

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
JUDGE MARK PURDY PRESIDING
MARCH 18, 2010
9:00 A.M. –11:57 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
Cheryl Pingitore, Code Enforcement Supervisor
Lindwell Bradley, Code Enforcement Supervisor
Andre Cross, Code Enforcement Officer
Adam Feldman, Code Enforcement Officer
Ingrid Gottlieb, Code Enforcement Officer
Todd Hull, Code Enforcement Officer
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
Ron Tetreault, Fire Inspector
Ursula Thime, Senior Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE09090939: Mel Rubenstein, complainant; Shaun Zaciewski, attorney; Stephen Tilbrook, attorney; Linda Socolow, attorney; Dahlia Hirsch, complainant
CE09091535: Fernando Ramirez, general contractor
CE10022175: David Ferguson, attorney; Julie Bruno, doctor; Timothy Smith, complainant; Michael Madfis, architect; Margery Anderson, complainant; Natalie Alazrachi, director/owner; Gregorio Subira, Chief of Security; Caldwell Cooper, complainant; Gerry Cooper, complainant
CE09100794; CE09100795: Ramon Estevez, owner
CE09121091: CE09121100: Neil Rubin, owner
CE10010525: Becker Loor, owner
CE10020003; CE10020013; CE10020004; CE10020007; CE10020008; CE10020009; CE10020010; CE10020011; CE10020012; CE10020006: Daniel Taylor, attorney
CT09091789: Joanne Galipault, attorney
CE09060712: Thomas Tejada, owner
CE10011402: Marcelo Saiegh, owner; Bernard Leibov, corporation representative
CE09090789: Hattie Turk Lee, owner

CE09081595: Dewain Akerblom, owner's son
CE10012088: Louis McCutcheon, owner
CE08110002: Polly Rutnik, owner's representative
CE10010553: Kenneth Whitman, attorney; Frank Talerico, owner; Jeremy Zubkoff, complainant; Henny Orfaly, complainant; Vural Uluer, complainant; Ronald Bibace, complainant; Gladys Aswad, complainant

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: CE09090789

Hattie Lee
2309 Northwest 14 Street

Certified mail sent to the owner was accepted on 3/3/10.

Ms. Ingrid Gottlieb, Code Enforcement Officer, testified to the following violation:
47-19.2 EE.

THERE IS A SHED IN THE REAR OF THIS PROPERTY THAT HAS BEEN INSTALLED WHICH IS APPROXIMATELY 30 FEET IN LENGTH, AND EXCEEDS THE MAXIMUM PERMITTED SIZE OF ONE HUNDRED GROSS SQUARE FEET. A SHED SHALL BE NO GREATER THAN TWELVE FEET IN LENGTH ON ANY SIDE AND SHALL BE NO LARGER IN AREA THAN ONE HUNDRED GROSS SQUARE FEET.

Officer Gottlieb had spoken with the owner, who was working on plans to move the shed to another property outside the City. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$25 per day.

Ms. Hattie lee, owner, agreed to comply within 63 days.

Judge Purdy found in favor of the City and ordered compliance within 63 days or a fine of \$25 per day would begin to accrue.

The following two cases for the same owner were heard together:

Case: CE09100794

Seark LLC
608 Southwest 16 Avenue

Request for extension

This case was first heard on 1/21/10 to comply by 2/25/10. Violations were as noted in the agenda. Fines had accrued to \$3,000.

Mr. Andre Cross, Code Enforcement Officer, said this was a new owner, who had done a lot of work on the property. He recommended an extension.

Mr. Ramon Estevez, owner, reported they had installed windows and doors, and he believed the final inspection would be the following week.

Judge Purdy granted a 28-day extension during which time no fines would accrue and ordered the respondent to reappear at that hearing.

Case: CE09100795 Request for extension
Seark LLC
608 Southwest 16 Avenue

This case was first heard on 1/21/10 to comply by 2/25/10. Violations were as noted in the agenda. Fines had accrued to \$3,000.

Judge Purdy granted a 28-day extension during which time no fines would accrue and ordered the respondent to reappear at that hearing.

Case: CE09081595 Request for extension
Carol E & Jeanne M Akerblom
2630 Southwest 15 Street

This case was first heard on 11/5/09 to comply by 1/7/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$600.

Mr. Dewain Akerblom, the owner's son, reported they had pulled three permits for their Chula Vista homes. They were waiting for a basin to be opened to access the sewer tie-ins. He requested 60 days.

Mr. Andre Cross, Code Enforcement Officer, did not object to the request for an extension.

Judge Purdy granted a 63-day extension during which time no fines would accrue.

The following 10 cases for the same owner were heard together:

Case: CE10020003
Villa Medici Association Inc
1033 Northeast 17 Way Bldg # 1

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Inspector Tetreault had visited the property, and work was ongoing to comply all of the violations. He recommended ordering compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Mr. Daniel Taylor, attorney, agreed to comply with Inspector Tetreault's terms for all ten of the buildings.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020004

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 2

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020006

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 3

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020007

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 4

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020008

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 5

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020009

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 6

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:1.7.6.2 FA

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020010

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 7

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020011

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 8

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020012

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 9

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE10020013

Villa Medici Association Inc
1033 Northeast 17 Way, Bldg # 10

Certified mail sent to the owner was accepted on 2/17/10 and certified mail sent to the registered agent was accepted on 2/17/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 1:18.3.4.3

FDC SIGN CONSISTENT WITH NFPA 1:18.3.4.3 IS NOT PROVIDED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 1:1.7.6.2 FA TROUBLE

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.7.3.2.6.1

THE FIRE ALARM LOG IS NOT BEING MAINTAINED.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.3.1.7.1, NFPA 1:13.3.3.7.1, NFPA 1:18.3.4.3 and NFPA 1:13.7.3.2.6.1 within 63 days or a fine of \$50 per day, per violation and with NFPA 1:13.3.1.1 and NFPA 1:1.7.6.2 within 63 days or a fine of \$100 per day, per violation.

Case: CE08110002

Le Cotillion Inc
2800 Northeast 14 Street

This case was first heard on 1/15/09 to comply by 3/5/09. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of a \$6,500 fine.

Ms. Polly Rutnik, owner's representative, said they had worked with the City and the legislature for over a year because the building had been exempted but the Governor had then vetoed the law. Once she thought the legislation was "dead in the water" she had done the work to comply. Ms. Rutnik requested the fines be waived.

Mr. Ron Tetreault, Fire Inspector, recommended reducing the fines to \$520 for administrative costs.

Judge Purdy imposed a \$520 fine.

Case: CE10010525

Becker A Loor
1018 Northwest 2 Avenue

Service was via posting on the property on 2/23/10 and at City Hall on 3/4/10.

Mr. Todd Hull, Code Enforcement Officer, testified to the following violation:
9-279(f)

THIS PROPERTY IS BEING OCCUPIED WITHOUT CONNECTION
TO THE CITY'S WATER SERVICE.

Officer Hull presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day.

Mr. Becker Loor, owner, said the apartment was in foreclosure, and presented paperwork to that effect. He said the tenants had been notified by the bank to leave the property. Officer Hull had tried to contact the bank but received no response. There was a public sale of the property scheduled for April 21.

Judge Purdy found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day would begin to accrue.

Case: CE09091535

PHD Development LLC
201 Southwest 11 Avenue

Certified mail sent to the owner was accepted on 2/23/10 and certified mail sent to the registered agent was accepted on 2/23/10.

Mr. William Snow, Code Enforcement Officer, testified to the following violation:
9-306

THE EXTERIOR OF THE HOUSE IS NOT BEING MAINTAINED. THE WOOD EXTERIOR WALLS ARE STAINED, DIRTY AND ROTTED IN SOME AREAS. THE PAINT ON THE EXTERIOR WALLS IS PEELING IN SOME AREAS. THE FASCIA AND SOFFITS OVER THE FRONT PORCH IS ROTTED OR MISSING.

Officer Snow said the current owners had intended to demolish the property, but needed permission from the Historic Preservation Board. They had appeared before the HPB on 3/1 and were denied permission to demolish. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 91 days or a fine of \$50 per day.

Mr. Fernando Ramirez, general contractor, said they intended to appeal the decision of the HPB. He requested time to appeal.

Ms. Wald explained that the appeal went to the City Commission, who would decide whether or not to schedule a de novo hearing.

Judge Purdy reset the case for 6/17/10.

Case: CE10011402

Tango Lakes LLC
1680 Northwest 31 Avenue

Certified mail sent to the owner was accepted on 2/23/10 and certified mail sent to the registered agent was accepted on 2/23/10.

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

THIS VACANT LOT IS BEING USED FOR THE STORAGE OF HEAVY EQUIPMENT, DUMPSTERS, METAL, STORAGE TRAILERS, AND OTHER ITEMS, AS AN ACCESSORY TO THE METAL BUSINESS ACROSS THE STREET. SINCE THERE IS NO PRINCIPAL STRUCTURE, THERE MAY BE NO ACCESSORY USE.

47-34.1.A.1.

THIS RC-15 RESIDENTIALLY ZONED PROPERTY, IS BEING USED FOR BUSINESS PURPOSES, AND FOR THE STORAGE OF HEAVY MACHINERY, DUMPSTERS, METAL, TRAILERS, AND OTHER ITEMS. PER TABLE 47-5.14. THIS IS NOT A PERMITTED USE IN RC-15 ZONING.

Officer Gottlieb distributed a table of permitted uses in that zoning area to the owner and to Judge Purdy and said she had received complaints from the neighbors regarding use of the property. She presented photos of the property and the case file into

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

Mr. Bernard Leibov, corporation representative, said when they contracted with Tango Lakes LLC to perform remediation on the property, they had entered into a post-occupancy agreement with Tango Lakes LLC to protect their rights on the property. Mr. Leibov believed the storage on the property had been going on for 30 years. He said over that time, instead of granting a license to grandfather the use in, the City had left it alone. He said Officer Gottlieb had threatened to arrest himself and his driver while a truck was delivering items to the property for storage. He stated if necessary, he would go to court to defend his rights.

Mr. Leibov presented a survey from 1982 which clearly showed scrap metal stored on the property. Officer Gottlieb said a survey did not indicate whether an activity was permitted on a property.

Judge Purdy found in favor of the City and ordered compliance within 28 days or a fine of \$250 per day, per violation would begin to accrue.

Case: CE10010553

Talerico Family Limited Partnership
4040 Galt Ocean Drive # L2

Certified mail sent to the owner was accepted [no date] and certified mail sent to the registered agent was accepted [no date].

Mr. Mario Sotolongo, Code Enforcement Officer, testified to the following violation:
5-34.

THIS ESTABLISHMENT PROVIDES MUSIC OUTDOORS BEYOND 11:00 PM, WHICH IS NOT IN A SOUNDPROOFED ROOM AND CAN BE CLEARLY HEARD BEYOND THE PROPERTY LINE. DUE TO THE RECURRING NATURE OF THE VIOLATION, THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER THE PROPERTY COMES INTO COMPLIANCE BEFORE THE HEARING OR NOT.

Officer Sotolongo said the property was 187 feet from the closest residential use and was an open bar that provided recorded and live music. He said enforcement had begun on January 10, 2010 pursuant to complaints from the public and Police reports regarding music after 11 p.m. Officer Sotolongo said the property had been cited several times for in the past, including an arrest for noise violations. He had reinspected the property on February 13 at 11:30 p.m. and had heard no music at that time. Officer Sotolongo requested a finding of fact that a violation did exist. He stated there were neighbors present to testify.

Mr. Kenneth Whitman, attorney, said the legal designation of the property was L-2, and he requested time to investigate the records. Mr. Whitman added that ordinance 5-34 concerned noise that traveled beyond the property line, and there was no scientific evidence of this. He requested resetting the hearing until he could investigate. He added that notice had been sent to the wrong address.

Mr. Sotolongo said the fact that the sound could be heard from the pool deck was proof that the violation was occurring. This was included in the Police reports.

Ms. Wald stated the notice had been sent to the address on record with the property appraiser. She said there was no formal discovery for Special Magistrate proceedings; public records requests could be made.

Mr. Jeremy Zubkoff, complainant, said this had been going on for five years. He said, "absolutely, the music does go past the property line and I can hear it inside my living room with all the windows and doors closed after 11 p.m..." Mr. Zubkoff said had been told by Mr. Talerico to call security, which he had done almost every evening. Eventually, the security guard had told Mr. Zubkoff to call the Police because he could not control patrons anymore. Mr. Zubkoff said Mr. Talerico had made promises to the Magistrate before and not followed through with any of them.

Mr. Ronald Bibace, complainant, said this had been going on for five years. He said Mr. Talerico had a vested interest in continuing the noise to make money. Mr. Bibace begged Judge Purdy not to allow this to continue. He had a notebook filled with documents he had collected regarding this issue.

Mr. Whitman thought he may discover that the property was grandfathered in because the licenses had been obtained prior to the ordinance.

Ms. Henny Orfaly, complainant, said problems had started in 2004. After numerous complaints, the City had sent a sound engineer, who determined through tests that the Ocean Manor was playing music above the permitted decibel level. Ms. Orfaly said the penthouse had been rebuilt. She said it was listed as residential, but was rented out for weddings and parties. Ms. Orfaly said she had replaced her hurricane windows at a cost of \$34,000 because it was supposed to reduce the noise by 40% but "nothing can block his music."

Mr. Vural Uluer, complainant, reported there were "unusual activities in this building, not only music." He stated patrons were "a screaming bunch of kids on the balcony in the penthouse, 3 o'clock, four o'clock in the morning."

Mr. Frank Talerico, owner, said all live entertainment had ceased at the property over one year ago. He said Mr. Bibace had thanked him recently for keeping the music down. Mr. Talerico said he regularly checked the property line to make sure the music

was not excessive. He noted that he did not control the entire building; the condo hotel was owned privately and he had no control over weddings held there.

Mr. Bibace agreed he had thanked Mr. Talerico for reducing the music from time to time, but told him he still needed to do a lot better.

Mr. Zubkoff said he had called the Police the previous week regarding music, and every Wednesday a radio show was hosted at the tiki bar using the loudspeaker. He said Tahitian fire dancers performed in the evenings as well.

Mr. Whitman reiterated his request to investigate and prepare a response before Judge Purdy ruled.

Judge Purdy found that the violation existed as cited.

Mr. Whitman said there was a question whether the property was grandfathered in, and requested the ability to present the Special Magistrate with his findings. Officer Sotolongo presented two Police reports into evidence, and agreed to act as a mediator between the two properties. Mr. Talerico said he wanted to install a roll-down shutter system to make the room soundproof.

Judge Purdy confirmed that Mr. Whitman's request for an extension was denied.

Case: CE09090939

Rescheduled From 3/4/10

Capri Hotel LLC

401 North Fort Lauderdale Beach Boulevard

Mr. Mario Sotolongo, Code Enforcement Officer, testified to the following violation: 5-34.

THIS ESTABLISHMENT HAS MUSIC BEYOND 11 P.M. WHICH
IS NOT IN A SOUNDPROOF ROOM AND CAN BE CLEARLY
HEARD BEYOND THE PROPERTY LINE.
THE VIOLATION IS FOUND TO BE RECURRING AND THEREFORE
PROPERLY PRESENTED TO THE SPECIAL MAGISTRATE.

Officer Sotolongo said the establishment was located 167 feet from the nearest residential use. The establishment was a lounge that was open to the outdoors. He explained enforcement had begun in December 2009 pursuant to complaints. Officer Sotolongo had inspected the property several times and found the violations; there were also several Police noise complaints. He said for three months, he had been in contact with legal counselors for the owners and had recently received a compliance plan. He had made it clear that music must cease at 11 p.m. Officer Sotolongo requested a finding of fact that the violation did exist.

Mr. Stephen Tilbrook, attorney, said he represented Capri Hotel LLC, and Whiskey Blue Lounge was an operator in the hotel with whom they were working to achieve compliance. Mr. Tilbrook said sound engineers had looked at the equipment and they had contacted the residents. Their plan was to install a noise limiter on outdoor speakers.

Mr. Tilbrook stated the hotel was zoned ABA, which only permitted "high-end, very active resort hotels with retail and service establishments that cater to tourists." He said the City's redevelopment plan included outdoor uses of the property, and this lounge was approved to have an outdoor sitting area on A1A and was intended to have amplified music.

Mr. Tilbrook said he had contacted the City's Economic Development Department to try to mediate the challenge of legal, non-conforming residential condominiums that could no longer be built in the ABA zoning district from inhibiting the redevelopment of the ABA district with active, engaging resort hotels. He anticipated a series of meetings to try to balance the competing interests in the ABA zoning district. Mr. Tilbrook requested 30 days while they worked out the issues with the Economic Development Department. Mr. Tilbrook promised to comply in the interim.

Officer Sotolongo said two extensions had already been granted; he objected to any more extensions and requested a finding of fact.

Judge Purdy found that the violation existed as cited.

Officer Sotolongo submitted his case file into evidence. Mr. Tilbrook submitted additional evidence regarding the compliance plan in to the record.

Case: CE09060712

Request for extension

Thomas Tejada
1225 Northwest 2 Street

This case was first heard on 9/17/09 to comply by 3/18/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/19/10.

Mr. Thomas Tejada, owner, explained that in order to pave the lot, he must install a French drain, which would cost \$10,000. He said he now had a plan for the lot, but would need months to afford to have the work done.

Mr. Wilson Quintero, Code Enforcement Officer, did not object to the request for an extension.

Judge Purdy granted a 119-day extension during which time no fines would accrue and ordered the respondent to reappear at that hearing.

Case: CT09091789

Steven Stanley
1201 North Andrews Avenue

This case was first heard on 12/3/09 to comply by 12/17/09. 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 \$4,500 fine, which would continue to accrue until the property complied.

Ms. Joanne Galipault, attorney for the bank, reported the property was in foreclosure and they were awaiting a sale date. She requested two weeks to maintain the landscaping and remove the debris.

Judge Purdy granted a 14-day extension to during which time no fines would accrue.

Case: CE10012088

Louis N McCutchen
2709 Northwest 20 Street

Certified mail sent to the owner was accepted on 2/24/10.

Ms. Ingrid Gottlieb, Code Enforcement Officer, testified to the following violations:
18-4(c)

THERE ARE SEVERAL UNLICENSED AND/OR INOPERABLE VEHICLES ON THE PROPERTY, INCLUDING BUT NOT LIMITED TO: A TRACTOR TRAILER, BOX TRAILER, FLAT TRAILERS, A BLACK SATURN, A TAN SEDAN, AND OTHER UNIDENTIFIABLE VEHICLES.

BCZ 39-275(7)

THERE IS A TRACTOR TRAILER, BACKHOE, BOBCAT, AND OTHER UNIDENTIFIABLE COMMERCIAL VEHICLES, BEING KEPT ON THIS RD-10 ZONED RESIDENTIAL PROPERTY, WHICH ARE NOT BEING KEPT IN ACCORDANCE WITH BROWARD COUNTY ZONING REQUIREMENTS.

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

Mr. Louis McCutcheon, owner, said there were no unlicensed vehicles on the property. He stated Manzo Construction was performing work on the sewer lines in the area. The commercial equipment was present related to the sewer project. Mr. McCutcheon presented registrations for all of the vehicles on the property. Officer Gottlieb said Mr. McCutcheon must make an appointment with her to reinspect the property.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE10022175

BCC Acquisitions LLC
516 Northeast 13 Street

Certified mail sent to the owner was accepted on 3/4/10 and certified mail sent to the registered agent was accepted [no date].

Mr. McKelligett explained that Greg Brewton, Planning and Zoning Department Director, was expected to testify as a witness but had not arrived.

Mr. Adam Feldman, Code Enforcement Officer, testified to the following violation:
47-24.1.B.

THE PROPERTY IS CURRENTLY BEING OCCUPIED AND USED AS A MEDICAL CLINIC. THIS USE IS CONSIDERED A CHANGE OF USE FROM IT'S PRIOR OCCUPANCY OF OFFICE USE ONLY. THIS NEW USE REQUIRES A DEVELOPMENT PERMIT AND DRC APPROVAL THROUGH THE CITY OF FORT LAUDERDALE PRIOR TO OCCUPANCY AND USE.

Officer Feldman said several complaints had been received from the neighborhood. He said the property was in the DRC process now, and he recommended operations cease and the building be vacated until the proper approvals and permits were received.

Mr. David Ferguson, attorney for the respondent, said his client intended to spend hundreds of thousands of dollars to comply. He remarked that the issue was really parking spaces. Mr. Ferguson explained this was a psychiatric counseling center, but neighbors thought it was a pain clinic. They had approximately 6 employees present at one time on the property and a total of 25 patients, most of whom used mass transit. Mr. Ferguson said they needed 15 parking spaces and his client was negotiating to purchase an adjacent warehouse and combine the properties. Mr. Ferguson feared that if the facility were shut down, his clients would lose all of these patients and would go out of business. There would therefore never be an approval from DRC and the property would become a blight on the community.

Mr. Ferguson said the project architect, Michael Madfis, believed that the project could be completed in 120 days. He agreed to appear every 30 days for a status hearing.

Dr. Julie Bruno, doctor in charge of the clinic, said she and her three partners provided counseling services and had a very small practice. She said they were willing to purchase the land behind the building and would put in "anything that the City would like to put in and those residents would like to put in to provide a marriage of sorts to

improve the neighborhood..." Dr. Bruno confirmed that medications were not dispensed at the property.

Mr. Timothy Smith, complainant, said the neighborhood did not think this was a pain clinic. He discussed past efforts the neighborhood had made to successfully improve the area. Mr. Smith said, "Because we are kind of stable but threatened, the social service community has found our neighborhood..." He said the clients arrived during the day and were parking all over the neighborhood. They also used trash cans from other businesses. Mr. Smith said he and the association had agreed that the purchase of the warehouse and its development into a commercial business was a reasonable compromise. He said he had received an email from the clinic owners stating, "We're not going to go buy that unless we get through that code hearing." Mr. Smith felt this meant he must testify on their behalf in order for them to go through the legal process.

Mr. Greg Brewton, Planning and Zoning Department Director, confirmed that the change of use required the DRC process to determine compliance with all appropriate disciplines. This took two to three months. He said it was possible to expedite the process if the owner was prepared, and to get the case on the DRC's April agenda. Mr. Ferguson said he was working on these documents, but they did not have everything ready today. He said they would do everything possible to expedite the process. Mr. Brewton suggested the DRC's first meeting in May and Mr. Ferguson agreed.

Mr. Smith reiterated that parking was a serious problem in the neighborhood and that "the people hang out outside on the front sidewalk." He felt they had gone into a small building with a big business. He wanted them stopped from operating while they went through the DRC process.

Mr. Ferguson reminded everyone that social services were not illegal, and his client was not responsible for the neighborhood's past problems. He said there were usually 10 clients at the center at one time, and some of them went outside to smoke. Mr. Ferguson thought the neighborhood wanted to remove a business they did not want in their neighborhood. He said his client had told Mr. Smith that they would not buy the building if the Special Magistrate shut the business down.

Mr. Madfis said they could try to submit the documents by 3/23. Mr. Brewton agreed to work with them to get on the April 27 DRC meeting agenda.

Mr. Smith felt it would take months for the owners to purchase the adjacent property to have adequate parking and they should be shut down in the meantime. Mr. Ferguson said they had a parking agreement with the property they were negotiating to buy, and it was being used. He informed Judge Purdy that they had a contract to purchase the property.

Mr. Caldwell Cooper, complainant, said they had lost track of the real issue. He said the owners were "savvy business people" who showed up in the neighborhood and "just

opened up shop like they owned the place.” They had also used other businesses’ dumpsters. Mr. Cooper claimed that the business security guard had threatened him and his father. Mr. Cooper said he had spoken with people coming out of the business and “it’s a drug and alcohol rehab, it’s terrible, we have video of everything, they have 15 – 20 clients at any one time, they have 20 – 25 cars, they’ve already testified here today they have 22 employees so you take 22 employees and say 15 cars with 4 parking spaces it just doesn’t make any sense.”

Mr. Ferguson reiterated that there were only 5 - 6 employees at the property at one time. He said they just wanted time to purchase the adjacent property and get the parking in order. If they were shut down, they would lose all of their patients and the neighborhood would have an abandoned corner.

Officer Feldman reiterated his recommendation that the business be closed pending the DRC process. If Judge Purdy allowed the business to stay open, he requested a finding of fact that the property was in violation.

Ms. Natalie Alazrachi, director/owner, explained that when they purchased this property, she had spoken with someone in the City and when they applied for the occupational license, she had been informed to “post your old ones and your new ones would be in the mail.” She said they had no negative intent, and they had a parking agreement with the adjacent property. Ms. Alazrachi reminded everyone that they were serving indigent Broward County residents with psychological problems, and they should be mindful of the human side of the story.

Mr. Brewton explained that a parking agreement could only apply when the other business had more than enough *required* parking. This question would be part of the DRC process.

Mr. Gerry Cooper, complainant, did not believe the owners of the clinic had acted in good faith. He wanted a contract for sale of the adjacent property made part of the record. Mr. Cooper claimed that the clinic had not asked anyone to use the parking area, and it was illegal and not suitable for parking. He also thought the smoking receptacle in the alley on 13th Street was not legal. Mr. Cooper wanted the business shut down until it went through the process.

Mr. Brewton explained that a parking agreement was a tri-party agreement between the two property owners and the City. In that process, the City established that the parking met zoning code requirements and that the parking for one business exceeded requirements. Mr. Ferguson said the parking agreement had been obtained from the adjacent property owner so the parking impact on the neighbors would be reduced. When they purchased the adjacent property, they would ensure that the combined parking was sufficient to service both parcels.

Mr. Randall Clet, nearby business owner, said he had been through the DRC process and it could not be done in three months. He did not believe the parking could be reconciled unless most of the warehouse was torn down.

Ms. Marjorie Anderson, complainant, said this business should follow the rules like everyone else.

Judge Purdy advised the clinic representative to contact the neighbors to resolve the issues.

Judge Purdy found that the violation existed as cited and reset the case for April 29.

Case: CE09121091

Request for extension

Just Happens Inc
1001 Northwest 51 Court

This case was first heard on 2/4/10 to comply by 2/18/10. Violations were as noted in the agenda. Fines had accrued to \$1,350.

Mr. Sal Viscusi, Code Enforcement Officer, said the property was in foreclosure and the sale date had been cancelled by the bank. He had spoken with the owner, who was trying to negotiate a short sale on the property. Officer Viscusi would not object to an extension.

Mr. Neil Rubin, owner, confirmed they were in the process of a short sale. He requested 30 days.

Judge Purdy granted a 28-day extension during which time no fines would accrue.

Case: CE09121100

Request for extension

Just Happens Inc
1001 Northwest 51 Court

This case was first heard on 2/4/10 to comply by 2/18/10. Violations were as noted in the agenda. Fines had accrued to \$1,350.

Judge Purdy granted a 28-day extension during which time no fines would accrue.

Case: CT10010983

19th Street Investors Inc
1700 North Federal Highway

Certified mail sent to the owner was accepted on 2/23/10 and certified mail sent to the registered agent was accepted on 2/23/10.

47-22.3.C.

THERE ARE PROHIBITED BANNER SIGNS POSTED ON THE PROPERTY.

Pursuant to Section 11-19, a Citation Violation Notice dated 1/26/10 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 Rich 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 \$100 per day would begin to accrue.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would begin to accrue.

Case: CE10020157

Gina & Josephe LaSala
2900 Northwest 69 Court

Service was via posting on the property on 2/11/10 and at City Hall on 3/4/10.

Mr. Sal Viscusi, Code Enforcement Officer, testified to the following violation:
18-12(a)

THERE IS LAWN OVERGROWTH PRESENT ON THIS PROPERTY AND REAR SWALE FACING Northwest 29 AVE. THE PROPERTY IS ALSO LITTERED WITH TRASH/RUBBISH/DEBRIS THAT INCLUDES BUT IS NOT LIMITED TO TREE DEBRIS, CUPS, WATER BOTTLES, PAPER, PROPANE TANKS, ETC. THIS IS A RECURRING VIOLATION THAT HAS BEEN CITED 9 TIMES IN THE LAST YEAR AND WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER THE VIOLATION COMPLIES PRIOR TO THE DATE OF THE HEARING OR NOT.

Officer Viscusi stated this was a neighbor dispute and sometimes Mr. LaSala let the lawn grow or threw trash on the property just to anger his neighbor. Mr. LaSala had been told Officer Viscusi would request a finding of fact, and this meant that Mr. LaSala could be fined for a repeat violation in the future. Officer Viscusi presented photos of the property and the case file into evidence requested a finding of fact.

Judge Purdy found the violation had existed as cited.

Case: CE10011624

NFT Village LLC
C/O Daniele Newman
210 Southwest 8 Avenue

Service was via posting on the property on 3/2/10 and at City Hall on 3/4/10.

Mr. William Snow, Code Enforcement Officer, testified to the following violation:
18-12(a)

THE PROPERTY HAS BECOME OVERGROWN AND THERE IS TRASH, RUBBISH AND DEBRIS SCATTERED ABOUT THE PROPERTY INCLUDING BUT NOT LIMITED TO YARD WASTE.

Officer Snow presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$50 per day.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$50 per day would begin to accrue.

Case: CE10010009

Stephen Montella & Stephen Taylor
835 Northeast 15 Avenue

Service was via posting on the property on 3/2/10 and at City Hall on 3/4/10

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:
18-12(a)

THERE IS OVERGROWTH, TRASH AND DEBRIS INCLUDING BUT NOT LIMITED TO CLOTHES ON THE GROUND, BROKEN FURNITURE AND MISCELLANEOUS OTHER ITEMS.

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

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day would begin to accrue.

Case: CE10010105

Carolyn L Williams
2601 Acacia Court

Service was via posting on the property on 3/2/10 and at City Hall on 3/4/10.

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:
9-305(a)

THE HEDGE AT THIS PROPERTY IS ENCROACHING UPON THE PUBLIC SIDEWALK, HINDERING THE SAFE AND CONVENIENT PEDESTRIAN MOVEMENT.

Officer Thime said the hedge had not been cut since she first cited the property on 1/4/10 and now encroached almost completely on the sidewalk. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$25 per day.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day would begin to accrue.

Case: CE09121003

Fabian, Gavilla & Surmani Gonzalez, et al
604 Southwest 10 Street

This case was first heard on 2/4/10 to comply by 2/14/10. Violations were as noted in the agenda. The property was complied, and fines had accrued to \$3,000.

Mr. William Snow, Code Enforcement Officer, confirmed the property was complied and recommended imposition of a \$300 fine.

Judge Purdy imposed a \$300 fine.

Case: CE09121420

Elsa Beltran
1433 Southwest 33 Court

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

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.

NFPA 101:31.3.4.5.1

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

Inspector Tetreault recommended ordering compliance with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day.

Case: CE09121430

Edgewater LLC
3321 Southwest 15 Avenue

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violations:

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.

NFPA 101:31.3.4.5.1

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

Inspector Tetreault recommended ordering compliance with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day.

Case: CE09121442

Gary Contreras & Jose Diaz
5200 Northwest 31 Avenue # A-1

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault said the condo was having the work done. He recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121446

Anabel Bergnes & Pittel Dominguez
5200 Northwest 31 Avenue # A-3

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121450

Melanie L & Sean J Cutler
5200 Northwest 31 Avenue # A-6

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121456

Amasvido Rodriguez Jr
5200 Northwest 31 Avenue # A-12

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121475

Alejandro Girassolli
5200 Northwest 31 Avenue # A-17

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121476

Cynthia & Tania Ortiz
5200 Northwest 31 Avenue # A-18

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121479

Truman Celestine
5200 Northwest 31 Avenue # B-20

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121480

G F B Mgmt Group Inc
5200 Northwest 31 Avenue # B-21

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121482

Timothy D Brown
5200 Northwest 31 Avenue # B-23

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE09121485

Christopher C Emerson & Mary Weber
5200 Northwest 31 Avenue # B-25

Service was via posting on the property on 2/25/10 and at City Hall on 3/4/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012180

Bank Of America

C/O Florida Default Law Group PI

5200 Northwest 31 Avenue # D-61

Certified mail sent to the owner was accepted on 2/19/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012181

Joanna I Perez

5200 Northwest 31 Avenue # D-62

Certified mail sent to the owner was accepted on 2/19/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012226

Hector & Julia Poveda
5200 Northwest 31 Avenue # D-75

Certified mail sent to the owner was accepted on 2/18/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012227

Valerie D Owens
5200 Northwest 31 Avenue # D-76

Certified mail sent to the owner was accepted on 2/19/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012230

Rodrigo M Amaral
5200 Northwest 31 Avenue # D-78

Certified mail sent to the owner was accepted [no date].

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012231

Debra F Leudemann
5200 Northwest 31 Avenue # D-79

Certified mail sent to the owner was accepted on 2/20/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012232

Lutfunessa Begum & Kazi Iqbal
5200 Northwest 31 Avenue # E-80

Certified mail sent to the owner was accepted on 2/19/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012234

Gilles Berthlaume & Danielle Asselin
5200 Northwest 31 Avenue # E-82

Certified mail sent to the owner was accepted on 2/19/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE10012235

Eugene Young
5200 Northwest 31 Avenue # E-83

Certified mail sent to the owner was accepted on 2/19/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:

NFPA 101:31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT PROVIDED IN ACCORDANCE WITH
NFPA 101:31.3.4.1.1.

Inspector Tetreault recommended ordering compliance within 154 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 154 days or a fine of \$250 per day would begin to accrue.

Case: CE08031661

Esposito Enterprises Inc
2902 East Sunrise Boulevard

This case was first heard on 5/21/09 to comply by 7/23 and 8/27/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$6,000 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

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 and extensions 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.

Judge Purdy imposed the \$150 civil penalty and a \$7,200 fine, which would continue to accrue until the property complied.

Case: CE08092232

Hudson Investments & Association Inc
1125 West Prospect Rd

This case was first heard on 12/18/08 to comply by 1/1/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$8,700 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$8,700 fine, which would continue to accrue until the property complied.

Case: CE09021273

The Victorian Condo Assn Inc
401 Northeast 16 Avenue

This was a request to vacate the Order dated 4/2/09.

Judge Purdy vacated the Order dated 4/2/09.

Case: CT09120863

Patrick Gordy Morse
1515 Northwest 4 Street

This case was first heard on 2/4/10 to comply by 2/14/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$300 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

Case: CE09050380

Ana Cristina Ferro
501 Northeast 4 Avenue

Ordered to reappear from 2/4/10

This case was first heard on 9/17/09 to comply by 11/12/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,150 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$4,150 fine, which would continue to accrue until the property complied.

Case: CT09110812

A & Trudy Storace
1001 Northwest 13 Street

This case was first heard on 1/21/10 to comply by 2/4/10. 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 \$1,025 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$200 civil penalty and the \$1,025 fine, which would continue to accrue until the property complied.

Case: CE09050233

Cary Krevoy
1706 Northwest 14 Avenue

This case was first heard on 6/4/09 to comply by 6/14/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of \$900.80 board-up costs and a \$2,500 fine.

Judge Purdy imposed \$900.80 board-up costs and the \$2,500 fine.

Case: CE09100637

Sunny River Holdings LLC
609 Southwest 6 Street

This case was first heard on 12/17/09 to comply by 2/4/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$3,200 and the City was recommending no fine be imposed.

Judge Purdy imposed no fine.

Case: CE09030161

Cortez Property Dev LLC
2933 Poinsettia Street

This case was first heard on 8/6/09 to comply by 9/17/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$5,200 and the City was recommending no fine be imposed

Judge Purdy imposed no fine.

Case: CT09101669

C L Isle of Venice LLC
149 Isle of Venice

This case was first heard on 1/21/10 to comply by 1/31/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty and a \$250 fine.

Judge Purdy imposed the \$200 civil penalty and the \$250 fine.

Case: CT08120396

Carolyn L Williams
2601 Acacia Court

This case was first heard on 3/5/09 to comply by 3/19/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty and a \$2,775 fine.

Judge Purdy imposed the \$200 civil penalty and the \$2,775 fine.

Case: CT09062230

Angela Williams
5831 Northeast 18 Avenue

This case was first heard on 8/20/09 to comply by 8/30/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$200 civil penalty and a \$2,900 fine.

Judge Purdy imposed the \$200 civil penalty and the \$2,900 fine.

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:

CE10011759	CE10011941	CE10011979	CE10020250
CE10011707	CE10011422	CE10020557	CE10010771

CE10020624	CE10020628	CE10010404	CE10011645
CT10011567	CT10011838	CE09121773	CE10011498
CE10011655	CE10011884	CE10011882	CE10012168
CE10012236	CE10012237	CE10012238	CE10012239
CE10012240	CE10012241	CE10012242	CE10012244
CE10012246	CT10012007		

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:

CE10012179	CE10012183	CE10012184	CE10012185
CE10012187	CE10012189	CE10012190	CE10012192
CE10012225	CE10012229	CE10012233	CE10012248

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:

CE09121410	CE09021533
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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:

CE09120511

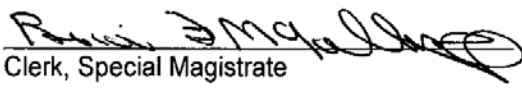
Cases Closed

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:

CE10021317

There being no further business, the hearing was adjourned at **11:57 a.m.**


SPECIAL MAGISTRATE

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Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services