

**SPECIAL MAGISTRATE HEARING  
CITY COMMISSION MEETING ROOM  
JUDGE H. MARK PURDY PRESIDING  
AUGUST 19, 2010  
9:00 A.M. –11:13 A.M.**

**Staff Present:**

Mary Allman, Secretary, Special Magistrate  
Susanne Manning, Secretary, Special Magistrate  
Brian McKelligett, Clerk of Special Magistrate – Supervisor  
Ginger Wald, Assistant City Attorney  
Lori Grossfeld, Clerk III  
Peggy Burks, Code Enforcement Supervisor  
Cheryl Pingitore, Code Enforcement Supervisor  
John Gossman, Code Enforcement Supervisor  
Frank Arrigoni, Building Inspector  
Stephanie Bass, Code Enforcement Officer  
Mark Campbell, Code Enforcement Officer  
Andre Cross, Code Enforcement Officer  
Aretha Davis, Code Enforcement Officer  
Dick Eaton, Sr. Code Enforcement Officer  
Barry Fein, Building Inspector  
Adam Feldman, Code Enforcement Officer  
Ingrid Gottlieb, Sr. Code Enforcement Officer  
Wilson Quintero, Code Enforcement Officer  
Maria Roque, Business Tax Inspector  
Mario Sotolongo, Code Enforcement Officer  
Ursula Thime, Senior Code Enforcement Officer  
Salvatore Viscusi, Code Enforcement Officer  
Ron Tetreault, Fire Inspections Officer

**Respondents and Witnesses**

CE10051559: Paula Ogilvie, owner, Catherine Malcolm, owner, Ira Walters, contractor  
CT09082544: Casey Kaplan, owner/representative  
CE09032057: Ramon Brea, owner  
CE10041745: Anthony Barnes, owner  
CE10011703, CE10011722: Lester Workinger, owner  
CE10032584: John Mekras, property manager  
CE09121588: Jaret Faine, owner  
CE10041705: Skippy Dirienzo, company representative/attorney, Margie Sarcomo, property manager  
CE10030613: Tyler Tuchow, owner  
CE10030017: Ronald Kaufman, property attorney  
CE10031607, CE10031605: Kara Cannizzaro, attorney

CE10050023: Alireza Moghaddom, owner  
CT09042083: Alexander Makarevich, owner  
CE09091511: Robert Willard, owner  
CE08020353: Donald Karney Jr., owner/agent  
CE10011854: Kenneth Fick, owner, Kip Zimmer, co-owner  
CE08071705: Brady Cobb, attorney

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: CE10041745**

527 Northwest 13 Avenue  
Barnes, Anthony Edwin

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 8/5/10.

Wilson Quintero, Code Enforcement Officer, testified to the following violations:

9-280(b)

THERE ARE BUILDING COMPONENTS ON THIS RENTAL DUPLEX REAR APARTMENT THAT ARE IN DISREPAIR, THERE ARE WINDOWS SHUT FROM INSIDE THAT ARE NOT FUNCTIONAL.

9-280(f)

THERE ARE PLUMBING FIXTURES THAT ARE NOT MAINTAINED ON THIS RENTAL DUPLEX REAR APARTMENT, INCLUDING BUT NOT LIMITED TO SINK AND TOILET LEAKING IN THE BATHROOM.

9-304(b)

THERE IS A GRAVEL DRIVEWAY AT THE NORTH SIDE OF THIS RENTAL DUPLEX PROPERTY THAT IS NOT WELL GRADED AND/OR DUST FREE, BARE SECTION OF GROUND IS BEING USED TO PARK/STORE VEHICLES.

Complied:

9-280(h)(1)

Officer Quintero said he had inspected the property pursuant to a tenant complaint and had spoken with the owner many times to explain how the violations could be complied. Officer Quintero presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$25 per day, per violation.

Mr. Anthony Barnes, owner, stated the toilet, kitchen sink, and faucets were new. He admitted the bathroom sink had a minor leak. Mr. Barnes thought the Magistrate was being asked to ban parking on the property, but he said the property conformed to current "zoning and business codes" and he requested "grandfather clause protections" regarding the driveway.

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

**Case: CT09042083**  
3251 Southwest 1 Terrace  
Fantom Realty LLC

This case was first heard on 8/20/09 to comply by 11/19/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,300 and the City was requesting a \$433 fine be imposed.

Maria Roque, Business Tax Inspector, requested the fine be waived because the owner lived out of state and had been very cooperative. He had flown to Florida for every hearing. She stated the \$433 fine was for administrative costs.

Mr. Alexander Makarevich, owner, requested the fine be waived because they had made repairs that the tenant had failed to make.

Judge Purdy imposed a \$433 fine.

**Case: CE08020353**  
5550 Northwest 31 Avenue  
Morganel Company  
C/O Broward Property Inc

Request for extension

This case was first heard on 11/6/08 to comply by 5/7/09. Violations and extensions were as noted in the agenda. Mr. McKelligett reported only 47-20.20.H was still in violation.

Sal Viscusi, Code Enforcement Officer, said he had been communicating with the property manager for some time. He explained that various issues had arisen that caused the parking area repairs to be postponed. Officer Viscusi recommended a 182-day extension.

Mr. Donald Karney Jr., owner/agent, explained they were refinancing the property. This would provide the funds to have the work done.

Judge Purdy granted a 182-day extension during which time no fines would accrue.

**Case: CT09082544**

Ordered to reappear

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

This case was first heard on 11/5/09 to comply by 11/19/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$200 civil penalty and a \$3,400 fine, which would continue to accrue until the property complied.

Ursula Thime, Code Enforcement Officer, said progress had been made but the property was not complied.

Mr. Casey Kaplan, owner/representative, described progress made with the noise level, and said they were considering a garage system of sound absorbing material. He requested 105 – 112 days in case a permit was needed. Mr. Kaplan said he had tried to meet with the tenant next door to explain what had been done, but the tenant refused to meet with Mr. Kaplan.

Judge Purdy granted a 119-day extension during which time no fines would accrue.

Mr. Kaplan said he would request that all fines be waived once the property was in compliance because they had spent over \$50,000 for engineering.

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

**Case: CE10011703**

605 Southwest 22 Terrace  
Workinger, Lester

This case was first heard on 4/15/10 to comply by 6/3/10. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of a \$325 fine..

Mr. Lester Workinger, owner, said he had thought the violation concerned “the filth of the property.” He explained that he had not understood what must be done to comply all of the violations until he met with Inspector Oliva, who helped him obtain permits. Mr. Workinger said he did not understand why a fine had accrued because he had been granted extensions.

Aretha Davis, Code Enforcement Officer, said Mr. Workinger was aware of what must be done and the deadlines for compliance. She recommended imposition of the full fines. Officer Davis said Mr. Workinger had kept wooden fence posts on the property for some time, which had prevented the property from being in compliance. She added

that Mr. Workinger had received an extension, but there was a gap during which fines had already accrued.

Mr. Workinger said, "The main problem with this whole thing has been her," indicating Officer Davis. He explained the problems with the doors on the property, and said Officer Davis had only indicated that the door frames, not the doors, were bad.

Judge Purdy imposed a \$125 fine.

**Case: CE10011722**  
605 Southwest 22 Terrace  
Workinger, Lester

This case was first heard on 4/15/10 to comply by 6/3/10. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of a \$650 fine.

Judge Purdy imposed a \$250 fine.

The following two cases were heard together:

**Case: CE10031605** Motion for stay order  
2625 Grace Drive  
Wheble, Annerley

This case was first heard on 6/17/10 to comply by 9/2/10. Violations were as noted in the agenda.

Ms. Kara Cannizzaro, attorney, said Magistrate Flynn had issued an Order on 6/17/10 and Ms. Cannizzaro was seeking a stay pending appeal of the matter. She explained the question was whether short-term rentals were permitted in this zoning district. She explained the case that she had made at the previous hearing, and her assertion that there had been due process violations and that evidence had been obtained by way of illegal search. Ms. Cannizzaro said the stay would maintain the status quo and suspend the order while the appeal was pending. She said Magistrate Flynn had granted a stay the previous month for another case.

Ms. Cannizzaro said the owner had put the property up for sale and had tried to rent it long-term with no success. She had also been unsuccessful in attempts to work with the mortgages so she could continue to make her payments. Ms. Cannizzaro said the owner was missing rental opportunities while the order was in effect.

Ms. Cannizzaro said the Castro case had also been discussed in June, and she had argued that per curium affirmances were not binding precedents on courts because

“one can only speculate as to the rationale underlying the basis for the per curium decision.”

Ms. Cannizzaro stated the stay would not in any way harm the City and the alleged violation put no one in physical danger. The stay would not cause the City to suffer any monetary loss or actual damage, but the owner would, as she would lose the ability to use the property in a way that would allow her to make her mortgage payments. Ms. Cannizzaro asked Judge Purdy to grant the motion to stay pending appeal.

Ms. Wald said the City objected to the request for a stay. Magistrate Flynn had determined in June that this was a violation of the City code and allowing the owner to continue to rent the property, by virtue of the stay, would be a continuing violation of City code. Ms. Wald noted that Judge Purdy had decided the Castro case. Judge Purdy said this had begun with a case he had heard that “really was not that hotly contested as to the code interpretation” and had been appealed and affirmed. When this had come up before Magistrate Flynn, the City had relied on Judge Purdy’s precedent.

Ms. Wald said the City had not relied solely on Judge Purdy’s precedent; they had also made the same arguments made in the Castro case, which were based upon the City’s ordinance and the reason for the City’s ordinance, and why this was a violation of the ULDR, because they were not acting as a single-family residence per the ULDR; they were acting as an illegal hotel/motel. This had been an issue in the Castro case and in this case and the others that had come before the Special Magistrate this year. Ms. Wald reiterated that this had already been determined and the City objected to the stay based on the fact that the violation would continue to occur. Ms. Wald said the City’s position was not to move forward until an appeal was concluded.

Judge Purdy asked what the long-term result would be. Ms. Wald said this depended on whether or not there was another violation, and the duration of that violation. She said for a repeat violation, the fine could potentially double.

Judge Purdy confirmed with Ms. Cannizzaro that the appeal had been filed and assigned to a Circuit Court judge. Ms. Cannizzaro reiterated that she would like time for the Circuit Court to consider “the constitutionality and the interpretation of the code.”

Judge Purdy granted the stay.

**Case: CE10031607**  
2624 Grace Drive  
Wheble, Annerley

Motion for stay order

This case was first heard on 6/17/10 to comply by 9/2/10. Violations were as noted in the agenda.

Judge Purdy granted the stay.

**Case: CE10041705**

1740 Northeast 51 Street  
Coral Ridge Isles Properties LLC

This case was first heard on 6/3/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$6,000 fine.

Mr. Skippy Dirienzo, company representative/attorney, said the violation was complied by the ordered date, but there were permitting issues with the floor plan. He requested the fine not be imposed.

Ron Tetreault, Fire Inspector, agreed there had been a permitting issue, and recommended a fine of \$520.

Judge Purdy imposed a \$520 fine.

**Case: CE09091511**

3900 Galt Ocean Drive # 1114  
Willard, Robert Charles

This case was first heard on 6/3/10 to comply by 6/17/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$125 and the City was requesting no fine be imposed.

Barry Fein, Building Inspector, recommended no fine be imposed.

Judge Purdy imposed no fine.

**Case: CE08071705**

Request for extension

6525 Northwest 15 Way  
Shirley Ann Trout Rev Trustee

This case was first heard on 9/18/08 to comply by 3/19/09. Violations and extensions were as noted in the agenda. The property was not complied fines had accrued to \$12,000.

Sal Viscusi, Code Enforcement Officer, confirmed that the violations still existed. He said he had agreed with the respondent's attorney to a 63-day extension.

Mr. Brady Cobb, attorney, said the owner would request a land use change.

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

**Case: CE10032584**

Request for extension

636 Southwest 14 Terrace  
OB Real Estate Holdings 1695 LLC

This case was first heard on 6/3/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$3,400.

Andre Cross, Code Enforcement Officer, said the complex must install a dumpster enclosure.

Mr. John Mekras, property manager, said they had three bids for three types of enclosure and they would obtain additional bids. He requested 91 days to obtain and review additional bids. Officer Cross did not object to the request.

Judge Purdy granted a 91-day extension during which time no fines would accrue.

**Case: CE10011854**

5900 Northwest 24 Way  
Fick, Kenneth  
C/O KC FXE Aviation Investments LLC

This case was first heard on 3/4/10 to comply by 6/17/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$18,600 fine, which would continue to accrue until the property complied.

Mr. Kenneth Fick, owner, said the property was scheduled to be demolished. He said they had already hired the contractor and the contractor had begun preparing the property for demolition.

Ron Tetreault, Fire Inspector, said he would not object to a 49-day extension.

Judge Purdy granted a 49-day extension during which time no fines would accrue.

**Case: CE10030613**

Request for extension

2009 Northwest 21 Avenue  
Tuchow, Tyler

This case was first heard on 5/20/10 to comply by 6/17/10 and 7/22/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$2,700

Mr. Tyler Tuchow, owner, explained that the damaged had been done by a previous tenant and a new tenant had promised to comply the violations but had only made the violations worse. Mr. Tuchow had filed eviction proceedings against this tenant, but he had sent his property manager to the proceeding and the judge had dismissed the case because the manager did not have power of attorney to represent Mr. Tuchow.



Mr. Tuchow said the tenant would not allow his contractors into the property to perform the work. He had filed another eviction notice against the current tenant, which he feared could be a lengthy process.

Ingrid Gottlieb, Code Enforcement Officer, said she would not object to an extension.

Judge Purdy granted a 91-day extension during which time no fines would accrue.

**Case: CE10050023**

2960 North Federal Highway  
Kia Investments Inc

This case was first heard on 6/3/10 to comply by 7/15/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$37,400 fine, which would continue to accrue until the property complied.

Ron Tetreault, Fire Inspector, said the owner was applying for a change of use on the property, which would alleviate some of the issues. He recommended a 105-day extension.

Mr. Alireza Moghaddom, owner, agreed to the extension. He explained that it had taken him some time to evict a former tenant. He said he would not lease the building to another restaurant/club business again.

Judge Purdy granted a 105-day extension during which time no fines would accrue.

**Case: CE10051559**

111 Northwest 2 Street  
Jerk Machine Inc &  
Malcolm, Catherine A & Desmond A

Certified mail sent to the owner was accepted on 8/4/10 and certified mail sent to the registered agent was accepted on 8/4/10.

Ursula Thime, Code Enforcement Officer, testified to the following violations:  
47-20.20.E.

A PORTION OF THE PARKING FACILITY AND PARKING SPACES ARE BEING UTILIZED FOR A TENT WITH OUTDOOR SEATING AND OUTDOOR ENTERTAINMENT.

47-24.1.B.

THE BUSINESS "JERK MACHINE" RESTAURANT IS PROVIDING OUTDOOR DINING WITHOUT FIRST HAVING OBTAINED A DEVELOPMENT PERMIT FROM THE CITY FOR THIS USE.

47-34.1.A.1.

THE BUSINESS "JERK MACHINE" IS PROVIDING OUTDOOR ENTERTAINMENT AND MUSIC WHICH IS NOT A PERMITTED USE IN THE RAC-CC ZONING DISTRICT.

Officer Thime said the owner had applied for an outdoor dining permit and had picked up the plans after they failed for Zoning, Engineering and Plan Review. Officer Thime presented a list of uses in the RAC. Officer Thime recommended ordering compliance with 47-34.1.A.1. within 10 days or a fine of \$100 per day.

Ms. Catherine, Malcolm, owner, said Officer Thime had advised her to apply for a permit for the tent and outdoor seating. She said Jerk Machine had been in this location for 12 years. During a festival, they had erected the tents and provided music. She said they had received special event permits for two subsequent events. Since these events, Ms. Malcolm said they had removed the tent and no music had been played. She said the only remaining item was the fence, which was required to provide privacy from the many homeless people in the area.

Officer Thime said when she visited the property on 8/14 at 8 p.m., the entire parking lot was covered with tables, protected by a bamboo fence and music could be heard from the street. Ms. Malcolm denied that any music was playing on that date. Officer Thime presented photos of the property taken on several occasions showing the parking lot covered with tables.

Officer Thime recommended ordering compliance with 47-20.20.E. and 47-24.1.B. within 63 days or a fine of \$100 per day, per violation.

Ms. Malcolm said she did not agree, and reiterated that it was very difficult to operate the business without the privacy fence.

Mr. Glen Walters, contractor, presented photos of the parking area. He said Zoning had confirmed that the restaurant did not require parking. He said the bamboo fence was used on the weekends and the music was inside the building. Officer Thime said the parking spaces were covered by the dining tables, including the disabled parking space. She explained that the business was currently required to have parking, and she reminded Judge Purdy that the plans for outdoor dining had been reject and had not been resubmitted.

Cheryl Pingitore, Code Enforcement Supervisor, stated on 6/30/10, Skip Margerum, the City's Building Tax Supervisor, had held a conference call with Mr. Malcolm and she had been advised that the tables, fencing and band were not permitted and should not be displayed until the restaurant obtained specific approval from the City.

Ms. Malcolm agreed this conversation had taken place, and stated this event took place every Friday, Saturday and Sunday from 11:00 p.m. until 1:00 a.m.

Ms. Wald revisited the specific violations for which the property had been cited, and advised Judge Purdy must determine whether or not the violations existed.

Mr. Walters asked if it was permissible to erect the tent during the weekend functions. Ms. Wald said this would be permissible, if approved, for a special outdoor event. The other option was to get a permit to reduce the parking spaces and convert the parking area to outdoor restaurant area. Ms. Wald said the business could not erect the tents for events without one of these two things.

Officer Thime presented the case file into evidence.

Judge Purdy found in favor of the City and ordered compliance with 47-20.20.E. and 47-24.1.B. within 63 days or a fine of \$100 per day, per violation and with 47-34.1.A.1. within 10 days or a fine of \$100 per day would begin to accrue.

**Case: CE10030017** Request for extension  
2504 Northwest 21 Street  
HSBC Bank USA N A Trstee  
C/O Litton Loan Services

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 had accrued to \$6,750.

Ingrid Gottlieb, Code Enforcement Officer, said the property had been “a nightmare for a long time.” Construction was beginning to comply the violations, and Officer Gottlieb said she would not object to a reasonable extension.

Mr. Ronald Kaufman, property attorney, said the bank had obtained possession of the property the previous month, and requested a 63-day extension.

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

**Case: CE09032057**  
340 Sunset Drive # 907  
Brea, Ramon & Brea, Leonardo A

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$125 and the City was recommending no fine be imposed.

Barry Fein, Building Inspector, recommended no fine be imposed.

Judge Purdy imposed no fine.

**Case: CE09121588**

1419 Southwest 11 Place  
Faine, Jaret B

This case was first heard on 2/18/10 to comply by 3/4/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$4,100 and the City was recommending no fine be imposed.

Judge imposed no fine.

**Case: CE10062322**

2531 Gulfstream Lane  
Minnick, Donald

Service was via posting on the property on 8/2/10 and at City Hall on 8/5/10.

Ingrid Gottlieb, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE POOL AT THIS LOCATION IS FILLED WITH GREEN,  
STAGNANT WATER. THE POOL IN THIS CONDITION IS A  
BREEDING PLACE FOR MOSQUITOES AND ENDANGERS THE  
PUBLIC HEALTH, SAFETY AND WELFARE OF THE  
COMMUNITY.

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.

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

**Case: CE10042455**

2921 Northwest 21 Street  
Johnson, Vermell Estate

Service was via posting on the property on 7/16/10 and at City Hall on 8/5/10.

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

THERE IS NO ELECTRICAL SERVICE TO THIS HOUSE,  
WHICH DOES NOT ALLOW FOR THE REQUIRED HOT WATER TO  
BE SUPPLIED.

9-279(f)

THE HOUSE IS CURRENTLY OCCUPIED WITHOUT THE  
REQUIRED WATER SERVICE.

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

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

**Case: CE10062441**

2450 Northwest 31 Avenue  
Robinson, Rozell

Service was via posting on the property on 8/2/10 and at City Hall on 8/5/10.

Ingrid Gottlieb, Code Enforcement Officer, testified to the following violation:  
18-12(a)

THERE IS TRASH AND DEBRIS ALL OVER THE PROPERTY AND SWALE, INCLUDING BUT NOT LIMITED TO: PROPANE TANKS, BOXES, MATTRESSES, SOFAS, DRESSERS, CHAIRS, BUCKETS, AND CRATES.

Officer Gottlieb said someone had illegally dumped the items on the property. She had spoken with the bank and the servicer, who had assured her they would comply the violations during the week. Officer Gottlieb presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$25 per day.

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

**Case: CE10070271**

2348 Northwest 14 Court  
Properties Acquisition Trust

Service was via posting on the property on 8/3/10 and at City Hall on 8/5/10.

Ingrid Gottlieb, Code Enforcement Officer, testified to the following violation:  
18-7(b)

THIS VACANT HOUSE HAS BEEN PARTIALLY BOARDED WITHOUT A VALID CITY ISSUED BOARD UP CERTIFICATE.

Officer Gottlieb said she had spoken with the property manager, but she did not know when they intended to obtain the board-up certificate. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$50 per day.

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

**Case: CE10061557**

2021 Southwest 14 Terrace  
Blair International Inc

Service was via posting on the property on 7/26/10 and at City Hall on 8/5/10.

Mark Campbell, Code Enforcement Officer, testified to the following violation:

18-11(b)

THE POOL ON THIS VACANT PROPERTY HAS GREEN STAGNANT WATER, WHICH IS OR MAY REASONABLY BECOME INFESTED WITH MOSQUITOS AND IS ENDANGERING THE PUBLIC HEALTH, SAFETY AND WELFARE.

Officer Campbell presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$200 per day.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$200 per day would begin to accrue.

**Case: CE10061600**

1324 Southwest 23 Court  
La Preserve LLC

Service was via posting on the property on 7/26/10 and at City Hall on 8/5/10.

Mark Campbell, Code Enforcement Officer, testified to the following violation:

18-11(b)

THE POOL ON THIS VACANT PROPERTY HAS GREEN STAGNANT WATER, WHICH IS OR MAY REASONABLY BECOME INFESTED WITH MOSQUITOS AND IS ENDANGERING THE PUBLIC HEALTH, SAFETY AND WELFARE.

Officer Campbell presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$200 per day.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$200 per day would begin to accrue.

**Case: CE10062132**  
5596 Bayview Drive  
Gallant, Glenn M

Service was via posting on the property on 7/27/10 and at City Hall on 8/5/10.

Adam Feldman, Code Enforcement Officer, testified to the following violation:  
9-308(a)

THE ROOF AT THIS PROPERTY HAS LOOSE, BROKEN AND  
MISSING TILES.

Officer Feldman explained that the owner was incarcerated and his attorney was attempting to get funds released to hire contractors to do the work. He 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.

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

**Case: CE10062329**  
1520 Southwest 25 Avenue  
Deutsche Bank National Trust Co

Certified mail sent to the owner was accepted on 7/26/10. Service was also via posting at City Hall on 8/5/10.

Andre Cross, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE POOL AT THIS LOCATION IS FILLED WITH GREEN,  
STAGNANT WATER. THE POOL IN THIS CONDITION IS A  
BREEDING PLACE FOR MOSQUITOES AND ENDANGERS THE  
PUBLIC HEALTH, SAFETY AND WELFARE OF THE  
COMMUNITY.

Officer Cross 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.

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

**Case: CE10062562**

2843 Southwest 14 Street  
Federal Natl Mortgage Assn

Certified mail sent to the owner was accepted on 7/27/10. Service was also via posting at City Hall on 8/5/10.

Andre Cross, Code Enforcement Officer, testified to the following violation:  
18-11(b)

THE POOL AT THIS LOCATION IS FILLED WITH GREEN, STAGNANT WATER. THE POOL IN THIS CONDITION IS A BREEDING PLACE FOR MOSQUITOES AND ENDANGERS THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

Officer Cross 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.

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

**Case: CE10022035**

Stipulated agreement

4300 North Ocean Boulevard # 14M  
Soufrine, Michele J & Alex M

Violation:  
9-280(b)

THE FLAT ROOF OVER THE BUILDING IS IN DISREPAIR. THERE ARE AREAS AROUND THE BASE OF THE COOLING TOWER WHERE THE ROOF COVERING HAS BEEN DAMAGED, CAUSING WATER TO LEAK INTO RESIDENTIAL UNITS DIRECTLY BELOW.

The City had a stipulated agreement with the owner to comply within 24 weeks or a fine of \$50 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance within 24 weeks or a fine of \$50 per day would begin to accrue.



**Case: CE10070775**

2800 Vistamar Street  
Blue Lofts LLC

Certified mail sent to the owner was accepted on 8/5/10 and certified mail sent to the registered agent was accepted on 8/4/10.

Mario Sotolongo, Code Enforcement Officer, testified to the following violation:  
18-12(a)

FENCED VACANT LOT. THERE IS OVERGROWTH OF GRASS, WEEDS AND PLANT LIFE ON THE PROPERTY AND SWALE AREAS. THERE IS ALSO ACCUMULATION OF RUBBISH, TRASH AND DEBRIS ON THE NORTH WEST CORNER OF THE LOT, INCLUDING, BUT NOT LIMITED TO MATTRESS, WOOD BOX, CARBOARD AND LUMBER.

THIS VIOLATION WAS PREVIOUSLY CITED UNDER CASE CE10041598 AND COMPLIED BEFORE THE SM HEARING. DUE TO THE RECURRING NATURE OF THE VIOLATION, THIS CASE WILL BE PRESENTED TO A SPECIAL MAGISTRATE WHETHER IT COMPLIED BEFORE THE HEARING OR NOT.

Officer Sotolongo stated the property was complied as of the previous afternoon and asked Judge Purdy for a finding of fact that the violation had existed as cited. Officer Sotolongo presented photos of the property and the case file into evidence.

Judge Purdy found the violation had existed as cited.

**Case: CE09091067**

3648 Southwest 13 Court  
HSBC Bank USA Trstee

Certified mail sent to the owner was accepted on 8/4/10. Service was also via posting at City Hall on 8/5/10.

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

THERE IS AN EXPIRED PERMIT #07061422 TO INSTALL A WOOD FENCE 50'X6' WITH ONE 6'X4' GATE.

Inspector Fein recommended ordering compliance within 42 days or a fine of \$25 per day.

Judge Purdy found in favor of the City and ordered compliance within 42 days or a fine of \$25 per day would begin to accrue.

**Case: CE09091362**

307 Northwest 11 Street  
Gibney, Michael J

Service was via posting on the property on 8/3/10 and at City Hall on 8/5/10.

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

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT #07051567 TO REPLACE  
WOOD FENCE 6'X160'.

Inspector Fein recommended ordering compliance within 42 days or a fine of \$25 per day.

Judge Purdy found in favor of the City and ordered compliance within 42 days or a fine of \$25 per day would begin to accrue.

**Case: CE09092102**

716 Southwest 9 Terrace  
Sunny River Holdings LLC

Personal service was made to the owner on 8/3/10.

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

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT #07012012 TO INSTALL A  
127'X6' WOOD FENCE.

Inspector Fein recommended ordering compliance within 42 days or a fine of \$25 per day.

Judge Purdy found in favor of the City and ordered compliance within 42 days or a fine of \$25 per day would begin to accrue.

**Case: CE10070239**

1412 Northeast 57 Court  
Fruhvirt, Johannes

Certified mail sent to the owner was accepted on 8/3/10.

Stephanie Bass, Code Enforcement Officer, testified to the following violation:

9-305(b)

THE SEA GRAPE TREE IN THE REAR OF THE PROPERTY IS  
NOT BEING MAINTAINED. THE TREE HAS BECAME  
OVERGROWN, THEREFORE CAUSING AN OBSTRUCTION TO

NAVAL TRAFFIC IN WATERWAY.

Officer Bass presented photos of the property and the case file into evidence, and recommended ordering compliance within 21 days or a fine of \$50 per day.

Judge Purdy found in favor of the City and ordered compliance within 21 days or a fine of \$50 per day would begin to accrue.

**Case: CE10070489**

1412 Northeast 57 Court  
Fruhwirt, Johannes

Certified mail sent to the owner was accepted on 8/3/10.

Stephanie Bass, Code Enforcement Officer, testified to the following violation:

18-12(a)

THE LAWN AND THE PROPERTY HAS BECOME OVERGROWN  
INCLUDING THE SWALE.

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

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

**Case: CE10070323**

1032 Northeast 16 Avenue  
Wells Fargo Bank N A Trstee

Certified mail sent to the owner was accepted on 8/2/10.

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

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

**Case: CE10071516**

5910 Northeast 18 Avenue  
Alac Investment LLC

Certified mail sent to the owner was accepted on 8/3/10 and certified mail sent to the registered agent was accepted on 8/3/10.

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

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

**Case: CE10071518**

507 Southeast 16 Court  
John Szerdi Rev Tr  
Szerdi, John Trstee

Certified mail sent to the owner was accepted on 8/10/10.

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

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

**Case: CE10031583**

551 Antioch Avenue  
Grand Terramar LLC

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$600 fine.

Judge Purdy imposed the \$600 fine.

**Case: CE09062054**

503 Southwest 16 Street  
Blair International Inc

This case was first heard on 8/6/09 to comply by 8/16/09. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of \$2,569.10 board-up costs and a \$2,400 fine.

Judge Purdy imposed the \$2,569.10 board-up costs and a \$2,400 fine.

**Case: CE09032234**

2000 South Ocean Drive # 1408  
Villalba, Jose

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$850 fine, which would continue to accrue until the property complied.

**Case: CE09040065**

616 Southwest 16 Court  
Groppi, Stephen M

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$850 fine, which would continue to accrue until the property complied.

**Case: CE09040291**

321 Northeast 16 Avenue  
Mclaren, Karla & Mclaren, William M

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$850 fine, which would continue to accrue until the property complied.

**Case: CE09040441**

505 Northeast 15 Avenue  
Flowers, William J Est

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$850 fine, which would continue to accrue until the property complied.

**Case: CE09050366**

1531 Southwest 23 Street  
Blair International Inc

This case was first heard on 6/17/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$850 fine, which would continue to accrue until the property complied.

**Case: CE09031928**

1466 Holly Heights Drive  
Fernandez, Jose A & Sandrini, George W, et al

This case was first heard on 6/3/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$850 fine, which would continue to accrue until the property complied.

**Case: CE10011875**

1204 Northeast 11 Avenue  
Delos Santos, Benito B

This case was first heard on 4/1/10 to comply by 4/29/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$27,750 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$27,750 fine, which would continue to accrue until the property complied.

**Case: CE10050258**

2960 North Federal Highway  
Kia Investments Inc

This was a requested to vacate the Order dated 6/17/10.

Judge Purdy vacated the Order dated 6/17/10.

**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:

CE10062099	CE10062235	CE10062640	CE10041816
CE10061932	CE10061809	CE10062127	CE10062289
CE10070053	CE10011419	CE10060537	CE09082361
CE09091184	CE10062269	CE10070095	CE10070216
CE10070222	CE10070522	CE10051663	CE10070199
CE10070201	CE10070203	CE10070205	CE10070208
CE10070210	CE10070211	CE10070212	CE10070213
CE10070215	CE10070217	CE10070219	CE10070220
CE10070223	CE10070328	CE10070329	CE10070330
CE10070331	CE10070332	CE10070333	CE10070336
CE10070339	CE10070340	CE10070506	CE10070507
CE10070508	CE10070509	CE10070510	CE10070511
CE10071528	CE10071529	CE10071530	CE10071531
CE10071532	CE10071533		

**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:

CE10070327

**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:

CE10051673      CE08070315

**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

There being no further business, the hearing was adjourned at **11:13 a.m.**

  
\_\_\_\_\_  
SPECIAL MAGISTRATE

ATTEST:

  
\_\_\_\_\_  
Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services