

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
ROSE-ANN FLYNN PRESIDING
MAY 20, 2010
9:00 A.M. –1:10 P.M.**

Staff Present:

Mary Allman, Secretary Special Magistrate
Susanne Manning, Secretary, Special Magistrate
Brian McKelligett, Clerk of Special Magistrate – Supervisor
Ginger Wald, Assistant City Attorney
Lori Grossfeld, Clerk III
John Gossman, Code Enforcement Supervisor
Cheryl Pingitore, Code Enforcement Supervisor
Detective Jorge Maura
Andre Cross, Code Enforcement Officer
Dick Eaton, Code Enforcement Officer
Adam Feldman, Code Enforcement Officer
Ingrid Gottlieb, Code Enforcement Officer
Todd Hull, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Ron Tetreault, Fire Inspector
Ursula Thime, Senior Code Enforcement Officer
Barbara Urow, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE10041251: Russell Bratt, owner
CE09061045: Sharon Bryant-Dean, manager
CE09111054: Peter Bajic, owner
CE10030849: Ravi Dharmavir Bhakta, owner, Sudha Bhakta, owner, Sandra Suarez, court reporter, Hamilton Forman, attorney, Lusia Bello, property manager, Eugenia Ellis, Executive Director of the Harbor Beach Property Homeowners Association
CE10032959: Randy Postma, owner
CE08110829, CE09011221: Ingrid Facil, bank attorney
CE10041419, CE10041421, CE10041425, CE10041426, CE10041427, CE10041429, CE10041430, CE10041431: Carlos Reyes Jr., attorney
CE10041420: Louis Ragusa, owner, Nicholas Welsh, contractor
CE09120531: James Herron, owner
CE09120532, CE09120533: Robert Mignacea, owner
CE10030850: David Strauss, attorney, Eugenia Ellis, Executive Director of the Harbor Beach Property Homeowners Association

CE09091486: Mariano Katz, general manager, John Kneiss, agent
CE10030709: Lane Birnbaum, owner
CE10031607, CE10031605: Annerley Bianci, owner, Kara Cannizzaro, attorney, Terri Barbuto, court reporter
CE10040027 Dimitrije Garcy, owner
CE10040962, CT10040965: Hammes Zapata, tenant
CE10032655, CE10032782, CE10032784: Jhoseph Gonzalez, owner
CE10022235: Michael Rogan, owner
CE08110825: William Conway, owner
CE10041433: Robert Kraljevich, owner
CE10041419, CE10041420, CE10041421, CE10041421, CE10041422, CE10041423, CE10041424, CE10041425, CE10041426, CE10041427, CE10041429, CE10041430, CE10041431: Rafael Orandy, architect

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: CE09061045

Ordered to reappear

New Mount Olive Missionary Baptist Church Inc
819 Northwest 3 Street

This case was first heard on 8/20/09 to comply by 9/17/09 and 2/18/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$7,650.

Ms. Sharon Bryant-Dean, manager, requested an extension to install the fire alarm.

Mr. Ron Tetreault, Fire Inspector, said he would not object to a six-month extension because there were legislative issues going on regarding this.

Ms. Flynn granted a 182-day extension, during which time no fines would accrue.

Case: CE10022235

Continued from 4/15/10

Michael Rogan
5200 Northwest 31 Avenue # F-101

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 6 months or a fine of \$250 per day.

Mr. Michael Rogan, owner, said he had surrendered the property in a bankruptcy on May 13. He noted that this was a condo, and the entire building must be assessed in order to comply. He confirmed he no longer had control of the property

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10030849

Ravi D & Sudha Bhakta
1222 Seabreeze Boulevard

Certified mail sent to the owner was accepted on 4/21/10.

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

THIS RESIDENTIAL PROPERTY ZONED RS-4.4 IS BEING
USED FOR COMMERCIAL PURPOSES IN THAT IT IS BEING
RENTED ON A SHORT TERM/TRANSIENT BASIS. PURSUANT
TO ULDR, SECTION 47-5.10, TABLE OF PERMITTED USES,
THIS IS NOT A PERMITTED LAND USE IN THIS DISTRICT.

Officer Eaton reported the case had begun as the result of a complaint. He had interviewed occupants and discovered they were renting it for a vacation through the Best Western down the street. Officer Eaton had interviewed someone at the Best Western, who admitted they were renting the property out on a weekly basis.

Officer Eaton had determined that the property was offered for vacation rental on several websites. When he revisited the Best Western, he had been advised to consult their attorney, Collins Forman. Officer Eaton had then phoned Mr. Forman to inform him that the case would be scheduled for a Special Magistrate hearing.

Officer Eaton presented photos of the property, printouts of Internet advertisements for the vacation rentals and his case file into evidence, requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$250 per day would begin to accrue.

Mr. Collins Forman, attorney, asked Officer Eaton about a visit to the property regarding another case, during which Officer Eaton said he had not been restricted in his inspection. Officer Eaton confirmed that the interior did not resemble a hotel. Mr. Forman submitted the courtesy notice Officer Eaton had prepared indicating the property was rented on a weekly basis into evidence. Mr. Forman produced a copy of

Section 47—5.10 that defined permitted uses in the zoning district and pointed out that section A.1.a. indicated one single-family dwelling was permitted in this RS-4.1 use.

Mr. Forman showed Officer Eaton a copy of Section 47-35.1, page 9 which defined single-family dwellings; Officer Eaton confirmed that this property met this definition. Mr. Forman said this section of the ULDR did not define “commercial purposes,” “short term basis” or “transient basis” for which the property had been cited.

Mr. Forman referred to an inspection report from the Property Appraiser’s website with a photo. He noted there was no difference between Officer Eaton’s inspection report and the Property Appraiser’s report.

Mr. Forman referred to another inspection report from a previous case against the property that indicated no further inspections were needed and that case was closed. Mr. Eaton explained that at the time, the head of the Code Department had instructed him to close the case pending revisions to the ULDR and they were not going to pursue those cases any further.

Officer Eaton confirmed that Mr. Forman’s photos accurately represented the property on the date they were taken.

Mr. Forman moved his exhibits into evidence.

Mr. Forman referred to page 3 of respondent’s exhibit 3, the case history. Where it was noted that Carolina Bella had spoken with Officer Eaton regarding this violation and he had informed her that the property could not be rented on a temporary basis to tourists. Officer Eaton agreed he had also informed Ms. Bella that the property could be rented on a long-term basis. He agreed there was no definition of short-term or long-term lease in Section 47-35.1. Officer Eaton said he was not aware of amendments to the ULDR between 8/09 and 3/10. Mr. Forman stated “rental” was not defined in the ULDR. Officer Eaton did not find such a definition.

Mr. Forman referred to an exhibit that was an order from the Judicial Court of the 12th Judicial Circuit of Sarasota County Florida and a memo from the Fort Lauderdale City Attorney’s office regarding short-term rentals.

Mr. Forman referred to the website advertisement printouts Officer Eaton had provided, that listed prices for the rentals and a description of the property and the amenities.

Officer Eaton read Section 47-34.1, which had been cited for this case’s violation, that stated “...nor shall any building be used for any purpose other than is permitted in the district in which it is located.” He acknowledged there was no distinction between short-term and long-term rental in this code section and stated that was not the purpose of this section.

Mr. Forman submitted his exhibits into evidence. Mr. Forman submitted into evidence Respondent's Exhibit 6, a composite of several websites that mentioned this property.

Mr. Forman called the owner, Mr. Ravi Bhakta, to testify. Mr. Bhakta stated he had purchased the house when he purchased the hotel nearby. He had since moved to another address. Mr. Bhakta had tried to sell the second house but the economy had turned and he "had to make a choice." He had hired a broker to rent the Seabreeze Boulevard house on a long-term basis but they had been unsuccessful. Mr. Bhakta had decided to try to rent the house to tourists or for the season. He said he had asked the president of the neighborhood association if there was anything in the association documents regarding rentals, and Mr. Bhakta said the president had indicated to him that "there is no law prohibiting; if you want to, you can rent it by the day if that's what you choose."

Mr. Bhakta said he had his hotel manager handle the rentals, and confirmed that he collected 11% tourism tax on the rentals and paid this to the City. He used hotel employees for maintenance at the house and paid them separately. Mr. Bhakta said he had rented the house for more than one year before receiving a complaint. He confirmed there had never been nuisance, noise or Police complaints regarding the renters. Mr. Bhakta stated he intended to continue using this property as a short-term rental until he could move back into it. He confirmed he was aware of the Internet ads regarding the property.

Mr. Bhakta informed Ms. Wald that on two occasions, he had rented the house for one day. He confirmed that Carolina Bella worked at Mr. Bhakta's Best Western and also helped him facilitate the house rentals.

Ms. Flynn asked about the rental rules, and Mr. Bhakta said charges for housekeeping and other items were flexible, and people checked in at the hotel. Mr. Bhakta could not specify if checkout times were stated on the Internet ad, and stated most rentals were weekly.

Ms. Sudha Bhakta, owner, said she found nothing inaccurate about her husband's testimony.

Ms. Eugenia Ellis, Executive Director of the Harbor Beach Property Homeowners Association, said the Association was not contacted by Mr. Bhakta regarding short-term rentals. She had spoken with the last two Association presidents, who did not recall such a conversation with Mr. Bhakta, and who would not support short-term rentals under any circumstances. Ms. Ellis said this neighborhood was zoned RD-4.4, the most restrictive residential zoning in the City code. She explained that the Association had worked with Code Enforcement for an extended period of time while information was collected and the property was observed prior to the citation in August 2009.

Ms. Ellis said Association members had inquired about the property and dealt with someone at the Best Western regarding the rental. She stated the members of the Association believed this rental was not in compliance with the City code and asked Ms. Flynn to find in favor of the City.

In response to Mr. Forman's questions, Ms. Ellis said she had not met Mr. and Mrs. Bhakta. She stated they were not members of the neighborhood association. Ms. Ellis explained she had previously lived in the neighborhood but did not any longer. She said to her knowledge, no one from the Association had spoken to Mr. Bhakta regarding the rental as a result of the Code Department's observing the property. Ms. Ellis could not refer to where the code prohibited short-term rentals.

Mr. Forman referred to neighborhood complaints about the property, including: "many different cars almost every day, rooms being rented by the day, cars coming and going." Ms. Ellis said the concern was not just the cars, but also the "lack of continuity of your next door neighbor." Mr. Bhakta said he had spoken with the president of the Association in 2007. Ms. Ellis said in 2007, Bob Ross had been the president and she had spoken with him. Ms. Flynn remarked that the issue was not whether this violated homeowner association rules; the issue was whether this violated the City code that had been cited. Ms. Ellis agreed that Seabreeze was a major artery in the area and the roadway could be noisy.

Ms. Wald explained the rules followed in a Special Magistrate proceeding.

Mr. Forman asked Ms. Flynn to take Judicial notice of the relevant portions of the code: 47-35.1, 47-5.10, 47-5.30, 47-34.1, 47-5.1, 47-5.2 and 47-18.32. Mr. Forman said this was a single-family dwelling in an RS-4.4 zoning district. Testimony indicated there had been no alteration of the property to "make it available as a vacation rental." Mr. Forman said the problem was that some residents objected to short-term residential uses of property. He said Mr. Bhakta had inquired of the rules and regulations and ordinance of the City and found nothing to prohibit the rental of his property as a short-term residential use.

Mr. Forman asked Ms. Flynn to take Judicial notice of Florida Statute sections 83.01, 83.02 and the balance of the landlord/tenant Statute that specified property may be rented by the year, month or week. Without a specific prohibition in the City code, weekly rental could not be prohibited. Mr. Forman cited the case of Ocean's Edge vs. the Town of Juno Beach, which indicated zoning ordinances should be construed broadly, in favor of the property owner. The case also stated property owners were entitled to rely on "the clear and unequivocal language of municipal ordinances." On the last page of the case, the appellate court said the effect of the trial court's decision had been to amend the ordinance as the town would have liked it to read, not as it read. Mr. Forman said this was what the neighborhood association and the City wanted Ms. Flynn to do, and he submitted this would be error and she should not follow this request.

Mr. Forman referred to the case of Hallandale vs. Prospect Hall, in which a hotel had been converted to a dormitory. The city of Hallandale sought to prohibit this use, and the court had found "little, if any difference between the permitted hotel and nursing home uses and a dormitory..." Mr. Forman said if the drafters of the City code had intended limit the duration and frequency of rentals, language to that effect could have been included in the ordinances.

Mr. Forman said nowhere in the code were the following terms defined: short-term residential use, rental, tenancy, commercial purposes, short term or transient. The City ordinance simply did not prohibit this and there was nothing in State Statute that prohibited daily or less than weekly rentals. He referred to the Rose case, which said the general rule applied that "courts may not insert words or phrases into an enactment in order to express a speculative intention unless it clearly appears that the omission was inadvertent..."

Mr. Forman reiterated that the ordinance was lacking in the specificity to place anyone on notice that short-term residential uses were prohibited and in the absence of the restrictive language, the court should construe these ordinances in favor of allowing short-term residential uses.

Mr. Forman cited the case of Moss vs. Inverness Highlands Civic Association from 1988. The case concerned a woman who had rented rooms in her home in a subdivision with a restrictive covenant that stated all lots should be used for residential purposes only. The court had found that the renters were using the lot for purely residential purposes and the covenant was therefore not breached. Mr. Forman stated the Bhaktas were renting the property for a residential use, not a commercial use as the citation stated.

Mr. Forman referred to the definitions section, which defined bed and breakfast establishments, hotels, motels, and pointed out that this property did not satisfy any of those definitions; it did satisfy the definition of a single-family dwelling, a residence, a residential property, residential use, a dwelling and a dwelling unit.

Mr. Forman thought members of the neighborhood association should have approached Mr. Bhaktas about this issue instead of calling Code Enforcement. He felt this had been "an absolute abuse of the power of this City on its residents who are contributing members of society." Mr. Forman said this was "the most egregious abuse that can be imagined" and he requested Ms. Flynn find there had been no violation of the code and that the matter be put to rest.

Mr. Forman referred to the City Attorney's memo regarding the Castro case he had entered into evidence and stated it showed that "even the City Attorney does not know what to do with short-term residential use." In the memo, the City Attorney requested input from Code Enforcement and City Planning and Zoning regarding amendment of the code regarding short-term units.

Ms. Wald stated on 8/11/08, in Case CE0821573, the Special Magistrate had found a violation of Code Section 47-34.1.A.1: Short-term vacation rental in RS-8 zoning and ordered cessation. This had been appealed and the opinion entered on 7/22/09 had affirmed the decision of the City's Special Magistrate.

Ms. Wald pointed out that the owner had admitted the property was being used as a short-term vacation rental. The City had interpreted their code, pursuant to the RS-4.4 that any use not listed in the code was a prohibited use. This was per City code 47-1.14.B.5: A prohibited use is any use which is not listed as permitted, conditional or accessory use in the zoning district. Ms. Wald acknowledged that the code did not have a definition prohibiting short-term, residential, vacation, commercial ventures. The issue was whether this was allowed in RS-4.4 as a residential use. She stated just because the property did not meet the definition of a hotel or motel did not mean they were not operating it as such. If the property did meet the definition of a hotel or motel, it would be illegal in this zoning district.

Ms. Wald said the City was looking at this again and a Committee had been formed, but this was the law the City had now and it had already been determined by this forum and been upheld by the 7TH Judicial District Court that this was not allowed by the City's code of ordinances. Therefore, the City believed Ms. Flynn must uphold this and find this was a violation of the ULDR.

Ms. Wald informed Ms. Flynn that the only difference between this and Castro case was that the Castro property was in an RS-8 zoning district and this was an RS-4.4 zoning district. The difference between the two was that RS-4.4 required more land for new development. Ms. Wald noted that the cases were virtually identical.

Mr. Forman did not believe that the Castro precedent was binding on this case. Mr. Forman noted that the Castro case had not become final until the date of the first violation in this case, so even if the precedent applied, everything that occurred up until the date that the case became final would have been allowed. Ms. Wald said even if the Castro case was decided after, the City still pursuing these cases and presenting them to the Special Magistrate.

Ms. Flynn was mindful of the concerns of the property owner and the community. She stated the precedent of the Castro case, which cited the same ordinance and distinguishing features, led her to find for the City.

Mr. Forman said the owner had deposits for rentals until October and requested until those rentals were through to comply. Ms. Wald suggested allowing 30 days.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$250 per day would begin to accrue.

Case: CE09091486

Ashanti Holdings LLC
1851 Southeast 10 Avenue

This case was first heard on 10/15/09 to comply by 1/21/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$26,500 fine.

Mr. Mariano Katz, general manager, stated they had sought the certification on time but there had been a delay due to technical issues.

Mr. Ron Tetreault, Fire Inspector, said there had been issues with the certification regarding whether the system was properly operational. He recommended reducing the fine to \$520 for administrative costs.

Ms. Flynn imposed a \$520 fine.

The following 15 cases at the same address were heard together:

Case: CE10041419

Value Development LLC
1401 Northeast 53 Street # 101

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Mr. Carlos Reyes Jr., attorney for Value Development LLC, said he was speaking for Value Development and several owners who were not present. Inspector Tetreault confirmed for Mr. Reyes that he had not personally entered each unit. Mr. Reyes said they had reviewed the situation and determined that in 2005-2006, permits had been pulled and closed for electrical, plumbing and structural. They had discovered in a random search that some smoke detectors had been hard-wired and some had batteries. Mr. Reyes requested time for an electrician to replace any battery units with hard-wired units.

Inspector Tetreault asked Mr. Reyes if he was stating that a system with some battery operated units had passed inspection. Mr. Reyes believed this was what had happened. Inspector Tetreault stated permits must be pulled to install a hard-wired unit in place of a battery-operated unit. Any hard-wired units already installed would be complied.

Mr. Reyes asked Ms. Flynn if an affidavit from the president of the association, himself, would suffice instead of having to pull a permit. Ms. Flynn said she could not decide whether or not a permit was required. Ms. Wald advised Mr. Reyes if he wanted to dispute the need for a permit, he should appeal to the Building Official. Inspector Tetreault stated he had checked the permit screen for the property and there was no indication that hard-wired smoke detectors had been permitted, installed or inspected. He agreed to inspect individual units and withdraw cases for addresses that had legally installed detectors.

Mr. Louis Ragusa, unit 102 owner, said he had hired a contractor to check his smoke detector. The contractor had determined that his unit was connected. Mr. Nicholas Welsh, contractor, stated he had determined Mr. Ragusa's smoke detector was hard-wired.

Mr. Reyes asked that the cases be held in abeyance until all of the units could be reviewed. Ms. Wald said it was not just a matter of the installation; the permit issue must also be resolved in order to comply.

Regarding the fire alarm, Mr. Reyes requested clarification for what they must install. Inspector Tetreault explained that every unit was required to have notification at 75 decibels.

Regarding violation NFPA 101:31.3.4.1.1, Mr. Rafael Orandy, architect, noted that alarms were not required in a dwelling unit that was separated by fire barriers of ½ hour or more. These units had 1-hour fire barriers between each unit and each unit had a separate exit. Inspector Tetreault explained that this was one building, so the alarm would be installed in the building. The units did not have individual exits, which would require separate stairwells to the ground floor. A fire alarm was required in the building, with indicating and enunciating devices on the first and second floors.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041420

Louis Ragusa, John Gaudiomonte
1401 Northeast 53 Street # 102

Certified mail sent to the owner was accepted on 4/26/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041421

Value Development LLC
1401 Northeast 53 Street # 103

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041422

Daniel Beaucage
1401 Northeast 53 Street # 104

Service was via the appearance of the owner's representative at this hearing.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041423

Michael Barone

1401 Northeast 53 Street # 105

Service was via the appearance of the owner's representative at this hearing.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041424

Emilio Benitez & Scott M Rivelli

1401 Northeast 53 Street # 106

Certified mail sent to the owner was accepted on 4/26/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041425

Value Development LLC
1401 Northeast 53 Street # 107

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041426

Value Development LLC
1401 Northeast 53 Street # 108

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041427

Value Development LLC
1401 Northeast 53 Street # 109

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041429

Value Development LLC
1401 Northeast 53 Street # 110

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041430

Value Development LLC
1401 Northeast 53 Street # 111

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041431

Value Development LLC
1401 Northeast 53 Street # 112

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041433

Robert J Kraljevich
1401 Northeast 53 Street # 201

Certified mail sent to the owner was accepted on 4/24/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041434

Value Development LLC
1401 Northeast 53 Street # 202

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041435

Value Development LLC
1401 Northeast 53 Street # 203

Certified mail sent to the owner was accepted on 4/23/10.

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 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 91 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

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

Case: CE09120532

Pirita Apartments Inc
1431 Southwest 24 Court

This case was first heard on 2/4/10 to comply by 3/4/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$9,500 fine.

Mr. Robert Mignacea, owner, said he had missed the February hearing due to a medical emergency. There had been delays with his contractor and with re-inspections. Mr. McKelligett recommended abatement of all fines.

Ms. Flynn imposed no fine.

Case: CE09120533

Pirita Apartments Inc
1433 Southwest 24 Court

This case was first heard on 2/4/10 to comply by 3/4/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$9,500 fine.

Ms. Flynn imposed no fine.

The following three cases for the same property were heard together:

Case: CE10032655

Efrain & Jhoseph Gonzalez
3310 Northwest 64 Street

Service was via posting on the property on 4/15/10 and at City Hall on 4/29/10.

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

THERE IS LAWN OVERGROWTH PRESENT ON THIS PROPERTY
AND THE PROPERTY IS LITTERED WITH
TRASH/RUBBISH/DEBRIS.

Officer Viscusi presented photos of the property and the case file into evidence and said this case was the result of a complaint. He stated the home had been foreclosed upon but he could not determine if the final sale had taken place. The property was still in this owner's name with the property appraiser. Officer Viscusi recommended ordering compliance within 14 days or a fine of \$25 per day would begin to accrue.

Mr. Jhoseph Gonzalez, owner, said they would take care of the trash and the lawn every week.

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

Case: CE10032782

Efrain & Jhoseph Gonzalez

3310 Northwest 64 Street

Certified mail sent to the owner was accepted on 5/3/10. Service was also via posting at City Hall on 4/29/10.

Mr. Sal Viscusi, Code Enforcement Officer, testified to the following violation:
18-11(a)

THE POOL IN THE REAR YARD ON THIS PROPERTY IS
FILLED WITH GREEN/STAGNANT WATER. THE POOL IN THIS
CONDITION IS UNSANITARY, UNSIGHTLY, AND IS A
POTENTIAL BREEDING GROUND FOR MOSQUITOES. THIS
POOL ALSO POSES A THREAT TO THE HEALTH, SAFETY,
AND WELFARE TO THE COMMUNITY

Officer Viscusi presented photos of the property and the case file into evidence. He said this was the same property, and recommended ordering compliance within 10 days or a fine of \$100 per day would begin to accrue.

Mr. Jhoseph Gonzalez, owner, said the water pump had broken and he could not afford to replace it. He requested time to buy a new pump. Mr. Gonzales said he no longer lived at the house. Officer Viscusi reiterated that he could not tell if the property had reverted back to the bank. He said this was a life safety issue and he did not want to allow any more than 10 days. Officer Viscusi advised Mr. Gonzales that draining the pool would comply the violation.

Ms. Flynn found in favor of the City and ordered compliance within 49 days or a fine of \$100 per day would begin to accrue.

Case: CE10032784

Efrain & Jhoseph Gonzalez
3310 Northwest 64 Street

Certified mail sent to the owner was accepted on 5/3/10. Service was also via posting at City Hall on 4/29/10.

Mr. Sal Viscusi, Code Enforcement Officer, testified to the following violation:
9-304(b)

THERE IS A JET SKI TRAILER WITH A JET SKI ON IT
BEING PARKED/STORED IN THE REAR YARD ON A GRASS
COVERED SURFACE.

Officer Viscusi 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.

Mr. Gonzales said the Jet ski would be removed immediately.

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

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

Case: CE10031605

Annerley Wheble
2625 Grace Drive

Certified mail sent to the owner was accepted on 4/21/10.

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

THIS RESIDENTIAL PROPERTY ZONED RS-8 IS BEING USED
FOR COMMERCIAL PURPOSES IN THAT IT IS BEING RENTED
ON A SHORT TERM/TRANSIENT BASIS. PURSUANT TO ULDR,
SECTION 47-5.11, TABLE OF PERMITTED USES, THIS IS
NOT A PERMITTED LAND USE IN THIS DISTRICT.

Mr. McKelligett reported the Assistant City Attorney and the owner's attorney had agreed to continue these cases until 6/17/10.

Ms. Flynn ordered the respondent to reappear at the 6/17/10 hearing.

Case: CE10031607

Annerley Wheble
2624 Grace Drive

Certified mail sent to the owner was accepted on 4/21/10.

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

THIS RESIDENTIAL PROPERTY ZONED RS-8 IS BEING USED
FOR COMMERCIAL PURPOSES IN THAT IT IS BEING RENTED
ON A SHORT TERM/TRANSIENT BASIS. PURSUANT TO ULDR,
SECTION 47-5.11, TABLE OF PERMITTED USES, THIS IS
NOT A PERMITTED LAND USE IN THIS DISTRICT.

Mr. McKelligett reported the Assistant City Attorney and the owner's attorney had agreed to continue these cases until 6/17/10.

Ms. Flynn ordered the respondent to reappear at the 6/17/10 hearing.

Case: CE10030709

Lane Birnbaum
2124 Southeast 19 Street

Personal service was made to the owner on 5/11/10.

Mr. Dick Eaton, Code Enforcement Officer, testified to the following violation:
47-21.8.A.

THERE ARE AREAS OF THE LAWN/LANDSCAPE AT THIS
PROPERTY THAT ARE NOT PROPERLY GRADED AND
MAINTAINED, CAUSING EROSION UNTO THE PUBLIC
SIDEWALK AND COMPROMISING THE INTEGRITY OF AN
EXISTING FENCE.

Officer Eaton said this citation was the result of a complaint. He 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.

Mr. Lane Birnbaum, owner, showed his own photos of the property, and explained that the problem was that a retaining wall had been removed and the remaining sand was impossible to grade. He said he could not afford to re-install the retaining wall at present. Officer Eaton stated the retaining wall had been installed by a previous owner without a permit and when Mr. Birnbaum removed it, this had caused the current problem. Officer Eaton said the owner might be able to utilize pavers or lay sod instead of installing another wall. Mr. Birnbaum stated after the wall had been removed, the property had been properly sodded and inspected.

Ms. Wald said Mr. Birnbaum should consult with someone from the Building Department regarding how to address the violation. She advised Ms. Flynn to continue the case and the City would have a representative from the Building Department present at the next hearing. In the meantime, Mr. Birnbaum could meet with someone from the Building Department.

Ms. Flynn continued the case to the July 15, 2010 hearing.

Case: CE08110825

W C & Eleanor A Conway
5900 Northwest 9 Avenue

This case was first heard on 4/2/09 to comply by 10/1/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,800 fine, which would continue to accrue until the property complied.

Mr. Sal Viscusi, Code Enforcement Officer, said the owner was being diligent trying to resolve the problem, but he was having to deal with FPL and Tri-Rail regarding ingress and egress at the property. Officer Viscusi supported an extension.

Mr. William Conway, owner, said they had hired two engineers to design the wall, but they needed rights-of-way deeded back to them from the road. Officer Viscusi recommended a 182-day extension.

Ms. Flynn granted a 182-day extension, during which time no fines would accrue.

Case: CE10040027

Dimitrije Garcy
3061 Northeast 49 Street # 05

Certified mail sent to the owner was accepted on 4/28/10.

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day. He stated the owner had agreed to this earlier when he was present.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10041251

Ardox Corp
77 Southwest 20 Street

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

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

NFPA 1:18.3.4.3

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

NFPA 25:5.3.3.1

THE SPRINKLER SYSTEM ALARM BELL DOES NOT FUNCTION AS
DESIGNED.

Complied:
NFPA 25:12.7.1

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$100 per day, per violation.

Mr. Russell Bratt, owner, said they were rehabilitating the buildings, but they were having trouble getting the steel for the roofing. If they could not get the roof on they would demolish the building. If the roof were installed, they would proceed with plumbing and electrical rehab permits. Inspector Tetreault said the sprinkler system was a critical life safety measure and asked Mr. Bratt to have a company service the system.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE08110829

Shay Sasson
1313 Northwest 14 Court

This case was first heard on 12/18/09 to comply by 12/28/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of \$1,082.70 in board-up costs and a \$1,200 fine.

Ms. Flynn imposed the \$1,082.70 board-up costs and \$1,200 fine.

Case: CE09011221

Shay Sasson
1313 Northwest 14 Court

This case was first heard on 3/19/09 to comply by 4/23/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$39,000 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$39,000 fine, which would continue to accrue until the property complied.

Case: CE10030850

Sumit Gaddh
1510 Seabreeze Boulevard

Service was via the appearance of a representative at this hearing.

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

THIS RESIDENTIAL PROPERTY ZONED RS-4.4 IS BEING
USED FOR COMMERCIAL PURPOSES IN THAT IT IS BEING
RENTED ON A SHORT TERM/TRANSIENT BASIS. PURSUANT
TO ULDR, SECTION 47-5.10, TABLE OF PERMITTED USES,
THIS IS NOT A PERMITTED LAND USE IN THIS DISTRICT.

Officer Eaton stated the case had begun as the result of a complaint. Mr. Eaton had visited the property on 3/10/10 and found the front door wide open. There were several young people present and they informed Officer Eaton that the owner did not live at the property and they were there on vacation.

Mr. David Strauss, attorney, objected to Officer Eaton's hearsay testimony and to the fact that Officer Eaton had entered the home without a warrant. Ms. Flynn overruled the objection, and Officer Eaton said he had not entered the property. The occupants had informed Officer Eaton that they had located the property through an Internet advertisement and he confirmed the property was advertised for weekly vacation rentals. Officer Eaton had received a call from the owner informing him that he lived at the property and had rented it out only once over the New Year holiday. After informing the owner of Officer Eaton's March visit, the owner agreed to discontinue renting the property. An investigation by the property appraiser's office had result in withdrawal of the Homestead exemption due to the home's use.

On 3/25/10, Officer Eaton had received an email from the complainant indicating two families with children were now occupying the property. On 4/16/10, Officer Eaton had inspected the property and found the owner had installed panels along the fence to completely block the view of the property. On 4/22/10 Officer Eaton received a call from the owner's attorney. Officer Eaton had checked the Internet site the previous day and found the property still advertised for short-term, weekly rental.

Officer Eaton presented photos of the property, Internet advertisements, email complaints and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$250 per day would begin to accrue.

Officer Eaton showed Mr. Strauss his evidence. He stated he had visited the property on 3/10/10, 3/11/10, 3/26/10, 3/29/10, 4/2/10, 4/16/10, 4/26/10, 4/27/10 and 5/18/10. Officer Eaton had already described his visit to the property on March 10. On 3/11/10, the gate had been closed and no cars were visible. On one visit to the property, the gate had been open and Officer Eaton had been invited into the house by the owner. Another person present had been "a little distraught" and Officer Eaton agreed to return when the attorney was present. Mr. Eaton had made an appointment with Mr. Strauss and confirmed this date with the owner but could not get Mr. Strauss to confirm this date. On the morning of the appointment, He had left a message on Mr. Strauss's voice mail with his cell phone number but Mr. Strauss had never returned his call. Mr. Eaton

said the property owner had told him on his previous visit never to return to the property without a warrant, so Officer Eaton would not visit the property without knowing Mr. Strauss would be present.

Officer Eaton said he had not asked for or received a copy of any written agreement for the rental from the people present on 3/10/10. Mr. Strauss stated he was not convinced Officer Eaton's documents would be accepted into evidence because they were "hearsay documents." Officer Eaton submitted his documents into evidence and Mr. Strauss objected because "there has been no foundation for these documents; we don't even know what they are." Ms. Flynn overruled the objection and accepted Officer Eaton's documents into evidence.

Mr. Strauss referred to complaint emails from Charlie Resta. Officer Eaton did not know Mr. Resta's address or why a City Commissioner was copied on one of the emails. Officer Eaton could not recall any renters having been evicted by the Police because of their activity at the house.

Ms. Eugenia Ellis, Executive Director of the Harbor Beach Property Homeowners Association, said the zoning was RS-4.4, the most restrictive single-family zoning. Ms. Ellis said residents had filed a code request for investigation by the City. She said this property was reported more than once for the appearance of short-term rental. Ms. Ellis referred to the Code report that indicated different cars were present on different days.

Mr. Strauss stated the only evidence was Officer Eaton's observation that people were present in the house and their hearsay response to his questions. It was therefore not known if the people present were renting for six months or a year. Mr. Strauss did not believe the City had shown by competent evidence that the property was used for short-term rental.

Mr. Strauss referred to the earlier legal arguments when Ms. Flynn stated the Castro case was a binding precedent, and stated, "If it were being used for a short-term rental, that would not qualify as a commercial use..."

Ms. Flynn found in favor of the City and ordered compliance within 49 days or a fine of \$250 per day would begin to accrue.

Case: CE09111054

S & N Development Group Inc
901 Southwest 15 Avenue

This case was first heard on 3/4/10 to comply by 4/1/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$1,400 fine.

Mr. Peter Bajic, new owner, said he had purchased the property on April 14, 2010. He explained he had taken care of the outstanding violation soon after purchasing it.

Mr. Andre Cross, Code Enforcement Officer, confirmed Mr. Bajic had phoned about the violations prior to purchasing the property.

Ms. Flynn imposed no fine.

Case: CE09120531

James C Herrron
1407 Southwest 24 Court

This case was first heard on 3/4/10 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 an \$11,750 fine, which would continue to accrue until the property complied.

Mr. James Herron, owner, said he was experiencing financial issues and requested an extension.

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

Ms. Flynn granted a 77-day extension, during which time no fines would accrue.

Case: CE10022141

Sayed Ebrahim Beladi & Safieh Javid
2020 East Oakland Park Boulevard

Certified mail sent to the owner was accepted on 4/22/10. Service was also via posting at City Hall on 4/29/10.

Ms. Mary Rich, Code Enforcement Officer, testified to the following violation:
47-34.2.B.

THE REQUIRED BUFFERWALL IS MISSING FROM THIS CB
(COMMERCIAL BUSINESS) ZONED PROPERTY. THE PROPERTY
LOCATED DIRECTLY TO THE SOUTH OF THIS LOCATION IS
ZONED RMM-25. THE SUBJECT PROPERTY IS IN VIOLATION
OF NEIGHBORHOOD COMPATIBILITY REQUIREMENT
47-25.3.A.3.d.iv WHERE A BUFFERWALL IS REQUIRED ON
A NON-RESIDENTIAL PROPERTY, WHICH IS CONTIGUOUS TO
ANY RESIDENTIAL PROPERTY.

Officer Rich presented photos of the property and the case file into evidence, and recommended ordering compliance within 126 days or a fine of \$25 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 126 days or a fine of \$25 per day would begin to accrue.

Case: CE10020645

Sandra J Lorusso
2507 Andros Lane

Certified mail sent to the owner was accepted on 4/30/10.

Ms. Barbara Urow, Code Enforcement Officer, testified to the following violation:
9-280(b)

THERE IS A WHITE TARP, WHEELBARROW AND BRICKS
LOCATED ON THE ROOF.

Officer Urow 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.

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

Case: CE10040962

Fantom Realty LLC
3251 Southwest 1 Terrace

Service was via posting on the property on 4/28/10 and at City Hall on 4/29/10.

Ms. Barbara Urow, Code Enforcement Officer, testified to the following violation:
47-20.10.A.

THERE IS TANDEM PARKING PRESENT AT THIS BUSINESS.
DUE TO THE RECURRING NATURE OF THE VIOLATION THIS
CASE WILL BE PRESENTED TO A SPECIAL MAGISTRATE REGARDLESS
IF THE PROPERTY COMES INTO COMPLIANCE BEFORE THE HEARING.

Officer Urow reported that on 5/17 the property had been complied. She presented photos of the property and the case file into evidence, and requested a finding of fact that the violation had existed.

Ms. Flynn found the violation had existed as cited.

Case: CE09100879

Patricia S & Cherylle A Hayes
601 Northeast 3 Avenue

Stipulated agreement

Violation:

9-306

THERE IS STRUCTURAL DAMAGE AND PORTIONS OF THE BUILDING IN DISREPAIR ON THE EXTERIOR OF THE STRUCTURE OF THIS PROPERTY, INCLUDING BUT NOT LIMITED TO WINDOW FRAMES IN DISREPAIR AND CRACKS ON THE WALLS IN THE FRONT AND AT THE NORTH SIDE OF THE BUILDING.

9-280(b)

WITHDRAWN.

The City had a stipulated agreement with the owner to comply within 98 days or a fine of \$50 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Ms. Flynn found in favor of the City, approved the stipulated agreement and ordered compliance within 98 days or a fine of \$50 per day would begin to accrue.

Case: CE10042338

Gina & Josephe LaSala
2900 Northwest 69 Court

Service was via posting on the property on 4/27/10 and at City Hall on 4/29/10.

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

THERE IS TRASH/RUBBISH/DEBRIS LITTERING THIS PROPERTY THE ITMES INCLUDE BUT ARE NOT LIMITED TOO BEER BOTTLES, PLASTIC BOTTLES, CARDBOARD BEER BOTTLE BOXES, TREE DEBRIS, ETC...

THIS IS A REPEAT VIOLATION ON THIS PROPERTY. THIS HAD BEEN A RECURRING VIOLATION ON THIS PROPERTY. THE PROPERTY HAS BEEN CITED FOR THIS VIOLATION 9 TIMES IN THE LAST YEAR. ON 3/18/10 CODE CASE CE10020157 WAS PRESENTED BEFORE SPECIAL MAGISTRATE PURDY, WHO RULED IN FAVOR OF THE CITY DECLARING THIS TO BE A RECURRING VIOLATION ON THIS PROPERTY AND ISSUED A FINDING OF FACT ON BEHALF OF THE CITY OF FORT LAUDERDALE.

THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER THE VIOLATION COMPLIES PRIOR TO THE HEARING DATE OR NOT.

Officer Viscusi reported this was a town home property and there were two neighbors who actively antagonized each other. He had tried unsuccessfully to get the neighbors

to work together. Officer Viscusi said a complaint had been received on 4/26/10 and he had inspected the property every weekday up to and including 5/17/10 and found the violation present. Officer Viscusi recommended imposing a fine of \$250 per day retroactive to the date the violation had been identified, 4/26/10, continuing to accrue until the violation was complied. He stated he had recently been unable to communicate with the owner, and there was a lis pendens on the property dated 1/28/10, but no final judgment had been entered.

Ms. Flynn found in favor of the City and ordered a fine of \$250 per day to begin on 4/26/10 and to continue to accrue until the violation was corrected.

Case: CE10030017

HSBC Bank USA N A Trustee
C/O Litton Loan Services
2504 Northwest 21 Street

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

Ms. Ingrid Gottlieb, Code Enforcement Officer, testified to the following violations:

9-276(b)(3)

THERE IS EVIDENCE OF TERMITES ON THIS PROPERTY.

9-278(g)

THERE ARE MISSING OR BROKEN SCREENS ON THE WINDOWS OF THIS RENTAL DUPLEX.

9-280(b)

THERE ARE BROKEN AND INOPERABLE WINDOWS ON THIS RENTAL DUPLEX PROPERTY. THERE IS ROTTED, WATER DAMAGED, AND TERMITE EATEN WOOD ON THE INSIDE AND OUTSIDE OF THE STRUCTURE. THERE ARE WALLS ON THE REAR OF THE STRUCTURE, WHICH HAVE LARGE GAPS, LEAVING THE INTERIOR EXPOSED TO THE ELEMENTS. THERE ARE DOORS AND DOOR FRAMES ON THE STRUCTURE, WHICH ARE NOT WEATHERPROOF AND WATERTIGHT, AS REQUIRED.

9-280(f)

THE WATER PIPES IN THE KITCHEN HAVE NOT BEEN MAINTAINED IN A GOOD, SAFE OPERATING CONDITION. THERE IS A LOUD NOISE EMANATING FROM THE PIPES WHEN TURNED ON.

9-280(g)

THERE IS EXPOSED WIRING IN THE WALL OF A BEDROOM. THE AIR CONDITIONING UNIT IS NOT FUNCTIONING PROPERLY, LEAKS WHEN TURNED ON, AND DOES NOT ADEQUATELY COOL THE APARTMENT.

Officer Gottlieb reported there had been a case against the previous owner but the property had been foreclosed by the bank. The violations remained and a representative had indicated they wanted to evict the tenant, but Officer Gottlieb was unsure of the status of any legal action. She noted that on her last visit to the property, the air conditioning unit had been stolen and there was no electric service to the property. Officer Gottlieb presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$50 per day, per violation would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$50 per day, per violation would begin to accrue.

Case: CE10030613

Stipulated agreement

Tyler Tuchow
2009 Northwest 21 Avenue

Violations:

9-276(c)(3)

THERE IS EVIDENCE OF TERMITES AND/OR OTHER INSECTS
INSIDE THIS HOUSE.

9-278(h)

THERE ARE SCREENS MISSING FROM WINDOWS ON THE STRUCTURE.

9-279(g)

THERE ARE PIPES THAT ARE LEAKING, AND NOT BEING
PROPERLY MAINTAINED.

9-280(b)

THERE ARE WINDOWS ON THE STRUCTURE, THAT HAVE NOT
BEEN INSTALLED IN A WORKMANLIKE MANNER, LEAVING
GAPS AND ALLOWING FOR EXPOSURE TO THE ELEMENTS.
THERE ARE OTHER WINDOWS THAT HAVE A PIECE OF
PLYWOOD UNDERNEATH THEM, ARE NOT REASONABLY
WEATHERPROOF AND WATERTIGHT, AND DO NOT MEET
BUILDING REQUIREMENTS. THERE ARE OPENINGS IN THE
WALLS, WHERE AC UNITS HAVE BEEN REMOVED, THAT ARE
NOW JUST COVERED WITH PLYWOOD, AND ARE NOT
WEATHERPROOF AND WATERTIGHT AS REQUIRED. THERE ARE
CEILINGS THAT HAVE BEEN REPAIRED IN A NON
WORKMANLIKE MANNER, AND ARE RIPPLED AND SAGGING.
THERE ARE WALLS THAT ARE WET AND DAMAGED FROM WATER.

9-280(g)

THERE IS EXPOSED WIRING AND ACCESSORIES IN THE HOUSE,
INCLUDING UNCOVERED ELECTRICAL OUTLETS AND SWITCHES,
EXPOSED WIRES IN THE BREAKER BOX, AND IN A CEILING FAN.

The City had a stipulated agreement with the owner to comply 9-276(c)(3), 9-279(g) and 9-280(g) within 28 days or a fine of \$50 per day, per violation and to comply 9-278(h) and 9-280(b) within 63 days or a fine of \$50 per day, per violation. The City was requesting a finding of fact and approval of the stipulated agreement.

Ms. Flynn found in favor of the City, approved the stipulated agreement and ordered compliance with 9-276(c)(3), 9-279(g) and 9-280(g) within 28 days or a fine of \$50 per day, per violation and with 9-278(h) and 9-280(b) within 63 days or a fine of \$50 per day, per violation would begin to accrue.

Case: CE10040499

Jessie Snell
C/O Joe C Snell
1810 Northwest 27 Terrace

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

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

THERE IS A RED LINCOLN WITH AN EXPIRED 2006 TAG,
PARKED ON THIS PROPERTY.

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 would begin to accrue.

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

Case: CE10032489

Maurice Walker
2308 Northwest 26 Street

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

Ms. Ingrid Gottlieb, Code Enforcement Officer, testified to the following violations:
9-278(c)

THERE ARE ELECTRICAL OUTLETS AND SWITCHES MISSING
THE REQUIRED PLATE COVERS, LEAVING EXPOSED WIRING
AND THE DANGER OF SHOCK.

9-278(g)

THERE ARE WINDOWS WITH BROKEN AND MISSING SCREENS.

9-280(b)

THERE ARE BROKEN WINDOWS AND WINDOWS AND DOORS
THAT ARE IN DISREPAIR, AND NOT WEATHERPROOF AND

WATERTIGHT AS REQUIRED, ON THIS RENTAL HOUSE.

9-280(f)

THERE ARE PIPES IN THE KITCHEN AND BATHROOM THAT
ARE LEAKING.

9-280(g)

THERE ARE ELECTRICAL SWITCHES AND/OR LIGHTS IN
DISREPAIR AND NOT FUNCTIONING.

Officer Gottlieb presented photos of the property and the case file into evidence, and recommended ordering compliance with 9-278(c) and 9-280(f) within 14 days or a fine of \$50 per day, per violation and with 9-278(g), 9-280(b) and 9-280(g) within 35 days or a fine of \$50 per day, per violation.

Ms. Flynn found in favor of the City and ordered with 9-278(c) and 9-280(f) within 14 days or a fine of \$50 per day, per violation and with 9-278(g), 9-280(b) and 9-280(g) within 35 days or a fine of \$50 per day, per violation would begin to accrue.

Case: CE10032433

Glyn Higginbotham Estate
1310 Southwest 28 Road

Service was via posting on the property on 4/22/10 and at City Hall on 4/29/10.

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

THE PROPERTY HAS BECOME OVERGROWN (INCLUDING THE
SWALE) AND HAS NOT BEEN MAINTAINED.

Officer Cross 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 would begin to accrue.

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

Case: CE10040404

Pauline Erwin
1505 Southwest 21 Terrace

Certified mail sent to the owner was accepted on 4/29/10. Service was also via posting at City Hall on 4/29/10.

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

THERE IS TRASH, RUBBISH AND DEBRIS SCATTERED ABOUT

THE REAR OF THE PROPERTY INCLUDING BUT, NOT
LIMITED TO PLYWOOD, GLASS, AND MISCELLANEOUS
ITEMS.

Officer Cross 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 would begin to accrue.

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

Case: CE10021303

Eduardo Pria
815 Middle River Drive # 102

Service was via posting on the property on 4/20/10 and at City Hall on 4/29/10.

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

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10021305

Jane Dorothy Schmidt
815 Middle River Drive # 104

Service was via posting on the property on 4/20/10 and at City Hall on 4/29/10.

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

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10022237

Jack and Sadie Axelrod
5200 Northwest 31 Avenue # F-103

Service was via posting on the property on 4/20/10 and at City Hall on 4/29/10.

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

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10022259

Delon Mikhail
5200 Northwest 31 Avenue # F-113

Service was via posting on the property on 4/20/10 and at City Hall on 4/29/10.

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

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10022264

Joanne Cates & Ian Waugh
5200 Northwest 31 Avenue # F-114

Service was via posting on the property on 4/20/10 and at City Hall on 4/29/10.

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

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040428

Srinath & Nithya Sundararaman
2200 South Ocean Lane # 3010

Certified mail sent to the owner was accepted on 4/21/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:12.7.3.5

GLASS AND/OR OTHER GLAZING MATERIALS ARE NOT FIRE RATED.

Inspector Tetreault recommended ordering compliance within 77 days or a fine of \$150 per day.

Ms. Flynn found in favor of the City and ordered compliance within 77 days or a fine of \$150 per day would begin to accrue.

Case: CE10040465

West Yard Partners LLC
2005 Southwest 20 Street

Certified mail sent to the owner was accepted on 4/21/10 and certified mail sent to the registered agent was accepted on 4/21/10.

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

SPRINKLER PROTECTION IS REQUIRED.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

NFPA 1:1.12.1

WORK REQUIRES A PERMIT.

Complied:

NFPA 1:43.1.7.1

NFPA 33:9.1.1

NFPA 101:7.9.2.1

NFPA 1:11.1.2

NFPA 1:11.1.5

NFPA 1:10.4.4

Inspector Tetreault recommended ordering compliance within 182 days or a fine of \$100 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE10040471

Raymond E Sarik
3061 Northeast 49 Street # 12

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

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040473

Audrey A O'Brien
3061 Northeast 49 Street # 14

Certified mail sent to the owner was accepted on 4/23/10.

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040479

Robert G Degara
3061 Northeast 49 Street # 18

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

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040480

Deutsche Bank National Trust Co.
Securitized Asset Backed Rec
3061 Northeast 49 Street # 19

Certified mail sent to the owner was accepted 4/23/10.

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040482

Lawrence L & Patricia A Montani
3061 Northeast 49 Street # 20

Certified mail sent to the owner was accepted on 4/23/10.

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040483

Steven R Porzio
3061 Northeast 49 Street # 21

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

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040484

Laurence M Defuria & Scott Gooding
3061 Northeast 49 Street # 22

Certified mail sent to the owner was accepted on 4/22/10.

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 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 101:31.3.4.1.1 within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE10040524

EI-Ad FL Beach LLC
219 South Fort Lauderdale Beach Boulevard

Certified mail sent to the owner was accepted on 4/21/10 and certified mail sent to the registered agent was accepted on 4/21/10.

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

NFPA 101:7.2.1.5.2

LOCKS PROVIDED IN THE MEANS OF EGRESS REQUIRE A KEY, TOOL
OR SPECIAL KNOWLEDGE OR EFFORT FOR OPERATION FROM THE
EGRESS SIDE.

Complied:

NFPA 1:13.3.1.1

NFPA 25:12.7.1

NFPA 101:7.2.1.4.5

NFPA 1:13.3.3.3

NFPA 1:1.7.6.2

NFPA 1:1.12.1

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

Ms. Flynn found in favor of the City and ordered compliance within 77 days or a fine of \$100 per day would begin to accrue.

Case: CE10040789

Hub Associates Ltd
928 North Federal Highway

Certified mail sent to the owner was accepted on 4/22/10.

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

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

TROUBLE ALARM IS SHOWING ON THE FIRE ALARM PANEL.

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

NFPA 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

Complied:

NFPA 101:7.2.1.4.5

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

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day, per violation, would begin to accrue.

Case: CE10041256

W D Cordova LLC
1625 Cordova Road
Assc Tech Att Winn Dixie

Certified mail sent to the owner was accepted on 4/22/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

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

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

Case: CE10041260

Luma Properties Inc
723 Northwest 6 Avenue

Certified mail sent to the owner was accepted on 5/4/10 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 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

NFPA 1:1.12.1

WORK REQUIRES A PERMIT.

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 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

Complied:

NFPA 1:11.1.2

NFPA 25:12.7.1

NFPA 25:5.3.3.1

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

Ms. Flynn found in favor of the City and ordered compliance within 77 days or a fine of \$100 per day, per violation, would begin to accrue.

Case: CT10040965

Fantom Realty LLC
3251 Southwest 1 Terrace

Service was via posting on the property on 4/28/10 and at City Hall on 4/29/10.

9-304(b)

THERE ARE VEHICLES AND TRAILERS PARKED ON THE GRASS AT
THIS BUSINESS. DUE TO THE RECURRING NATURE OF THE
VIOLATION THIS CASE WILL BE PRESENTED TO A SPECIAL
MAGISTRATE REGARDLESS IF THE PROPERTY COMES INTO
COMPLIANCE BEFORE THE HEARING.

Officer Urow reported that Pursuant to Section 11-19, a Citation Warning Notice dated 4/12/10 had been issued to the business. Upon reinspection on 4/19/10 the property was complied but due to the recurring nature of the violation, the case was being presented to the Special Magistrate. Office Urow presented the case history and photos of the property into evidence and requested a finding of fact.

Ms. Flynn found the violation had existed as cited.

Case: CE08042322

Patrick Eugene
2810 Northeast 60 Street

This case was first heard on 9/4/08 to comply by 9/14/08. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$42,000 fine.

Ms. Flynn imposed the \$42,000 fine.

Case: CE08090501

Rosamene Cireus
524 Northwest 13 Avenue

This case was first heard on 11/6/08 to comply by 11/20/08. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$81,600 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$81,600 fine, which would continue to accrue until the property complied.

Case: CE08100315

Rosamene Cireus
524 Northwest 13 Avenue

This case was first heard on 1/15/09 to comply by 2/12/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$46,000 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$46,00 fine, which would continue to accrue until the property complied.

Case: CE08110538

Lenora Gamble
1625 Northwest 7 Avenue

This case was first heard on 3/5/09 to comply by 4/2/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$20,550 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$20,550 fine, which would continue to accrue until the property complied.

Case: CE09120655

Pierre-Paul Smith
1460 Southwest 24 Court

This case was first heard on 2/4/10 to comply by 3/4/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$30,000 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$30,000 fine, which would continue to accrue until the property complied.

Case: CE09120682

Eric Johnson Trust
Eric Johnson, Trustee
621 Southeast 5 Avenue

This case was first heard on 3/4/10 to comply by 4/1 and 4/29/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$9,400 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$9,400 fine, which would continue to accrue until the property complied.

Case: CE10020404

Jimmy Burgos
1721 Northwest 6 Avenue

This case was first heard on 4/1/10 to comply by 4/11/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$3,000 fine.

Ms. Flynn imposed the \$3,000 fine.

Case: CE09120688

Don Whittington,
World Jet, Inc
3000 Northwest 59 Street

This case was first heard on 2/4/10 to comply by 3/4/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$49,500 fine.

Ms. Flynn imposed the \$49,500 fine.

Case: CE09121104

1011 LLC
1010 Northwest 51 Court

This was a request to vacate the Order dated 4/15/10.

Ms. Flynn vacated the Order dated 4/15/10

Case: CE09121429

Edgewater LLC
3315 Southwest 15 Avenue

This case was first heard on 2/18/10 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 \$6,900 fine.

Ms. Flynn imposed the \$6,900 fine.

Case: CE09121440

Oscar S Molina & Yvonne Carcamo
1625 Southwest 30 Street

This case was first heard on 2/18/10 to comply by 3/18/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$18,300 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$18,300 fine, which would continue to accrue until the property complied.

Case: CE09121157

Amtrust Bank
1106 Northwest 10 Terrace

This case was first heard on 3/4/10 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 \$4,700 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$4,700 fine, which would continue to accrue until the property complied.

Case: CE10011218

Deutsche Bank National Trust Co Trustee
1140 Northeast 12 Avenue

This case was first heard on 3/4/10 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 \$11,750 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$11,750 fine, which would continue to accrue until the property complied.

Case: CE10011402

Tango Lakes LLC
1680 Northwest 31 Avenue

This case was first heard on 3/18/10 to comply by 4/15/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$6,500 fine.

Ms. Flynn imposed the \$6,500 fine.

Case: CE10011228

North MIA Investments LLC
1200 North Federal Highway

This case was first heard on 3/4/10 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 \$14,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$14,100 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:

CE10032006	CE10020274	CE10032600	CE10032640
CE10022232	CE10032246	CE10032417	CE10032663
CE10012055	CE10030910	CE10031745	CE10040748
CE10020653	CE10032422	CE10040568	CE10040588
CE09120516	CE10032268	CE10032272	CE10032575
CE10040434	CE10040449	CE10041259	CE10040797
CE10041253	CE09111019		

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:

CE10040963 CE10040459 CE10040476 CE10040477
CE10040478 CE10041255

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:

CE10030334 CE10032959 CE07120387

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:

CE10040795

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:

CE10032267 CE10040786

There being no further business, the hearing was adjourned at **1:10 p.m.**


Special Magistrate

ATTEST:


Clerk, Special Magistrate