

**SPECIAL MAGISTRATE HEARING  
CITY COMMISSION MEETING ROOM  
ROSE-ANN FLYNN PRESIDING  
JULY 15, 2010  
9:00 A.M. –12:06 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  
Skip Margerum, Code Enforcement Supervisor  
Cheryl Pingitore, Code Enforcement Supervisor  
Frank Arrigoni, Building Inspector  
Stephanie Bass, Code Enforcement Officer  
Mark Campbell, Code Enforcement Officer  
Leonard Champagne, Code Enforcement Officer  
Andre Cross, Code Enforcement Officer  
Alejandro DelRio, Code Enforcement Officer  
Dick Eaton, Sr. Code Enforcement Officer  
Barry Fein, Building Inspector  
Adam Feldman, Sr. Code Enforcement Officer  
Ingrid Gottlieb, Sr. Code Enforcement Officer  
Todd Hull, Code Enforcement Officer  
Wilson Quintero, 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**

CE10041685: Horacio Sosa, attorney  
CE10032817: Goran Dragoslavic, owner, Constance Hersch, owner's representative  
CE09120682: Eric Johnson, owner  
CE10051614: Fritzbert Richardson, owner  
CE09050286: Donovan Grant, owner  
CE10060803: Sean David, owner, Norman Kent, attorney  
CE10030849: Hamilton Collins Forman, attorney, Rhonda Bonner, court reporter  
CE09060712: Thomas Tejada, owner  
CE10032433: Nalini Singh, bank attorney  
CE10041487: Stephen Hoffman, association representative

CE08121655: Tarek Bahlawan, tenant, Louis James, owner, Anthony Lockett, owner's nephew  
CE10042260: James Marshall, owner  
CE09100087: Perry Carl Krape, owner  
CE10051831, CE10051833, CE10051835, CE10051839, CE10051840, CE10051841, CE10051842, CE10051844, CE10051847, CE10051848, CE10051990, CE10051992, CE10051994, CE10051995, CE10051997, CE10051998, CE10052000: Honora Knapp, property manager  
CE10051837: Jaime Santiago, owner  
CE10051843: Keith Winters, owner  
CE10051988: Lewis Scalia, owner, Honora Knapp, property manager  
CE09081595: Jeanne Akerblom, owner  
CE09060985: Bryan Cohen, owner  
CE08010265: Charles Parke, owner  
CE09120688: Steven Dennis II, owner's representative

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: CE10041487**

1400 Northeast 54 Street  
Coral Point Condo Ftl

Service was via posting on the property on 6/16/10 and at City Hall on 7/1/10.

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 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Withdrawn:

NFPA 101:31.3.4.1.1

Complied:

NFPA 101:7.10.5.2.1

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 63 days or a fine of \$250 per day, and with NFPA 101:7.9.2.1 within 63 days or a fine of \$150 per day.

Mr. Steve Hoffman, attorney for the condo association, reported the permit for the smoke detector had been pulled and the work was being done. He believed work could be complete within 60 days.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 63 days or a fine of \$250 per day, and with NFPA 101:7.9.2.1 within 63 days or a fine of \$150 per day would begin to accrue.

**Case: CE10032817**

410 Northwest 14 Avenue  
Max LLC

Certified mail sent to the owner was accepted on 6/15/10 and certified mail sent to the registered agent was accepted on 6/15/10.

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

THERE IS SCRAP METAL WORK BEING PERFORMED AND  
OUTDOOR STORAGE IN PLAIN VIEW TO NEIGHBORING  
PROPERTIES INCLUDING, BUT NOT LIMITED TO, METAL  
A.C. PARTS, COMPUTERS CASES. OUTSIDE STORAGE IS  
NOT A PERMITTED USE OF THIS RS-8 ZONED PROPERTY  
PER THE ULDR TABLE 47-5.11.

Withdrawn:

9-276(c)(3)

Complied:

9-279(e)

9-280(b)

9-280(f)

9-308(a)

Officer Quintero stated he had inspected the property pursuant to a complaint. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$100 per day.

Ms. Connie Hersch, the owner's representative, explained there had been a tenant in the property "forever" and he began performing the scrap metal work after he lost his other job. The owner did not want to evict this tenant and risk the property being taken over by squatters and vandals.

Ms. Flynn stated the Code Enforcement Officer would work with the tenant to get the property into compliance.

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: CE10030849**  
1222 Seabreeze Boulevard  
Bhakta, Ravi D & Sudha

Motion for stay pending appeal

Certified mail sent to the attorney's office was accepted on 7/2/10.

This case was first heard on 5/20/10 to comply by 7/22/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 7/22/10.

Mr. Hamilton Collins Forman, attorney, stated the issue was whether use as a short-term vacation rental was prohibited under the code. He had argued that the code contained no definition of the term "short term rental" nor was there anything in the code that specifically prohibited this use.

Mr. Forman said the stay would maintain the status quo and the Magistrate's order would remain in place but would not be enforced during the period of the stay while this matter was on appeal. Mr. Forman said the owners had the property booked through October and if the stay were not granted, the owners would be forced to cancel those contracts, which could leave them open to possible legal action for the cancelled bookings.

Mr. Foreman continued that the Castro case was not binding precedent and this was not a matter of life and death.

Ms. Wald said she had informed Mr. Forman the City was opposing his motion to stay. Regarding Mr. Forman's argument, Ms. Wald said the Magistrate had already determined that this was a violation of the ULDR. Ms. Wald said the motion to stay was completely discretionary with the lower court.

Ms. Wald said the motion to stay should not be granted because it was very easy to come into compliance and avoid a fine: stop renting the property on a short-term basis. She noted that if the property was rented until October, this could be considered a repeat violation.

Ms. Wald stated when there was an appeal, the City did not bring the case back for a Massey hearing until the appeal was finished.

Ms. Flynn granted the stay.

**Case: CE09060985**  
2933 Poinsettia Street  
Cortez Property Dev LLC

This case was first heard on 8/6/09 to comply by 9/3/09. Violations were as noted in the agenda. The property was complied, fines had accrued to \$37,500 and the City was recommending no fine be imposed.

Ms. Flynn imposed no fine.

**Case: CE10032433**

1310 Southwest 28 Road  
Higginbotham, Glyn Est

This case was first heard on 5/20/10 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 \$2,050 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$2,050 fine, which would continue to accrue until the property complied.

**Case: CE10042260**

1637 Northeast 6 Street  
Marshall, James M & Kacy M

Violation:

9-305(a)

THE GROWTH OF LANDSCAPE AT THIS PROPERTY IS ENCROACHING UPON THE PUBLIC RIGHT-OF-WAY HINDERING THE SAFE AND CONVENIENT VEHICULAR OR PEDESTRIAN MOVEMENT IN THE PUBLIC RIGHT-OF-WAY. THE PROPERTY WAS IN VIOLATION ON 10/14/2009 (CE091001185). 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.

Ms. Ursula Thime, Code Enforcement Officer, stated the property was now complied, and requested a finding of fact that the violation had existed.

Ms. Wald explained to Mr. James Marshall, the owner, that the finding of fact was being requested because there was the potential for a subsequent violation. If the violation were cited again in the future, it would be cited as a repeat violation and fines could be as high as \$1,000 per day, per violation.

Ms. Flynn found that the violation had existed as cited.

**Case: CE09081595**  
2630 Southwest 15 Street  
Akerblom, Carl E & Jeanne M

Rescheduled from 6/17/10

This case was first heard on 11/5/09 to comply by 1/7/09. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of a \$1,100 fine.

Ms. Jeanne Akerblom, owner, said they had 10 properties that needed to be tied into the City sewer and the dirt stored on the property was to fill in the old septic tank. Ms. Akerblom said there had been a delay with the installation of the lateral and she believed they were only out of compliance for two days. Mr. McKelligett recommended a \$200 fine.

Ms. Flynn imposed a \$200 fine.

**Case: CE09060712**  
1225 Northwest 2 Street  
Tejada, Thomas

Request for extension

This case was first heard on 9/17/09 to comply by 3/18/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 7/15/10.

Mr. Thomas Tejada, owner, requested time to finalize the design and have another survey done.

Mr. Wilson Quintero, Code Enforcement Officer, did not object to the request for additional time. He recommended 182 days.

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

**Case: CE08121655**  
1447 Northwest 6 Street  
James, Louis

Request for extension

This case was first heard on 2/19/09 to comply by 3/19/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$14,250 fine, which would continue to accrue until the property complied.

Mr. Tarek Bahlawan, tenant, said he had been dealing with the wrong homeowners association president, but he felt he was now on the right track. He had been denied a variance at the Board of Adjustment, but he would now apply for a parking reduction.

Ms. Wanda Sappington, Code Enforcement Officer, said she did not oppose a 91-day extension.

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

**Case: CE10051837**

2445 Southwest 18 Terrace # 109-1  
Santiago, Jaime Jr H/E Cardec, Juana

Certified mail sent to the owner was accepted on 6/25/10.

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.

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

Mr. Jaime Santiago, owner, said he had spoken with Inspector Tetreault and immediately installed the alarms. He was now awaiting inspection.

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: CE09050286**

841 Northeast 16 Terrace  
Grant, Donovan

Certified mail sent to the owner was accepted on 6/24/10.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:  
FBC(2007) 105.10.3.1

PERMIT 05091266 WAS ISSUED FOR CONSTRUCTION OF A  
POOL. PERMIT 05091268 WAS ISSUED FOR POOL ELECTRIC.  
PERMIT 05091270 WAS ISSUED FOR A FENCE. THE PERMITS HAVE  
EXPIRED W/O PASING ALL REQUIRED INSPECTIONS.

Inspector Arrigoni reported the property was in foreclosure and a final order had been issued on 5/20/10. He said he would close the case and open a new one.

**Case: CE09120688**

3000 Northwest 59 Street  
Whittington, Don  
World Jet, Inc

This was a requested to vacate the Order dated 5/20/10 and re-impose the fine.

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

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, fines had accrued to \$49,500 and the City was recommending a fine of \$520 be imposed.

Ms. Flynn imposed the \$520 fine.

Ms. Wald explained that the original order imposing the fines had not been recorded.

**Case: CE09120682**

621 Southeast 5 Avenue  
Eric Johnson Tr  
Johnson, Eric Trstee

This was a requested to vacate the Order dated 5/20/10 and re-impose the fine.

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 complied, fines had accrued to \$13,400 and the City was requesting imposition of a \$520 fine.

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

Mr. Eric Johnson, owner, stated it had taken time to have the smoke detectors installed because this was a substantial expense. Mr. Johnson had called Inspector Tetreault to alert him to the delay. Mr. Johnson remarked on how expensive it had been to install the units and to pay the contractor to wait for and meet with the inspector. He said they were struggling financially right now.

Mr. Ron Tetreault, Fire Inspector, said there had been a misunderstanding regarding the address issue.

Ms. Flynn imposed a \$300 fine.

**Case: CE10041685**

216 Northwest 8 Avenue  
Foxworth, Aletha H Est

Service was via posting on the property on 6/22/10 and at City Hall on 7/1/10.

Violations:  
9-280(b)

THERE ARE BUILDING COMPONENTS ON THIS PROPERTY



THAT ARE NOT MAINTAINED AND/OR ARE IN DISREPAIR INCLUDING, BUT NOT LIMITED TO, SOFFIT AND FASCIA ON THE FRONT PORCH AND ON THE NORTH SIDE OF THE PROPERTY.

9-308(a)

THERE IS A ROOF ON THIS PROPERTY THAT IS NOT MAINTAINED IN A SAFE, SECURE, AND WATERTIGHT CONDITION INCLUDING, BUT NOT LIMITED TO, ROOF TILES MISSING ON THE FRONT PORCH WHICH HAS ALLOWED WATER TO LEAK AND CAVE IN THE PORCH CEILING.

The City had a stipulated agreement with the owner to comply within 182 days or a fine of \$25 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 within 182 days or a fine of \$25 per day, per violation would begin to accrue.

**Case: CE09100087**

1870 State Road 84  
Broward Development II LLC

This case was first heard on 1/21/10 to comply by 3/4/10. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of an \$875 fine.

Mr. Perry Carl Krape, owner, said it had taken longer than he anticipated to receive approvals from the City. Mr. Krape said he was suffering financial hardship at present.

Ms. Barbara Urow, Code Enforcement, did not object to reduction of the fine.

Ms. Flynn imposed no fine.

The following 19 cases at the same address, with the same violation, were heard together:

**Case: CE10051835**

2445 Southwest 18 Terrace # 108-1  
Serpentine 2303 LLC

Certified mail sent to the owner was accepted on 6/23/10 and certified mail sent to the registered agent was accepted on 6/22/10.

**Case: CE10051831**

2445 Southwest 18 Terrace # 104-1  
Rodriguez, Jesus

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

**Case: CE10051833**

2445 Southwest 18 Terrace # 106-1  
MME LLC

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

**Case: CE10051839**

2445 Southwest 18 Terrace # 110-1  
Gero Investments USA Inc

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

**Case: CE10051840**

2445 Southwest 18 Terrace # 111-1  
Boothe, Tashi H/E Clarke, Kurt

Certified mail sent to the owner was accepted on 6/29/10.

**Case: CE10051841**

2445 Southwest 18 Terrace # 113-1  
Jefferson, John

Certified mail sent to the owner was accepted on 7/3/10.

**Case: CE10051842**

2445 Southwest 18 Terrace # 115-1  
Cohen, Vanessa M & Ruiz, Joel A

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

**Case: CE10051843**

2445 Southwest 18 Terrace # 116-1  
Winters, Keith

Certified mail sent to the owner was accepted on 6/24/10.

Mr. McKelligett explained that he was reading this case in with the others at this address, but the property representative was not appearing for this property. The property owner had been present earlier and had left.

**Case: CE10051844**

2445 Southwest 18 Terrace # 122-1  
Gohari LLC

Certified mail sent to the owner was accepted on 6/23/10 and certified mail sent to the registered agent was accepted [no date].

**Case: CE10051847**

2445 Southwest 18 Terrace # 123-1  
Mayolo, Adriana Antunez De

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

**Case: CE10051848**

2445 Southwest 18 Terrace # 124-1  
Strougo, Robert L

Certified mail sent to the owner was accepted on 6/24/10.

**Case: CE10051988**

2445 Southwest 18 Terrace # 201-2  
Scalia, Lewis

Certified mail sent to the owner was accepted on 6/23/10.

**Case: CE10051990**

2445 Southwest 18 Terrace # 206-2  
Viarnes, Ernesto

Certified mail sent to the owner was accepted on 6/22/10.

**Case: CE10051992**

2445 Southwest 18 Terrace # 207-2  
Gomez, Elizabeth Reyes & Gomez, Grace

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

**Case: CE10051994**

2445 Southwest 18 Terrace # 208-2  
Marina Oaks 1 LLC

Certified mail sent to the owner was accepted on 6/22/10 and certified mail sent to the registered agent was accepted on 6/22/10.

**Case: CE10051995**

2445 Southwest 18 Terrace # 212-2  
Toro, Esperanza & Toro, Javier

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

**Case: CE10051997**

2445 Southwest 18 Terrace # 217-2  
US Bank NA Trustee  
C/O Onewest Bank FSB

Certified mail sent to the owner was accepted on 6/23/10.

**Case: CE10051998**

2445 Southwest 18 Terrace # 222-2  
Findeisen, Andrzej M

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

**Case: CE10052000**

2445 Southwest 18 Terrace # 223-2  
TW Marina Oaks Management LLC

Certified mail sent to the owner was accepted on 6/22/10.

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.

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$250 per day for all 18 cases at 2445 Southwest 18 Terrace.

Mr. Honora Knapp, property manager, said they were working with owners to gain access to the units to install the smoke detectors.

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 for all 19 above listed cases at 2445 Southwest 18 Terrace.

**Case: CE10051614**

837 Northwest 10 Terrace  
Richardson, Judette

Certified mail sent to the owner was accepted on 6/22/10.

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.

Inspector Tetreault recommended ordering compliance within 35 days or a fine of \$250 per day.

Mr. Fritzbert Richardson, owner, said the tenant had denied him access to the property. He requested time to evict the tenant and have the work done.

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: CE08010265**

2980 Northwest 21 Court  
Parke, Charles S & Cynthia

This case was first heard on 9/18/08 to comply by 12/18/08. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$2,300 and the City was requesting no fine be imposed.

Ms. Flynn imposed no fine.

**Case: CE10051778**

2901 Northwest 62 Street # 124  
BRI 1807 2901 Cypress LLC  
The Relief Center LLC

Personal service was made to the owner.

Mr. Skip Margerum, Code Enforcement Supervisor, testified to the following violation:  
47-34.2.D.

SUITE #124 OF THIS OFFICE BUILDING WAS OPERATING  
AS A PAIN MANAGEMENT CLINIC FROM 05/07/10 TO  
05/21/10 IN VIOLATION OF ORDINANCE C-10-07 AS  
ADOPTED BY THE CITY COMMISSION ON MARCH 2, 2010.

Supervisor Margerum stated a business tax application had been denied by the City on May 6, 2010 per City Ordinance C-10-07, but the clinic was found to be already operating. Supervisor Margerum said he had explained the situation to the owner's representative when he had spoken to him earlier. Supervisor Margerum requested a finding of fact that The Relief Center LLC operated as a pain clinic without a business tax from May 7, 2010 to May 21, 2010.

Ms. Flynn found that the violation had existed as cited.

**Case: CE10050822**

1522 Northwest 10 Avenue  
Sueiro, Anthony

Service was via posting on the property on 6/1/10 and at City Hall on 7/1/10.

Ms. Wanda Sappington, Code Enforcement Officer, testified to the following violation:  
9-280(f)

THE TOILETS AND OTHER PLUMBING FIXTURES ON THIS PROPERTY DO NOT FUNCTION PROPERLY AND ARE BACKING UP. THERE IS RAW SEWAGE IN THE BACK YARD. EVERY PLUMBING FIXTURE, WATER PIPE, DRAIN, AND WASTE PIPE SHALL BE MAINTAINED IN A GOOD SANITARY WORKING CONDITION, FREE FROM DEFECTS, LEAKS, AND OBSTRUCTIONS.

Officer Sappington 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.

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

**Case: CE10051564**

6190 Northwest 34 Way  
Natalucci, Marina & White, William

Service was via posting on the property on 6/8/10 and at City Hall on 7/1/10.

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

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

Officer Viscusi explained that the property was in foreclosure and the owners were divorcing. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$100 per day.

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

**Case: CE10042591**

2100 South Miami Rd  
Miami Road Partners LLC

Service was via posting on the property on 6/15/10 and at City Hall on 7/1/10.

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

18-1.

THERE IS A FEREL BEE COLONY LOCATED IN THE BASE OF  
A TREE ON THIS VACANT LOT. ITS LOCATION PRESENTS  
A HEALTH AND SAFETY ISSUE FOR THE NEIGHBORHOOD.

Officer Eaton stated 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 35 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day would begin to accrue.

**Case: CE10032952**

2410 Northwest 21 Street  
Tuchow, Tyler

Personal service was made to the owner.

Violations:

9-278(g)

THERE ARE MISSING AND DAMAGED SCREENS ON SOME  
WINDOWS.

9-280(b)

THERE ARE BROKEN AND INOPERABLE WINDOWS ON THE  
STRUCTURE. THERE ARE DOORS THAT HAVE GAPS AND ARE  
NOT WEATHERPROOF AND WATERTIGHT, AS REQUIRED. THERE  
ARE KITCHEN CABINETS AND COUNTERS THAT HAVE NOT  
BEEN PROPERLY INSTALLED AND ARE IN DISREPAIR.

9-280(g)

THERE IS ELECTRICAL WIRING AND ACCESSORIES IN  
DISREPAIR AND NOT FUNCTIONING PROPERLY INCLUDING,  
BUT NOT LIMITED TO, OUTLETS, SWITCHES, AIR  
CONDITIONER AND WATER HEATER.

Complied:

9-278(c).

The City had a stipulated agreement with the owner to comply 9-278(g) within 14 days or a fine of \$50 per day and with 9-280(b) and 9-280(g) 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 9-278(g) within 14 days or a fine of \$50 per day and with 9-280(b) and 9-280(g) within 63 days or a fine of \$50 per day, per violation.

**Case: CE10052144**

3505 Southwest 12 Court  
Divine Authority Inc

Certified mail sent to the owner was accepted on 6/25/10 and certified mail sent to the registered agent was accepted on 6/25/10.

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

THERE IS RUBBISH, TRASH, AND DEBRIS SCATTERED ALL  
AROUND THIS VACANT PROPERTY AND SWALE AREA INCLUDING,  
BUT NOT LIMITED TO, SEVERAL TIRES.

Officer Campbell presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day would begin to accrue.

**Case: CE10040980**

1244 Northeast 1 Avenue  
Federal National Mortgage Assn

Certified mail sent to the owner was accepted on 6/16/10.

Mr. Todd Hull, Code Enforcement Officer, testified to the following violations:  
9-308(a)

THERE IS A SHED IN THE REAR OF THE PROPERTY WITH A  
ROOF THAT IS NOT SAFE, SECURE, AND WATERTIGHT. IT  
IS DETERIORATED AND FALLING IN.

Complied:  
47-19.5.E.7.

Officer Hull presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$50 per day.



Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day would begin to accrue.

**Case: CE10041076**

3316 Northeast 17 Court  
Tocci, Peter

Certified mail sent to the owner was accepted on 6/15/10.

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

THIS UNDEVELOPED PARCEL HAS NO GROUND COVER TO  
PREVENT DUST OR SOIL EROSION.

Officer Sotolongo stated this citation was the result of a complaint and the property was in foreclosure. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day would begin to accrue.

**Case: CE10060005**

2820 Northeast 52 St  
Tsakanikas, George Kenny & Tsakanikas, Andrea N

Service was via posting on the property on 6/28/10 and at City Hall on 7/1/10.

Ms. Stephanie Bass, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE POOL AT THIS VACANT PROPERTY IS GREEN WITH STAGNANT  
WATER. THE POOL IN THIS CONDITION ENDANGERS THE HEALTH,  
SAFETY, AND WELFARE OF THE COMMUNITY.

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

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

**Case: CE10051830**

1637 North Victoria Park Rd  
Koback, Randall M

Service was via posting on the property on 6/24/10 and at City Hall on 7/1/10.

Ms. Mary Rich, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE POOL AT THIS VACANT PROPERTY IS FILLED WITH  
GREEN, STAGNANT WATER.

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

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

**Case: CE10052180**

508 Bontona Avenue  
McRae, Paul A

Service was via posting on the property on 6/21/10 and at City Hall on 7/1/10.

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE SWIMMING POOL LOCATED AT THE BACK OF THIS  
UNOCCUPIED PROPERTY HAS STAGNANT WATER, TRASH AND  
DEBRIS. THE BUILDING DOES NOT HAVE THE REQUIRED  
UTILITY SERVICES AND SAFEGUARDS HAVE NOT BEEN  
TAKEN TO PREVENT HUMAN BEINGS OR ANIMALS FROM  
FALLING INTO OR HAVING ACCESS TO THE POOL PER CODE  
ORDINANCE. THE PROPERTY IN THIS CONDITION IS A  
PUBLIC NUISANCE.

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

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

**Case: CE10052093**

1014 Northeast 3 Street  
Stirrat Development LLC

Service was via posting on the property on 6/21/10 and at City Hall on 7/1/10.

Ms. Ursula Thime, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE SWIMMING POOL LOCATED AT THE BACK OF THIS  
UNOCCUPIED PROPERTY HAS STAGNANT WATER, TRASH AND  
DEBRIS. THE BUILDING DOES NOT HAVE THE REQUIRED

UTILITY SERVICES AND SAFEGUARDS HAVE NOT BEEN TAKEN TO PREVENT HUMAN BEINGS OR ANIMALS FROM FALLING INTO OR HAVING ACCESS TO THE POOL PER CODE ORDINANCE. THE PROPERTY IN THIS CONDITION IS A PUBLIC NUISANCE.

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

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

**Case: CE09051299**

2100 South Ocean Drive # 11B  
Conroy, Marie

Personal service was made to the owner.

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

FBC(2007) 105.10.3.1

PERMIT 08071953 WAS ISSUED FOR ELECTRICAL WORK.

PERMIT 08071954 WAS ISSUED FOR PLUMBING WORK.

PERMIT 06063385 WAS ISSUED FOR WATER HEATER REPLACEMENT.

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

Complied:

PERMIT 08071950 WAS ISSUED FOR KITCHEN & BATH REMODEL.

Inspector Arrigoni recommended ordering compliance within 35 days or a fine of \$25 per day.

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

**Case: CE09040076**

3043 Riomar Street  
Magna Casa Developers LLC

Service was via posting on the property on 6/23/10 and at City Hall on 7/1/10.

Mr. McKelligett noted there was a scrivener's error on the agenda regarding the violation number.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:  
FBC 105.10.3.1

PERMIT 03030867 WAS ISSUED FOR PAVING OF POOL DECK  
& COMMON AREAS.  
PERMIT 03070582 WAS ISSUED FOR THE CONSTRUCTION OF  
A POOL.  
APPLICATION 07031287 WAS SUBMITTED FOR THE  
INSTALLATION OF A FENCE.  
THESE PERMITS HAVE EXPIRED W/O PASSING ALL  
REQUIRED INSPECTIONS. THE APPLICATION HAS ALSO EXPIRED.

Inspector Arrigoni recommended ordering compliance within 35 days or a fine of \$25 per day.

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

**Case: CE09051459**

3330 Northeast 14 Court  
Pottinger, Yasmin D

Service was via posting on the property on 6/23/10 and at City Hall on 7/1/10.

Mr. Frank Arrigoni, Building Inspector, testified to the following violation:  
FBC(2007) 105.10.3.1

PERMIT 06100548 WAS ISSUED FOR REPAIRS TO KITCHEN  
& BATH. PERMIT 06100556 WAS ISSUED FOR PLUMBING  
WORK. PERMIT 06100752 WAS ISSUED FOR SHUTTER  
INSTALLATION.  
THE PERMITS HAVE EXPIRED W/O PASSING ALL REQUIRED  
INSPECTIONS.

Inspector Arrigoni recommended ordering compliance within 35 days or a fine of \$25 per day.

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

**Case: CE09031996**

1509 South Andrews Avenue  
DEO Pedia Holdings Inc

Rescheduled from 6/17/10

Mr. McKelligett noted there was a scrivener's error on the agenda regarding the violation number.

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

THERE IS AN EXPIRED PERMIT, #08050146, FOR AWINGS.  
RENEW PERMIT AND OBTAIN ALL REQUIRED INSPECTIONS.

Inspector Fein recommended ordering compliance within 49 days or a fine of \$25 per day.

Ms. Flynn found in favor of the City and ordered compliance within 49 days or a fine of \$25 per day would begin to accrue.

**Case: CE09032094**

2812 Southwest 5 Court  
Norde, Rose H/E Philogene, Pierre M & Islande

Personal service was made to the owner.

Mr. Barry Fein, Building Inspector, testified to the following violation:  
FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT, #07091575, FOR NEW  
BEDROOM AND FAMILY ROOM. RENEW PERMIT AND OBTAIN  
"CERTIFICATE OF OCCUPANCY".

Inspector Fein recommended ordering compliance within 35 days or a fine of \$25 per day.

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

**Case: CE09072660**

3411 Southwest 19 Street  
Accredited Home Lenders Inc  
C/O Ben-Ezra Katz, P.A.

Certified mail sent to the owner was accepted on 6/15/10.

Mr. Barry Fein, Building Inspector, testified to the following violation:  
FBC(2007) 105.10.3.1

THERE ARE 3 EXPIRED PERMITS ON YOUR PROPERTY: 1)  
PERMIT #02111929 TO REROOF FLAT ROOF AND SLOPE  
2760 SQ FT. 2) PERMIT #03032165 TO INSTALL PAVERS  
DRIVEWAY AND WALKWAY. 3) PERMIT # 08030611 TO  
REPLACE EXISTING WOOD FENCE 6 X 263 LF.

Inspector Fein recommended ordering compliance within 35 days or a fine of \$25 per day.

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

**Case: CE10050852**

203 Northwest 11 Avenue  
US Bank NA Trstee

Certified mail sent to the owner was accepted on 6/28/10.

Mr. Wilson Quintero, Code Enforcement Officer, testified to the following violations:  
24-28(a)

THERE ARE FOUR (4) TRASH RECEPTACLES NOT MAINTAINED AND NOT SERVICED ON THIS MULTI-FAMILY COMPLEX, A FOUR-PLEX, INCLUDING, BUT NOT LIMITED TO, TRASH RECEPTACLES OVERFLOWING FOR A MONTH WITH TRASH AND DEBRIS NOT PERMITTING TO PROPERLY CLOSE THE COVERS AND TRASH AND DEBRIS FALLING TO THE TRASH CONTAINERS' SURROUNDING AREAS CREATING A HAZARD TO THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY IN THE MANNER THAT SUCH PROPERTY IS, OR MAY REASONABLY BECOME, INFESTED OR INHABITED BY RODENTS, VERMIN, OR WILD ANIMALS, OR MAY FURNISH A BREEDING PLACE FOR MOSQUITOES.

24-29(a)

THERE IS INADEQUATE TRASH COLLECTION SERVICE ON THIS RENTAL MULTIFAMILY FOUR-PLEX. SOLID WASTE AND/OR OTHER OBJECTIONABLE, LOOSE, UNSECURED, UNSIGHTLY, AND UNSANITARY MATERIAL IS SCATTERED ABOUT THIS PROPERTY IN THE MANNER THAT SUCH PROPERTY IS, OR MAY REASONABLY BECOME, INFESTED OR INHABITED BY RODENTS, VERMIN, OR WILD ANIMALS, OR MAY FURNISH A BREEDING PLACE FOR MOSQUITOES, OR THREATENS OR ENDANGERS THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE COMMUNITY.

Officer Quintero stated this citation was the result of a complaint and was in foreclosure. He said the trash service company had promised to remove the trash but had not. Officer Quintero presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$100 per day, per violation with the right to clean the property.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$100 per day, per violation would begin to accrue, with the right for the City to clean the property.

**Case: CE10050849**

1117 Northwest 5 Street  
Jackson, John Jr

Violation:

47-34.1.A.1.

THERE IS OUTDOOR STORAGE IN PLAIN VIEW TO NEIGHBORING PROPERTIES FROM THE ALLEYWAY INCLUDING, BUT NOT LIMITED TO, METAL PARTS, SCRAP METAL, APPLIANCES. OUTSIDE STORAGE IS NOT A PERMITTED USE OF THIS RS-8 ZONED PROPERTY PER THE ULDR TABLE 47-5.11.

Withdrawn:

9-304(b)

Complied:

9-313(a)

The City had a stipulated agreement with the owner to comply within 35 days or a fine of \$25 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 35 days or a fine of \$25 per day would begin to accrue.

**Case: CE10041177**

1310 Northwest 6 Street  
Mizell, Leroy C Est

Certified mail sent to the owner was accepted on 6/15/10.

Mr. Wilson Quintero, Code Enforcement Officer, testified to the following violation:

18-7(a)

THERE ARE WINDOWS MISSING, DOORS AND OTHER OPENINGS UNSECURED AND OPEN ALLOWING UNAUTHORIZED ACCESS TO THE INTERIOR OF THIS VACANT, PARTIALLY BOARDED TWO-STORY DWELLING CREATING AN IMMINENT HAZARD, DANGEROUS TO THE HEALTH, SAFETY, AND/OR WELFARE OF THE PUBLIC.

Officer Quintero explained the building had been boarded without a permit. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$100 per day.

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

**Case: CE10060341**

1412 Southwest 9 Street  
Bourdages, Barbara J & Bourdages, Christian

Service was via posting on the property on 6/28/10 and at City Hall on 7/1/10.

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 MAINTAIN ON A SCHEDULED BASIS.

Officer Cross presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day would begin to accrue.

**Case: CE10050391**

1551 Davie Boulevard  
American One Inc

Service was via posting on the property on 6/29/10 and at City Hall on 7/1/10.

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

NFPA 1:13.6.6.8.3.1

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

Inspector Tetreault recommended ordering compliance within 35 days or a fine of \$150 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$150 per day would begin to accrue.



**Case: CE10051610**

1640 N Dixie Hwy  
Dagur Holdings LLC

Certified mail sent to the owner was accepted [no date] and certified mail sent to the registered agent was accepted on 6/22/10.

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.

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: CE10051613**

1850 South Miami Rd  
Space Plus At 17<sup>th</sup> Street Causeway Ltd

Certified mail sent to the owner was accepted on 6/25/10.

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

Ms. Flynn found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day would begin to accrue.

**Case: CE10051609**

2101 Northeast 51 Street  
Woloszak, Raymond

Certified mail sent to the owner was accepted on 6/23/10.

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

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

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

**Case: CE10051667**

3100 Northeast 47 Court  
Intracoastal #31 Condo Assn

Certified mail sent to the owner was accepted on 6/26/10 and certified mail sent to the registered agent was accepted on 6/26/10.

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

NFPA 1:1.7.6.2

THE FIRE ALARM IS NOT FUNCTIONING AS DESIGNED AND INSTALLED.

NFPA 72:5.4.5

ALARM DEVICE NEEDS TO BE INSTALLED.

Complied:

NFPA 25:12.7.1

NFPA 1:13.1.4

NFPA 101:7.9.2.1

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

Ms. Flynn found in favor of the City and ordered compliance within 189 days or a fine of \$250 per day, per violation would begin to accrue.

**Case: CE10041843**

5110 Northeast 18 Avenue  
Inglis, Laura I

Service was via posting on the property on 6/16/10 and at City Hall on 7/1/10.

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

NFPA 1:13.6.1.2

FIRE EXTINGUISHER(S) IS/ARE NOT PROVIDED IN ACCORDANCE WITH THE CODE.

NFPA 101:31.3.4.5.1

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

Complied:  
NFPA 1:1.7.6.2

Inspector Tetreault recommended ordering compliance with NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day and with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day.

**Case: CE10051666**  
5121 Northeast 18 Terrace  
Giffoni VP Inc

Certified mail sent to the owner was accepted on 6/25/10.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:  
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 \$50 per day.

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: CE10051608**  
6303 Northwest 9 Avenue  
6303 L L C

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

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

Inspector Tetreault recommended ordering compliance within 35 days or a fine of \$150 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$150 per day would begin to accrue.

**Case: CE10040442**

5161 Northeast 18 Terrace  
Fisher, Harlee

This case was first heard on 6/3/10 to comply by 6/13/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$3,100 fine, which would continue to accrue until the property complied.

**Case: CE10040772**

4404 Northeast 23 Avenue  
Fitzgerald, Bradford W & Roslyn J

This case was first heard on 6/3/10 to comply by 6/13/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$2,500 and the City was requesting imposition of a \$430 fine.

Ms. Flynn imposed a \$430 fine.

**Case: CE09101040**

549 Northeast 2 Avenue  
Amera Flagler 46 Ltd

This case was first heard on 4/1/10 to comply by 6/3/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,350 and the City was requesting imposition of a \$500 fine.

Ms. Flynn imposed a \$500 fine.

**Case: CE08060555**

2308 Northwest 26 Street  
Walker, Maurice

Rescheduled from 6/17/10

This case was first heard on 9/18/08 to comply by 6/25/08 and was a repeat violation from 6/26/08 through 8/22/08. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$14,250 fine.

Ms. Flynn imposed the \$14,250 fine.

**Case: CE08090569**

1444 Northwest 8 Avenue  
Labardy, Michelet

This was a request to vacate the Order Imposing the Fine dated 6/17/10.

Ms. Flynn vacated the Order Imposing the Fine dated 6/17/10.

**Case: CE10020645**

2507 Andros Lane  
Lorusso, Sandra J

This case was first heard on 5/20/10 to comply by 6/3/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$1,000 fine.

Ms. Flynn imposed the \$1,000 fine

**Case: CE10040608**

413 Southwest 17 Street # 2  
C & M Developers LLC

This case was first heard on 6/3/10 to comply by 6/13/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$3,100 fine, which would continue to accrue until the property complied.

**Case: CE09091484**

4040 Galt Ocean Drive  
Ocean Manor Condo Assoc

This case was first heard on 10/15/09 to comply by 2/18/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$10,000 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$10,000 fine.

**Case: CE09080343**

211 Southwest 22 Street  
Blaylock, Jocelyn

This case was first heard on 10/1/09 to comply by 10/29/09. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of a \$51,500 fine.

Ms. Flynn imposed the \$51,500 fine.

**Case: CE10060803**

Rescheduled from 6/17/10

1116 West Broward Boulevard  
Moses, John

Certified mail sent to the owner was accepted on 6/25/10 and certified mail sent to the registered agent was accepted on 6/24/10.

THE RESTAURANT BUSINESS TAX FOR JOHNNY'S WAS REVOKED. THE BUSINESS WAS NOT OPERATING AS A BONA FIDE RESTAURANT PER CITY ORDINANCE DEFINITION 5-36.

THIS HEARING HAS BEEN REQUESTED BY THE BUSINESS TO APPEAL THE CITY'S DETERMINATION AS TO BONA FIDE RESTAURANT STATUS ONLY, TO A SPECIAL MAGISTRATE, PURSUANT TO SECTION 11 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE.

Ms. Wald said the City had a stipulation as to the facts and Mr. Norman Kent, the owner's attorney, agreed.

Ms. Wald requested a finding of fact.

Mr. Kent said the notices had been sent to John Moses, who no longer owned the bar; NRJ Corporation now owned the bar.

Mr. Kent stated his client had acquired the property in 2007 and the patron age ordinance had been put into effect in 2004. He explained the intent of the ordinance was to prohibit patrons under 21 from entering establishments that were "more bar than restaurants." Mr. Kent said the officer involved in this case had spoken with his client 25 or 30 times regarding the operation of the establishment and he had never notified him that the establishment did not comply with 5-36 until 30 days ago. Mr. Kent stated the establishment did not serve much food, but had a full kitchen.

Mr. Kent said they were stipulating that the establishment was not in compliance with 5-36, but in the six years since that ordinance had been in effect, it had never been enforced against this business. Mr. Kent said, "If we were to go forward, we would articulate...that the equitable doctrine of prosecutorial *laches* could come into effect."

Mr. Kent said the owner must reapply for a restaurant license, and the City had agreed to work with him, if he complied with the rules.

Mr. Kent stated this was a “gentlemen’s club” with dancers and shows. He stated the doctrine of selective prosecution mandated that businesses must be treated equally. Mr. Kent said after his client was served with the Notice of Violation, “in the comparable gay publications, the other similarly situated clubs that are identical in nature to this establishment in that they have dancers, they allow patrons under the age of 21, have not been so served with this same notice, and those clubs...they’re having a field day.”

Mr. Kent said his client would comply with the City’s request to reapply for the business tax, but it was “terribly troubling” that his client was being legally restricted from operating his nightclub as he had for the past six years.

Mr. Kent said he would not just “roll over and play dead... and allow the City to strip my clients of rights he’s had for six years and never enforced against and allow other similarly situated establishments to go untagged, untargeted and unprosecuted while he gets prosecuted.”

Ms. Wald said the business tax had been issued under Mr. Moses’ name and the new owner should notify the City of the change of ownership, and the City would issue a different Notice.

Regarding Mr. Kent’s laches argument, Ms. Wald stated the ordinance had been in effect since approximately 2004. Detective Spotnik had made the determination that this was not a bona fide restaurant, and had provided this information to the Supervisor of business tax, who had made the determination that this did not comply with the ordinance.

Ms. Wald stated the ordinance indicated that if alcoholic beverages were served and an establishment wanted the exception to allow patrons under 21, certain requirements must be met. One of these requirements was to maintain a bona fide restaurant, which had been done by the original owner. Ms. Wald stated it was also possible to get an exception by having a Special Restaurant License issued by the State.

Regarding Mr. Kent’s selective prosecution argument, Ms. Wald said no proof had been provided of this.

Mr. Kent said they were stipulating that this establishment did not meet the patron age requirement, but he was reserving the right to “raise at a later date,,,” that other people similarly situated may not be being treated the same way.”

Ms. Flynn found, pursuant to Mr. Kent’s stipulation, that this was not a bona fide restaurant.

**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:

CE10051911	CE10051583	CE10041072	CE10050116
CE10051539	CE10051811	CE10052243	CE10042229
CE10041014	CE10042141	CE10042693	CE10050830
CE10052084	CE10050144	CE10042388	CE09032126
CE09081593	CE09121604	CE10010410	CE09080116
CE10051076	CE10050884	CE10060342	CE10050776
CE10051701	CE10052020	CE10052013	CE10050746
CE10051267	CE10051045	CE10052147	CE10050968
CE10050971	CE10051674	CE10051611	CE10051682
CE10041481	CE10050965	CE10051671	CE10051669
CE10051664	CE09100974		

**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:

CE10042455	CE10051673	CE10051663
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**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:

CE10051200	CE10040795	CE10042338	CE10032655
CE10032784	CE09090724		

**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:

CE10042359	CE10010102	CE09031928
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There being no further business, the hearing was adjourned at **12:06 p.m.**

  
Special Magistrate

ATTEST:

  
Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services