

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
ROSE-ANN FLYNN PRESIDING
SEPTEMBER 2, 2010
9:00 A.M. – 10:35 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
Detective Jorge Maura
Frank Arrigoni, Building Inspector
Stephanie Bass, Code Enforcement Officer
Mark Campbell, Code Enforcement Officer
Leonard Champagne, Code Enforcement Officer
Andre Cross, Code Enforcement Officer
Aretha Davis, Code Enforcement Officer
Alejandro DelRio, Code Enforcement Officer
Dick Eaton, Sr. Code Enforcement Officer
Barry Fein, Building Inspector
Adam Feldman, Sr. 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
Barbara Urow, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE10071059: Matt Stone, owner's representative
CE10080337: Robert Joseph, general manager
CE09062091: Adrian Moore, real estate investor
CECE10080290: Astley Rhoden, owner
CE09060180: Florvil Saint-Louis, owner
CE10021344: Juan Munoz, property manager
CT09091789: Danielle Levin, attorney
CE10021464, CE09121290: Virgil Bolden, owner
CE10012230: John Smith, tenant
CE09031996: Kenneth Pearlstein, sub-contractor, Chris Kapakos, owner
CE09110999: Mizell Campbell, attorney

CE10071464, CE10071465: Bryon Bartley, owner
CE10070768: Ricky Pierce, owner
CE10072030: Mohammed Markatia, owner
CE10070098: Alvin Gladstone Johnson, owner
CE09051145: John Phillips, attorney, Gus Carbonell, architect
CE10042170: Bruce Deibel, property manager
CE10041843: Richard Inglis, 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: CE09031996 Request for extension
1509 South Andrews Avenue
Deo Pedia Holdings Inc

This case was first heard on 7/15/10 to comply by 9/2/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 9/3/10.

Barry Fein, Building Inspector, said the subcontractor was dealing with the County regarding zoning issues. He recommended a 105-day extension.

Ms. Flynn granted a 105-day extension during which time no fines would accrue.

Case: CE10070768
2600 Northwest 20 Court
Palmun Associates

Certified mail sent to the owner was accepted on 8/17/10.

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

THIS VACANT HOUSE IS CURRENTLY BOARDED WITHOUT
A VALID CITY ISSUED BOARD UP CERTIFICATE.

Officer Viscusi 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. Officer Viscusi explained the house had been foreclosed upon and the new owner, Ricky Pierce, was present.

Mr. Pierce agreed to comply within 63 days.

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

Case: CE10021344

1045 Northeast 8 Avenue
Fort Lauderdale Properties II Inc

This case was first heard on 4/15/10 to comply by 5/20/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$21,000 fine.

Ron Tetreault, Fire Inspector, recommended imposing a \$520 fine.

Mr. Juan Munoz, property manager, agreed to the \$520 fine.

Ms. Flynn imposed a \$520 fine.

Case: CE10042230

1505 Southwest 20 Street
Fraser, Russell E Jr & Fraser,
Julia F & Kral, Mary-M

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

Mark Campbell, Code Enforcement Officer, testified to the following violation:
47-22.6.F.

THERE ARE TWO SIGNS ON THIS PROPERTY IN DISREPAIR. ANY SIGN WHICH BECOMES AT LEAST FIFTY PERCENT DESTROYED SHALL BE DEEMED A PUBLIC NUISANCE AND SHALL BE REMOVED BY THE OWNER.

The person who had been present to speak was out of the room and Ms. Flynn agreed to hear the case later in the agenda.

Upon returning to the case, Officer Campbell said he had spoken with the tenant, who was working to have the sign removed, hopefully within the next few weeks. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 91 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$50 per day would begin to accrue.

Case: CE10072030

3031 Davie Blvd
Markatia Equities Inc

Certified mail sent to the owner was accepted on 8/18/10 and certified mail sent to the registered agent was accepted on 8/17/10.

Aretha Davis, Code Enforcement Officer, testified to the following violation:
47-20.20.H.

THE PARKING LOT HAS NUMEROUS POTHoles AND NEEDS TO
BE RESURFACED AND RESTRIPEd AS WELL AS DAMAGED
WHEELSTOPS.

Officer Davis said the property had been cited many times for the parking lot. She 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.

Mr. Mohammed Markatia, owner, said he had a proposal to perform the work, and agreed to comply within 35 days.

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

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

Case: CE10021464

1220 Northwest 6 Court
Capital Homes Lending LLC

Request for extension

This case was first heard on 4/29/10 to comply by 6/3/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 9/4/10.

Leonard Champagne, Code Enforcement Officer, said the owners had shown him plans for the property, and they must go before the Zoning Board. He recommended a 105-day extension for both cases.

Mr. Virgil Bolden, owner, agreed to the extension.

Ms. Flynn granted a 105-day extension during which time no fines would accrue.

Case: CE09121290

Request for extension

1227 Northwest 6 Street
Bolden, Virgil & Rosa Mae

This case was first heard on 1/21/10 to comply by 2/25/10. Violations and extensions were as noted in the agenda. The property was not complied fines had accrued to \$1,300.

Ms. Flynn granted a 105-day extension during which time no fines would accrue.

Case: CE10080337

111 Southwest 2 Avenue
111 Properties Inc
C/O Cara Ebert Cameron

Certified mail sent to the owner was accepted on 8/18/10.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:14.4.1

THE PATH OF EGRESS IS OBSTRUCTED/BLOCKED.

Officer Tetreault recommended ordering compliance within 140 days or a fine of \$25 per day.

Mr. Robert Joseph, general manager, said he had found a contractor, who was in the process of obtaining permits.

Ms. Flynn found in favor of the City and ordered compliance within 140 days or a fine of \$150 per day would begin to accrue.

Case: CE10071059

50 Isle of Venice
50 Isle of Venice LLC

Certified mail sent to the owner was accepted on 8/17/10.

Adam Feldman, Code Enforcement Officer, testified to the following violation:
18-11(a)

THE POOL AT THIS LOCATION IS FILLED WITH GREEN/STAGNANT WATER.

Officer Feldman said he had spoken with the owner, who informed him that someone was working on the pool. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$250 per day.

Mr. Matt Stone, the owner's representative, agreed to comply within 10 days.

Ms. Flynn found in favor of the City and ordered compliance within 10 days or a fine of \$250 per day would begin to accrue.

Case: CE10042170

3904 Southwest 12 Place
Mendel, Ervin A

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 and the City was requesting imposition of a \$3,650 fine.

Alejandro DelRio, Code Enforcement Officer, recommended imposition of the \$3,650 fine.

Mr. Bruce Deibel, property manager, read a letter from the owner explaining that the property was in foreclosure and was up for short sale. The owner requested the fine be forgiven.

Officer DelRio stated administrative costs for the case were approximately \$600.

Ms. Flynn imposed an \$800 fine.

Case: CE09060180

825 Northeast 11 Street
St-Louis, Florvil & Saint-Louis, Examene

Service was via posting on the property on 8/17/10 and at City Hall on 8/19/10.

Frank Arrigoni, Building Inspector, testified to the following violations:
FBC 105.1

THE FOLLOWING APPLICATIONS HAVE EXPIRED W/O PERMITS
BEING ISSUED:

97050396 BUILDING ALTERATION.
08011124 STORE FRONT

FBC(2007) 105.10.3.1

THE FOLLOWING PERMITS WERE ISSUED AND HAVE EXPIRED
W/O PASSING ALL REQUIRED INSPECTIONS:

07121125 MECHANICAL A.C.
08010731 ELECTRICAL FOR A.C.

Inspector Arrigoni recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

Mr. Florvil Saint-Louis, owner, said he had spoken with a contractor, and requested 45 days to have the work done.

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

Case: CE09062091

521 Southwest 27 Terrace
Jean Leonce Joseph Tr
Gonfra RI Est Solutions Inc Trust

This case was first heard on 11/19/09 to comply by 1/21/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,025 fine, which would continue to accrue until the property complied.

Aretha Davis, Code Enforcement Officer, said there had been no communication with the property owner or representative since the last hearing and recommended imposition of the fine.

Mr. Adrian Moore, real estate investor, stated they were currently processing a short sale on the property. Mr. Moore said he had taken care of the ceiling that had caved in on a bedroom. He said the prospective buyer would purchase the property with cash and bring the property up to code. Mr. Moore requested an extension so the new owner could rehabilitate the property. He confirmed the property was vacant.

Mr. Moore explained that his company had the property in trust and was selling it to the new owner who would rehabilitate it. Holding it in trust would prevent any new liens from the owner being attached to the property. Ms. Flynn was reluctant to grant another extension because "this could go on forever." Mr. Moore said they had a cash buyer, but the short sale process with Bank of America was very lengthy. Officer Davis said the property was vacant, the exterior was maintained there were no health and safety issues at the property.

Ms. Flynn granted a 49-day extension during which time no fines would accrue.

Case: CE10041843

Request for extension

5110 Northeast 18 Avenue
Inglis, Laura I

This case was first heard on 7/15/10 to comply by 8/19/10. Violations were as noted in the agenda. The property was not complied fines had accrued to \$5,200.

Mr. Richard Inglis, attorney and the owner's brother, said a contractor had submitted the permit application, which had been returned because the contractor had not included

the Notice of Commencement. Mr. Inglis said the fire extinguishers had been installed in every apartment, but had not been inspected. Mr. Inglis said neither he nor his sister had received notice of the last hearing.

Ron Tetreault, Fire Inspector, recommended a 35-day extension.

Ms. Flynn granted a 35-day extension during which time no fines would accrue.

Case: CE09051145

3750 Galt Ocean Drive # 510
Anderson, Eric & Mary

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

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

FBC(2007) 105.10.3.1

PERMIT 00031684 WAS ISSUED FOR KITCHEN
REMODELING.

THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

Inspector Arrigoni said the owner had promised to resolve the problem last November, but had not acted. He recommended ordering compliance within 28 days or a fine of \$25 per day.

Mr. John Phillips, attorney, said he had agreed with Inspector Arrigoni to comply within 90 days or a fine of \$50 per day. He said his client's contractor had not pulled a permit when he performed work. Mr. Phillips said the owner had hired an architect and now had the permit application. The owners were currently in Illinois but would return in the fall.

Gus Carbonell, architect, said the job had been completed very professionally and they were just awaiting the permits. He had drawn updated plans to renew the permit.

Ms. Flynn asked why 90 days was needed to resubmit the plans. Mr. Phillips said the electrician and plumber must inspect and verify the work that had been done.

Ms. Wald explained that all that was needed to comply the violation was the issuance of a permit.

Inspector Arrigoni said he had agreed to allow 90 days to comply.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$50 per day would begin to accrue.

Case: CT09091789

1201 North Andrews Avenue
Stanley, Steven

This case was first heard on 12/3/09 to comply by 12/17/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$12,150 fine, which would continue to accrue until the property complied. Mr. McKelligett reported the \$200 civil penalty had been paid.

Ms. Danielle Levin, attorney, said the property was occupied and in foreclosure. Final judgment was scheduled on November 1. She requested an extension.

Barbara Urow, Code Enforcement Officer, did not object to the request for an extension.

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

Case: CE09110999

1812 Northeast 20 Avenue
Roy, Narinedat

This case was first heard on 12/17/09 to comply by 2/18/10. Violations were as noted in the agenda. The property was complied and fines had accrued to \$45,500.

Mr. Mizell Campbell, attorney, stated he represented the bank. He said the bank had a final judgment and had extended the sale date to try to work out a loan modification with the homeowners.

Ron Tetreault, Fire Inspector, confirmed the property was complied and recommended a fine reduction to \$520.

Ms. Flynn imposed a \$520 fine.

Case: CE10080290

700 Northwest 2 Avenue
Rhoden, Astley G

Certified mail sent to the owner was accepted on 8/14/10.

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

Mr. Astley Rhoden, owner, said the units had all been installed but the contractor was having a problem pulling the permit. He felt this could be resolved within 35 days.

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: CE10070098

3440 Berkeley Blvd
Johnson, Alvin G

Personal service was made to the owner.

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

NUISANCE - THERE IS A DERELICT AND INOPERABLE BOAT WITH EXPIRED DECALS AND A BOAT TRAILER WITH FLAT TIRES AND NO TAG ON THIS OCCUPIED RESIDENTIAL PROPERTY.

Officer Davis said the owner had been trying to get the boat registered. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day, with the right to tow.

Alvin Gladstone Johnson, owner, requested more time. He said he could not afford to have a tow truck move the boat. Ms. Wald reminded Mr. Johnson that if the boat and trailer were registered, he did not have to move them. Officer Davis said Mr. Johnson had no intention of registering the boat; he wanted additional time to make arrangements to get the boat back to Jamaica. Ms. Flynn advised Mr. Johnson to register the boat.

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

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

Case: CE10071464

2210 Northwest 31 Avenue
Bartley, Bryon & Bartley, Deatrice

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

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

THERE IS PLANT OVERGROWTH, TRASH, AND DEBRIS ON THE PROPERTY, SIDEWALK, AND SWALE INCLUDING, BUT NOT LIMITED TO, BUCKETS, BOTTLES, PIECES OF WOOD, LAWN

DEBRIS ON THE PROPERTY, SIDEWALK, AND UNDER THE
CARPORT.

Officer Champagne said he had inspected the property pursuant to complaints from the area association and City Hall. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$25 per day, with the right for the City to cut and clean the property if it became vacant.

Bryon Bartley, owner, stated the house was in foreclosure. He said he had cleaned the property since the photos were taken. Officer Champagne referred to photos taken two days earlier showing the property was not complied.

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

Case: CE10071465

2210 Northwest 31 Avenue
Bartley, Bryon & Bartley, Deatrice

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

Leonard Champagne, Code Enforcement Officer, testified to the following violations:
47-20.20.H.

PARKING LOT IS NOT MAINTAINED ON THIS PROPERTY;
THERE ARE AREAS WITH DIRT AND OIL STAINS.

9-280(h)(1)

THERE IS A CHAIN-LINK FENCE IN DISREPAIR ON THIS
PROPERTY INCLUDING, BUT NOT LIMITED TO, A FRONT
GATE LOOSE AND NOT ATTACHED TO THE FENCE, PLACED
AGAINST THE FRONT FENCE.

9-306

THE EXTERIOR OF THE STRUCTURE IS NOT BEING MAINTAINED
IN A SECURE AND ATTRACTIVE MANNER. THERE IS ROTTED
AND MISSING WOOD; DIRTY, MISSING, AND PEELING PAINT
INCLUDING, BUT NOT LIMITED TO, SOFFIT AND FASCIA
ALLOWING FOR EXPOSURE TO THE ELEMENTS.

Officer Champagne said he had inspected the property pursuant to complaints from the area association and City Hall. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

Mr. Bryon Bartley said he was unaware of these violations.

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

Case: CE10060784

Rescheduled from 8/5/10

1029 Northwest 3 Avenue
John L Derynda Rev Liv Tr
Derynda, John L Trustee

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

THERE ARE BROKEN AND CRACKED WINDOW PANES ON THE BUILDING. THE WINDOWS ARE NOT WEATHER, WATERTIGHT, OR RODENT PROOF.

Officer Urow 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.

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

Case: CE10051290

2701 Davie Blvd
M R McTigue Partners L L C
C/O East Kellogg Plaza Associate

Certified mail sent to the owner was accepted on 8/19/10 and certified mail sent to the registered agent was accepted on 8/17/10.

Aretha Davis, Code Enforcement Officer, testified to the following violation:
47-20.20.H.

THE PARKING LOT THROUGHOUT THIS COMMERCIAL PLAZA HAS MULTIPLE POTHOLES AND NEEDS TO BE RESURFACED AS WELL AS A LARGE AREA OF ASPHALT PAVING HAS CHIPPED AWAY ON THE NORTH ENTRANCE ALONG THE REAR OF THE BUILDING. THE WHEELSTOP AROUND THE MEDIAN IN THE PARKING LOT IS IN DISREPAIR. THE LIGHT POLE IN THE NORTHEAST AREA OF THE PARKING LOT IS LEANING AND NEEDS TO BE PROPERLY ANCHORED AND SECURED.

Officer Davis said the owner had made every effort to get the tenant to bring the property into compliance. Officer Davis reported the tenant had secured a permit to perform the paving work in the parking lot. The tenant believed work could be completed within 90 days, and Officer Davis did not object to an extension. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 91 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$50 per day would begin to accrue.

Case: CE10071093

2340 Southwest 15 Street
Hutton, Aline M Est

Service was via posting on the property on 8/17/10 and at City Hall on 8/19/10.

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.

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

Case: CE10071288

921 Northeast 16 Terrace
Le Jardin at Victoria Park LLC

Service was via posting on the property on 8/6/10 and at City Hall on 8/19/10.

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

THERE IS RUBBISH, TRASH, AND DEBRIS SCATTERED ABOUT
THE PROPERTY INCLUDING, BUT NOT LIMITED TO, YARD
DEBRIS PILES, APPLIANCES, BROKEN FURNITURE, ETC.
THE PROPERTY HAS BECOME OVERGROWN AND HAS NOT BEEN
MAINTAINED.

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

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

Case: CE09060225

2845 Southwest 4 Street
Gallington, Marilyn K

Certified mail sent to the owner was accepted on 8/17/10.

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

EXPIRED PERMIT #08051355 FOR REROOF
NO PASS FINAL INSPECTION

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: CE09040263

3401 Southwest 16 Street
Costales, Joey

Service was via posting on the property on 8/17/10 and at City Hall on 8/19/10.

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

4 EXPIRED PERMITS:
PERMIT: #07020334 - POOL
PEEMIT: #07012212 - WINDOWS
PEEMIT: #06092468 - REROOF
PERMIT: #04051413 - CONCRETE DRIVEWAY

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: CE09072652

3665 Southwest 16 Street
Hanson, Heather

Service was via posting on the property on 8/17/10 and at City Hall on 8/19/107.

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

EXPIRED PERMIT #08030634 TO INSTALL WOOD FENCE.

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: CE10071460

2200 Northwest 31 Avenue
Dorin, Richard N & Dorin, Deborah

Certified mail sent to the owner was accepted on 8/25/10.

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

THERE IS OVERGROWTH, TRASH, AND DEBRIS ON THIS PROPERTY AND SWALE INCLUDING, BUT NOT LIMITED TO, TRASH DEBRIS PILES, TRASH RECEPTACLES OVERFLOWING WITH GARBAGE, PLASTIC BAGS, AND MISCELLANEOUS TRASH AND DEBRIS AT THE SOUTH SIDE OF THE DRIVEWAY AND INSIDE THE CHAIN-LINK FENCE.

Officer Quintero said he had inspected the property pursuant to complaints from the association and City Hall. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$25 per day.

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

Case: CE10071462

2200 Northwest 31 Avenue
Dorin, Richard N & Dorin, Deborah

Certified mail sent to the owner was accepted on 8/25/10.

Wilson Quintero, Code Enforcement Officer, testified to the following violation:
9-306

THE EXTERIOR OF STRUCTURE ON THIS DWELLING IS NOT MAINTAINED IN A SECURE AND ATTRACTIVE MANNER. THE EXTERIOR WALLS, FASCIA, AND FRONT STEPS HAVE AREAS OF DIRTY, FADED, AND PEELING PAINT.

Officer Quintero presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$25 per day.

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

Case: CE10031738

4040 Galt Ocean Drive # L1
Talerico Family Limited Partnership

Personal service was made to the owner.

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

THERE IS OUTDOOR STORAGE OF ALUMINUM WINDOWS ON THE SOUTH SIDE OF THE PROPERTY. THIS IS A NON-PERMITTED LAND USE IN ZONING DISTRICT RMH-60 AS PER ULDR SECTION 47-5.21 TABLE OF PERMITTED USES.

Officer Sotolongo said this case was the result of a complaint. He explained that during renovation of the property, multiple unit owners refused to have the windows replaced. The windows that had not yet been installed were sitting outside the building for lack of storage space. Officer Sotolongo had met with the owner and manager several times and he had determined that most of the permits were closed or expired, so the windows could not be kept outside. The respondent had requested 63 days to move the windows into the building basement. Officer Sotolongo presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$50 per day.

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: CE10070124

350 Carolina Avenue
Clarke, Rupert H/E Clarke, Leyon

Personal service was made to the owner.

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

NUISANCE - THERE IS A DERELICT AND INOPERABLE BLACK HONDA WHICH IS PARTIALLY DISMANTLED AND MOUNTED UP ON A WOOD STAKE ON THE SIDE YARD OF THIS OCCUPIED RESIDENTIAL PROPERTY - VISIBLE FROM THE SIDEWALK.

Officer Davis stated the owner had erected an unpermitted fence so the vehicle could no longer be seen, and she was now putting the burden of proof on the owner to show the violation was complied. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

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

Case: CE10080264

600 Northeast 7 Avenue # 1
Morana, Joanne

Certified mail sent to the owner was accepted on 8/23/10.

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

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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

NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080269

600 Northeast 7 Avenue # 5
Meneses, Daniel J

Certified mail sent to the owner was accepted on 8/18/10.

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

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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
NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080270

600 Northeast 7 Avenue # 6
GMAC Mtg LLC
C/O David J Stern PA

Certified mail sent to the attorney was accepted on 8/18/10.

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

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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
NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080271

600 Northeast 7 Avenue # 7
Karlsson, Eva Maria

Certified mail sent to the owner was accepted on 8/18/10.

Ron Tetreault, Fire Inspector, testified to the following violations:
NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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

NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080272

600 Northeast 7 Avenue # 8
Seidner, Edward B

Certified mail sent to the owner was accepted on 8/20/10.

Ron Tetreault, Fire Inspector, testified to the following violations:
NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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

NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080274

600 Northeast 7 Avenue # 9
Brettler, Paul
Paul Brettler Tr

Certified mail sent to the owner was accepted on 8/19/10.

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

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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

NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080275

600 Northeast 7 Avenue # 10
Fulcher, David Jr

Certified mail sent to the owner was accepted on 8/17/10.

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

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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

NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080281

600 Northeast 7 Avenue # 13
Silver, Dory

Certified mail sent to the owner was accepted on 8/19/10.

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

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

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

NFPA 1:14.4.1

Inspector Tetreault recommended ordering compliance with NFPA 101:7.9.2.1 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 101:7.9.2.1 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 would begin to accrue.

Case: CE10080292

629 Northeast 15 Avenue
Scholar, Paul Jerome Jr

Certified mail sent to the owner was accepted on 8/14/10.

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 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: CE10080333

700 W Sunrise Blvd
Sun Auto Tops Inc

Certified mail sent to the owner was accepted on 8/14/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

NFPA 1:10.4.4

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

NFPA 101:7.2.1.8.1

SELF-CLOSING OR AUTOMATIC-CLOSING DOOR(S) DON'T SELF CLOSE AND LATCH.

NFPA 1:13.1.4

MINIMUM CLEARANCE OF FIRE PROTECTION EQUIPMENT, FIRE DEPARTMENT INLET CONNECTIONS OR FIRE PROTECTION SYSTEM CONTROL VALVES IS NOT BEING MAINTAINED.

Complied:

MO 13-64

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

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

Case: CE10080318

901 Northwest 7 Avenue
Sun Auto Tops Inc

Certified mail sent to the owner was accepted on 8/14/10.

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

NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEMS IS IN NEED OF SERVICE.

NFPA 25:12.7.1

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

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

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

Case: CE10080284

710 Northwest 2 Avenue
Rhoden, Andrea A

Certified mail sent to the owner was accepted on 8/14/10.

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 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: CE10080261

907 Northwest 4 Street
Freeman, Maria

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

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.

Complied:

NFPA 1:13.6.6.8.3.1

Withdrawn:

NFPA 1:13.6.6.8.3.1

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: CE10080342

1310 S Miami Rd
Nora E Greene Liv Tr
Greene, Nora E Trustee

Certified mail sent to the owner was accepted on 8/16/10.

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.

MO SEC. 9-313.

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day, and with MO SEC. 9-313. within 35 days or a fine of \$150 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day, and with MO SEC. 9-313. within 35 days or a fine of \$150 per day would begin to accrue.

Case: CE10080294

2023 S Miami Rd
Elizabeth Ann Weymouth Tr

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

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.

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: CE10062500

3299 Southwest 9 Avenue
Ari Limited Prtnr

Personal service was made to the owner.

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

NFPA 1:13.3.3.7.1

SPARE SPRINKLER HEADS ARE MISSING.

NFPA 25:12.7.1

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

MO 13-64

KNOX BOX IS NOT PROVIDED WITH AT LEAST ONE(1) SET OF FIREFIGHTER SERVICE KEYS FOR THE ELEVATOR(S)

Complied:

NFPA 1:34.4.4.1

NFPA 101:7.2.1.8.1

NFPA 1:19.1.2

NFPA 1:60.1.2.11.2.1

NFPA 1:13.1.3

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

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

Case: CE10011718

6511 Northeast 20 Terrace
Daugaard, Stephen

This case was first heard on 6/3/10 to comply by 8/5/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$675 fine, which would continue to accrue until the property complied.

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

Case: CE09120529

110 North Federal Highway # B-1
Waverly Las Olas LLC

This was a requested to vacate the Final Order dated 2/4/10.

Ms. Flynn vacated the final Order dated 2/4/10.

Case: CE10050285

1528 Northwest 6 Avenue
Clark, Richard N & Meltzer, Gail S

This was a requested to vacate the Order dated 8/5/10.

Ms. Flynn vacated the Order dated 8/5/10.

Case: CE10061833

2459 Andros Ln
Masters, Edward A

This was a requested to vacate the Order dated 8/5/10.

Ms. Flynn vacated the Order dated 8/5/10.

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:

CE10071329	CE10071303	CE10071145	CE10062118
CE09080165	CE09082405	CE10062266	CE10060917
CE10070882	CE10071324	CE10062630	CE10070832
CE10070565	CE10041697	CE10071471	CE10071225
CE10071442	CE10061584	CE10070155	CE10070342
CE10062090	CE10062454	CE10062272	CE10062379
CE10070097	CE10062539	CE10062532	CE10062530
CE10080343	CE10080258	CE10080256	CE10080305
CE10080298	CE10080309	CE10080259	CE10080301
CE10080260	CE10080338	CE10080313	CE10080339
CE10080340	CT10061719	CE09100879	

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:

CE10080265	CE10080268	CE10080277	CE10080278
CE10080283	CE10080341	CE10080293	

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:

CE10011683 CE10071476 CE10042359 CE10010102
CE10080267 CE10080282

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:

CE09040008

Cases Closed

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

CE10080263

There being no further business, the hearing was adjourned at **10:35 a.m.**


Special Magistrate

ATTEST:


Clerk, Special Magistrate