida Lipscomb
1013 Northwest 11th Place

Ms. Bazer announced that this case was first heard 1/15/04 to comply by 2/14/04: 4 sections at \$25 per day. The property was complied and the City was requesting imposition of a \$6,100 fine.

Ms. Eunida Lipscomb, owner, said she had not been living at the house at the time the violations occurred; her home was in the SHIP replacement housing program and she returned on April 1, 2005. During this time, the house had been torn down and rebuilt.

Mr. Maurice Murray, Code Enforcement Supervisor, said there was a note in the inspector's file stating the house's demolition on 9/27/04 complied the property. Supervisor Murray presented photos of the old house and new house from the inspector's file.

Judge Hull did not impose any fine.

Case: CE03011738

Massey Hearing

Michael E. Sill
320 Southwest 14th Court

Ms. Bazer announced that this case was first heard 4/17/03 to comply by 4/27/03: 1 section at \$250 per day. The property was complied on 12/29/03 and the City was requesting imposition of a \$4,900 fine [reduced from \$61,250].

Mr. Michael Sill, owner, said the property was complied. He had been in South Carolina and the tenant had not informed him of the notices, but had signed them "Michael Sill" in Mr. Sill's absence. In 2003, the tenant abandoned the house and left it in terrible condition.

Mr. Maurice Murray, Code Enforcement Supervisor, said that they had received good service on the original hearings, but not for the previous Massey hearing, which is why they were at this hearing. He noted that the City was requesting a fine of \$20 per day, reduced from \$250 per day. Supervisor Murray confirmed that personal service was made to the tenant for the initial notice.

Judge Hull imposed a fine of \$4,900.

Case: CE06051369

Massey Hearing

Jacqueline J. Myrick
2300 Northwest 15th Court

Ms. Bazer announced that this case was first heard 9/7/06 to comply by 11/6/06: 2 sections at \$25 per day. The property was not complied and the City was requesting imposition of a \$1,700 fine and its continued accrual until the property was complied.

Ms. Jacqueline Myrick, owner, said she had paid a lawn man to do the work, he had completed some of it but then been incapacitated after an accident and would not return Ms. Myrick's money. She had no additional money to hire someone else to do the work.

Judge Hull imposed the \$1,700 fine and its continued accrual until the property is complied.

Case: CE03081337

Massey Hearing

Yvon Legros
383 West Dayton Circle

Ms. Bazer announced that this case was first heard 10/16/03 to comply by 10/30/03: 1 section at \$25 per day. The property was complied on 2/25/05 and the City was requesting imposition of a \$1,207.50 fine [reduced from \$12,075].

Mr. Costell Walton, attorney, agreed on behalf of Mr. Legros to pay the fine.

Judge Hull imposed a fine of \$1,207.50.

Case: CE04040455

Massey Hearing

Telusma & Merelie Frederic
1508 Northwest 7th Avenue

Ms. Bazer announced that this case was first heard 8/19/04 to comply by 10/18/04: 1 section at \$50 per day. The property was not complied and the City was requesting imposition of a \$39,150 fine and its continued accrual until the property was complied.

Ms. Maslande Frederic, the owner's daughter, explained that she would interpret for her mother. Ms. Frederic said the property was complied as soon as they were aware of

the violations, but they kept getting notices. She said notices had also been sent to the wrong address. Ms. Frederic could not name the exact compliance date in 2004.

Mr. Maurice Murray, Code Enforcement Supervisor, presented photos of the property and suggested that an inspector go out to the property to inspect. He said the property was never reinspected because the City was never notified by the owner that it was complied and should be reinspected.

Judge Hull granted an extension to 12/21/06 and ordered the owner to appear at that hearing.

Case: CE04081818

Massey Hearing

Surama & Elvyn O. Rodriguez
& Virginia C. Bostic
428 Southwest 24th Avenue

Ms. Bazer announced that this case was first heard 1/20/05 to comply by 1/27/05: 1 section at \$100 per day. The property was complied and the City was requesting imposition of a \$1,300 fine.

Mr. Elvyn Rodriguez, owner, said he moved the van. He was unsure of the date, but was certain it was not 13 days after the deadline. He was unaware he must phone the inspector to confirm compliance.

Mr. Maurice Murray, Code Enforcement Supervisor, confirmed the compliance date and fine period.

Judge Hull imposed a \$1,000 fine.

Case: CE04040686

Massey Hearing

Wadis Santana
1345 North Andrews Avenue

Ms. Bazer announced that this case was first heard 7/1/04 to comply by 7/8 and 7/31/04: 1 section at \$50 per day and 1 section at \$100 per day. The property was complied and the City was requesting imposition of a \$11,700 fine.

Mr. Wadis Santana, owner, said the property was complied prior to July 8 and he had called Supervisor Murray to confirm this because he had problems with the inspector. Mr. Santana claimed that in the past fines had been imposed upon his property for a fence that did not belong to him. Mr. Santana claimed the vehicle was not actually on his property either.

Mr. Maurice Murray, Code Enforcement Supervisor, clarified that even if the vehicle were removed, if trash remained on the property, the violation still existed. Supervisor Murray researched the inspector's file, and referred to a note date 8/11/04 indicating the parking lot was complied and the car had been removed but trash remained, continuing the violation of 9-281(b). Mr. Santana said the inspector had entered his backyard to photograph trash he had removed from the front yard. Supervisor Murray agreed that if the debris were not visible from the front yard, the property would be in compliance.

Judge Hull imposed a \$3,500 fine.

Case: CE03080166

Massey Hearing

Caleanna Williams
1330 Northwest 11th Street

Ms. Bazer announced that this case was first heard 9/4/03 to comply by 8/5/03: 1 section at \$500 per day. The property was complied and the City was requesting imposition of a \$14,000 fine.

Mr. Errol Edwards, with power-of-attorney, explained that the owner had suffered a series of medical conditions for the past 28 years, including cancer and stroke. The person who was looking after the property had not communicated with her regarding the property and had eventually disappeared. The owner had discovered the problems on the property when she tried to sell it. Mr. Edwards said the vehicles stored on the property had been there without the owner's consent. He had posted a "No Trespassing" sign on the property, stating parked cars would be towed at the owner's expense. Mr. Edwards said the owner was now 86 years old, and this was her last asset.

Judge Hull imposed a \$14,000 fine.

Case: CE04080189

Massey Hearing

Rufus & Carolyn Terry
1621 Northwest 18th Avenue

Ms. Bazer announced that this case was first heard 3/17/05 to comply by 3/24/05: 1 section at \$100 per day. The property was complied on 9/6/05 and the City was requesting imposition of a \$16,500 fine.

Ms. Carolyn Terry, owner, said she had tenants in the property and did not realize there were violations. As soon as she was aware of the violations, she had brought the property into compliance. It had taken her 6 months to evict the tenants.

Mr. Maurice Murray, Code Enforcement Supervisor, presented photos of the property to Judge Hull.

Judge Hull imposed a \$5,000 fine.

Case: CE02060159

Massey Hearing

Basil G. & Ellen L. Wees
442 Southwest 22nd Terrace

Ms. Bazer announced that this case was first heard 11/7/02 to comply by 12/7/02 and 1/6/03: 2 sections at \$12.50 per day. The property was complied on 10/27/03 and 3/1/04 and the City was requesting imposition of a \$3,250 fine.

Mr. Basil Wees, owner, explained that he had suffered a stroke and two herniated disks, making it difficult for him to do the work. He had managed to complete the work, with help. Since he was not working, he could not afford to pay someone to do the work. He informed Judge Hull that his wife had left and taken his children with her.

Mr. Maurice Murray, Code Enforcement Supervisor, presented photos of the property from January 2004.

Judge Hull did not impose any fine.

Case: CE03031877

Massey Hearing

Christopher & Melissa Christ
646 Northwest 14th Terrace

Ms. Bazer announced that this case was first heard 6/5/03 to comply by 8/4/03: 6 sections at \$50 per day. The property was complied on 8/8/03 and the City was requesting imposition of a \$450 fine [reduced from \$900].

Judge Hull imposed the \$450 fine.

Case: CE03040653

Massey Hearing

W.W. & Georgia Roland
734 Northwest 15th Way

Ms. Bazer announced that this case was first heard 7/3/03 to comply by 7/17/03: 3 sections at \$25 per day. The property was complied and the City was requesting imposition of a \$525 fine [reduced from \$5,250].

Judge Hull imposed the \$525 fine.

Case: CE04110887

Massey Hearing

Blake S. Heinemann
838 Southwest 16th Street

Ms. Bazer announced that this case was first heard 2/17/05 to comply by 2/24/05: 2 sections at \$50 per day. The property was complied and the City was requesting imposition of a \$130 fine [reduced from \$1,300].

Judge Hull imposed the \$130 fine.

Case: CE06090268

Massey Hearing

Fourth Avenue Development LLC
1134 Northeast 4th Avenue

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/12/06: 1 section at \$50 per day. The property was complied and the City was requesting imposition of a \$150 fine.

Judge Hull imposed the \$150 fine.

Case: CE02011992

Massey Hearing

William Grady Copland Jr.
1008 South Andrews Avenue

Ms. Bazer announced that this case was first heard 6/6/02 to comply by 6/20, 6/27 and 7/6/02: 1 section at \$50 per day, 6 at \$25 per day. The property was not complied and the City was requesting imposition of a \$325,650 fine and its continued accrual until the property was complied. Ms. Bazer informed Judge Hull that service was via posting on the property.

Judge Hull imposed the \$325,650 fine and its continued accrual until the property is complied.

Case: CE06020594

Massey Hearing

Keith Smith
1051 Northwest 49th Street

Ms. Bazer announced that this case was first heard 9/7/06 to comply by 11/7/06: 4 sections at \$25 per day. The property was not complied and the City was requesting imposition of a \$3,400 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$3,400 fine and its continued accrual until the property is complied.

Case: CE04032524

Massey Hearing

Richard D. & Deborah A. Smedley
2397 Southwest 34th Avenue

Ms. Bazer announced that this case was first heard 5/20/04 to comply by 8/18/04: 2 sections at \$25 per day. The property was not complied and the City was requesting imposition of a \$42,200 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$42,200 fine and its continued accrual until the property is complied.

Case: CE03030069

Massey Hearing

New Life Christian Fellowship Inc.
2158 Northwest 6th Court

Ms. Bazer announced that this case was first heard 4/17/03 to comply by 6/1/03: 1 section at \$25 per day. The property was complied and the City was requesting imposition of a \$2,675 fine.

Judge Hull imposed a \$2,675 fine.

Case: CE06061623

Massey Hearing

H.A. & Irma A. Pulliam
2618 Tortugas Lane

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/12/06: 1 section at \$100 per day. The property was not complied and the City was requesting imposition of a \$2,800 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$2,800 fine and its continued accrual until the property is complied.

Case: CE06031289

Massey Hearing

Carlos Millan
3512 Riverland Road

Ms. Bazer announced that this case was first heard 8/17/06 to comply by 8/28, 9/17 and 11/16/06: 2 sections at \$25 per day and 3 sections at \$100 per day. The property was not complied and the City was requesting imposition of a \$18,250 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$18,250 fine and its continued accrual until the property is complied.

Case: CE06082342

Massey Hearing

Ricky D. Lewis
1433 Northwest 8th Avenue

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/12/06: 4 sections at \$10 per day. The property was not complied and the City was requesting imposition of a \$1,120 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$1,120 fine and its continued accrual until the property is complied.

Case: CE06051813

Massey Hearing

Omni Construction International Inc.
2309 Northwest 20th Street

Ms. Bazer announced that this case was first heard 11/2/06 to comply by 11/16/06: 3 sections at \$100 per day. The property was not complied and the City was requesting imposition of a \$7,200 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$7,200 fine and its continued accrual until the property is complied.

Case: CE02090560

Massey Hearing

Juan Valle
1101 Northwest 21st Street

Ms. Bazer announced that this case was first heard 5/1/03 to comply by 5/8/03: 1 section at \$50 per day. The property was complied and the City was requesting imposition of a \$5,500 fine.

Judge Hull imposed the \$5,500 fine.

Case: CE03011505

Massey Hearing

Christine Edwards
1621 Northwest 26th Avenue

Ms. Bazer announced that this case was first heard 9/4/03 to comply by 10/4/03: 1 section at \$25 per day. The property was complied and the City was requesting imposition of a \$13,875 fine.

Judge Hull imposed the \$13,875 fine.

Case: CE03032202

Massey Hearing

F.L. & Levonia Jackson
2500 Northwest 16th Street

Ms. Bazer announced that this case was first heard 1/15/04 to comply by 1/25 and 3/15/04: 2 sections at \$25 per day. The property was complied and the City was requesting imposition of a \$980 fine [reduced from \$2,450].

Judge Hull imposed the \$980 fine.

Case: CE04010621

Massey Hearing

Joseph Thompson
1751 Northwest 27th Terrace

Ms. Bazer announced that this case was first heard 3/18/04 to comply by 3/25/04: 1 section at \$100 per day. The property was complied and the City was requesting imposition of a \$9,600 fine.

Judge Hull imposed the \$9,600 fine.

Case: CE06060864

Massey Hearing

Michael Ehrenpreis
1519 Northwest 18th Court

Ms. Bazer announced that this case was first heard 10/19/06 to comply by 11/16/06: 2 sections at \$25 per day. The property was not complied and the City was requesting imposition of a \$1,200 fine and its continued accrual until the property was complied.

Judge Hull imposed the \$1,200 fine and its continued accrual until the property is complied.

Case: CE06061330

Massey Hearing

Wayne Manning
1563 West Sunrise Boulevard

Ms. Bazer announced that this case was first heard 10/5/06 to comply by 10/12/06: 1 section at \$25 per day. The property was complied and the City was requesting imposition of a \$250 fine [reduced from \$625].

Judge Hull imposed a \$250 fine.

Requests to Vacate Previous Orders

Ms. Bazer requested that all previously entered orders for the following cases be vacated and the cases be dismissed. Judge Hull vacated all existing orders and dismissed the cases. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE00070618	CE98071714	CE00090521	CE00120210
CE02071359	9302045	CE98071897	CE00090257
9303298	CE02020324	CE02082187	CE01120830
9413714	CE02031548	CE00081263	CE98101169
9513790	9206249	CE96010871	CE98120020

CE99100266

CE00061907

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:

CE06050964

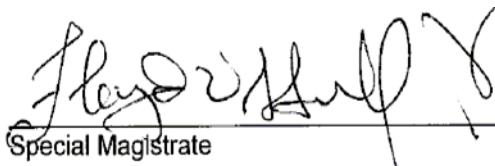
Cases Withdrawn

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


CE06072179

CE04081252

There being no further business, the hearing was adjourned at 11:10 a.m.


Special Magistrate

ATTEST:


Clerk, Special Magistrate