

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
MEAH TELL PRESIDING
SEPTEMBER 16, 2010
9:00 A.M. –11:10 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
Skip Margerum, Code Enforcement Supervisor
Detective Jorge Maura
Frank Arrigoni, Building Inspector
Stephanie Bass, Code Enforcement Officer
Leonard Champagne, Code Enforcement Officer
Alejandro DelRio, Code Enforcement Officer
Barry Fein, Building Inspector
Adam Feldman, Sr. Code Enforcement Officer
Todd Hull, Code Enforcement Officer
Wilson Quintero, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Ron Tetreault, Fire Inspector
Ursula Thime, Sr. Code Enforcement Officer
Barbara Urow, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE10050019, CE10041847: John Brown, owner
CE10011890: Darryl Haile, owner's son
CE09071831: Debra McLune, owner
CE09060502: Vernon Pierce, owner
CE10051614: Fritzbert Richardson, owner
CE10070494: Armando Galban, real estate broker
CE10040980: Ali Abbas, owner's representative
CE10061994: Howard Pyle, foreclosure attorney, Charles Barnard, attorney
CE10050822: Mack Grover Young, property manager
CE10040963: Xavier Snell, owner
CE10062562: Kevin Bloch, bank representative
CE09100799: Joseph Dobos, architect

CE07120555: Barbara Cohen, owner
CE10072011, CE10060398: Donald Dixon, owner

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: CE10040963
1810 Northwest 27 Terrace
Snell, Jessie
C/O Snell, Joe C

Ordered to reappear

This case was first heard on 6/17/10 to comply by 7/15/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$1,000, which would continue to accrue until the property complied.

Mr. Xavier Snell, owner, stated the property was still in probate and they not yet been able to remove the family member from the residence. He presented paperwork showing they had tried to evict the family member.

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

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

Case: CE07120555
3316 Northeast 38 Street
Cohen, Lawrence E & Barbara F

Ordered to reappear 8/5/10
then rescheduled to 9/16/10

This case was first heard on 4/3/08 to comply by 7/3/08 and 8/28/08. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,900 fine, which would continue to accrue until the property complied.

Mario Sotolongo, Code Enforcement Officer, said there was nothing new to report. He said members of the homeowners association often asked him when this situation would be resolved.

Ms. Barbara Cohen, owner, reported they had gone through the appraisal phase and were picking an umpire to resolve the situation with Citizens Insurance. Ms. Cohen requested 90 days.

Mr. McKelligett suggested Ms. Tell grant a retroactive extension to August 5, 2010.

Ms. Tell granted a retroactive extension from 8/5/10 to 12/16/10 and ordered the respondent to reappear at that hearing.

Case: CE10062562

2843 Southwest 14 Street
Federal Natl Mortgage Assn

This case was first heard on 8/19/10 to comply by 8/29/10. Violations were as noted in the agenda. The property was complied and fines had accrued to \$1,400. Mr. McKelligett explained since the representative present was not the owner, he could not waive the requirement for notice of a Massey hearing and the case must be rescheduled.

Ms. Tell rescheduled the case for a Massey hearing.

Case: CE10040980

1244 Northeast 1 Avenue
Federal National Mortgage Assn

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 complied and the City was requesting imposition of a \$550 fine.

Mr. Ali Abbas, the owner's representative, reported the bank had bulldozed the shed on the property and the bank had approved a bid to clean the property and replace the sod. Mr. Abbas said a closing was scheduled for the property.

Barbara Urow, Code Enforcement Officer, confirmed the shed was down on August 31 when she inspected the property.

Mr. Abbas said the delay removing the shed was caused by the bureaucracy of getting the bids approved. Mr. McKelligett said the administrative costs were at least as much as the requested fines.

Ms. Tell imposed the \$550 fine.

Case: CE10050822

Request for extension

1522 Northwest 10 Avenue
Sueiro, Anthony

This case was first heard on 7/15/10 to comply by 8/19/10. Violations were as noted in the agenda. Fines had accrued to \$2,700.

Sal Viscusi, Code Enforcement Officer, said there was a final judgment of foreclosure against the property but the owner was in bankruptcy. The owner was using the

property for income and was trying to address the problems. Officer Viscusi had discussed this with Code Enforcement Supervisor Peggy Burks, who advised him that no more than 30 days would be given.

Mr. Mack Grover Young, property manager, said the tenants were now out and the trash on the property would be put out for bulk trash the following Wednesday. Mr. Young said the owner had a contract on a short sale and was waiting for approval from the bank. In the meantime, the owner wanted to connect the sewer but could not afford to.

Officer Sotolongo informed Ms. Tell that there was also a WaterWorks 2011 case against the property for not being hooked up to the City's sewer system. Ms. Wald explained that the septic tank could be closed off and filled in to comply this violation; the WaterWorks 2011 violation was not before Ms. Tell.

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

Case: CE09060502

800 S Andrews Avenue
800 Andrews Avenue Corp

Certified mail sent to the owner was accepted on 9/7/10. Service was also via posting at City Hall on 9/2/10.

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

FBC(2007) 105.10.3.1

3 EXPIRED PERMITS

PERMIT 00102022 NEW 2 STORY BUILDING NEVER HAD A
PASS FINAL INSPECTION AND OBTAIN THE CERTIFICATE
OF OCCUPANCY

PERMIT 06023064 OFFICE SPACE BUILD OUT #200 PERMIT
08040583 INSTALL ILLUM WALL SIGN.

Inspector Fein said he had met with the owner and agreed to recommend ordering compliance within 70 days or a fine of \$25 per day.

Mr. Vernon Pierce, owner, agreed to Inspector Fein's terms.

Ms. Tell found in favor of the City and ordered compliance within 77 days or a fine of \$25 per day would begin to accrue.

Case: CE09100799

3108 Northeast 23 Court
Lindsay Crossing LLC

Service was via posting on the property on 8/30/10 and at City Hall on 9/2/10.

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

FBC(2007) 105.10.3.1

THE FOLLOWING PERMITS HAVE EXPIRED W/O PASSING AL
REQUIRED INSPECTIONS.

08011848 PAVING - DRIVEWAY

07111075 LANDSCAPING - ATF TREE REMOVAL

07011598 ELECTRICAL - ALARM

06111959 PLUMBING - GAS

05123126 PLUMBING - NEW RESIDENCE

05122198 ELECTRICAL - NEW RESIDENCE

05092239 BUILDING - NEW RESIDENCE

05081559 PLUMBING - NEW POOL

05081556 BUILDING - NEW POOL

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

Mr. Joseph Dobos, architect, said only one item remained and he thought he would have the permit the following week.

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

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

Case: CE10050019

Request for extension

94 Hendricks Isle

94-96 Hendricks Isle LLC

This case was first heard on 6/3/10 to comply by 9/2/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$9,750, which would continue to accrue until the property complied.

Mr. John Brown, owner, said these units were considered duplexes, which had not require hardwired smoke detectors in the past. He stated the building had been empty but for one tenant for 18 months. They had installed the smoke detectors and had them inspected; the fire extinguishers had been tested and tagged; larger building numbers had been installed and they had installed a new backflow preventer and fire hose.

Ron Tetreault, Fire Inspector, said the smoke detectors were installed but they had failed a fire inspection on a technicality. He stated the backflow preventer and hose needed tags from the company. The fire extinguishers and building numbers were compliant. Inspector Tetreault recommended an extension. Mr. Brown requested one or two weeks.

Mr. McKelligett suggested a retroactive extension to remove the fine that had accrued so far.

Ms. Tell granted a retroactive extension from 9/2/10 to 10/21/10, during which time no fines would accrue.

Case: CE10041847

Request for extension

96 Hendricks Isle
94-96 Hendricks Isle LLC

This case was first heard on 6/3/10 to comply by 9/2/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$4,550, which would continue to accrue until the property complied.

Ms. Tell granted a retroactive extension from 9/2/10 to 10/21/10, during which time no fines would accrue.

Case: CE10070494

1125 Southwest 15 Terrace
Deutsche Bank National Trustee

Certified mail sent to the owner was accepted on 9/2/10. Service was also via posting at City Hall on 9/2/10.

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

THE PROPERTY IS BOARDED WITHOUT FIRST OBTAINING A
BOARD-UP CERTIFICATE.

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.

Mr. Armando Galban, real estate broker, said he represented the buyer of the property. They had learned of this situation and wanted to make sure everything was okay. He said the bank had not cooperated with the buyer regarding the violations; it wanted his client to purchase the property with the violations and he had refused. Mr. Galban said his client intended to replace the windows and fix the interior.

Ms. Wald explained that removing the boards would comply this violation, or Mr. Galban's client could obtain a board-up certificate. She advised Mr. Galban to perform a title search to determine if there were other fines and/or liens against the property.

Mr. Galban stated he had asked the bank to obtain the board-up certificate but no one had returned his calls.

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

Case: CE09071831

550 E Melrose Circle
McLune, Debra J

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 9/2/10.

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

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT #08062449 TO INSTALL
78LF VINYL FENCE WITH 2 GATES.

Inspector Fein said he had spoken with the owner and recommended ordering compliance within 91 days or a fine of \$25 per day.

Ms. Debra McLune, owner, said the fence had been paid for by a City grant, and she believed was been covered by a permit she had applied for. Inspector Fein agreed to perform research to determine if there was another permit. Ms. McLune said the contractor had informed her that his permit had passed final inspection.

Ms. Tell found in favor of the City and ordered compliance within 91 days or a fine of \$25 per day would begin to accrue.

Case: CE10011890

207 Northwest 7 Avenue
Taylor, Leatha

Ordered to reappear

This case was first heard on 4/29/10 to comply by 7/1/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$4,250 and the City was requesting imposition of a \$718 fine.

Wilson Quintero, Code Enforcement Officer, recommended imposing \$718 for administrative costs.

Mr. Darryl Haile, the owner's son, said they were experiencing financial difficulties and requested the fine be waived. He explained the delay had been due to the fact that the check from the insurance company was late.

Officer Quintero said the property had been re-inspected 12 times, and had been heard at two hearings. He said this had been a simple violation.

Ms. Tell imposed a \$300 fine.

Case: CE10051614

Request for extension

837 Northwest 10 Terrace
Richardson, Judette

This case was first heard on 7/15/10 to comply by 9/16/10. Violations were as noted in the agenda.

Mr. Fritzbert Richardson, owner, requested a two-month extension. He explained the building was almost empty and he was having financial problems.

Ron Tetreault, Fire Inspector, did not object to the request for an extension, but said this should be the last extension.

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

Case: CE10072011

3780 Southwest 14 Street
American One Rentals Inc

Certified mail sent to the owner was accepted on 9/10/10. Service was also via posting at City Hall on 9/2/10.

Alejandro DelRio, Code Enforcement Officer, testified to the following violation:
9-279(e)

THERE IS NO HOT WATER SUPPLIED TO THIS OCCUPIED
PROPERTY. EVERY SINK, BASIN, BATHTUB, AND SHOWER
SHALL BE SUPPLIED WITH HOT AND COLD WATER.

Complied:
9-279(f)

Officer DelRio stated there was no electricity to the property and the owner was in the process of evicting the last tenant. He 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.

Mr. Donald Dixon, owner, said the tenants had been stealing power and FPL had cut off power at the pole. The owners had filed eviction proceedings, but the tenant had informed Mr. Dixon he would be out in two weeks.

Ms. Wald noted that new cases concerning cut off water service would likely be heard by the prosecutor's office, not by a Special Magistrate.

Ms. Tell found in favor of the City and ordered compliance within 21 days or a fine of \$75 per day would begin to accrue.

Case: CE10060398

3780 Southwest 14 Street
American One Rentals Inc

This case was first heard on 8/5/10 to comply by 8/19/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,050 and the City was requesting no fine be imposed.

Ms. Tell imposed no fine.

Case: CE10061994

1496 Northeast 62 Street
Bennington, David & Quinn, Timothy

This case was first heard on 8/5/10 to comply by 8/15/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$2,900 fine. Mr. McKelligett announced that the owner's attorney, who had promised to attend, was not present, but a representative of the bank was present.

Mr. Howard Pyle, foreclosure attorney, said the bank had brought the property into compliance. He promised that his firm would be more proactive regarding violations in the future.

Ms. Wald said Charles Barnard had filed a notice of appearance for David Bennington.

Mary Rich, Code Enforcement Officer, stated she had spoken with Mr. Barnard, and agreed to request administrative costs of \$488. Ms. Tell agreed to hear other cases while Ms. Wald phoned Mr. Barnard's office.

Upon returning to the case, Mr. Barnard was present and explained that the owner was involved in a short sale of the property. Mr. Barnard said the real estate broker had cleaned up the property. He requested the fine be reduced to administrative costs.

Mr. McKelligett stated since the property was being short sold, he would instruct staff not to record the fine for 60 days.

Ms. Tell imposed a \$488 fine.

Case: CE10071762

1445 Northeast 60 Street
McGirr, James P

Service was via posting on the property on 8/30/10 and at City Hall on 9/2/10.

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

18-11(a)

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

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

Case: CE10070314

1032 Northwest 3 Avenue
Bank Of New York

Certified mail sent to the owner was accepted on 8/30/10. Service was also via posting at City Hall on 9/2/10.

Barbara Urow, Code Enforcement Officer, testified to the following violation:

9-279(f)

THIS PROPERTY IS BEING OCCUPIED WITHOUT CONNECTION TO THE CITY'S WATER SERVICE.

Officer Urow presented the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

Case: CE10042585

1801 Northwest 9 Place
Roach, Howard & Sarah

Certified mail sent to the owner was accepted on 8/28/10.

Leonard Champagne, Code Enforcement Officer, testified to the following violation:
47-19.5.E.7.

THE CHAINLINK GATE AT THIS PROPERTY IS IN
DISREPAIR.

Officer Champagne 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.

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

Case: CE10050026

1800 Northwest 9 Lane
Roach, Howard & Sarah

Certified mail sent to the owner was accepted on 8/28/10.

Leonard Champagne, Code Enforcement Officer, testified to the following violation:
47-19.5.E.7.

THE CHAINLINK GATE AT THIS PROPERTY IS IN
DISREPAIR.

Complied:
47-19.5.D.5.

Officer Champagne 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.

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

Case: CE10071755

4610 Northeast 18 Avenue
Mahoney, Mary L Estate

Certified mail sent to the owner was accepted on 8/30/10.

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

THE POOL AT THIS OCCUPIED PROPERTY IS GREEN WITH

STAGNANT WATER. THE POOL IN THIS CONDITION
ENDANGERS THE HEALTH, SAFETY AND WELFARE OF THE
COMMUNITY.

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

Case: CE10080089

2229 Southwest 5 Place
Galindo, Denys &
Galindo, Belinda

Service was via posting on the property on 8/16/10 and at City Hall on 9/2/10.

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

NUISANCE - THERE IS OVERGROWN GRASS AND WEEDS ON
THE PROPERTY AND SWALE. ADDITIONALLY, THERE IS
MISCELLANEOUS RUBBISH, TRASH, AND DEBRIS STORED ON
THE REAR/SIDE YARD.

Officer Bass presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day. Officer Bass said the owner had phoned Officer Davis the previous day to report the property was complied; she had reinspected the property and found it was not complied.

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

Case: CE09100440

2100 S Ocean Lane # 1703
Bernard Family Limited Partnership

Certified mail sent to the owner was accepted on 8/31/10. Service was also via posting at City Hall on 9/2/10.

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

PERMIT 07070104 WAS ISSUE FOR INTERIOR REMODEL.
THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

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

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

Case: CE09081571

1026 Northwest 9 Avenue
Marcelin, Harry

Service was via posting on the property on 8/30/10 and at City Hall on 9/2/10.

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

PERMIT 08031290 WAS ISSUED FOR PATCHING &
RESTRIPING PARKING LOT.
PERMIT 99071874 WAS ISSUED FOR INTERIOR RENOVATIONS.
THE PERMITS HAVE EXPIRED W/O PASSING ALL THE
REQUIRED INSPECTIONS.

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

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

Case: CE09102110

3015 North Ocean Boulevard # 8E
Bosworth, Carolyn

Service was via posting on the property on 8/30/10 and at City Hall on 9/2/10.

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

PERMIT 07022066 WAS ISSUED FOR WINDOW/DOOR
INSTALATION.
THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

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

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

Case: CE10072004

1624 Southwest 28 Way
MTG Finance LLC

Certified mail sent to the owner was accepted on 9/1/10. Service was also via posting at City Hall on 9/2/10.

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

Case: CE10071174

3421 Southwest 14 Street
Juarez, Isaias & Isabel

Service was via posting on the property on 8/30/10 and at City Hall on 9/2/10.

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

Case: CE10071214

3421 Southwest 14 Street
Juarez, Isaias & Isabel

Certified mail sent to the owner was accepted on 9/1/10. Service was also via posting at City Hall on 9/2/10.

Alejandro DelRio, Code Enforcement Officer, testified to the following violation:
47-19.5.E.7.

THE WOOD FENCE ON THE WEST SIDE OF THE PROPERTY IS
IN DISREPAIR.

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

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

Case: CE10080678

1320 S Miami Rd # 01
Cooper, Jeffrey T

Certified mail sent to the owner was accepted on 8/31/10.

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.

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 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.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 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.

Case: CE10080724

1320 S Miami Rd # 05
Federal National Mrtg Assn

Certified mail sent to the owner was accepted on 9/2/10.

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.

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 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.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 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.

Case: CE10080725

1320 S Miami Rd # 06
Buttrose, Kari Buttrose, Paul

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

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.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 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.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 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.

Case: CE10080729

1320 S Miami Rd # 09
Kinsella-Paul, Kathryn & Paul, Adam

Certified mail sent to the owner was accepted on 9/13/10.

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.
NFPA 101:7.9.2.1
THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 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.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 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.

Case: CE10080733

1320 S Miami Rd # 12
Morr, Stephanie A

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

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.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 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.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 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.

Case: CE10080734

1320 S Miami Rd # 14
Verdad Property Management LLC

Certified mail sent to the owner was accepted on 8/31/10 and certified mail sent to the registered agent was accepted on 8/31/10.

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.

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 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.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 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.

Case: CE10080737

2020 S Miami Rd
Miami Road Partners LLC

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

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 1:13.6.1.2

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

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, with NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day and with MO SEC. 9-313. within 35 days or a fine of \$150 per day.

Ms. Tell 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, with NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day and with MO SEC. 9-313. within 35 days or a fine of \$150 per day.

Case: CE10080847

701 Southeast 22 Street
Zullo, Ciriaco John

Certified mail sent to the owner was accepted on 8/31/10.

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.

COMPLIED:

NFPA 1:13.6.6.8.3.1

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

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

Case: CE10080855

2989 W Commercial Blvd
NP Shopping Center Property LLC

Certified mail sent to the owner was accepted on 8/31/10 and certified mail sent to the registered agent was accepted on 9/1/10.

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

NFPA 101:7.2.1.4.2

THE EXIT DOORS DO NOT SWING IN THE DIRECTION OF EGRESS.

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

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

Case: CE10080857

908 Northeast 17 Terrace
Barton, Daniel W
% Homefinders/Pro Prop Mgmt

Certified mail sent to the owner was accepted on 9/2/10.

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

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

Case: CE10080859

918 Northeast 17 Avenue
2006 Development LLC

Certified mail sent to the owner was accepted on 8/31/10 and certified mail sent to the registered agent 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. Tell found in favor of the City and ordered compliance within 35 days or a fine of \$250 per day would begin to accrue.

Case: CE10081389

615 Southeast 16 Street
Braccili, Rudolph R

Certified mail sent to the owner was accepted on 8/31/10.

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

Case: CE10081391

617 Southeast 16 Street
Braccili, Rudolph R Jr

Certified mail sent to the owner was accepted on 8/31/10.

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

Case: CE10081394

712 Southeast 16 Street
Kauffman, Denise Lynn &
Kauffman, Porter West II

Certified mail sent to the owner was accepted on 9/3/10.

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

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

Case: CE10081398

2320 Marina Bay Drive E
Falls At Marina Bay LP

Certified mail sent to the owner was accepted on 8/31/10 and certified mail sent to the registered agent was accepted on 8/31/10.

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

NFPA 1:10.11.7

A(AN) HIBACHI, GAS-FIRED GRILL, CHARCOAL GRILL, OR OTHER SIMILAR DEVICE(S) USED FOR COOKING, HEATING, OR ANY OTHER PURPOSE, IS(ARE) BEING USED OR KINDLED ON A BALCONY OR UNDER AN OVERHANGING PORTION OR WITHIN 10 FT(3M) OF A STRUCTURE.

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

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

Case: CE10081399

2321 Marina Bay Drive W
Falls At Marina Bay LP

Certified mail sent to the owner was accepted on 8/31/10 and certified mail sent to the registered agent was accepted on 8/31/10.

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

NFPA 1:10.11.7

A(AN) HIBACHI, GAS-FIRED GRILL, CHARCOAL GRILL, OR OTHER SIMILAR DEVICE(S) USED FOR COOKING, HEATING, OR ANY OTHER PURPOSE, IS(ARE) BEING USED OR KINDLED ON A BALCONY OR UNDER AN OVERHANGING PORTION OR WITHIN 10 FT(3M) OF A STRUCTURE.

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

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

Case: CE10081403

2410 Marina Bay Drive E
Falls At Marina Bay LP

Certified mail sent to the owner was accepted on 8/31/10 and certified mail sent to the registered agent was accepted on 8/31/10.

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

NFPA 1:10.11.7

A(AN) HIBACHI, GAS-FIRED GRILL, CHARCOAL GRILL, OR OTHER
SIMILAR DEVICE(S) USED FOR COOKING, HEATING, OR ANY OTHER
PURPOSE, IS(ARE) BEING USED OR KINDLED ON A BALCONY OR UNDER
AN OVERHANGING PORTION OR WITHIN 10 FT(3M) OF A STRUCTURE.

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

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

Case: CT10070900

1800 S Miami Rd
C O Group Inc

Certified mail sent to the owner was accepted on 8/31/10. Service was also via posting at City Hall on 9/2/10.

Ursula Thime, Code Enforcement Officer, testified to the following violation:

9-306-

THERE IS GRAFFITI IN VARIOUS LOCATIONS THROUGHOUT
THIS VACANT BOARDED PROPERTY.

Pursuant to Section 11-19, a Citation Violation Notice dated 7/26/10 had informed the owner that he must comply the violation(s), request an administrative hearing to appeal the citation and/or pay a civil penalty. The property was not complied and the owner had not requested an administrative hearing to appeal the citation or paid the civil penalty. Officer Thime presented a copy of the affidavit of non-compliance, photos of the property and the case file into evidence, requested a finding of fact and recommended ordering compliance within 14 days or a fine of \$25 per day would begin to accrue.

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

Case: CE08120594

2161 Southwest 35 Avenue
Campbell, Patrice

This was a requested to vacate the Orders dated 3/5/09 and 4/29/10.

Ms Tell vacated the Orders dated 3/5/09 and 4/29/10.

Case: CE10060005

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

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 complied and the City was requesting imposition of a \$2,500 fine.

Ms. Tell imposed the \$2,500 fine.

Case: CE10011588

2124 Northwest 4 Street
Moorish Science Temple Divine
& Natl Movement Of N Am

This case was first heard on 6/17/10 to comply by 8/19/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$5,400 fine, which would continue to accrue until the property complied.

Ms. Tell imposed the \$5,400 fine, which would continue to accrue until the property complied.

Case: CE10050852

203 Northwest 11 Avenue
U S Bank NA Trstee

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 and the City was requesting imposition of a \$5,400 fine, which would continue to accrue until the property complied.

Ms. Tell imposed the \$5,400 fine, which would continue to accrue until the property complied.

Case: CE10061229

203 Northwest 11 Avenue
U S Bank NA Trstee

This case was first heard on 8/5/10 to comply by 8/19/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,700 fine, which would continue to accrue until the property complied.

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

Case: CE10060603

1335 Seminole Drive
Triple P Real Estate Inc

This case was first heard on 8/5/10 to comply by 8/15/10. 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. Tell imposed the \$3,100 fine, which would continue to accrue until the property complied.

Case: CE10060857

708 Southwest 14 Avenue
Ruzo, Gonzalo

This case was first heard on 8/5/10 to comply by 8/19/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$675 and the City was requesting no fine be imposed.

Ms. Tell imposed no fine.

Case: CE10061991

5741 Bayview Drive
Passos, Isabela Cristina

This case was first heard on 8/5/10 to comply by 8/15/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,100 and the City was requesting no fine be imposed.

Ms. Tell imposed no fine.

Case: CE10062203

2319 Northeast 35 Drive
Tylinski, Alba G

This case was first heard on 8/5/10 to comply by 8/15/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,000 and the City was requesting imposition of a \$488 fine.

Ms. Tell imposed a \$488 fine.

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:

CE10070629	CE10061870	CE10071969	CE10070753
CE10071899	CE10071551	CE10071215	CE10062169
CE10062386	CE10061488	CE10080045	CE10080179
CE09092323	CE09101689	CE09111100	CE09120384
CE10071080	CE10071212	CE10071548	CE10071550
CE10071638	CE10070327	CE10080675	CE10080853
CE10080843	CE10080846	CE10081390	CE10081392
CE10081397	CE10081401	CE10081404	CT10062552

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:

CE10071185	CE10062213	CE10080720	CE10080722
CE10080723	CE10080726	CE10080727	CE10080730
CE10080732	CE10080736	CE10080841	CE10080851
CE10080856			

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:


CE10071695	CE10051275	CE10071091	CE10080674
CE10080676	CE10081395	CT10040148	

There being no further business, the hearing was adjourned at **11:10 a.m.**



SPECIAL MAGISTRATE

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services