

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
ROSE ANN FLYNN PRESIDING
SEPTEMBER 17, 2009
9:00 A.M. –11:07 A.M.**

Staff Present:

Mary Allman, Secretary Special Magistrate
Susanne Manning, Secretary, Special Magistrate
Brian McKelligett, Clerk of Special Magistrate Supervisor
Ginger Wald, Assistant City Attorney
Lori Grossfeld, Clerk III
John Gossman, Code Enforcement Supervisor
Lindwell Bradley, Code Enforcement Supervisor
Tammy Arana, Fire Inspector
Stephanie Bass, Code Enforcement Officer
Mark Campbell, Code Enforcement Officer
Leonard Champagne, Code Enforcement Officer,
Andre Cross, Code Enforcement Officer
Alejandro Del Rio, Code Enforcement Officer
Dick Eaton, Code Enforcement Officer
Adam Feldman, Code Enforcement Officer
Karl Lauridsen, Landscape Inspector
Wilson Quintero, Code Enforcement Officer,
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
Bill Snow, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Ursula Thime, Code Enforcement Officer
Barbara Urow, Code Enforcement Officer,
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE08090725: Philip Friona, owner
CE09071388: Kaizer Talib, owner
CE09081727: Gaetano Cutrufo, owner
CE09080818: Dennis Brooks, owner
CE08121210: Ronnie Rolax, owner
CE09080820: Edward Carlisle, owner
CE08121173: Katherine Dely, attorney; Mary Lee Russ, representative
CE09021112: Raymond Nyhuis, representative
CE09060712: Thomas Tejada, owner
CT09041514: Geoffrey Calderone, owner
CE09070028: Courtney Case, owner

CE09061042: Norman Taylor, owner
CE09020931: Joel Klass, owner
CE09010615: Michael Andrew Hlavsa, tenant
CE09050435: Steven Leeds, owner
CE09050526: Johnnie Rhodes, owner
CE09051931: Jasmine Rodriguez, owner's daughter
CE08031661: Vincenzo Esposito, owner
CE09040548: Ernesto Hidalgo, owner
CT09012109: Mark Hunt, owner's son-in-law; John Bogan, tenant

NOTE: All individuals who presented information to the Special Magistrate during these proceedings were sworn in.

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

Case: CE09080820

Edward Carlisle III
504 Southeast 19 Street

Service was via the appearance of the owner at this hearing.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana explained the owner was in the process of rezoning and redeveloping the property. The property was vacant, but the owner intended to rent the property to boat crews from October through March. After that, the property would be demolished. She recommended ordering compliance within 182 days or a fine of \$100 per day.

Mr. Edward Carlisle, owner, said he was taking bids to demolish the property.

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$100 per day.

Case: CE09071388

Vanessa Holdings Inc
205 Northeast 3 Street

Service was via posting on the property on 8/31/09 and at City Hall on 9/3/09.

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:
47-21.13 A.

THERE IS A DEAD TREE ON THIS PROPERTY.

Officer Thime presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 30 days or a fine of \$25 per day.

Mr. Kaizer Talib, owner, stated the property was under foreclosure and there was a beehive in the tree. He requested an extension to have the beehive and tree removed. He presented a letter he had written to the bank asking that a custodian be appointed.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$25 per day.

Case: CE09051931

Request for extension

Cecil & Rosella Harpaul
2735 Southwest 8 Street

This case was first heard on 8/6/09 to comply by 9/17/09. Violations were as noted in the agenda. The property was not complied fines would begin to accrue on 9/18/09.

Mr. Dick Eaton, Code Enforcement Officer, reported the property was clean. The remaining issue was work without permits. Five permits had been issued, so the owner was progressing toward compliance. He recommended a 49-day extension.

Ms. Jasmine Rodriguez, the owner's daughter, said she was taking care of the building and work was coming along. The contractor estimated work would be complete in two to three weeks.

Ms. Flynn granted a 49-day extension, during which time no fines would accrue, and ordered the respondent to reappear at that hearing.

Case: CE08031661

Request for extension

Esposito Enterprises Inc
2902 East Sunrise Boulevard

This case was first heard on 5/21/09 to comply by 7/24/09 and 8/27/09. Violations were as noted in the agenda. Fines had accrued to \$6,000.

Mr. Adam Feldman, Code Enforcement Officer, said the owners had site plan approval, but there was still an issue regarding the parking spaces that would be lost with the current site plan. The owner was working with Terry Burgess on this issue. Officer Feldman recommended a 126-day extension, and ordering the respondent to reappear at that hearing.

Mr. Vincenzo Esposito, owner, agreed to Officer Feldman's recommendation.

Ms. Flynn granted a 126-day extension, during which time no fines would accrue, and ordered the respondent to reappear at that hearing.

Case: CE09081727

Gaetano & Vanessa Anna Cutrufo
340 Southwest 16 Court

Service was via the appearance of the owner at this hearing.

Ms. Tammy Arana, Fire Inspector, testified to the following violations:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN ACCORDANCE WITH NFPA 31.3.4.5.1.

NFPA 1:13.6.6.8.3.1

THE FIRE EXTINGUISHER(S) HAS/HAVE NOT BEEN SERVICED AND TAGGED BY A STATE LICENSED COMPANY WITHIN THE PAST 12 MONTHS.

Inspector Arana stated the owner had been trying to sell the property and avoid having to install the smoke detectors, but was now willing to install the smoke detectors. She recommended ordering compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day and with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$50 per day.

Mr. Gaetano Cutrufo, owner, agreed to Inspector Arana's recommendations.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day and with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$50 per day.

Case: CE09070028

Courtney Case Inc
1395 West Sunrise Boulevard

Certified mail sent to the registered agent was accepted on 8/28/09.

Mr. Karl Lauridsen, Landscape Inspector, testified to the following violation:

47-21.8.A.

THREE DEAD LYSILOMA SABICO STREET TREES REQUIRE REMOVAL AND REPLACEMENTS INSTALLED.

Officer Lauridsen reported the dead trees had been removed but not replaced. He recommended ordering compliance within 30 days or a fine of \$25 per day.

Mr. Courtney Case, owner, said he had removed the dead trees and was working on replacing them. Mr. Case said he had tenants who were not able to pay the rent, and requested 40 days to replace the trees.

Ms. Flynn found in favor of the City and ordered compliance within 42 days or a fine of \$25 per day.

Case: CE08121173

Tansy Avant Estate
C/O Katherine S Dely Esquire
628 Northwest 22 Road

This case was first heard on 4/16/09 to comply by 7/16/09. Violations were as noted in the agenda. The property was complied, fines had accrued to \$700 and the City was recommending no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE09061042

Norman Grange Taylor III
1450 North Dixie Highway

Service was via posting on the property on 8/31/09 and at City Hall on 9/3/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana recommended ordering compliance within 42 days or a fine of \$250 per day.

Mr. Norman Taylor, owner, said he had not received prior notice because it had been sent to an old address. Mr. Taylor asked what the criteria were for being cited because he believed his neighbors should have been cited. Inspector Arana explained that buildings with three or more units must have hardwired smoke detectors and Mr. Taylor's neighbors had been cited. She described her efforts to notify Mr. Taylor of the violation. Inspector Arana recommended allowing 42 days to obtain bids and have the smoke detectors installed.

Ms. Flynn found in favor of the City and ordered compliance within 42 days or a fine of \$250 per day.

Case: CT09041514

Geoffrey Calderone
1307 Southwest 23 Court

This case was first heard on 6/18/09 to comply by 7/2/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, \$400.18 in clean-up costs and a \$1,550 fine.

Mr. Geoffrey Calderone, owner, said he had declared bankruptcy in 2006, it had been discharged in 2007 and according to his attorney, he had not owned the property since then. He needed to inform the property appraiser of this situation.

Ms. Wald explained that the City used the Property Appraiser's Office address records for the Special Magistrate cases. She said the City was unaware of how the bankruptcy was discharged.

Mr. Mark Campbell, Code Enforcement Officer, said there had been a final judgment on 6/2/09 but the sale had been cancelled.

Ms. Flynn said since she had no proof of the bankruptcy, she would impose hard costs of \$600.18. She informed Mr. Calderone that even if he proved he had not owned the property since 2006, he must pay the fine because according to the City's records he was still the property owner. Mr. Calderone said he had sent the documents to the City and he objected to Ms. Flynn's ruling.

Ms. Flynn imposed \$600.18 in hard costs.

Case: CE09040548

Ustun Atac Estate
3012 Seville Street

Request for extension

This case was first heard on 5/21/09 to comply by 8/6/09. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$10,250.

Ms. Tammy Arana, Fire Inspector, explained Mr. Atac had purchased the property since the violation was cited. She recommended a 63-day extension for the owner to obtain bids and have the work done.

Mr. Ernesto Hidalgo, owner, agreed to comply within 63 days.

Ms. Flynn granted a 63-day extension, during which time no fines would accrue.

Case: CE09050435

Steven A Leeds
2617 Northeast 27 Way

This case was first heard on 7/16/09 to comply by 8/20/09. Violations were as noted in the agenda. The property was complied and fines had accrued to \$2,500.

Mr. Steven Leeds, owner, waived the right to notice of a Massey hearing and asked that the fines be addressed.

Ms. Mary Rich, Code Enforcement Officer, did not object to reduction of the fines.

Mr. Leeds said he had worked with Officer Rich to comply the property.

Ms. Flynn imposed no fine.

Case: CE09021112

Arch James & Kay C Oliver
651 North Andrews Avenue

This case was first heard on 7/16/09 to comply by 8/13/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,400 fine, which would continue to accrue until the property complied.

Mr. Raymond Nyhuis, the owner's agent, said the property had been 60% covered with ground cover and the rest had been damaged when the City repaired the sidewalk.

Mr. Wilson Quintero, Code Enforcement Officer, reported the property was not complied, and presented photos taken the previous day. He said Mr. Nyhuis had made a complaint to Risk Management regarding the damage to the property. Officer Quintero stated the property was still bare of grass, and asked that the fines be imposed and continue to accrue.

Mr. Nyhuis said he had not made a complaint regarding the new damages; he wanted to wait until after this hearing, so he could inform Risk Management that he was being assessed fines. He clarified that he had planted the entire site.

Ms. Flynn asked Mr. Nyhuis for proof he had planted the property and he stated he had not paid for the product so he had no receipt.

Ms. Flynn imposed the \$3,400 fine, which would continue to accrue until the property complied.

Case: CE09080818

Brooks Family Properties LLC
410 Southeast 16 Street

Certified mail sent to the owner was accepted on 9/1/09 and certified mail sent to the registered agent was accepted on 9/1/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana said the owner had pulled the permit and requested time to comply; she recommended ordering compliance within 35 days or a fine of \$250 per day.

Mr. Dennis Brooks, owner, requested 35 days to complete the work.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$250 per day.

Case: CE09050526 Request for extension
Johnnie L Rhodes, Dana Rhodes-Hurley, et al
2700 Northwest 16 Street

This case was first heard on 8/6/09 to comply by 9/10/09. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$525.

Mr. Johnnie Rhodes, owner, explained he was on disability due to heart surgery and could not afford to hire someone to do the work.

Mr. Adam Feldman, Code Enforcement Officer, said Officer Gottlieb had indicated nothing had been done on the property and she opposed any additional extensions.

Ms. Flynn granted a 28-day extension, during which time no fines would accrue.

Case: CE08090725
Friona Family Real Estate
201 Northwest 20 Avenue

Service was via the appearance of the owner at this hearing.

Mr. Adam Feldman, Code Enforcement Officer, testified to the following violations:
47-19.5.E.7.

THE FENCE IS IN DISREPAIR IN THAT THE MATERIAL
COVERING IT IS NOT PROPERLY ATTACHED; THE MATERIAL
COVERING IT IS DAMAGED/BENT AND PULLED AWAY FROM
THE FENCE; THE MATERIAL THAT IS COVERING THE FENCE HAS
GRAFFITI PAINTED ON IT.

47-34.1.A.1.

THE PROPERTY IS BEING USED FOR OUTDOOR STORAGE OF
MATERIALS, VEHICLES, TRAILERS AND MISCELLANEOUS
EQUIPMENT. THIS IS NON-PERMITTED LAND USE IN B-1

ZONING, PER TABLE A, SECTION 47-6.11 OF THE
U.L.D.R.

Withdrawn:

18-27(a)

Complied:

9-306

Officer Feldman remarked there had been significant progress made on the property, but the owner disagreed with the City's determination of the property's zoning. He presented the case file into evidence, requested a finding of fact and recommended ordering compliance within 35 days or a fine of \$50 per day, per violation. Officer Feldman said Mt. Friona would meet with zoning staff regarding that issue.

Mr. Philip Friona, owner, agreed to Officer Feldman's recommendation.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day, per violation.

Case: CE09010615

Patrice Campbell

2161 Southwest 35 Avenue

This case was first heard on 3/5/09 to comply by 3/15/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of \$261.50 in board-up costs and a \$700 fine.

Mr. Mark Campbell, Code Enforcement Officer, explained there was a discrepancy regarding the board-up costs and how many doors had been secured.

Mr. John Gossman, Code Enforcement Supervisor, wanted to clarify the board-up costs with the contractor, and suggested an extension.

Mr. Michael Andrew Hlavsa, tenant, said he had lived in the house during the time it was supposed to have been boarded up, and the house had not been boarded up. He added the interior of the building had not been accessible through broken windows and doors as alleged.

Ms. Flynn granted a 14-day extension, during which time no fines would accrue, and ordered the respondent to attend the 10/1/09 hearing.

Case: CT09012109

Jane C Gangemi

3151 Northwest 66 Street

This case was first heard on 4/30/09 to comply by 7/30/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$150 civil penalty and a \$7,200 fine, which would continue to accrue until the property complied.

Mr. Sal Viscusi, Code Enforcement Officer, explained the screen enclosure had been damaged in hurricane Wilma and the owner was still arguing with the mortgage and insurance companies about repairs. Officer Viscusi said he would not object to a 182-day extension, provided a temporary barrier fence was erected to protect the public from the pool.

Mr. Mark Hunt, the owner's son-in-law, explained his mortgage company had not wanted to give the owner the insurance money and then the mortgage company had been taken over by Bank of America, with whom he was still arguing. He agreed to erect the temporary fencing for safety.

Ms. Flynn granted a 182-day extension, during which time no fines would accrue, and ordered the respondent to reappear at the 3/18/10 hearing.

Case: CE09020931

Joel Victor Klass
1737 Southeast 13 Street

Service was via posting on the property on 8/31/09 and at City Hall on 9/3/09.

Mr. William Snow, Code Enforcement Officer, testified to the following violation:
47-21.6.L.

THE PROPERTY IS A VACANT LOT THAT HAS AREAS OF
BARE SAND. ALL UNDEVELOPED PORTIONS OF A PARCEL
OF LAND MUST BE LEFT UNDISTURBED OR PLANTED WITH
GROUND COVER OR LAWN SO AS TO LEAVE NO EXPOSED
SOIL.

Officer Snow explained the owner intended to build a house on this lot, and he did not want to invest in laying sod where the house would be constructed. Officer Snow presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 91 days or a fine of \$25 per day.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$25 per day.

Case: CE09061902

Blair International Inc
503 Southwest 16 Street

Service was via posting on the property on 9/1/09 and at City Hall on 9/3/09.

Ms. Barbara Urow, Code Enforcement Officer, testified to the following violation:
47-19.1.C.

THERE IS OUTDOOR STORAGE INCLUDING BUT NOT LIMITED
TO A PORT-A-POTTY AND ROOF TILES ON THIS ABANDONED
CONSTRUCTION SITE.

Officer Urow presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$25 per day.

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

Case: CE09072491

Joseph Lamour
652 Southwest 16 Avenue

Certified mail sent to the owner was accepted on 8/31/09.

Mr. Andre Cross, Code Enforcement Officer, testified to the following violation:
9-280(f)

THE OCCUPIED 4-PLEX BUILDING AT THIS LOCATION DOES
NOT HAVE THE REQUIRED CITY WATER SERVICE TO THE
BUILDING.

Officer Cross presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day.

Case: CE09081159

Christopher White
2505 Center Avenue

Personal service had been made to the owner on 8/31/09; service was also via posting at City Hall on 9/3/09.

Mr. Mario Sotolongo, Code Enforcement Officer, testified to the following violation:
47-34.4 B.3.a.

COMMERCIAL VEHICLE BEING STORED ON A RESIDENTIAL
ZONED PROPERTY; SPECIFICALLY, A WHITE FORD BOX

TRUCK WITH SIX WHEELS AND COMMERCIAL SIGNS AFFIXED TO THE BOX AND TRUCK CAB. DUE TO THE RECURRING NATURE OF THIS VIOLATION, THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER THE VIOLATION COMPLIES PRIOR TO THE HEARING OR NOT.

Officer Sotolongo reported the property was complied. He stated this owner had been cited at least twice in the past year for this violation. He presented photos of the property and the case file into evidence, and asked Ms. Flynn to find the violation had existed as cited so that in the future the property could be cited for a repeat violation and fined up to \$500 per day.

Ms. Flynn found the violation had existed as cited.

Case: CE09050380

Ana Cristina Ferro
501 Northeast 4 Avenue

Service was via posting on the property on 8/28/09 and at City Hall on 9/3/09.

Mr. Wilson Quintero, Code Enforcement Officer, testified to the following violation:
9-280(b)

THERE ARE BUILDING COMPONENTS ON THIS PROPERTY THAT ARE IN DISREPAIR OR NOT BEING MAINTAINED. THEY INCLUDE, BUT ARE NOT LIMITED TO WINDOWS, FASCIA BOARDS, SOFFITS, ETC.

Officer Quintero explained the owner was awaiting a loan from Community Development to help fix up the property. He presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 56 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 56 days or a fine of \$50 per day.

Case: CE09060712

Thomas Tejada
1225 Northwest 2 Street

Stipulated agreement

Violation:
47-20.13.A.

THE PARKING FACILITY TO THIS RESIDENTIAL RENTAL FOUR-PLEX IS NOT A PAVED SURFACE OR HARD/DUST FREE MATERIAL.

The City had a stipulated agreement with the owner to comply within 182 days or a fine of \$50 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Ms. Flynn found in favor of the City, approved the stipulated agreement and ordered compliance within 182 days or a fine of \$50 per day.

Case: CE09072705

George W & Mary Brennen
110 Kentucky Avenue

Certified mail sent to the owner was accepted on 8/28/09.

Mr. Dick Eaton, Code Enforcement Officer, testified to the following violation:
BCZ 39-275(7)

MORE THAN ONE COMMERCIAL VEHICLE IS BEING STORED /
PARKED IN PLAIN VIEW AT THIS RESIDENTIAL PROPERTY.

Officer Eaton presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$25 per day.

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

Case: CE09050886

Edward R & Knox McMurphy
725 Isle Of Palms

Certified mail sent to the owner was accepted 8/31/09; service was also via posting at City Hall on 9/3/09.

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:
47-21.6.L

VACANT LOT HAS AREAS OF BARE SAND WHICH HAVE
MISSING LIVING GROUND COVER.

Officer Thime said construction vehicles had been parking on this vacant lot and ruing the sod, so the owner had re-sodded and fenced the property. Officer Thime presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 35 days or a fine of \$25 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$25 per day.

Case: CE09070096

The Paseo Del Mar L P
1700 East Sunrise Boulevard

Certified mail sent to the owner was accepted on 9/1/09 and certified mail sent to the registered agent was accepted on 8/31/09.

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:
47-19.5.D.5.

THE CONCRETE WALL AT THIS LOCATION HAS BROKEN & MISSING CONCRETE. THE WALL HAS NOT BEEN REPAIRED CONSISTENT WITH THE ORIGINAL MATERIALS. THE WALL IS MILDEW STAINED AND HAS SEVERAL COLORS OF PAINT FROM PREVIOUS REPAIRS THAT DO NOT MATCH THE ORIGINAL COLOR.

Officer Thime said the owner would clean the wall and paint it with graffiti-resistant paint. She presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 35 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$100 per day.

Case: CE09060886

3644 Southwest 21 Street
HGMC Finance Inc

Certified mail sent to the owner was accepted on 8/31/09 and certified mail sent to the registered agent was accepted on 9/2/09.

Mr. Mark Campbell, Code Enforcement Officer, testified to the following violation:
47-21.6 L.

ALL UNDEVELOPED PORTIONS OF A PARCEL OF LAND SHALL BE LEFT UNDISTURBED OR PLANTED WITH GROUND COVER OR LAWN SO AS TO LEAVE NO EXPOSED SOIL IN ORDER TO PREVENT DUST OR SOIL EROSION.

Officer Campbell presented photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 21 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 21 days or a fine of \$50 per day.

Case: CE09071730

William Bebluk & Ronald R Rogowski
490 Southeast 21 Street

Service was via posting on the property on 8/31/09 and at City Hall on 9/3/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violations:

NFPA 1:10.12.1.2

ADDRESS AND/OR UNIT NUMBERS ARE NOT POSTED CONSISTENT
WITH THE CODE

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Complied:

NFPA 1:11.1.5

NFPA 1:13.6.6.8.3.1

NFPA 1:1.12.1

Inspector Arana recommended ordering compliance with NFPA 1:10.12.1.2 within 42 days or a fine of \$50 per day and with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 1:10.12.1.2 within 42 days or a fine of \$50 per day and with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day.

Case: CE09071798

Gary L & Carroll A Hertzfeldt
5230 Northeast 14 Way

Service was via posting on the property on 8/31/09 and at City Hall on 9/3/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana recommended ordering compliance within 42 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 42 days or a fine of \$250 per day.

Case: CE09071803

Ralph E Decurzio
1500 Northeast 62 Street

Service was via posting on the property on 8/31/09 and at City Hall on 9/3/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana said the owner had applied for the permit. She recommended ordering compliance within 35 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$250 per day.

Case: CE09080538

Wells Fargo Bank Trustee
C/O Select Portfolio Servicing
1540 Southwest 5 Place # 1

Certified mail sent to the owner was accepted on 8/31/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 1:13.6.6.8.3.1

THE FIRE EXTINGUISHER(S) HAS/HAVE NOT BEEN SERVICED AND
TAGGED BY A STATE LICENSED COMPANY WITHIN THE PAST 12
MONTHS.

Inspector Arana recommended ordering compliance within 28 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day.

Case: CE09080598

Walgreen Co
1201 South Federal Highway

Certified mail sent to the owner was accepted on 8/31/09 and certified mail sent to the registered agent was accepted [no date].

Ms. Tammy Arana, Fire Inspector, testified to the following violations:

NFPA 25:12.7.1

THE FIRE DEPARTMENT CONNECTION (FDC) CAP(S)/PLUG(S) IS(ARE)
MISSING.

NFPA 25:5.3.3.1

THE SPRINKLER SYSTEM ALARM BELL DOES NOT FUNCTION AS
DESIGNED.

Complied:

NFPA 101:7.10.5.2.1

Inspector Arana recommended ordering compliance within 28 days or a fine of \$250 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$250 per day, per violation.

Case: CE09080606

Suntrust Mortgage Inc
% Florida Default Law Group
2502 Northeast 29 Street

Certified mail sent to the owner was accepted on 8/31/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana recommended ordering compliance within 28 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$250 per day.

Case: CE09080816

Second Avenue Building LLC
3008 Southeast 4 Avenue

Certified mail sent to the owner was accepted on 8/28/09 and certified mail sent to the registered agent was accepted on 8/31/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Complied:

NFPA 1:13.6.6.8.3.1
NFPA 1:10.12.1.2

Inspector Arana stated the owner was currently getting sign-off on the smoke detectors. She recommended ordering compliance within 14 days or a fine of \$100 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day, per violation.

Case: CE09081723

Mark H Brown & Jill E Judy
301 Southwest 12 Court

Certified mail sent to the owner was accepted on 9/2/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana stated the owner was awaiting final inspection. She recommended ordering compliance within 14 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day.

Case: CE09081738

Ilona Michna Trust
400 Southeast 15 Street

Certified mail sent to the owner was accepted on 8/31/09.

Ms. Tammy Arana, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

HARDWIRED SMOKE DETECTORS ARE NOT INSTALLED IN
ACCORDANCE WITH NFPA 31.3.4.5.1.

Inspector Arana recommended ordering compliance within 28 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$250 per day.

Case: CT09071081

Alexander L Domb, Trustee
1430 South Ocean Drive

Certified mail sent to the owner was accepted on 8/19/09, service was also via posting at City Hall on 9/3/09.

18-27(a)

THERE IS OVERGROWTH, TRASH AND DEBRIS THROUGHOUT THIS PROPERTY INCLUDING THE SWALE AREA. THE PAVER DRIVE IS FILLED WITH OVERGROWTH AS WELL.

Pursuant to Section 11-19, a Citation Violation Notice dated 7/27/09 had informed the owner that he must comply the violation(s), request an administrative hearing to appeal the citation and/or pay a civil penalty. The property was not complied and the owner had not requested an administrative hearing to appeal the citation or paid the civil penalty. Officer Eaton presented a copy of the affidavit of non-compliance, photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 14 days or a fine of \$50 per day.

Case: CT09071122

Jorge Popovitch
6720 Northwest 29 Lane

Personal service was made to the owner on 8/21/09. Service was also via posting at City Hall on 9/3/09.

18-12(a)

THERE IS LAWN OVERGROWTH ON THE PROPERTY, SURROUNDING SWALE AREAS, AND THE REAR UTILITY EASEMENT ON THIS PROPERTY. THERE IS ALSO AN OVERGROWN TREE THAT THE FOLIAGE HAS GROWN OUT INTO AND IS OBSTRUCTING NW 67 CT.

Pursuant to Section 11-19, a Citation Violation Notice dated 7/29/09 had informed the owner that he must comply the violation(s), request an administrative hearing to appeal the citation and/or pay a civil penalty. The property was not complied and the owner had not requested an administrative hearing to appeal the citation or paid the civil penalty. Officer Viscusi presented a copy of the affidavit of non-compliance, photos of the property and the case file into evidence, requested a finding of fact and

recommended ordering compliance within 10 days or a fine of \$100 per day with the right to mow and clear the property.

Ms. Flynn found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day with the right to mow and clear the property.

Case: CT09062598

Pedro O Padron
730 Northeast 19 Avenue

Certified mail sent to the owner was accepted 8/21/09. Posting was also via posting at City Hall on 9/3/09.

18-27(a)

THERE IS RUBBISH TRASH AND DEBRIS SCATTERED ABOUT THIS PROPERTY, INCLUDING PILES OF DEAD PALM FRONDS, CONSTRUCTION DEBRIS, ETC. THE PROPERTY HAS BECOME OVERGROWN AND THE LANDSCAPE HAS NOT BEEN MAINTAINED.

Pursuant to Section 11-19, a Citation Violation Notice dated 7/15/09 had informed the owner that he must comply the violation(s), request an administrative hearing to appeal the citation and/or pay a civil penalty. The property was not complied and the owner had not requested an administrative hearing to appeal the citation or paid the civil penalty. Officer Thime presented a copy of the affidavit of non-compliance, photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 10 days or a fine of \$25 per day with the right to cut and clean the property.

Ms. Flynn found in favor of the City and ordered compliance within 10 days or a fine of \$25 per day with the right to cut and clean the property.

Case: CT09050657

Norwig Hernandez
2070 Northeast 62 Street

This case was first heard on 7/16/09 to comply by 7/26/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$200 civil penalty and a \$5,200 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$200 civil penalty and the \$5,200 fine, which would continue to accrue until the property complied.

Case: CE09060496

Steven & Joshua Margolis
2019 Southwest 29 Avenue

This case was first heard on 7/16/09 to comply by 7/26/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 fine.

Ms. Flynn imposed the \$200 fine.

Case: CE08020296

Elizabeth Rosario
633 Solar Isle

This case was first heard on 5/15/08 to comply by 5/29/08. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$11,875 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$11,875 fine, which would continue to accrue until the property complied.

Case: CE08121210

Ronnie Lee Rolax & Patricia A R Howard, et al
427 Northwest 20 Avenue

This case was first heard on 7/16/09 to comply by 7/26/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$5,200 fine, which would continue to accrue until the property complied.

Mr. Ronnie Rolax, owner, said he had moved the debris and he had bought the window. He requested an extension of time to install the window.

Mr. Wilson Quintero, Code Enforcement Officer, said the property was not in compliance and the fine should be imposed. He stated the property was occupied and he had received many complaints about the property residents. There was a lot of criminal activity on the property and it had been occupied without water service.

Ms. Flynn imposed the \$5,200 fine, which would continue to accrue until the property complied.

Case: CE09030603

Ernst Lemaistre & Carole Innocent
2504 Northwest 21 Street

This case was first heard on 5/21/09 to comply by 6/25/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$23,900 fine, which would continue to accrue until the property complied. .

Ms. Flynn imposed the \$23,900 fine, which would continue to accrue until the property complied. .

Case: CE09031355

Jeffrey A Baron
626 Northwest 21 Terrace

This case was first heard on 6/18/09 to comply by 7/16/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$1,125 fine.

Ms. Flynn imposed the \$1,125 fine.

Case: CE09051546

Elizabeth Rosario
633 Solar Isle

This case was first heard on 6/18/09 to comply by 6/28/09. Violation were as noted in the agenda. The property was complied and the City was requesting imposition of \$223.32 for board-up costs and a \$1,600 fine.

Ms. Flynn imposed the \$223.32 for board-up costs and a \$1,600 fine.

Case: CT09050057

Galleria Development LLC
1312 Northeast 2 Street

This case was first heard on 7/16/09 to comply by 7/26/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$200 civil penalty and a \$5,200 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$200 civil penalty and a \$5,200 fine, which would continue to accrue until the property complied.

Case: CE08031781

Heinrich Buettner
3110 Auramar Street

This case was first heard on 6/18/09 to comply by 7/23/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$8,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$8,100 fine, which would continue to accrue until the property complied.

Case: CT09060283

Heinrich Buettner
3110 Auramar Street

This case was first heard on 8/6/09 to comply by 8/16/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$200 civil penalty and a \$3,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$200 civil penalty and a \$3,100 fine, which would continue to accrue until the property complied.

Case: CE08081686

SHR Trust
3562 North Ocean Boulevard

This case was first heard on 12/4/08 to comply by 4/2/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$650 and the City was recommending no fines be imposed.

Ms. Flynn imposed no fine.

Case: CE08102226

Martha V Allen
606 Southwest 16 Street

This case was first heard on 3/19/09 to comply by 7/16/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,550 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$1,550 fine, which would continue to accrue until the property complied.

Case: CT09050719

Park Lane Developers LLC
705 Southeast 21 Street

This case was first heard on 7/16/09 to comply by 7/30/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, \$350.07 in clean-up costs and a \$700 fine.

Ms. Flynn imposed the \$200 civil penalty, \$350.07 in clean-up costs and the \$700 fine.

Case: CT09051728

Park Lane Developers LLC
605 Southeast 21 Street

This case was first heard on 7/16/09 to comply by 7/30/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, \$350.07 in clean-up costs and a \$700 fine.

Ms. Flynn imposed the \$200 civil penalty, \$350.07 in clean-up costs and a \$700 fine.

Case: CE08061007

Matthew Whitehead
1210 Northwest 2 Street

This case was first heard on 10/2/08 to comply by 10/16/08. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$92,300 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$92,300 fine, which would continue to accrue until the property complied.

Case: CE09021884

James L & Nancy A Rice
3171 Southwest 23 Court

This case was first heard on 4/2/09 to comply by 4/12/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of \$539.40 in board-up costs and a \$9,800 fine.

Ms. Flynn imposed the \$539.40 in board-up costs and a \$9,800 fine.

Case: CT09021870

James L & Nancy A Rice
3171 Southwest 23 Court

This case was first heard on 5/21/09 to comply by 6/4/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty and a \$2,050 fine.

Ms. Flynn imposed a \$200 civil penalty and a \$2,050 fine.

Case: CT09040245

Tamir Bartov

917 Mandarin Isle

This case was first heard on 6/18/09 to comply by 7/2/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, clean-up costs of \$822 and a \$1,400 fine.

Ms. Flynn imposed the \$200 civil penalty, clean-up costs of \$822 and a \$1,400 fine.

Case: CT09031860

Bartholomew Kissel & Douglas O'Reilly
3049 Coral Shores Drive

This case was first heard on 6/18/09 to comply by 6/28/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, clean-up costs of \$496.18 and a \$450 fine.

Ms. Flynn imposed a \$200 civil penalty, clean-up costs of \$496.18 and a \$450 fine.

Case: CT09042085

John Peter Dowdell
2801 Northeast 24 Street

This case was first heard on 7/16/09 to comply by 7/26/09. Violations were as noted in the agenda. The property was not complied, and the City was requesting imposition of a \$200 civil penalty and a \$5,200 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed a \$200 civil penalty and a \$5,200 fine, which would continue to accrue until the property complied.

Case: CT09051746

Federal Home Loan Mortgage Corp
1800 Northeast 20 Street

This case was first heard on 8/6/09 to comply by 8/16/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$200 civil penalty and a \$3,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$200 civil penalty and a \$3,100 fine, which would continue to accrue until the property complied.

Case: CT09061823

Shelia A Williams Estate
1145 Northeast 15 Avenue

This case was first heard on 7/16/09 to comply by 7/26/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, clean up costs of \$400.18 and a \$200 fine.

Ms. Flynn imposed the \$200 civil penalty, clean up costs of \$400.18 and a \$200 fine.

Case: CE08101508

Rufus & Carolyn Terry
1621 Northwest 18 Avenue

This case was first heard on 3/19/09 to comply by 4/23/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$9,600 fine, which would continue to accrue until the property complied. .

Ms. Flynn imposed the \$9,600 fine, which would continue to accrue until the property complied. .

Case: CT09041918

We Buy Real Estate Trust 746
David Bromley Trustee
746 Northwest 19 Terrace

This case was first heard on 7/16/09 to comply by 7/30/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, clean-up costs of \$435.35 and a \$350 fine.

Ms. Flynn imposed the \$200 civil penalty, clean-up costs of \$435.35 and a \$350 fine.

Case: CT09050334

Deborah A Campion
1576 Northwest 15 Terrace

This case was first heard on 7/16/09 to comply by 7/30/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, clean-up costs of \$565.08 and a \$300 fine.

Ms. Flynn imposed the \$200 civil penalty, clean-up costs of \$565.08 and a \$300 fine.

Case: CT09050872

Rosalía C De Camargo
1063 Northwest 13 Street

This case was first heard on 7/16/09 to comply by 7/30/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty, clean-up costs of \$638.34 and a \$350 fine.

Ms. Flynn imposed the \$200 civil penalty, clean-up costs of \$638.34 and a \$350 fine.

Case: CE09030077

Phillip R & Joyce Ann Schuman
443 Hendricks Isle

This was a request to vacate the order dated 4/16/09.

Ms. Flynn vacated the order dated 4/16/09.

Case: CE09030809

Lois M Stringi
1101 Northeast 5 Terrace

This case was first heard on 4/30/09 to comply by 7/2/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$15,750 fine.

Ms. Tammy Arana, Fire Inspector, said she thought the owner had not understood that fines would accrue. The owner had intended to attend this hearing, but had come down with the flu. Inspector Arana recommended imposition of \$520 for administrative costs.

Ms. Flynn imposed a \$520 fine.

Case: CE09031065

Rivers Bend Condo Association
1839 Middle River Drive

This was a request to vacate the order dated 4/30/09.

Ms. Flynn vacated the order dated 4/30/09.

Case: CE08120936

Montclair Gardens Condo Association
2170 Northeast 51 Court

This was a request to vacate the order dated 2/5/09.

Ms. Flynn vacated the order dated 2/5/09.

Cases Complied

Mr. McKelligett 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:

CE09081068	CE09072065	CE09070793	CE09070678
CE09071795	CE09071802	CE09071825	CE09080349
CE09080959	CE09080823	CE09080965	CE09080968
CE09081729	CE09081733		

Cases Pending Service

Mr. McKelligett 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:

CE09070422	CE09062595	CE09080800	CE09080958
CE09080963	CE09081724	CE09081734	CE09081742
CE09021278			

Cases Withdrawn

Mr. McKelligett 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:

CE09080615	CE09080617	CE09080619
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Cases Closed

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

CE09060584	CE09080803	CE09080805	CE09080806
CE09080808	CE09080809	CE09080810	CE09080811
CE09080813	CE09080814	CT09060974	

Cases Rescheduled

Mr. McKelligett 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:


CE09061245	CE09080970
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There being no further business, the hearing was adjourned at **11:07 a.m.**



Special Magistrate

ATTEST:



Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services