SPECIAL MAGISTRATE HEARING CITY COMMISSION MEETING ROOM H. MARK PURDY PRESIDING APRIL 29, 2010 9:00 A.M. – 11:01 A.M.

Staff Present:

Susanne Manning, Secretary, Special Magistrate Mary Allman, Secretary, Special Magistrate Brian McKelligett, Clerk of Special Magistrate – Supervisor Ginger Wald, Assistant City Attorney Lori Grossfeld, Clerk III Lindwell Bradley, Code Enforcement Supervisor Skip Margerum, Code Enforcement Supervisor Cheryl Pingitore, Code Enforcement Supervisor Stephanie Bass, Code Enforcement Officer Mark Campbell, Code Enforcement Officer Andre Cross, Code Enforcement Officer Aretha Davis, Code Enforcement Officer Dick Eaton, Sr. Code Enforcement Officer Adam Feldman, Sr. Code Enforcement Officer Ingrid Gottlieb, Sr. 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 Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CT09082544: Casey Kaplan, contractor CE09062091: Karen Black Barron, attorney

CE09102329, CT09100148, CT09102229, CE10010720, CE08120594, CT08120451,

CE09011383, CE09072079: Francesca San Roman, bank attorney

CE08120594, CT08120451: Michael Hlavsa, tenant

CE10031107: Gloria Joseph, owner's daughter

CE09120440: Kurt Pughsley, owner's husband

CE10040037: Howard Nelson, attorney

CE10012088: Louis McCutcheon, owner

CE10033038: Anne Ginsberg, owner

CE09110674: Michael Lang, tenant's father, Timothy Lang, tenant

CE10030040: Larry Stoddard, owner, Margaret Cairns, contestant, Donald Bastedo,

contestant

CE09120152: Timothy Lincoln, attorney

CE10022175: Michael Madfis, architect, David Ferguson, attorney, Julie Bruno, owner, Nancy Sullivan, owner, Greg Subria, security guard, Margery Anderson, neighbor CE10031961: Melody Schammy, neighbor

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: CT09082544

CLA Strada Unit Owner LLC C/O Related Group 315 Northeast 3 Avenue # 1001

This case was first heard on 11/5/09 to comply by 11/19/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$200 civil penalty and a \$3,450 fine, which would continue to accrue until the property complied.

Mr. Casey Kaplan, contractor, explained how they had reduced the sound, but stated the current level was still not compliant. He was investigating running the generator at a lower run power, and requested 63 to 80 days to perform tests.

Mr. Mario Sotolongo, Code Enforcement Officer, said the owner was working on the issue and no new complaints had been received. He did not object to the extension request.

Judge Purdy granted a 112-day extension to 8/19/10, during which time no fines would accrue, and ordered the respondent to reappear at that hearing.

Case: CE09110674

Request for extension

Lavi Limited Partnership C/O McKinney Prop 3067 Northwest 60 Street

This case was first heard on 12/3/09 to comply by 12/17/09 and 4/1/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$12,000.

Mr. Timothy Lang, tenant, said business for the past two years had been devastating. He reported the drawings were complete and the fire extinguishers were complete. The permit had been issued and he would have the contractor start work right away. Mr. Land requested 60 days.

Mr. Ron Tetreault, Fire Inspector, did not object to the extension.

Judge Purdy granted a 77-day extension to 7/15/10, during which time no fines would accrue.

Case: CE10040037

Fort Lauderdale Boatclub Ltd 1915 Southwest 21 Avenue

Certified mail sent to the owner was accepted on 4/15/10 and certified mail sent to the registered agent was accepted on 4/15/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation: NFPA 303:6.4.1

CLASS I STANDPIPE SYSTEM IS NOT PROVIDED FOR THE PIER, DOCK, BULKHEAD AND/OR BUILDING THAT IS GREATER THAN 150 FT (45 M) FROM THE CLOSEST PLACE WHERE THE FIRE APPARATUS CAN GAIN ACCESS.

Inspector Tetreault said he had a tentative agreement with the contractor to comply within 189 days or a fine of \$50 per day.

Mr. Howard Nelson, attorney, said he client admitted to the violation and believed it could be cleared up in 189 days.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$50 per day.

Case: CE10010720

Mary Jean Pavicic 2031 Northeast 54 Street

This case was first heard on 3/4/10 to comply by 3/14/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,500 fine, which would continue to accrue until the property complied.

Ms. Stephanie Bass, Code Enforcement Officer, reported the property was not complied and the bank did not own the property yet.

Ms. Francesca San Roman, bank attorney, reported the bank had filed foreclosure in January 2009 and had been unable to make repairs because the property was owner occupied. She did not yet have a final judgment hearing date.

Officer Bass said the owner had filed for bankruptcy, which was closed in January 2010. She stated the property was not occupied.

Ms. Wald stated the bank could file a motion with the court to get authority to enter the property to comply the violations, or have a receiver appointed.

Judge Purdy imposed the \$4,500 fine, which would continue to accrue until the property complied.

Case: CE10033038

Annieopa LLC

3051 Northeast 32 Avenue

Certified mail sent to the owner was accepted on 4/13/10 and certified mail sent to the registered agent was accepted on 4/13/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS ARE IN NEED OF SERVICE.

NFPA 1:1.12.1

WORK REQUIRES A PERMIT.

NFPA 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

NFPA 101:13.2.2.2.3

PANIC OR FIRE HARDWARE NOT PROVIDED AS PER CODE.

NFPA 1:14.4.1

THE PATH OF EGRESS IS OBSTRUCTED/BLOCKED.

NFPA 1:11.1.5

EXTENSION CORDS ARE BEING USED AS A SUBSTITUTE FOR PERMANENT

WIRING.

NFPA 1:11.1.2

THERE IS A COVER MISSING ON AN ELECTRICAL BOX CAUSING ELECTRICAL WIRING TO BE EXPOSED.

Inspector Tetreault recommended ordering compliance within 98 days or a fine of \$100 per day, per violation.

Ms. Anne Ginsberg, owner, reported the property had been inspected the previous day by the contractor and there were just a few items remaining.

Judge Purdy found in favor of the City and ordered compliance within 98 days, by 8/5/10, or a fine of \$100 per day, per violation.

Case: CE10022175
BCC Acquisitions LLC

Continued from 3/18/10

516 Northeast 13 Street

Mr. McKelligett reminded Judge Purdy that on 3/18/10 he had found the violations existed but did not rule regarding a compliance deadline and fines.

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 ITS 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 as of the previous day, there was no application submitted. He recommended ordering compliance within 14 days or a fine of \$250 per day.

Mr. David Ferguson, attorney, said one of the neighbors had left the previous meeting and made a competitive bid on the adjacent property his client had planned to buy to gain additional parking and his client could not get involved in a bidding war. This had significantly undermined the negotiations. Since then, a private investigator had been hired by one of the neighbors and was "stalking" employees and photographing their cars. Mr. Ferguson stated his clients now intended to leave the property, but Medicare required 90 days notice to move. They had already put in the change of address form, and Mr. Ferguson requested 120 days to get Medicare's approval and to move.

Judge Purdy found in favor of the City and ordered compliance within 112 days, by 8/19/10, or a fine of \$250 per day would begin to accrue.

<u>Case: CE09062091</u>
Jean Leonce Joseph
521 Southwest 27 Terrace

Request for extension

This case was first heard on 11/19/09 to comply by 1/21/10. Violations and extensions were as noted in the agenda. The property was not complied fines would begin to accrue on 4/30/10.

Ms. Karen Black Barron, attorney, reported there was a pending short sale on the property.

Ms. Aretha Davis, Code Enforcement Officer, said she had been in communication with a person who said he had been hired to bring the property into compliance, but there had been no change at the property. Officer Davis recommended imposition of the fines. Ms. Black Barron requested 90 days and Officer Davis did not object.

Judge Purdy granted a 98-day extension to 8/5/10, during which time no fines would accrue.

Case: CE09120440
Jackie Pughsley

1833 Northwest 25 Avenue

This case was first heard on 3/4/10 to comply by 3/18/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$1,950 fine.

Ms. Ingrid Gottlieb, Code Enforcement Officer, explained that she had phoned the owner when she found his phone number on an eviction notice on the property door and he had acted immediately to comply the violations. She therefore recommended reducing the fine to \$426 for administrative costs.

Judge Purdy imposed a \$426 fine.

Case: CE09120152
Parkson Property LLC
5601 Northeast 14 Avenue

This case was first heard on 2/4/10 to comply by 3/25/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$900 and the City was requesting imposition of the full amount.

Ms. Stephanie Bass, Code Enforcement Officer, reported the property was out of compliance for three days.

Mr. Timothy Lincoln, attorney, said the permitting process had taken longer than the tenants had anticipated and fines had accrued. He added that 80 - 90% of the vehicles had been removed by the compliance deadline. Officer Bass said permits had nothing to do with this case. Mr. Lincoln explained the tenants were moving to another property and had been delayed.

Judge Purdy imposed a \$426 fine.

Case: CE10012088
Louis N McCutcheon
2709 Northwest 20 Street

This case was first heard on 3/18/10 to comply by 4/1/10. 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.

Ms. Ingrid Gottlieb, Code Enforcement Officer, reported the owner had made significant progress.

Mr. Louis McCutcheon, owner, said he needed to put tires on the last trailer; everything else had been moved. He agreed to remove the items in the trailer and destroy it.

Judge Purdy granted a 49-day extension to 6/17/10, during which time no fines would accrue and ordered the respondent to reappear at that hearing.

Case: CE10030040
Donna M Stoddard
3701 Northeast 34 Avenue

Rescheduled from 4/15/10

Mr. Mario Sotolongo, Code Enforcement Officer, testified to the following violation: 47-34.1.A.1.

THE PROPERTY IS BEING USED AS A SHORT-TERM VACATION RENTAL. THIS IS NON-PERMITTED USE OF A RESIDENTIAL DWELLING IN RS-8 ZONING, PURSUANT TO ULDR TABLE, SECTION 47-5.11.

Officer Sotolongo stated the property had been cited for the same violation on March 12, 2009; this was therefore a recurring violation. He head learned from the occupants that they rented the property for vacation and confirmed that it was advertised as such. Officer Sotolongo had discovered different rental occupants at the property on three occasions. At his last inspection the property appeared vacant but it was still being advertised as a vacation rental. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$250 per day would begin to accrue.

Mr. Larry Stoddard, owner, acknowledged the violation, and said this was the only way he could make the mortgage payments. He believed a short sale was his only option and had informed the bank of this.

Ms. Margaret Cairns, neighbor, said there was a constant stream of strangers occupying the property who were noisy and caused property damage.

Mr. Donald Bastedo, neighbor, said he was on the homeowners association board, and read a letter from the president of the homeowners association indicating they had experienced problems with short-term rentals.

Judge Purdy found in favor of the City and ordered compliance within 14 days, by 5/13/10, or a fine of \$250 per day would begin to accrue.

Case: CE09102329
American One Inc
619 Southwest 20 Terrace

This case was first heard on 12/3/09 to comply by 12/17/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$5,800 and the City was requesting imposition of the full amount.

Ms. Francesca San Roman, bank attorney, reported the property was vacant but a final judgment hearing date had not been set.

Mr. Andre Cross, Code Enforcement Officer, confirmed the property was complied on April 22.

Judge Purdy imposed the \$5,800 fine.

Case: CT09100148
American One Inc
619 Southwest 20 Terrace

This case was first heard on 12/3/09 to comply by 12/17/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$5,800 plus a civil penalty of \$200 and the City was requesting imposition of the full amount.

Judge Purdy imposed the \$5,800 fine and \$200 civil penalty.

Case: CT09102229

Brian Gore 1500 Southwest 13 Court

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 \$150 civil penalty and an \$8,300 fine, which would continue to accrue until the property complied.

Ms. Francesca San Roman, bank attorney, reported the final judgment had been entered on April 22, 2010 and the property was set for judicial sale on June 24, 2010. The property was currently vacant.

Mr. Andre Cross, Code Enforcement Officer, said this property was the source of constant complaints due to the overgrowth. He had spoken with the party responsible for maintaining the property, who informed him the property was occupied so he would not trim the hedges, but Officer Cross stated the property was vacant.

Judge Purdy imposed the \$150 civil penalty plus the \$8,300 fine, which would continue to accrue until the property complied.

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

Case: CE08120594

Patrice Campbell 2161 Southwest 35 Avenue

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 not complied and the City was requesting imposition of a \$40,500 fine, which would continue to accrue until the property complied.

Mr. Mark Campbell, Code Enforcement Officer, said there had been progress with the violations since December 2008. A bank representative had informed him the bank was waiting to take possession of the property before acting to comply the violations.

Mr. Michael Hlavsa, tenant, said the chain link fence violation was not appropriate. He had been a tenant at the property since March 2009. Mr. Hlavsa stated the owner lived in Ireland. He said the pool had not been taken care of because they assumed the foreclosure would be a speedy process. He was not willing to spend the money to comply the pool because he was unsure he would be occupying the property for more than 60 days.

Ms. Francesca San Roman, bank attorney, reported the foreclosure was on hold because the owner was pursuing loan modification.

Judge Purdy imposed the \$40,500 fine, which would continue to accrue until the property complied.

Case: CT08120451

Patrice Campbell 2161 Southwest 35 Avenue

This case was first heard on 2/5/09 to comply by 2/19/09. 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 \$43,500 fine, which would continue to accrue until the property complied.

Judge Purdy imposed a \$200 civil penalty and a \$43,500 fine, which would continue to accrue until the property complied.

Case: CE09011383

Patty Daniels Estate 2333 Northwest 14 Street

This case was first heard on 4/2/09 to comply by 4/30/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was

requesting imposition of a \$5,675 fine, which would continue to accrue until the property complied.

Ms. Ingrid Gottlieb, Code Enforcement Officer, said this was a bad situation because there was squatter activity in this area. She requested imposition of the fine.

Ms. Francesca San Roman, bank attorney, stated the property was in foreclosure and they were having difficulty notifying all parties because some of the owners were deceased.

Judge Purdy imposed the \$5,675 fine, which would continue to accrue until the property complied.

Case: CE09072079

Demetrius & Jacqueline Welch 2457 Northwest 26 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 complied and the City was requesting imposition of a \$2,775 fine.

Ms. Ingrid Gottlieb, Code Enforcement Officer, said she had never heard from the owner of this property and the violation had been complied when the City boarded it.

Ms. Francesca San Roman, bank attorney, reported the foreclosure was on hold due to the bankruptcy filing of one of the owners.

Judge Purdy imposed the \$2,775 fine.

Case: CE10011890

Stipulated agreement

Leatha Taylor 207 Northwest 7 Avenue

Violations:

9-306

THE EXTERIOR OF THE STRUCTURE ON THIS DWELLING CONSISTS OF BARE STUCCO AND NEEDS TO BE PAINTED.

9-308(a)

THE ROOF OF THIS DWELLING IS COVERED WITH A BLUE TARP, AND IS NOT MAINTAINED IN A SAFE, SECURE, AND WATERTIGHT CONDITION.

9-313(a)

THERE ARE NO HOUSE NUMBERS DISPLAYED OR VISIBLE ON THIS PROPERTY.

The City had a stipulated agreement with the owner to comply 9-306 and 9-308(a) within 63 days or a fine of \$50 per day, per violation and 9-313(a) within 63 days or a fine of \$25 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance with 9-306 and 9-308(a) within 63 days or a fine of \$50 per day, per violation and with 9-313(a) within 63 days or a fine of \$25 per day.

Case: CE10030509 Catherine Bandelac 1214 Bayview Drive

Service was via posting on the property on 4/9/10 and at City Hall on 4/15/10.

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

THERE IS GRASS/PLANT/WEED OVERGROWTH, TRASH, RUBBISH, AND DEBRIS ON PROPERTY AND SWALE.

Officer Rich presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$25 per day.

Judge Purdy found in favor of the City and ordered compliance within 10 days, by 5/9/10, or a fine of \$25 per day would begin to accrue.

Case: CE10021464

Capital Homes Lending LLC 1220 Northwest 6 Court

Certified mail sent to the owner was accepted [no date] and certified mail sent to the owner was accepted on 4/2/10.

Ms. Wanda Sappington, Code Enforcement Officer, testified to the following violation: 18-7(b)

THIS PROPERTY HAS BEEN BOARDED WITHOUT THE REQUIRED BOARDING CERTIFICATE.

Officer Sappington presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$100 per day.

Judge Purdy found in favor of the City and ordered compliance within 35 days, by 6/3/10, or a fine of \$100 per day would begin to accrue.

Case: CE10031961

GFM II LLC

1700 Southeast 12 Court

Certified mail sent to the owner was accepted on 4/5/10.

Mr. William Snow, Code Enforcement Officer, testified to the following violation: 47-34.1.A.1.

THIS RS-8 ZONED SINGLE-FAMILY RESIDENCE IS BEING USED AS A SHORT-TERM VACATION RENTAL PROPERTY. SHORT-TERM RENTAL OF A SINGLE FAMILY RESIDENCE IN AN RS-ZONED DISTRICT IS NOT A PERMITTED USE OF THIS RS-8 ZONED SINGLE FAMILY RESIDENCE PURSUANT TO ULDR TABLE, SECITON 47-5.11.

Officer Snow presented photos of the property and the case file into evidence. He stated he had met the real estate agent at the property on one occasion and informed her of the complaint. On subsequent inspections, renters and a cleaning person had been found at the property. Based upon the recurring nature of the violation, Officer Snow recommended ordering compliance within 14 days or a fine of \$250 per day.

Ms. Melody Schammy, neighbor, said the property had presented quite a disturbance in the neighborhood. She had called police to the address on several occasions for the noise nuisance.

Judge Purdy found in favor of the City and ordered compliance within 14 days, by 5/13/10, or a fine of \$250 per day would begin to accrue.

Case: CE10022729

Eduardo I & Eva M Flores 1435 South Miami Rd

Personal service was made to the owner on 4/14/10.

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

THERE IS OVERGROWTH THROUGHOUT THIS PROPERTY INCLUDING WEEDS GROWING UP THROUGH THE PAVERS IN THE COURTYARD. THERE IS TRASH AND DEBRIS ON THE PROPERTY INCLUDING, BUT NOT LIMITED TO, AN AUTOMOTIVE ENGINE IN THE DRIVE AND PILES OF GARBAGE BAGS AND LAWN DEBRIS.

Officer Eaton 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 would begin to accrue.

Judge Purdy found in favor of the City and ordered compliance within 14 days, by 5/13/10, or a fine of \$25 per day would begin to accrue.

Case: CE10031421

Dorothy Thomas Adams 2320 Northwest 23 Lane

Certified mail sent to the owner was accepted on 4/1/10.

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

THERE IS A WRECKED AND INOPERABLE GREEN VOLKSWAGEN PARKED ON THIS PROPERTY.

Officer Gottlieb 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 would begin to accrue.

Judge Purdy found in favor of the City and ordered compliance within 10 days, by 5/9/10, or a fine of \$100 per day would begin to accrue.

Case: CE10031107

Joseph Vilbrun & Ismera Joseph 649 West Dayton Circle

Certified mail sent to the owner was accepted on 4/4/10 and certified mail sent to the owner was accepted on 4/9/10.

Ms. Aretha Davis, Code Enforcement Officer, testified to the following violation: 18-4(c)

NUISANCE - THERE IS A DERELICT/INOPERABLE WRECKED GOLD HYUNDAI XG300 WITHOUT A TAG BENEATH THE CARPORT.

Officer Davis had spoken with the owner regarding the violation. She 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 would begin to accrue.

Judge Purdy found in favor of the City and ordered compliance within 10 days, by 5/9/10, or a fine of \$100 per day would begin to accrue.

<u>Case: CE10022714</u> Shella D'Haiti 3340 Auburn Boulevard

Service was via posting on the property on 4/13/10 and at City Hall on 4/15/10.

Ms. Aretha Davis, Code Enforcement Officer, testified to the following violation: 47-39.A.1.b.(9)(f)2.

MOBILE HOME IS BEING PARKED/STORED IN THE REAR YARD ON A LANDSCAPE REQUIRED AREA.

Officer Davis 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 would begin to accrue.

Judge Purdy found in favor of the City and ordered compliance within 14 days, by 5/13/10, or a fine of \$25 per day would begin to accrue.

Case: CE10033020

#111 Properties Inc 111 Southwest 2 Avenue

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

Mr. Ron Tetreault, Fire Inspector, testified to the following violation: NFPA 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

Inspector Tetreault recommended ordering compliance within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

The following 7 properties at the same address were heard together:

Case: CE10031380

Milton Dover LLC 815 Middle River Drive # 116

Certified mail sent to the owner was accepted on 4/13/10 and certified mail sent to the registered agent was accepted on 4/13/10.

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

Inspector Tetreault recommended ordering compliance within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031384

Kathleen Galvin 815 Middle River Drive # 201

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 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031386

E & S Real Estate LLC 815 Middle River Drive # 202

Certified mail sent to the owner was accepted on 4/13/10 and certified mail sent to the registered agent was accepted on 4/13/10.

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 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031387 Luis Carlos Ferronatto

815 Middle River Drive # 203

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 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031395

Richard C Romaniello 815 Middle River Drive # 207

Certified mail sent to the owner was accepted on 4/19/10.

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 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031396

Johanna Cook 815 Middle River Drive # 208

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 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031400

Charles Farrell & Victoria Soyer 815 Middle River Drive # 210

Certified mail sent to the owner was accepted on 4/9/10 and certified mail sent to the registered agent was accepted on 4/9/10.

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 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 189 days, by 11/4/10, or a fine of \$250 per day.

Case: CE10031798

JP Morgan Chase Bank NA 908 Southwest 15 Terrace

Certified mail sent to the owner was accepted on 4/12/10.

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 98 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 98 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 98 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day.

Case: CE10033024

19th Street Investors Inc 1750 North Federal Highway

Certified mail sent to the owner was accepted on 4/13/10 and certified mail sent to the registered agent was accepted on 4/13/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS ARE IN NEED OF SERVICE.

NFPA 1:10.4.4

THE FIRE ALARM SYSTEM HAS NOT BEEN TESTED, INSPECTED AND/OR TAGGED IN ACCORDANCE WITH THE CODE.

NFPA 1:1.7.6.2

THE FIRE ALARM IS NOT FUNCTIONING AS DESIGNED AND INSTALLED.

NFPA 1:13.3.1.7.1

SPRINKLER CONTROL VALVES ARE NOT PROPERLY SUPERVISED.

Complied:

NFPA 1962:4.3.2

NFPA 1:13.6.6.8.3.1

Inspector Tetreault recommended ordering compliance within 98 days or a fine of \$50 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance within 98 days or a fine of \$50 per day, per violation.

The following 8 cases at the same address were heard together:

Case: CE10040021

3061 Northeast 49 Street LLC 3061 Northeast 49 Street # 01

Certified mail sent to the owner was accepted on 4/13/10 and certified mail sent to the registered agent was accepted on 4/13/10.

Mr. Ron Tetreault, 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 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040024

Susan Del Russo & Carl Mariano 3061 Northeast 49 Street # 03

Certified mail sent to the owner was accepted on 4/12/10.

Mr. Ron Tetreault, 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 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 with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040029

Sandra Franz 3061 Northeast 49 Street # 06

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

Mr. Ron Tetreault, 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 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040033

3061 Northeast 49TH Street #7 LLC 3061 Northeast 49 Street # 07

Certified mail sent to the owner was accepted on 4/13/10 and certified mail sent to the registered agent was accepted on 4/13/10.

Mr. Ron Tetreault, 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 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 with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040040

Michelle Russo 3061 Northeast 49 Street # 08

Certified mail sent to the owner was accepted on 4/16/10 and certified mail sent to the registered agent was accepted on 4/20/10.

Mr. Ron Tetreault, 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 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040041

David J Klucserits 3061 Northeast 49 Street # 09

Certified mail sent to the owner was accepted on 4/10/10.

Mr. Ron Tetreault, 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 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 with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040043

Nicholas G Mamary 3061 Northeast 49 Street # 10

Certified mail sent to the owner was accepted on 4/14/10.

Mr. Ron Tetreault, 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 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10040044

Indymac Federal Bank 3061 Northeast 49 Street # 11

Certified mail sent to the owner was accepted on 4/12/10.

Mr. Ron Tetreault, 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 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 with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 98 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 189 days or a fine of \$250 per day.

Case: CE10032972

Stans On The Water Inc C/O Atlanta Holdings 3300 East Commercial Boulevard

Certified mail sent to the owner was accepted on 4/12/10 and certified mail sent to the registered agent was accepted on 4/14/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS ARE IN NEED OF SERVICE.

NFPA 1:13.1.3

FIRE PROTECTION EQUIPMENT IS BEING OBSTRUCTED IN A MANNER THAT WOULD PREVENT SUCH EQUIPMENT FROM BEING IMMEDIATELY VISIBLE AND ACCESSIBLE.

Inspector Tetreault recommended ordering compliance within 77 days or a fine of \$100 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance within 77 days or a fine of \$100 per day, per violation.

The following 8 cases for the same address were heard together:

Case: CE10020904

Lisa Henry 5200 Northwest 31 Avenue # E-84

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020906

Steven Schwartzbaum 5200 Northwest 31 Avenue # E-85

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020910

Mikio Yamamoto 5200 Northwest 31 Avenue # E-93

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020911

Lisette & Luis E Perna 5200 Northwest 31 Avenue # E-94

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020912

Lisette & Luis E Perna 5200 Northwest 31 Avenue # E-95

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020913

Patrick Aubert & Anna Santoro 5200 Northwest 31 Avenue # E-96

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020914

Clive & Faith Johnson 5200 Northwest 31 Avenue # E-97

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CE10020917

James Kings III 5200 Northwest 31 Avenue # E-99

Service was via posting on the property on 4/8/10 and at City Hall on 4/15/10.

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 189 days or a fine of \$250.

Judge Purdy found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day.

Case: CT09092263

William J & Electa C Cone 1020 Northwest 6 Street

Service was via posting on the property on 4/1/10 and at City Hall on 4/15/10.

47-22.9.

THERE WAS SIGNAGE ERECTED ON THE PROPERTY WITHOUT FIRST OBTAINING THE REQUIRED PERMITS.

Pursuant to Section 11-19, a Citation Violation Notice dated 3/4/10 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 Feldman 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 would begin to accrue.

Judge Purdy found in favor of the City and ordered compliance within 14 days, by 5/13/10, or a fine of \$50 per day would begin to accrue.

Case: CE09102534

Jeffrey & Michele Hanft 201 Southeast 22 Street

This case was first heard on 2/18/10 to comply by 3/25/10. 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.

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

Case: CE09121391

Ordered to reappear from 4/1

Odette Charles 1245 Northwest 2 Avenue

This case was first heard on 2/18/10 to comply by 2/28/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$3,100 and the City was recommending no fine be imposed.

Judge Purdy imposed no fine.

Case: CE09082492

Elyse Lenihan 1115 Ponce De Leon Drive

This case was first heard on 10/15/09 to comply by 10/25/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$17,700 and the City was recommending a \$400 fine be imposed.

Judge Purdy imposed a \$400 fine.

Case: CE10010009

Stephen Montella & Stephen Taylor 835 Northeast 15 Avenue

This case was first heard on 3/18/10 to comply by 4/1/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$675 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$675 fine, which would continue to accrue until the property complied.

Case: CE10010105

Carolyn L Williams 2601 Acacia Court

This case was first heard on 3/18/10 to comply by 4/1/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$175 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

Case: CE09080259
MTG Finance LLC
1624 Southwest 28 Way

This case was first heard on 11/19/09 to comply by 1/21/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$25,150 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$25,150 fine, which would continue to accrue until the property complied.

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:

CE10030726	CE10031408	CE10031934	CE10030947
CE10021816	CE10022126	CE10031914	CE10031100
CE10030917	CE10033047	CE10030693	CE10030694
CE10030695	CE10030696	CE10030697	CE10030698
CE10030699	CE10030701	CE10030702	CE10030704
CE10033021	CE10030711	CT10022641	

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:

CE10030757	CE10031518	CE10030964	CE10031382
CE10031388	CE10031391	CE10031393	CE10040025

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:

CE10022590	CE10030175	CT10030788	CT10020988
CE09091012	CE09121091	CE09121100	

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:

CE10032267	CE10031404	CE10040027
		0110070021

There being no further business, the hearing was adjourned at 11:01 a.m.

ATTEST:

Clerk, Special Magistrate

Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services