

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
ROSE-ANN FLYNN PRESIDING
JUNE 17, 2010
9:00 A.M. –2:09 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
Erin Peck, Clerk III
Lindwell Bradley, Code Enforcement Supervisor
Cheryl Pingitore, Code Enforcement Supervisor
Frank Arrigoni, Building Inspector
Stephanie Bass, Code enforcement Officer
Mark Campbell, Code Enforcement Officer
Mr. Andre Cross, Code Enforcement Officer
Aretha Davis, Code Enforcement Officer
Dick Eaton, Code Enforcement Officer
Barry Fein, Building Inspector
Adam Feldman, Code Enforcement Officer
Ingrid Gottlieb, Code Enforcement Officer
Todd Hull, Code Enforcement Officer
Wilson Quintero, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
Bill Snow, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Ron Tetreault, Fire Inspector
Ursula Thime, Senior Code Enforcement Officer

Respondents and Witnesses

CE09120529: Howard Perl, attorney
CE09091535: Fernando Ramirez, contractor
CE10050385: Roman Rustia, Director of Facilities
CE10032150: Joel Gustafson, neighbor
CE09032057: Roman Eduardo, owner
CE10050395: Paul McCraw, owner
CE10011703, CE10011722: Lester Werking, power of attorney
CE10040337: Barbara Chapman, tenant, Chantable Nawec, tenant, Michael Miller, owner's representative
CE10032959: Randy Postma, owner
CE08051404: Tanya Cielo, owner

CE10022285 CE10022729: Michael Gelety, attorney
CE08090909: Wayne Manning, owner
CE10050274: Andrew Parks, property manager, Santos Santiago, contractor consultant
CE10050225: Courtney Crush, attorney
CE10050265: Russell Bratt, owner
CE10040963: Xavier Snell, owner
CE10050775, CE10050777, CE10050778, CE10050779, CE10050780, CE10050781,
CE10050784, CE10050786, CE10050787, CE10050790, CE10050791, CE10050902
CE10050905, CE10050906, CE10050907, CE10050909, CE10050910, CE10050914,
CE10050916, CE10050918, CE10050920, CE10050922: Patricia Conover, president of
the board of directors, Amy Hartman, board member
CE09091926: Robert Edewaard, owner's representative
CE09032075: Walter Morgan, attorney
CE10011805: Lakhi Mohnani, owner
CE10031607, CE10031605: Annerley Wheble, owner, Sara Collari, neighbor, Kara
Canizzaro, attorney, Jeffrey Fenster, attorney
CE10012088: Louis McCutchen, owner
CE10022451: Brannon Smith, owner's son
CE08042005: Donald Rosenthal, representative
CE10041245: John Wile, owner, Kenneth Leb, owner's representative, Kenneth
Whitman, attorney
CE10050223: Christine Rocha, owner
CE10032709: Kenneth Leb, owner's representative, Ronald Bibace, neighbor, Henny
Ortaly, neighbor, Jeremy Rubicoff, neighbor
CE09101348: Gail Brown, property manager

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.

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

Case: CE10031605
2625 Grace Drive
Annerley Wheble

Continued from 5/20/10

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. Jeffrey Fenster, attorney, stated there were issues which, if the Special Magistrate were to proceed, would void the case. He stated the court must rule on an issue in limine concerning an Attorney General's opinion and whether the notice complied with Chapter 162. Ms. Flynn stated they would follow procedure. Mr. Fenster said there was a motion in limine to prohibit unconstitutional evidence and a Chapter 162 violation in terms of the status of the notice and the case could not proceed until these were corrected.

Officer Eaton testified that the case was the result of a complaint. He stated on his first inspection on March 17, 2010, a woman answering the door had identified herself as Audrey D'Inofrio. Mr. Fenster moved to strike, stating this was "inadmissible, unconstitutional evidence" secured in violation of the fourth amendment.

Ms. Wald stated the rules of civil procedure were not employed in Special Magistrate hearings, but Mr. Fenster could object.

Mr. Eaton said Ms. D'Inofrio informed him she was on vacation and had rented the property for three weeks. Another woman present had explained that they had found the property on the Internet and showed him a rental contract issued by Wheble International Inc. and listed Annerley DelBianco as the owner. Mr. Eaton entered a copy of this agreement into evidence.

Officer Eaton had discovered the property for rent on a weekly basis on several different websites. On March 18, he had posted the citation on the property and mailed a copy to the owner. On April 9, 2010, the property owner had come in to the Code Department to discuss the violation. She acknowledged she was using the property for short-term, transient rental and was advised the case would be scheduled for a hearing. At the 5/20/10 hearing, Special Magistrate Flynn granted the request to continue the case to the 6/17/10 hearing.

Officer Eaton presented photos taken on 3/17/10 and 5/18/10, as well as printouts of website advertisements for the rentals into evidence. He added that as of the previous day, the property was being advertised for weekly vacation rental. Officer Eaton requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$250 per day would begin to accrue.

Mr. Fenster said he was concerned about constitutional rights and had examined a Florida Attorney General's opinion. Mr. Fenster said the City inspectors were inspecting properties and passing "No Trespassing" signs without an administrative warrant. He stated per the Florida Attorney General's opinion, inspectors needed either the owner's permission or a search warrant. Since that was not done in this case, Mr. Fenster said the evidence presented by Officer Eaton must be excluded.

Mr. Fenster said the second issue that concerned him was that Florida Statute 162.21 required the date and time the civil infraction was committed and the facts constituting reasonable cause. He said the notice did not include this information. Mr. Fenster suggested dismissing the case and the inspector could apply for a search warrant and comply with the Statute.

Ms. Wald stated there had been no search of the premises; Officer Eaton was responding to a complaint. She added that 162 offered the option to follow it specifically or for a local government to follow its own Code Enforcement system, which the City had done by enacting Chapter 11 approximately two years ago. Ms. Wald explained that due process required notice regarding the violation and the opportunity to be heard. The owner had received notice describing the violation in writing and she had spoken with the inspector. The owner had also been noticed regarding the hearing and the opportunity to be heard. Ms. Wald had read the Florida Attorney General's opinion and stated she felt there had been no type of search.

Mr. Fenster said the Attorney General's opinion indicated "they can't cross the threshold; if there's a 'No Trespassing' sign on that property, or if there's not, they have to call the owner." Mr. Fenster again moved to exclude Officer Eaton's testimony. Ms. Flynn ruled to move forward with the hearing.

Officer Eaton informed Mr. Fenster that the Code Department had held meetings discussing this issue. He stated he could not say when the City began to enforce the short-term rental ordinance. Officer Eaton stated there had been a complaint that prompted him to visit the property. He did not recall consulting with a supervisor prior to visiting the property.

Mr. Fenster offered into evidence a list of properties created by the City, including this property, that identified properties with cases pending regarding the short-term rental issue. Officer Eaton said he had not cited high-rise living units for this type of violation.

Officer Eaton reiterated that the case was the result of a complaint, but he did not know the name of the complainant. He explained that they followed up on any citizen complaint and this complaint concerned short-term vacation rentals. Mr. Fenster stated this was a multi-million dollar deep-water home in Harbor Beach; Officer Eaton said that had no bearing on this case.

Officer Eaton testified he had not called the owner prior to visiting the property to ask permission to go on the premises, nor had he secured a warrant. When the door was answered, Officer Eaton said he identified himself and the occupants invited him inside. The occupants had informed him when they answered the door that they were not the owners.

Officer Eaton confirmed that this violation concerned the use of the property for commercial purposes. Mr. Fenster asked where an owner could see in writing in the

City code an ordinance that defined “how long I can rent my property.” Officer Eaton said there was no determination of “short term.” Ms. Wald stated Officer Eaton was not an expert on City ordinances.

Mr. Fenster referred to a copy of Ordinance 47.5 that he said Officer Eaton had relied on for this case. Mr. Eaton explained this was not the ordinance under which the property had been cited. Mr. Fenster asked if any property owner had been “given a pass” because the property was grandfathered in as a legal, non-conforming use. Officer Eaton said he could not speak for the City. Mr. Fenster asked Officer Eaton if he had participated in any workshop discussions regarding whether the City should block short-term rentals in high-rise buildings versus single-family homes. Officer Eaton had not.

Officer Eaton reiterated he had requested a finding of fact and an order for the property to comply. He explained in this residential zoning district, using the property for commercial purposes, short-term, transient vacation rental was not allowed. Officer Eaton said the code stated using a property for commercial purposes, short-term, transient rentals was not a permitted use in a residential neighborhood. Mr. Fenster wanted to be specific regarding a period of time for which a property was rented that would result in a citation; Officer Eaton stated all evidence must be considered, not just the rental period.

Ms. Kara Canizzaro, attorney for the owner, wanted to cross examine Officer Eaton, stating she was the owner’s attorney of record and Mr. Fenster was co-counsel. Ms. Wald objected to this “tag teaming” and Ms. Flynn stated she would not allow it because Mr. Fenster had already cross examined Officer Eaton.

Ms. Annerley Wheble, owner, testified that she owned the two properties. She stated she periodically rented the properties to “single families who come down to Fort Lauderdale for various different reasons.” She said her tenants stayed at the property from one week to six months. Ms. Wheble described the process she used to screen prospective tenants and the reasons people rented the property. She said she rented to single families and paid a tourist tax on the rentals. Ms. Wheble said to her knowledge, no neighbors had complained about noise, parking or maintenance issues on the property, and they were all aware of how the property was used.

Ms. Canizzaro presented into evidence letters received from property neighbors. Ms. Wheble read from a few letters that indicated these neighbors had no complaint about maintenance issues or tenants at the property. More than one neighbor requested that the rentals be allowed to continue to prevent the properties from becoming vacant.

Ms. Wheble said when she purchased the property, she was unaware of any City regulations that would have prohibited or regulated short-term or any other rental. Ms. Wheble said if the code violation stood, she imagined it would become difficult to keep

making payments on the properties and this would likely result in foreclosure or short sale of the properties.

Ms. Sara Collari, neighbor, testified she was aware Ms. Wheble was renting the property, and this had not resulted in any negative impact to her. She felt this use was in keeping with the character of the neighborhood.

Ms. Canizzaro summarized the code sections under which the property had been cited: 47-34.1 and 47-5.11. Section 47-34.1 specified that a building could not be used for any purpose other than those permitted in the zoning district. She stated in the definitions section, 47-5.11 stated that single-family dwellings were permitted in this zoning district. Ms. Canizzaro said these properties were single-family dwellings and were used as such. She said the City's position appeared to be that Ms. Wheble was operating a commercial/hotel/motel use.

Ms. Canizzaro stated the City was bound by the District Court of the State in analyzing, interpreting and enforcing code provisions. She remarked that zoning regulations were in derogation of private ownership rights and zoning ordinances were to be construed broadly, in favor of property owners, that ordinances must be given plain and ordinary meanings and cities must provide clear, unequivocal language to put property owners on notice to what was being regulated.

Ms. Canizzaro referred to a Juno Beach case that had found in favor of a property owner wishing to develop time-share units. The court had interpreted that at the time the owner sought to develop the property, there were no ordinances restricting or limiting time sharing, and at the time the conduct began, there was nothing in the zoning regulations preventing the owner from building the time share units. The district court had found that the trial court had deviated from the plain definitions in the code. Ms. Canizzaro stated property owners were entitled to rely on clear and unequivocal language of municipal ordinances. The clear, unequivocal language of these ordinances was that single-family dwellings were a permitted use in this district, and the City had demonstrated nothing showing Ms. Wheble's use was inconsistent.

Ms. Flynn asked Ms. Canizzaro how she reconciled this case with the Castro case. Ms. Canizzaro stated the Castro case was not binding on this or any other case and had no precedent value. Ms. Canizzaro entered into evidence the agenda of the Short-term Residential Use Committee, which stated the purpose of the committee was to define short-term rental. She said the City currently "doesn't know what short-term rental means...the City Commission specifically formed this committee for making advisory opinions to determine how to handle short-term rental."

Ms. Canizzaro referred to a Fort Lauderdale City Attorney memorandum, which she stated was "basically as admission by the City" that the Planning and Zoning Director had not placed a specific limitation on short-term rental. The memo also referred to the fact that residences that were currently being rented would possibly be considered legal

non-conforming uses if the code were amended. Ms. Canizzaro submitted code provisions from other communities regarding short-term rentals.

Ms. Canizzaro stated the City had not met its burden to demonstrate there was a violation of the code of ordinances as currently written, the City had not provided provisions regarding short-term rentals, there was nothing in the permitted uses section that was inconsistent with the way Ms. Wheble was using the property. She stated the establishment of the Short-term Residential Use Committee and the City Attorney's memo meant that the City conceded there were currently no code provisions addressing any regulation of rentals. Ms. Canizzaro asked Ms. Flynn to enter a finding of no violations. Failing that, she requested a stay for the Short-term Residential Use Committee to determine the parameters for short-term uses in the City.

Ms. Wald stated this case was identical to the Castro case. She said RS-8 zoning districts comprised single-family, detached residences, and residential use referred to single-family dwellings not including hotels and motels. In these cases, the properties were being used as illegal hotels and motels. Ms. Wald added that City code 47-1.14.B.5 stated: Any prohibited use was any use which was not listed as a permitted, conditional or accessory use in the zoning district. Ms. Wald said this code had been in place since the 1980s, so there were no legal, non-conforming issues.

Ms. Wald stated a determination had been made by City Special Magistrate that this was an illegal land use under the ULDR. She requested Ms. Flynn find per Officer Eaton's request.

Ms. Canizzaro stated this was not the same as the Castro case because the Castros were renting their property for three days at a time and Ms. Wheble was renting her property for longer periods. She said this was not an illegal hotel because the property did not meet the City's definition of a hotel or motel. Ms. Canizzaro said this could be construed as a legal non-conforming use. Even though the City had not changed the code, it had recently changed its position and begun citing property owners for these violations.

Ms. Flynn stated she was sympathetic with both sides of this issue. She said she had ruled consistently with the Castro decision before and would do so in this case. Ms. Flynn ordered compliance within 77 days or a fine of \$250 per day. She advised property owners who had been cited could go to the Circuit Court to get Castro overturned or go to the City Commission to request better guidelines in the ordinance.

Ms. Flynn found in favor of the City and ordered compliance within 77 days or a fine of \$250 per day would begin to accrue.

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.

Ms. Wald requested that everything stated on the record for the previous case be made part of the record for this case. The City stipulated to the documents, history and photos Officer Eaton had submitted in the previous case.

Ms. Flynn found in favor of the City and ordered compliance within 77 days or a fine of \$250 per day would begin to accrue.

Case: CE10050385

201 Southwest 5 Avenue
Performing Arts Center
Authority of Broward County

Certified mail sent to the owner was accepted on 6/3/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
F-21.1.3

THE SMOKE CONTROL SYSTEM HAS NOT BEEN CERTIFIED ANNUALLY BY A BROWARD COUNTY LICENSED TEST AND BALANCE COMPANY.

Inspector Tetreault said the owner had been present earlier, and Inspector Tetreault had agreed to recommend ordering compliance within 182 days or a fine of \$250 per day would begin to accrue.

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: CE10050265

1801 South Andrews Avenue
Russell I Bratt

Certified mail sent to the owner was accepted on 5/29/10.

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.

NFPA 101:7.10.5.2.1

THE EXIT SIGN DOES NOT ILLUMINATE AS DESIGNED.

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

NFPA 1:13.3.3.3

CEILING TILE(S) IS(ARE) MISSING/DAMAGED.

NFPA 1:10.4.4

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

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$150 per day, per violation would begin to accrue.

Mr. Russell Bratt, owner, said he had discussed the violations with Inspector Tetreault and was addressing them. He requested 91 days and Inspector Tetreault agreed.

Ms Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$150 per day, per violation would begin to accrue.

Case: CE10050274

1601 Southwest 20 Street
East Yard Partners LLC

Certified mail sent to the owner was accepted on 6/1/10 and certified mail sent to the registered agent was accepted on 6/1/10.

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 182 days or a fine of \$250 per day would begin to accrue.

Mr. Andrew Parks, property manager, stated they had secondary containment for painting the vessels and had professional engineers preparing a plan to submit to the Fire Marshall.

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: CE10050223

3301 Southwest 9 Avenue
Reinv LLC

Certified mail sent to the owner was accepted on 6/2/10 and certified mail sent to the registered agent was accepted on 6/2/10.

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.

NFPA 25:12.7.1

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

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$150 per day, per violation would begin to accrue.

Ms. Christine Rocha, owner, agreed to comply within 91 days.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$150 per day, per violation would begin to accrue.

Case: CE10040337

1041 Northeast 10 Avenue
Tenth Avenue Partners LLC

Certified mail sent to the registered agent was accepted on 5/28/10. Service was also via posting at City Hall on 6/3/10.

Ms. Mary Rich, Code Enforcement Officer, testified to the following violation:

9-278(g)

THERE ARE TORN AND MISSING WINDOW SCREENS ON THE BUILDING.

9-279(e)

THERE IS NO HOT WATER AS REQUIRED BY CODE ORDINANCE IN UNIT 4. THE ELECTRICITY HAS BEEN TURNED OFF AND THE REQUIRED HOT WATER IS NOT AVAILABLE.

9-280(b)

THERE ARE BROKEN AND INOPERABLE WINDOWS ON THE BUILDING. THE WINDOW CRANKS ARE INOPERABLE AND THERE ARE CRACKED WINDOW PANES.

9-280(f)

THE KITCHEN SINK DRAIN AND HOT WATER HEATER ARE LEAKING WATER AND HAVE NOT BEEN MAINTAINED.

9-280(g)

THERE ARE BROKEN AND INOPERABLE LIGHT FIXTURES ON THE BUILDING. THERE IS EXPOSED WIRING AND THE ELECTRICAL COMPONENTS ARE NOT IN A SAFE WORKING

CONDITION.

Officer Rich presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$50 per day, per violation would begin to accrue.

Mr. Michael Miller, owner's representative, requested more than 10 days. He said the property had been in receivership since June 8.

Mr. Chantable Nawec, tenant, said he had paid his light bill but FPL had disconnected the power. He said he had two small children in the house and the landlord refused to make repairs. Mr. Miller said FPL had no record of any electric accounts at the property.

Ms. Wald stated the violation was against the property owner, not the tenant.

Ms. Flynn found in favor of the City and ordered compliance within 10 days or a fine of \$50 per day, per violation would begin to accrue.

Case: CE09091535

Continued from 3/18/10

201 Southwest 11 Avenue
PHD Development LLC

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

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

Officer Snow presented photos of the property and the case file into evidence, and noted that the property was in the Sailboat Bend Historic District. He said the Historic Preservation Board had denied the owner's request to demolish the property.

Officer Snow recommended ordering compliance within 63 days or a fine of \$100 per day would begin to accrue.

Mr. Fernando Ramirez, contractor, stated they would appeal to the City Commission on July 7. He agreed to the 63 days.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$100 per day would begin to accrue.

Case: CE10050225

1650 Northwest 23 Avenue
J & E Investments LLC
Personal service was made to the owner on 5/12/10.

Ms. Ingrid Gottlieb, Code Enforcement Officer, testified to the following violation:
47-20.20.D.

MOST OF THE PARKING LOT AREA IS BEING USED FOR THE
STORAGE OF SHIPPING CONTAINERS AND BOXES FULL OF
MERCHANDISE USED IN THE OPERATION OF THE BUSINESS,
EXIST SPORTSLINE. THIS IS A REPEAT VIOLATION OF
CASE # CE08072186, FIRST HEARD ON 12/4/08 BY
SPECIAL MAGISTRATE TELL.

Withdrawn
47-34.1.A.1.

Officer Gottlieb presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$250 per day would begin to accrue.

Ms. Courtney Crush, attorney, stated outdoor storage was permitted in this industrial zoning district. She showed an aerial photo of the property, a zoning map and the property's approved site plan. Officer Gottlieb clarified that they were only addressing the issue of outdoor storage in the parking lot area.

Ms. Crush stated a year ago, the violation had been the storage of containers on the perimeter on striped parking spaces. The owner had worked with the City on a parking agreement to provide valet parking and to re-stripe the parking lot. She said she had met with the Zoning Administrator the previous day and confirmed that outdoor storage was permitted in an industrial zone and it did not have to conform. She had agreed to meet with the Zoning Administrator, the City Attorney and Officer Gottlieb to resolve that.

Ms. Crush stated the items in the recent photos were merchandise that was not being stored outside overnight any longer. She said a warehouse was allowed to prepare, distribute and store, but the City code did not define storage. Her client did not believe this was storage, except on non-parking areas. She requested time to work with the Zoning Administrator and perhaps to seek offsite parking or a parking reduction.

Ms. Wald stated the second violation concerning outside storage had been withdrawn and she felt this would be resolved at a future meeting. The first issue was cited as a repeat violation. Ms. Wald agreed that the parking area had been permitted and re-stripped, but they were not using this area for parking; they were putting boxes and containers here.

Ms. Crush stated the prior violation concerned shipping containers, not pallets. The containers had been addressed. She said the question was whether "putting things outside on pallets for loading purposes" was storage.

Officer Gottlieb agreed that the prior violation concerned storage containers in the parking area, and said whether or not the items were different now, it was still storage in the parking area.

Ms. Flynn found that this was not a repeat violation.

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

Case: CE10011805

2424 Laguna Drive
Kamla Mohnani

Personal service was made to the owner on 5/25/10.

Mr. Dick Eaton, Code Enforcement Officer, testified to the following violations:

8-91(b)

THE MOORING STRUCTURE IN THE REAR OF THIS PROPERTY
IS DAMAGED AND IN DISREPAIR; ALL THAT REMAINS ARE
THE POSTS.

9-280(h)(2)

THERE IS AN AWNING STRUCTURE ON THE REAR PATIO
THAT IS IN DISREPAIR, MISSING THE CANVAS COVERING.

9-306

THEIR ARE AREAS OF THE FACIA THAT ARE DAMAGED AND
IN DISREPAIR; VENTILATION SCREENING IN THE
OVERHANG IS TORN THROUGHOUT; THERE ARE A COUPLE
WINDOWS IN THE REAR THAT ARE IN DISREPAIR AND HAVE
BEEN COVERED WITH BOARDS.

Complied:

9-280(f)

9-280(g)

9-304(b)

Officer Eaton stated this case had begun as the result of a complaint. He explained that the owner was currently renovating the property.

Mr. Lakhi Mohnani, owner, remarked that Officer Eaton had been very fair and courteous. He stated the violations were "minor, selective and forced upon Mr. Eaton to sign by the homeowners association."

Mr. Mohnani referred to the photos of the property and explained that the areas Officer Eaton said needed work would be removed and converted to a balcony. Mr. Mohnani estimated the architect's drawings would be complete in a few weeks. He felt there were many violations that were unfounded and noted that the code did not specify that the metal structure in the rear must have a canvas cover. The pothole cited was an intentional cut to analyze the existing paving. Mr. Mohnani said the code section cited for the parking area [which was now complied] referred to private parking lots, not to a residential lot. Mr. Mohnani continued that the pilings were intact and the decking had been gone since hurricane Wilma. He believed that because the dock was in the Intracoastal, it was under the jurisdiction of the Army Corps of Engineers; he was unsure the City had jurisdiction.

Mr. Mohnani requested that the case be dismissed because any violations were discovered as the result of an illegal, warrantless search.

Ms. Wald stated her understanding of the code relating to the mooring structure was that a structure that was unsafe or unsatisfactory was a violation. Mr. Mohnani reiterated that he did not believe the City had jurisdiction and the pilings were not unsafe or unsatisfactory. Ms. Wald said she would "disagree a little bit in regards to jurisdiction." She confirmed with Mr. Mohnani that the awning frame was safe and in good repair. Mr. Mohnani clarified that there was a small section of fascia in disrepair. Officer Eaton said the other items cited under 9-306 were still present as well and referred to photos showing boarded rear windows, damaged ventilation screening and damaged fascia. Mr. Mohnani said the boards covered doors to a bathroom in the house.

Mr. Mohnani said Officer Eaton had the right to take photos from the street, but when he entered his property without his consent, it became an illegal search. Mr. Mohnani said he wanted to "make sure when people come up here that the City meets its burden of proof" and that people knew that they did not have to let Code Enforcement Officers on their property. He reiterated his request for dismissal.

Ms. Wald recommended withdrawal of 8-91(b) because the standard as stated in the code had not been properly met.

Mr. Mohnani said the awning structure had been removed.

Officer Eaton said he understood Mr. Mohnani planned to renovate the property and had granted him several 30-day extensions to get his plans. As of now, Officer Eaton had seen no plans, and there were no open permits for renovations.

Officer Eaton presented photos of the property and the case file into evidence, and recommended a fine of \$25 per day, per violation would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance with 9-(280)(h)(2) and 9-306 within 182 days or a fine of \$25 per day, per violation would begin to accrue.

Mr. Mohnani wanted Ms. Flynn to rule whether an illegal search had occurred and whether she could assess the penalty based on that evidence. Ms. Flynn ruled in favor of the City on the constitutional issue raised.

Case: CE09032075

Rescheduled from 6/3/10

2422 Del Mar Place
Jeffrey B Cohen

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:

FBC 105.10.3.1

PERMIT APPLICATION 02080449 FOR INSTALLATION OF A POOL FENCE.
PERMIT 02060915 WAS ISSUED FOR THE CONSTRUCTION OF A POOL.
THE PERMIT APPLICATION HAS EXPIRED W/O A PERMIT
BEING ISSUED.
THE PERMIT HAS EXPIRED W/O PASSING THE REQUIRED
INSPECTIONS.

Inspector Arrigoni recommended ordering compliance within 56 days or a fine of \$50 per day would begin to accrue.

Mr. Walter Morgan, attorney, said the home builder had applied for the permits three years before Mr. Cohen purchased the house. The pool and fence had been built. Mr. Morgan explained that the owner could not get the plans because he could not find the engineer. He had left a message on the engineer's cell phone but he had never returned the call. Mr. Morgan stated the City had a process to determine the engineer had left the area and the City would release the plans to Mr. Morgan so he could bring them to the Building Department with an application to re-open the permit.

Ms. Wald said this was a common problem and she did not object for the request for time.

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

Case: CE10032959

Rescheduled from 5/20/10

1271 Seminole Drive
Randall F & Deborah J Postma

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:
47-19.3 G.

THE VESSEL "GOLDEN TOUCH" DOCKED BEHIND THIS

PROPERTY EXTENDS BEYOND THE PROPERTY SET BACK LINES. PER TABLE 47-5.30 THE VESSEL EXCEEDS ZONING GUIDELINES IN THIS RS 4.4 DISTRICT. THE PROPERTY WAS IN VIOLATION ON 11/12/09 (CE09110972). DUE TO THE REOCCURRING NATURE OF THE VIOLATION, THIS CASE WILL BE PRESENTED TO A SPECIAL MAGISTRATE WHETHER THE PROPERTY COMPLIES BEFORE THE HEARING OR NOT.

Officer Thime stated she had measured the property at 90 feet in length and the Marine Unit had supplied her with the length of the boat: 89.7 feet. She presented a copy of an ad stating the vessel was 98 feet long. She explained that setbacks were 10 feet on each side of the property. Officer Thime also presented photos of the property and the case file into evidence.

Mr. Randy Postma, owner, said the realtor and owner from whom he had purchased the house indicated that there was a zero lot line in regard to boats and he had kept even longer boats here. He had entered into an agreement to purchase 15 feet of the adjacent vacant lot, but the owner of that property had been unable to split the lot. Mr. Postma felt this adjacent owner was trying to force him to buy the entire lot by complaining about the boat. He produced photos of other boats in the area that were also violating the code.

Mr. Postma stated the boat fit within his property line. Officer Thime stated the boat fit within the property lines but the 10-foot side setbacks were not respected.

Ms. Wald referred to a copy of 47-5.3.0 that provided for the ten-foot property setbacks that the boat must respect.

Mr. Postma requested 30 days to either sell the boat or get a variance.

Officer Thime recommended ordering compliance within 35 days or a fine of \$250 per day would begin to accrue.

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

Case: CE09120529

110 North Federal Highway # B-1
The Waverly at Las Olas Condo

This case was first heard on 2/4/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$6,750 fine, which would continue to accrue until the property complied.

Mr. Howard Perl, attorney, stated the repairs were in process and the contractor expected the repairs would be complete in two weeks. Mr. Perl requested a 30-day extension.

Mr. Ron Tetreault, Fire Inspector, recommended a 49-day extension.

Ms. Flynn granted a 49-day extension to 8/5/10, during which time no fines would accrue.

Case: CE08090909

1563 West Sunrise Boulevard
Wayne Manning

This case was first heard on 12/18/08 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 \$24,100 fine, which would continue to accrue until the property complied.

Mr. Wayne Manning, owner, said he had obtained a permit for changing the copy on the sign. He explained that the property had experienced weekly robberies at gunpoint. The day after he pulled the permit, they had been robbed again and he decided to close the store. Mr. Manning said the property had been for sale since January 2008. He said he was unaware that fines had been running since he pulled the permit. Mr. Manning said he now held prayer services at the property.

Ms. Wanda Sappington, Code Enforcement Officer, said the permit Mr. Manning had was for the previous sign, not the current sign, which was for a church.

Ms. Wald referred to the original case, and asked when the church sign was installed. Mr. Manning said he had pulled the permit for the sign on 11/7/07 and he had closed the store in January 2008. The church sign had been put up sometime this year. Mr. Manning said Officer Sappington had informed him that he could spray paint the sign to comply. Ms. Wald advised him either to paint over the sign or get a permit.

Ms. Flynn granted a 35-day extension to 7/22/10, during which time no fines would accrue.

Case: CE09101348

Request for extension

5300 Northwest 9 Avenue # 1B
Mars Powerline L P % E J Plesko & A

This case was first heard on 11/19/09 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the owner was requesting an extension.

Ms. Gail Brown, property manager, stated they had been unable to locate plans for the sprinkler system at the City. Parking lot drawings indicated the building had an out dated sprinkler system. They had drawings made and had hired fire protection engineers to ensure that the existing sprinklers were compliant or to inform them of what must be done to make them compliant. Ms. Brown requested 92 days. Mr. Ron Tetreault, Fire Inspector, recommended a 91-day extension.

Ms Flynn granted a 91-day extension, during which time no fines would accrue.

Case: CE10022451
2740 Northwest 24 Court
E J & Virginia R Smith

This case was first heard on 4/15/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,700 fine, which would continue to accrue until the property complied.

Ms. Ingrid Gottlieb, Code Enforcement Officer, said she had received a fax from the owner stating she had been unable to get the car licensed and operable. Officer Gottlieb had called the owner and told her the other option was to remove the vehicle.

Mr. Brannon Smith, the owner's son, presented a letter from his mother requesting additional time due to financial hardship.

Ms. Flynn granted a 10-day extension, during which time no fines would accrue.

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

Case: CE10022285
1435 South Miami Rd
Eduardo I & Eva M Flores

This case was first heard on 4/15/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,700 fine, which would continue to accrue until the property complied.

Mr. Dick Eaton, Code Enforcement Officer, presented the case files into evidence and recommended imposition of the fine, which would continue to accrue until the property complied.

Mr. Michael Gelety, attorney for the bank, requested additional time because it would be more difficult to sell the property with liens. Ms. Wald asked if the bank intended to correct the pool violations. Mr. Gelety said he could not guarantee anything but he would "run it by the client" once he returned to the office.

Ms. Flynn imposed the \$2,700 fine, which would continue to accrue until the property complied.

Case: CE10022729

1435 South Miami Rd
Eduardo I & Eva M Flores

This case was first heard on 4/29/10 to comply by 5/13/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$175 fine.

Ms. Flynn imposed the \$175 fine.

Case: CE10041245

3003 Northeast 32 Avenue
BIMA II LLC

Personal service was made to the owner on 6/2/10.

Mr. Mario Sotolongo, Code Enforcement Officer, testified to the following violation:
47-34.2.D.

THIS PROPERTY IS IN VIOLATION OF SITE PLAN CONDITIONS AS SET BY THE PLANNING ZONING BOARD ON 8/18/93 UNDER CASE(36-R-93). OUTDOOR SPEAKERS ARE INSTALLED ON THE EXTERIOR AROUND THE BAR AREA AND ON THE WEST SIDE OF THE BUILDING. LARGER COMMERCIAL GRADE SPEAKERS ARE CEILING MOUNTED JUST AT THE OPENING OF THE SLIDING DOORS. THE CEILING MOUNTED SPEAKERS ARE ON PIVOTS AND CAN BE ROTATED TOWARDS THE EXTERIOR OR INTERIOR. ALL OF THE SPEAKERS ARE PERMANENTLY INSTALLED AND ARE IN USE WHEN THE CLUB IS OPEN FOR BUSINESS. ADDITIONALLY, THE SLIDING GLASS DOORS TO THE BUILDING REMAIN OPEN BEYOND A HALF HOUR AFTER DARK. THESE CONTINUED ACTIVITIES ARE IN DIRECT VIOLATION OF SITE PLAN CONDITIONS WHICH WERE ORIGINALLY SET BY THE PLANNING AND ZONING BOARD IN 1979 WHEN THE POOL WAS FIRST CONSTRUCTED. NOISE WAS OF A GREAT CONCERN TO THE NEIGHBORHOOD AT THAT TIME WHICH IS WHY THESE CONDITIONS WERE SET. THE SITE PLAN CONDITIONS WERE AGAIN IMPLEMENTED IN 1985 BY THE BOARD WHEN ALTERATIONS TO THE PROPERTY WERE MADE AND THE NEIGHBORHOOD AGAIN EXPRESSED NOISE

CONCERNS. IN 1993 WHEN ADDITIONAL ALTERATIONS WERE REQUESTED BY THIS ESTABLISHMENT, THE BOARD REQUESTED THAT CITY STAFF CONDUCT A SITE INSPECTION. THIS INSPECTION REVEALED THAT THEY WERE IN VIOLATION OF PREVIOUSLY SET SITE PLAN CONDITIONS AT THAT TIME BY HAVING OUTDOOR SPEAKERS. THEY WERE REQUIRED TO REMOVE THE SPEAKERS BEFORE THE FINAL SITE PLAN WAS APPROVED. THIS APPROVAL WAS IMPLEMENTED WITH THE SAME SITE PLAN CONDITIONS WHICH ARE STILL IN EFFECT TODAY. THIS IS A REPEAT VIOLATION OF CODE SECTION 47-34.2.D PREVIOUSLY CITED UNDER CASE CE07120575 AND FOUND IN VIOLATION BY SPECIAL MAGISTRATE PURDY AT THE 02/21/2008 HEARING. THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER IT COMPLIES BEFORE THE HEARING OR NOT.

Mr. Kenneth Whitman, attorney, moved to dismiss the notice of violation in accordance with a 2009 case: Monroe County Code Enforcement vs. Carter. Mr. Whitman said per this case, any notice of violation must state the date the inspector had found the violation. He stated the report did not provide the date the inspector found the violation, resulting in a due process violation.

Officer Sotolongo stated the case was the result of a complaint in April. He noted the exterior speakers and visited the club at night and heard the speakers in use. This had prompted a review of the previous case and follow-up inspections. Officer Sotolongo said the neighbors could not live with this noise, even just once per week. He submitted his case file to Ms Flynn and recommended a fine of \$400 per day.

Mr. Whitman said the building was remodeled in 2005 with a new site plan. Officer Sotolongo said the City did not have this site plan. He informed Mr. Whitman that he had not included the date the violation occurred in the notice of hearing. He said they used the inspection report, but in the future, he would include the date of the violation.

Mr. Whitman stated, "the speakers that are outside would be everyone that has a cell phone that has a speaker in it." Officer Sotolongo agreed. Mr. Whitman then said the definition of speakers had changed since 1979. Mr. Whitman asked Officer Sotolongo if he would object to dismissal of the Notice of Violation in light of his admissions that the Notice of Violation did not include the date of the violation, and that the definition of speakers was so vague that it could include cell phone speakers. Officer Sotolongo said he had to go by the existing site plan and notes.

Mr. Whitman said there were two legal grounds; the vagueness of what constitutes an outdoor speaker and the fact that Officer Sotolongo was unaware of the newer site plan. He asked that the violation be dismissed.

Mr. Whitman clarified that the date of the violation should appear on the Notice of Violation, not the Notice of Hearing, as he had stated earlier. He read from the Monroe County Code Enforcement vs. Carter case. Mr. Whitman admitted he did not have the new site plan, but said the new plan "doesn't say 'no outdoor speakers' to the best of my knowledge."

Officer Sotolongo pointed out that there was a difference between plans and a site plan. As far as he knew, he had the existing site plan. He admitted there might be new plans for the renovations, but this did not include a site plan and conditions for the site. Officer Sotolongo noted this was a repeat violation and the owner was made aware of the rules regarding the property during that first case. This was why this was a repeat violation and there was no date on the second notice.

Mr. Whitman said the case could be found at 14 Southern Third 10-19. He stated he was prepared to present testimony and the property had received a variance. Mr. Whitman said there were no requirements at that time that there would be no outdoor speakers. He stated a new site plan had been submitted at that time.

Ms. Flynn found in favor of the City regarding the speaker issue.

Ms. Wald said she could not provide an opinion on the date issue since she had not seen the Notice of Violation or the case to which Mr. Whitman referred. Continuing the case would provide her the opportunity to review these documents.

Mr. Whitman asked Ms. Flynn to reconsider her decision regarding the speakers. Ms. Wald said since Ms. Flynn was continuing the case, she did not need to rule on the speakers. Ms. Flynn stated her ruling on the speakers was "that it was vague whether it was a cell phone speaker or an outdoor speaker." She deferred ruling on the entire case until the case came back.

Ms. Wald consulted with Mr. Whitman regarding the date to which the case could be continued and decided on 10/21/10. Ms. Wald requested a Notice to Reappear for that date.

Ms. Flynn continued the case to 10/21/10.

Case: CE08051404

1418 Northeast 57 Place
Tanya Cielo

This case was first heard on 9/18/08 to comply by 10/2/08. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$5,050 fine.

Ms. Tanya Cielo, owner, explained that she had worked to the best of her ability to have the problems taken care of. She had made arrangements to have someone maintain the property.

Ms. Stephanie Bass, Code Enforcement Officer, recommended imposing a \$679 fine for administrative costs.

Ms. Flynn imposed a \$675 fine.

Case: CE09032057

340 Sunset Drive # 907
Leonardo A & Ramon Brea

Certified mail sent to the owner was accepted on 5/28/10. Service was also via posting on the property on 6/3/10.

Mr. Barry Fein, Building Inspector, testified to the following violation:
FBC 105.10.3.1

THERE IS AN EXPIRED PERMIT #08071242 FOR DRYWALL
REPAIRS, NEVER HAD A FINAL INSPECTION.

Mr. Roman Eduardo, owner, stated he had hired a contractor to pull the permits and perform renovation work. The contractor had abandoned the job half way through and taken property from the unit. Mr. Eduardo had filed a Police report and begun legal proceedings. Mr. Eduardo said the work was complete.

Inspector Fein stated the permit must be renewed and final inspection conducted

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day would begin to accrue.

Case: CE09091926

2233 South Andrews Avenue
Ft Lauderdale Nissan Inc

This case was first heard on 10/15/09 to comply by 12/3/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$97,500 fine, which would continue to accrue until the property complied.

Mr. Robert Edewaard, owner's representative, explained that they had built the mezzanine and offices over 20 years ago without a permit. He stated their project manager had created drawings to address the issues and to describe some other alterations that would be made. Mr. Edewaard expected to submit the plans the following Monday and begin work in August.

Mr. Ron Tetreault, Fire Inspector, recommended a 168-day extension.

Ms. Flynn granted a 168-day extension during which time no fines would accrue. She advised Mr. Edewaard to get the owner involved.

Case: CE10032709

4040 Galt Ocean Drive # B3
Talerico Family Limited Partnership

Personal service was made to the owner on 5/12/10.

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

THE TIKI HUT LOCATED IN COMMERCIAL UNIT B-3 AND
THE TIKI HUT LOCATED ON THE NORTH WEST SIDE OF THE
POOL IN THE COMMON AREA OF THE CONDO IS PROVIDING
MUSIC AND ENTERTAINMENT OUTDOORS BEYOND 11:00 PM
WHICH IS NOT IN A SOUNDPROOFED ROOM.
THIS A REPEAT VIOLATION OF CODE SECTION 5-34
PREVIOUSLY CITED UNDER CASE CE10010553 AND FOUND IN
VIOLATION ON 03/18/2010 BY SPECIAL MAGISTRATE
PURDY. THIS CASE WILL BE PRESENTED TO THE SPECIAL
MAGISTRATE WHETHER IT COMPLIES BEFORE THE HEARING OR NOT.

Mr. Kenneth Whitman stated he was the family partnership attorney but he knew nothing about this case. He said he had spoken with Ms. Wald, who had agreed to a continuance.

Ms. Flynn continued the case to 8/5/10.

Case: CE10040963

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

Service was via posting on the property on 5/24/10 and at City Hall on 6/3/10.

Ms. Ingrid Gottlieb, Code Enforcement Officer, testified to the following violations:
9-279(e)

THERE IS NO ELECTRICITY IN THIS HOUSE, TO SUPPLY
THE REQUIRED HOT WATER.

9-279(f)

THIS HOUSE IS CURRENTLY OCCUPIED WITHOUT THE
REQUIRED CITY WATER SERVICE.

Officer Gottlieb stated there were legal issues on the property.

Mr. Xavier Snell, owner, stated the property was currently in probate and was occupied by an uncooperative family member. The family had begun this complaint to try to remove this family member, who was conducting illegal activities at the house. Mr. Snell said he had spoken with a detective who had indicated he would make an arrest at the property, but he had not done so. He requested time for the property to complete the probate process and to remove the family member.

Mr. Snell informed Ms. Wald that a representative had not yet been appointed and probate had been filed.

Officer Gottlieb did not object to allowing Mr. Snell time to sort out the probate matter, since he had initiated the complaint. She presented photos of the property and the case file into evidence.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day, per violation would begin to accrue.

Case: CE10050775

2000 Northeast 51 Court # 101-3
Eleanor J Zub

Certified mail sent to the owner was accepted on 5/27/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$250 per day would begin to accrue.

Ms. Patricia Conover, president of the board of directors, said they did not realize they were in violation because they had a letter granting an extension until 7/21/10. They had already pulled the permits to have the work done. She stated they could comply within 63 days.

Inspector Tetreault explained they had responded to a different address and he did not see the extension listed for that [incorrect] address.

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: CE10050777

2000 Northeast 51 Court # 102-3
Thomas J Duxbury Estate

Certified mail sent to the owner was accepted on 6/2/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050778

2000 Northeast 51 Court # 103-3
Dorothy A Byrne

Certified mail sent to the owner was accepted on 6/2/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050779

2000 Northeast 51 Court # 104-3
Antonio & Filomena Renda

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050780

2000 Northeast 51 Court # 105-3
Dorothy Raimondi & Gerald Michel

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050781

2000 Northeast 51 Court # 106-3
Colony Terrace Apts Co-Op

Certified mail sent to the owner was accepted on 5/29/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050784

2000 Northeast 51 Court # 107-3
Gerda M Cobb 1/2 Int
Angela Pennock

Certified mail sent to the owner was accepted on 5/29/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050786

2000 Northeast 51 Court # 108-3
Ann Le Witkouskie & Maureen D'Agnese

Certified mail sent to the owner was accepted on 5/27/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050787

2000 Northeast 51 Court # 109-3
Antonio & Maria Grosso

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050790

2000 Northeast 51 Court # 110-3
Marjorie Lenox Moran

Certified mail sent to the owner was accepted on 6/2/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050791

2000 Northeast 51 Court # 111-3
Alfonso & Maria Vaccaro

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050902

2000 Northeast 51 Court # 201-3
Sante & Antonia Savo Santone

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050905

2000 Northeast 51 Court # 202-3
Churai Brucksieker

Certified mail sent to the owner was accepted on 5/29/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050906

2000 Northeast 51 Court # 203-3

Mary Matera

Certified mail sent to the owner was accepted on 5/29/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050907

2000 Northeast 51 Court # 204-3

Vincenza Brunetti Zizzi

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050909

2000 Northeast 51 Court # 205-3
Lucia Brunetti

Certified mail sent to the owner was accepted on 6/1/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050910

2000 Northeast 51 Court # 206-3
Pasquale & Cristina Vito

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

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050914

2000 Northeast 51 Court # 207-3
Florence T De Vries Trust
Edmond C Wybaillie III Trustee

Certified mail sent to the owner was accepted on 6/1/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050916

2000 Northeast 51 Court # 208-3
Mario P Messercola

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050918

2000 Northeast 51 Court # 209-3
Rejean Fortier

Certified mail sent to the owner was accepted on 6/9/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050920

2000 Northeast 51 Court # 210-3
Benito & Maria Mancinelli

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

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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: CE10050922

2000 Northeast 51 Court # 211-3

Ursula Kolecki

Certified mail sent to the owner was accepted on 6/1/10.

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

NFPA 101:31.3.4.5.1

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

Withdrawn:

NFPA 101:31.3.4.1.1

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.

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

Case: CE10011703

Request for extension

605 Southwest 22 Terrace

Susan Hernandez

This case was first heard on 4/15/10 to comply by 6/3/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$325 fine, which would continue to accrue until the property complied.

Mr. Lester Werking, power of attorney, said he had evicted the tenants, cleaned the property and sealed the doors. He said when he called for inspection, he had been told that the doorframes were not proper and he must pull a permit and replace one door.

Ms. Aretha Davis, Code Enforcement Officer, said the Notice of Violation indicated one doorframe was damaged and another doorframe was damaged and its window was open and not operable. This was still in violation. Officer Davis referred to the photos and the caulking Mr. Werking had applied, and said they City had never requested the doors be sealed; they had asked that the doors and the door frames be brought into compliance and be in repair. Officer Davis stated the doors were still in disrepair and were not in the frame properly. She added that some wood fence posts were still

standing and must be removed to comply. There were also still some miscellaneous items on the property so 18-12(a) was still in violation. Officer Davis referred to photos showing the fence posts and miscellaneous items on the property.

Mr. Werkinge wanted to know what was wrong with the doorframes. Ms. Wald stated the violation specified that the exterior doorframes must be water and weather tight. She explained that the doorjambs must be in good repair and the doors must fit properly in the frame. Ms. Wald recommended an inspection be granted so a City building inspector could meet with Mr. Werkinge to explain exactly what must be done to repair the doors. Mr. Werkinge said he wanted to pull permits to replace both doors.

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

Case: CE10011722

Request for extension

605 Southwest 22 Terrace
Susan Hernandez

This case was first heard on 4/15/10 to comply by 6/3/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$650 fine, which would continue to accrue until the property complied.

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

Case: CE10041428

Elida C Coupet
1171 Southwest 31 Avenue

Personal service was made to the owner on 5/24/10.

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

NUISANCE - THERE IS AN ACCUMULATION OF OVERGROWN GRASS AND WEEDS ON THIS OCCUPIED RESIDENTIAL PROPERTY AND SWALE. ADDITIONALLY, THERE ARE PILE OF MISCELLANEOUS RUBBISH, TRASH, AND DEBRIS STORED ON THE SIDE AND REAR YARDS VISIBLE FROM THE SIDEWALK.

Officer Davis 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: CE10050395

501 Northwest 1 Avenue
Flagler Warehouse I LLC

Certified mail sent to the owner was accepted on 6/2/10 and certified mail sent to the registered agent was accepted on 6/2/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

NFPA 25:5.3.3.1

THE SPRINKLER SYSTEM ALARM BELL DOES NOT FUNCTION AS
DESIGNED.

NFPA 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

NFPA 1:10.4.4

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

Inspector Tetreault said he had spoken with the owner earlier and agreed to recommend ordering compliance within 63 days or a fine of \$150 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 \$150 per day, per violation would begin to accrue.

Case: CE08042005

2758 Davie Boulevard
La Segunda Realty Corp

This case was first heard on 2/5/09 to comply by 3/5/09 and 7/16/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$109,650 fine, which would continue to accrue until the property complied.

Mr. Donald Rosenthal, representative, explained that the shopping center had fallen into disrepair and the grocery store owner had purchased the property in 2007 and renovated it. Mr. Rosenthal said they had a contract with MacDonald's to purchase and redevelop an out-parcel, but this required consultations with the City, the County and FDOT to divide the parcels and the permits. FDOT was requiring a change to the property entrance and the entire parking lot and landscaping would need to be reconfigured.

Mr. Andre Cross, Code Enforcement Officer, acknowledged that the landscaping and parking must wait for the MacDonald's. Mr. Rosenthal expected it would take one year

to comply the property. Officer Cross recommended a 182-day extension. Mr. Rosenthal thought by then he might have permits.

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

Case: CE10012088

2709 Northwest 20 Street
Louis N McCutchen

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 \$5,200 and the City was requesting imposition of \$520 for administrative costs.

Ms. Ingrid Gottlieb, Code Enforcement Officer, explained the owner had tried to comply the issues, but they had been unable to communicate.

Mr. Louis McCutchen, owner, said he thought he had complied in time, but had been unable to contact Officer Gottlieb.

Ms. Flynn imposed a \$200 fine.

Case: CE10042848

5420 Northeast 22 Terrace
Longview House LLC

Certified mail sent to the owner was accepted on 6/2/10 and certified mail sent to the registered agent was accepted on 6/2/10.

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

THE SOFFIT ON THE BUILDING IS HANGING FROM THE
ROOF RAFTERS AND IS IN GENERAL DISREPAIR. THE
SOFFIT IS ROTTED AND HAS NOT BEEN MAINTAINED IN A
SAFE MANNER.

Officer Bass 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.

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

Case: CE09032234

2000 South Ocean Drive # 1408
Jose Villalba

Service was via posting on the property on 5/27/10 and at City Hall on 6/3/10.

Mr. Barry Fein, Building Inspector, testified to the following violation:

FBC 105.10.3.1

THERE IS AN EXPIRED PERMIT #08051887 FOR INTERIOR
REMOLDING. RENEW PERMITS AND OBTAIN ALL REQUIRED PERMITS.

Inspector Fein stated a representative had been present earlier and he had agreed to recommend ordering compliance within 28 days or a fine of \$25 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day would begin to accrue.

Case: CE09040065

616 Southwest 16 Court
Stephen M Groppi

Service was via posting on the property on 5/28/10 and at City Hall on 6/3/10.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:

FBC 105.10.3.1

PERMIT 00020521 WAS ISSUED FOR THE INSTALATION OF A FENCE.
PERMIT 98081465 WAS ISSUED FOR THE CONSTRUCTION OF
A POOL/SPA & PAVER DECK.
THE PERMIT HAS EXPIRED W/O PASSING ALL THE REQUIRED
INSPECTIONS.

Inspector Arrigoni recommended ordering compliance within 28 days or a fine of \$25 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day would begin to accrue.

Case: CE09040291

321 Northeast 16 Avenue
Karla & William M McLaren

Service was via posting on the property on 5/28/10 and at City Hall on 6/3/10.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:

FBC 105.10.3.1

PERMIT 06022850 WAS ISSUED FOR CONSTRUCTION OF AN ADDITION.
PERMIT 07020538 WAS ISSUED FOR A ROOF.
PERMIT 06070263 PLUMBING.

PERMIT 06070262 ELECTRICAL.
PERMIT 06070263 MECHANICAL.
THE PERMITS HACE EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

Inspector Arrigoni recommended ordering compliance within 28 days or a fine of \$25 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day would begin to accrue.

Case: CE09040441

505 Northeast 15 Avenue
William J Flowers Estate

Service was via posting on the property on 5/28/10 and at City Hall on 6/3/10.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:

FBC(2007) 105.10.3.1

PERMIT 05020409 WAS ISSUED FOR CONSTRUCTON OF A
POOL.

PERMIT 05020413 WAS ISSUED FOR CONSTRUCTION OF A
POOL DECK.

PERMIT 05030730 WAS ISSUED FOR INSTALATION OF A
FENCE

THESE PERMITS HAVE EXPIRED W/O PASSING ALL THE
REQUIRED INSPECTIONS.

Inspector Arrigoni recommended ordering compliance within 28 days or a fine of \$25 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day would begin to accrue.

Case: CE09050366

1531 Southwest 23 Street
Blair International Inc

Service was via posting on the property on 5/28/10 and at City Hall on 6/3/10.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:

FBC(2007) 105.10.3.1

PERMIT 05121878 WAS ISSUED FOR CONSTRUCTION OF A
NEW RESIDENCE.

PERMIT 06060487 WAS ISSUED FOR PLUMBING WORK.

PERMIT 06122139 WAS ISSUED FOR
ELECTRICAL/BURGLAR.
PERMIT 07031974 WAS ISSUED FOR MECHANICAL WORK.
PERMIT 07041804 WAS ISSUED FOR PLUMBING WORK.
PERMIT 07050752 WAS ISSUED FOR ELECTRICAL WORK.
PERMIT 07061490 WAS ISSUED FOR TEMP.POWER.

Inspector Arrigoni recommended ordering compliance within 28 days or a fine of \$25 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day would begin to accrue.

Case: CE10011588

2124 Northwest 4 Street
Moorish Science Temple Divine &
National Movement Of North America

Certified mail sent to the owner was accepted on 6/1/10. Service was also via posting at City Hall on 6/3/10.

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

THERE ARE BROKEN AND INOPERABLE WINDOWS ON THIS TWO STORY DWELLING. THERE IS ROTTED, WATER DAMAGED, AND TERMITE EATEN WOOD AND BEAMS ON THE INSIDE AND OUTSIDE OF THE STRUCTURE. THERE ARE WALLS ON 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.

9-308(a)

THERE IS A ROOF ON THIS TWO (2) STORY DWELLING THAT IS NOT MAINTAINED IN A SAFE, SECURE AND WATERTIGHT CONDITION, ROOF PORTIONS ARE CAVED IN.

Complied:

47-34.1.A.1.

47-34.4.B.3.a.

Withdrawn

9-306

Officer Quintero presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$100 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 \$100 per day, per violation would begin to accrue.

Case: CE10032978
1601 Bayview Drive
Ashleay Meccarielli

Personal service was made to Keith Meccarielli on 5/28/10. Certified mail sent to the owner was accepted on 5/28/10

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

THERE IS A LARGE DEAD TREE IN THE FRONT SOUTHEAST PORTION OF PROPERTY. THE DEAD TREE IN THIS CONDITION THREATENS OR ENDANGERS THE PUBLIC HEALTH, SAFETY AND WELFARE OR COULD CAUSE THE SPREAD OF DISEASE OR INFESTATION TO SURROUNDING PLANT LIFE AND IS HEREBY PROHIBITED AND IS DECLARED TO BE A PUBLIC NUISANCE.

Officer Rich presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day would begin to accrue.

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

Case: CE10031583
551 Antioch Avenue
Grand Terramar LLC

Certified mail sent to the owner was accepted on 5/28/10. Service was also via posting at City Hall on 6/3/10.

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

THERE ARE MULTIPLE TREES ON THE PROPERTY THAT ARE IN NEED OF TRIMMING, DEAD FRONDS ARE HANGING FROM THE TREES AND LITTERING THIS VACANT LOT.

Officer Sotolongo presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$50 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$50 per day would begin to accrue.

Case: CE10032150

219 South Fort Lauderdale Beach Boulevard
EL-AD FI Beach LLC

Personal service was made to the owner on 5/27/10.

Violations:

47-34.2.D.

THIS PROPERTY IS BEING USED IN VIOLATION OF SITE CONDITIONS AS ORDERED BY THE PLANNING AND ZONING BOARD (CASE# 6-R-93), IN THAT THEY ARE USING OUTDOOR PUBLIC ADDRESS SYSTEMS AND RECORDED MUSIC IS BEING PROVIDED IN THE OUTDOOR AREAS OF THE ESTABLISHMENT BEYOND SUN DOWN. THIS IS A REPEAT VIOLATION OF CODE SECTION 47-34.2.D, PREVIOUSLY CITED UNDER CASE CE09010524 AND FOUND IN VIOLATION BY SM FLYNN ON 07/16/2009. THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER IT COMPLIES BEFORE THE HEARING, OR NOT.

Mr. Mario Sotolongo, Code Enforcement Officer, explained that the City had a stipulated agreement with the establishment owner's attorney, John Aurelius. The property had been found in violation of that agreement on April 10, 2010 and May 21, 2010. They had agreed to pay \$300 per violation, per day, for a total of \$600.

Ms. Flynn imposed a \$600 fine.

Case: CE10042056

441 South Fort Lauderdale Beach Boulevard
Steele Oceanside Property Inc
C/O Sophia Enterprises Inc

Personal service was made to the owner on 5/27/10.

Violation:

25-7

THERE ARE TABLES AND CHAIRS IN FRONT OF ST. BARTS COFFEE SHOP, WHICH ARE OBSTRUCTING THE SIDEWALK AND PUBLIC RIGHT OF PASSAGE. THIS IS A REPEAT VIOLATION OF CODE SECTION 25-7, PREVIOUSLY CITED UNDER CASE CE09040604 AND FOUND IN VIOLATION BY SM

PURDY ON 05/29/2010. THIS CASE WILL BE PRESENTED
TO THE SPECIAL MAGISTRATE WHETHER IT COMPLIES
BEFORE THE HEARING, OR NOT.

Mr. Mario Sotolongo, Code Enforcement Officer, explained that the City had a stipulated agreement with the establishment owner's attorney, John Aurelius. The property had been found in violation of that agreement on April 23, 2010. They had agreed to pay \$200 per violation, per day, for a total of \$200.

Ms. Flynn imposed the \$200 fine.

Case: CE10042538

2331 Northwest 23 Lane
Pearl Hayes Bristol, Herman Davis

Service was via posting on the property on 5/14/10 and at City Hall on 6/3/10.

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

18-12(a)

THERE IS OVERGROWTH, TRASH AND DEBRIS ON THE
PROPERTY AND SWALE OF THIS DUPLEX 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: CE10040476

3061 Northeast 49 Street # 15
Andrea N Grinstein

Service was via posting on the property on 5/24/10 and at City Hall on 6/3/10.

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

NFPA 101:31.3.4.5.1

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

WITHDRAWN:

NFPA 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance within 49 days or a fine of \$250 per day would begin to accrue.

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: CE10040477

3061 Northeast 49 Street # 16
James F Ramsey

Service was via posting on the property on 5/24/10 and at City Hall on 6/3/10.

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

NFPA 101:31.3.4.5.1

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

WITHDRAWN:

NFPA 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance within 49 days or a fine of \$250 per day would begin to accrue.

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: CE10040478

3061 Northeast 49 Street # 17
Michael Giulini & Matthew Viola

Service was via posting on the property on 5/24/10 and at City Hall on 6/3/10.

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

NFPA 101:31.3.4.5.1

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

WITHDRAWN:

NFPA 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance within 49 days or a fine of \$250 per day would begin to accrue.

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: CE10041255

301 Hendricks Isle
Place Des Arts Holding LLC

Service was via posting on the property on 5/24/10 and at City Hall on 6/3/10.

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

NFPA 101:7.1.3.2.1(6)

THERE IS(ARE) UNPERMITTED PENETRATION(S) AND/OR OPENING(S)
INTO AND/OR THROUGH THE EXIT ENCLOSURE ASSEMBLY.

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$150 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$150 per day would begin to accrue.

Case: CE10050259

900 Northeast 26 Avenue
Sunrise Intracoastal Dental Center

Certified mail sent to the owner was accepted on 5/29/10.

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 101:7.2.2.5.3.1

THERE IS STORAGE IN THE EMERGENCY EGRESS STAIRWAY.

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.

NFPA 1:11.1.2

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

COMPLIED:

NFPA 1:18.3.4.3

NFPA 1962:4.3.2

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$150 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 \$150 per day, per violation would begin to accrue.

Case: CE10050258

2960 North Federal Highway
Kia Investments Inc

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

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:7.1.5.1

THE HEADROOM IN THE MEANS OF EGRESS IN NOT IN ACCORDANCE
WITH NFPA 101:7.1.5.1.

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$150 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$150 per day would begin to accrue.

Case: CE10050378

1055 North Federal Highway
Art Institute Of Fort Lauderdale
Maria Barron

Certified mail sent to the owner was accepted on 6/1/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS 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.

Inspector Tetreault recommended ordering compliance within 28 days or a fine of \$150 per day, per violation would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$150 per day, per violation would begin to accrue.

Case: CE10050393

530 South Federal Hwy
Tunnel East LLC

Certified mail sent to the owner was accepted [no date] and certified mail sent to the registered agent was accepted on 6/2/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 101:31.3.4.5.1

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

WITHDRAWN:

NFPA 101:31.3.4.1.1

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$250 per day would begin to accrue.

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: CE10050394

200 South Andrews Avenue
Museum Plaza Condo Assn Inc

Certified mail sent to the owner was accepted on 6/10/10 and certified mail sent to the registered agent was accepted on 6/1/10.

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

F-21.1.3

THE SMOKE CONTROL SYSTEM HAS NOT BEEN CERTIFIED ANNUALLY
BY A BROWARD COUNTY LICENSED TEST AND BALANCE COMPANY.

Complied:

NFPA 25:12.7.1

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$250 per day would begin to accrue.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$250 per day would begin to accrue.

Case: CT10031039

425 North Andrews Avenue # 2
Rio Nuevo

Personal service was made to Carola Hopper on 6/1/10. Certified mail sent to the owner was accepted on 6/2/10.

Paid Not Complied

47-22.9.

THERE ARE WINDOW SIGNS DISPLAYED ON THIS LOCATION
WITHOUT PERMIT.

The City had a stipulated agreement with the owner to comply within 28 days or a fine of \$100 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 28 days or a fine of \$100 per day would begin to accrue.

Case: CE03020924

812 Northwest 15 Terrace
Keith A Martin

This was a request to vacate the Order dated 7/3/03.

Ms. Flynn vacated the Order dated 7/3/03.

This case was first heard on 5/1/03 to comply by 5/31/03. Violations were as noted in the agenda. The property was complied, fines had accrued to \$108,000 and the City was recommending no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE99011419

812 Northwest 15 Terrace
Keith A Martin

This was a request to vacate the Order dated 5/20/99.

Ms. Flynn vacated the Order dated 5/20/99.

This case was first heard on 4/1/99 to comply by 5/1/99. Violations were as noted in the agenda. The property was complied, fines had accrued to \$16,300 and the City was recommending no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE08080090

3480 Southwest 16 Court
Filadelfo Mendez

This case was first heard on 10/2/08 to comply by 10/16/08. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$1,900 fine plus \$1,217.38 board-up costs.

Ms. Flynn imposed a \$1,900 fine plus \$1,217.38 board-up costs.

Case: CE08081943

3111 Houston Street
Errol Malcolm

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 complied and the City was requesting imposition of a \$4,000 fine.

Ms. Flynn imposed the \$4,000 fine.

Case: CE08081049

1321 Northwest 7 Avenue
Denise Wilson-Rolls, & Rolls, Derek L

This case was first heard on 11/20/08 to comply by 12/4/08. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$27,950 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$27,950 fine, which would continue to accrue until the property complied.

Case: CE08090569

1444 Northwest 8 Avenue
Michelet Labardy

This case was first heard on 11/20/08 to comply by 12/4/08 and 1/8/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$13,550 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$13,550 fine, which would continue to accrue until the property complied.

Case: CE10010525

1018 Northwest 2 Avenue
Becker A Loor

This case was first heard on 3/18/10 to comply by 3/28/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$8,000 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$8,000 fine, which would continue to accrue until the property complied.

Case: CE08090919

1420 Northwest 8 Avenue
W LLC

This case was first heard on 12/18/08 to comply by 1/22/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$25,500 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$25,500 fine, which would continue to accrue until the property complied.

Case: CE10021340

1035 Northeast 8 Avenue
Fort Lauderdale Properties II Inc

This case was first heard on 4/15/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$6,750 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$6,750 fine, which would continue to accrue until the property complied.

Case: CE10021342

1027 Northeast 8 Avenue
Fort Lauderdale Properties II Inc

This case was first heard on 4/15/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$6,750 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$6,750 fine, which would continue to accrue until the property complied.

Case: CE10021343

1021 Northeast 8 Avenue
Fort Lauderdale Properties II Inc

This case was first heard on 4/15/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$6,750 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$6,750 fine, which would continue to accrue until the property complied.

Case: CE10031421

2320 Northwest 23 Lane
Dorothy Thomas Adams

This case was first heard on 4/29/10 to comply by 5/9/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,800 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$3,800 fine, which would continue to accrue until the property complied.

Case: CE10031961

1700 Southeast 12 Court
GFM II LLC

This case was first heard on 4/29/10 to comply by 5/13/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$8,000 and the City was requesting no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE08071325

3470 Berkeley Boulevard
Angelina Desir

This case was first heard on 9/4/08 to comply by 9/18/08. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$6,275 fine.

Ms. Flynn imposed the \$6,275 fine.

Case: CE09121429

3315 Southwest 15 Avenue
Edgewater LLC

This was a request to vacate the Order dated 5/20/10.

Ms. Flynn vacated the Order dated 5/20/10.

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:

CE10030026	CE10042426	CE10042789	CE10041766
CE10032004	CE10041027	CE10041438	CE10042172
CE10031377	CE10041257	CE10041820	CE09031418

CE09051291	CE10020274	CE10031137	CE10040338
CE10040339	CE10041672	CE10041598	CE10041600
CE10031404	CE10040459	CE10050221	CE10050266
CE10050269	CE10050273	CE10050389	CE10050396
CE10031126			

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:

CE10041685 CE10050391

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:

CE10040509 CE10050773 CT10032054 CE09060971

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:

CE10040980	CE10041014	CE10042229	CE09031996
CE09032126	CE08060555	CE09081595	CE10060803
CE09101040			

Cases Closed

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

CE09040334

There being no further business, the hearing was adjourned at **2:09 p.m.**


Special Magistrate

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services