

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
ROSE-ANN FLYNN PRESIDING
OCTOBER 21, 2010
9:00 A.M. –11:38 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
Erin Peck, Clerk III
Peggy Burks, Code Enforcement Supervisor
Cheryl Pingitore, Code Enforcement Supervisor
Jorge Maura, Detective
Frank Arrigoni, Building Inspector
Stephanie Bass, 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, Code Enforcement Officer
Adam Feldman, Code Enforcement Officer
Ingrid Gottlieb, Code Enforcement Officer
Todd Hull, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
William Snow, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Ron Tetreault, Fire Inspector
Ursula Thime, Code Enforcement Officer
Barbara Urow, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE10071059: John Brown, owner
CE10051559: Howard Lyon, owner; Catherine Malone, owner
CE10070124: Rupert Clarke, owner
CE09101534: Daniel Gass, attorney
CE10090264: Shai Merali, owner; Courtney Crush, attorney; Samuel Landol, resident;
Jeffrey Herbik, resident
CE10091296: George Ralph Hall, owner
CE10091289: Sean David, owner; Gerald Belgrave, architect

CE10080479: Clarence Tingle, owner
CE09081914: A.J. Cross, owner
CE09071766: Allen Futterman, property manager
CE10081482: Scott Mellett, owner
CE09091387: Glenda Smith, owner; Edward Smith, owner
CE10032952: Tyler Tuchow, owner; Ingrid Fadi, bank representative
CE10030017: Ronald Kaitman, attorney
CE10062562: Kevin Bloch, bank representative
CE10041245: Ken Whitman, attorney
CE09110674: Michell Lang, owner's representative; Timothy Lang, tenant
CE10070098: Alvin Johnson, 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: CE10080479

1430 Northwest 20 Street
TINGLE, CLARENCE B

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

Sal Viscusi, Code Enforcement Officer, testified to the following violations:
9-280(g)

THERE ARE SEVERAL ELECTRICAL COMPONENTS IN THE KITCHEN IN THE RESIDENCE ON THIS PROPERTY THAT ARE NOT WORKING PROPERLY OR ARE IN DISREPAIR. THOSE ITEMS INCLUDE, BUT ARE NOT LIMITED TO, THE 4 TOP BURNERS FOR THE STOVE AND THE DISHWASHER.

9-309

THE AIR CONDITIONER AND ALL COMPONENTS RELATED TO THE AIR CONDITIONING SYSTEM IN THE RESIDENCE ON THIS PROPERTY ARE NOT WORKING PROPERLY OR ARE IN DISREPAIR. THE AIR FLOW COMING OUT OF THE VENTS IS NOT ENOUGH TO PROPERLY COOL THE RESIDENCE.

Officer Viscusi said the case was the result of a former tenant's complaint. The tenant had been evicted and the owner was working on compliance. Officer Viscusi 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, per violation.

Mr. Clarence Tingle, owner, said the allegations were not true. He said technicians had already replaced the AC compressor, fan motor and Freon. Mr. Tingle said the tenant had caused the problems with the AC and the stove. He requested time to fix any problems that did exist at the property.

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

Case: CE10051559 Request for extension
111 Northwest 2 Street
JERK MACHINE INC &
MALCOLM, CATHERINE A & DESMOND A

This case was first heard on 8/19/10 to comply by 10/21/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/22.

Ms. Catherine Malone, owner, said her contractor's mother had suffered a heart attack and work was delayed. He had requested an extension.

Dick Eaton, Code Enforcement Officer, said he could not find that an application for outdoor dining had been submitted. Ms. Malone said it had been submitted with corrections.

Ms. Wald believed that plans had been "pre-submitted" and rejected for corrections.

Ms. Malone requested 60 days.

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

Case: CE10041245 Ordered to reappear
3003 Northeast 32 Avenue
BIMA II LLC

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

THIS PROPERTY IS IN VIOLATION OF SITE PLAN CONDITIONS AS SET BY THE PLANNING ZONING BOARD ON 8/18/93 UNDER CASE(36-R-93). OUTDOOR SPEAKERS ARE INSTALLED ON THE EXTERIOR AROUND THE BAR AREA AND ON THE WEST SIDE OF THE BUILDING. LARGER COMMERCIAL GRADE SPEAKERS ARE CEILING MOUNTED JUST AT THE OPENING OF THE SLIDING DOORS. THE CEILING MOUNTED SPEAKERS ARE ON PIVOTS AND CAN BE ROTATED TOWARDS THE EXTERIOR OR INTERIOR. ALL OF THE SPEAKERS ARE PERMANENTLY INSTALLED AND ARE IN USE

WHEN THE CLUB IS OPEN FOR BUSINESS. ADDITIONALLY, THE SLIDING GLASS DOORS TO THE BUILDING REMAIN OPEN BEYOND A HALF HOUR AFTER DARK. THESE CONTINUED ACTIVITIES ARE IN DIRECT VIOLATION OF SITE PLAN CONDITIONS WHICH WERE ORIGINALLY SET BY THE PLANNING AND ZONING BOARD IN 1979 WHEN THE POOL WAS FIRST CONSTRUCTED. NOISE WAS OF A GREAT CONCERN TO THE NEIGHBORHOOD AT THAT TIME WHICH IS WHY THESE CONDITIONS WERE SET. THE SITE PLAN CONDITIONS WERE AGAIN IMPLEMENTED IN 1985 BY THE BOARD WHEN ALTERATIONS TO THE PROPERTY WERE MADE AND THE NEIGHBORHOOD AGAIN EXPRESSED NOISE CONCERNS. IN 1993, WHEN ADDITIONAL ALTERATIONS WERE REQUESTED BY THIS ESTABLISHMENT, THE BOARD REQUESTED THAT CITY STAFF CONDUCT A SITE INSPECTION. THIS INSPECTION REVEALED THAT THEY WERE IN VIOLATION OF PREVIOUSLY SET SITE PLAN CONDITIONS AT THAT TIME BY HAVING OUTDOOR SPEAKERS. THEY WERE REQUIRED TO REMOVE THE SPEAKERS BEFORE THE FINAL SITE PLAN WAS APPROVED. THIS APPROVAL WAS IMPLEMENTED WITH THE SAME SITE PLAN CONDITIONS WHICH ARE STILL IN EFFECT TODAY.

THIS IS A REPEAT VIOLATION OF CODE SECTION 47-34.2.D PREVIOUSLY CITED UNDER CASE CE07120575 AND FOUND IN VIOLATION BY SPECIAL MAGISTRATE PURDY AT THE 02/21/2008 HEARING. THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE WHETHER IT COMPLIES BEFORE THE HEARING OR NOT.

Officer Sotolongo reported the Playa Club was no longer at the property; it was now Bootleggers and the property was in compliance. The property had been in violation on four occasions, and Officer Sotolongo requested a fine of \$250 per day for four days. He noted there had been no complaints about the new club. He submitted his case file into evidence.

Mr. Ken Whitman, attorney, said the owner had terminated the lease with the former operator and the property was in compliance. He requested the fine be reduced to no more than \$500 total.

Ms. Flynn found the violation had existed for four days and fined the property a total of \$800.

Case: CE10090264

761 Southeast 17 Street
TC 17 STREET INVESTORS LLC
ORIX PROPERTIES LLC ETAL

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

Aretha Davis, Code Enforcement Officer, testified to the following violation:
6-7(b)(1)

NUISANCE - THE BUSINESS, THE BARKERS PET RESORT, IS UNLAWFULLY CREATING A PUBLIC NUISANCE BY ALLOWING GROUPS OF DOGS IN THEIR CARE TO BARK AND WHINE EXCESSIVELY AND CONTINUOUSLY WHILE IN THE OUTSIDE EXERCISE AREA OF THE BUSINESS. ADDITIONAL LOUD NOISES ARE BEING CAUSED BY STAFF RAISING THEIR VOICES AND CREATING LOUD BANGING NOISES TO CALL THE ATTENTION OF THE DOGS. THESE NOISES ARE CAUSING A SERIOUS ANNOYANCE TO THE NEIGHBORING RESIDENTIAL COMMUNITY AS IT INTERFERES WITH THE ENJOYMENT OF THEIR HOMES.

Officer Davis said the case was the result of a neighborhood complaint. She had inspected the property several times and had determined the property was creating a nuisance.

Mr. Samuel Landol, neighbor, said he had anticipated some noise when he moved to this area but not this severe noise, which his family experienced constantly. Mr. Landol asked Ms. Flynn to "restore the peace and quiet that we had about a year ago."

Mr. Jeffrey Herbig, neighbor, said several dogs barked at once, sometimes as early as 7:30 A.M. every day of the week.

Ms. Courtney Crush, attorney, stated the property was in a shopping center on the 17th Street Causeway zoned B-1. She displayed photos of the property and surrounding area and explained that pet boarding was a permitted use in a B-1 zone, subject to specific regulations in 47-18.25. Pursuant to these regulations, the owners had installed a concrete wall and soundproofing on the walls. Additionally, the animals could not be exercised before 7 A.M. or after 7 P.M.

Ms. Crush said according to the complaint, the barking was heard during the hours the animals were allowed to be exercised outside, but the complaint had been brought under a nuisance. Ms. Crush said the City had noise regulations regarding maximum decibel level and frequency of barks per animal, but this was not the reason cited for the case. She stated there was no evidence such as sound readings to prove a violation.

Ms. Crush referred to the Inspection Report that indicated Officer Davis had informed the owner that the business must “find a way to operate in a manner that limits the noise so they’re not a nuisance, however, I am unable to give specific instructions, considering that there are an infinite number of possible solutions.”

Ms. Crush summarized that the owner had gone through the proper City approval process, including notifying the Harbordale Civic Association of the DRC hearing. The owner had not gone outside the bounds of the approval and had done nothing that would elevate this to a nuisance or to being outside the noise regulations. She asked Ms. Flynn to dismiss the case.

Officer Davis said the homeowners association had informed her that they had not received notice of the DRC hearing until after it had occurred. She said the nuisance ordinance stated that, “Allowing or permitting an animal to bark, whine, howl, crow or cackle in an extensive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.” This was what was occurring at the Barkers Resort.

Officer Davis said she had recommended working with the neighbors to create a compromise for the times the dogs would be taken out in the mornings, but the owner had refused to make this effort. If the owner would discuss this today, Officer Davis said this would be pleasing to the City because the City would appreciate a reasonable compromise.

Ms. Crush said the owner was happy to talk to the neighbors. She reiterated that she had heard no evidence indicating that there was “a nuisance imposed that is actually impacting the quality of the abutting neighbors” [lives]. They had not discussed unreasonable level or frequency; the dogs were being exercised within the law, the code and in compliance with the specific use requirements for pet boarding facilities.

Ms. Flynn remarked the neighbors certainly felt this qualified as a nuisance. Mr. Landol stated the noise occurred between 7:00 and 8:30 every day and it was a loud sound as Officer Davis described. Also, there were human voices yelling at the dogs and the sound of the door banging.

Ms. Flynn requested Ms. Wald’s opinion regarding the facility as a permitted use. Ms. Wald said the pet boarding use was a permitted use in the ULDR and it complied with the requirements of 47-18.25. Ms. Wald said one requirement was that “Soundproofing shall be provided so that the sounds of any animals confined in the area cannot be heard outside of the property line.”

Ms. Crush stated Terry Burgess, the Zoning Administrator, had advised her that soundproofing was required for the building only. This was the reason for the specific hours for outdoor exercise. Ms. Wald said this was an interpretation made by the

Zoning Administrator and Ms. Flynn could request that Mr. Burgess appear at a future hearing or submit a letter stating his opinion. Ms. Crush she would accept a letter from Mr. Burgess. Ms. Flynn wanted to continue the meeting and encouraged the two sides to meet to design a compromise.

Ms. Wald suggested continuing the case to 12/2/10 and stated she would request a letter from Mr. Burgess. Ms Crush agreed to meet with the neighbors in the interim.

Officer Davis presented case file into evidence.

Mr. Shai Merali, owner, confirmed the building was soundproofed. He remarked he had built a five-star facility for dogs. Mr. Merali agreed to meet with the neighbors.

Ms. Flynn continued the case to 12/2/10.

Case: CE09071766

1470 North Dixie Hwy # 35
1470 DIXIE LLC
C/O M KATZ

Certified mail sent to the owner was accepted on 9/28/10. Service was also via posting at City Hall on 10/7/10.

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

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT, #08070752, FOR INTERIOR
REMODELING OF KITCHEN AND BATH.

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

Mr. Allen Futterman, property manager, said a contractor had not completed the permit process. He agreed to hire a new contractor immediately.

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: CE10091296

904 Southeast 14 Court
HALL, GEORGE RALPH III & SABRA T

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

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 1:1.7.6.2

NFPA 1:13.6.6.8.3.1

Inspector Tetreault recommended ordering compliance within 28 days or a fine of \$250 per day.

Mr. George Hall, owner, said he had been unaware of the rule. He requested one year to have the work done, stating he was currently hooking up five sewers and he could not afford the smoke detectors now. Inspector Tetreault suggested 91 days.

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

Case: CE09101534

405 Northeast 8 Avenue

FISHER, NORMAN G & KELLY E

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 10/7/10.

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

FBC(2007) 105.10.3.1

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

05063069 BUILDING FOR ADDITION

07121033 MECHANICAL A/C FOR ADDITION

07061932 PLUMBING FOR ADDITION

08030565 BUILDING FOR POOL

08030806 PLUMBING FOR POOL

08030809 ELECTRICAL FOR POOL

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

Mr. Daniel Gass, attorney, explained the property had run into financial difficulty. He said they would either resolve the issues or the bank would take over the property. Inspector Arrigoni said the permits must be renewed or the work must be removed. Mr. Gass requested six months.

Ms. Wald reported final judgment had been pending in the foreclosure case since 8/4/09. She stated once the permits were renewed, they had 180 days to complete the work. Inspector Arrigoni said the owner could re-apply for an owner/builder permit.

Ms. Flynn found in favor of the City and ordered compliance within 56 days or a fine of \$25 per day would begin to accrue.

Case: CE10070098

3440 Berkeley Blvd
JOHNSON, ALVIN G

This case was first heard on 9/2/10 to comply by 9/16/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,400 fine, which would continue to accrue until the property complied.

Ms. Stephanie Bass, Code Enforcement Officer, said the boat remained on the property as of her last inspection.

Mr. Alvin Johnson, owner, said he had registered the boat and the decal was now on it. Officer Bass said the date on the registration was 9/23 for the boat and 9/24 for the trailer, but Mr. Johnson had not called for reinspection.

Ms. Wald said Ms. Flynn could declare the property was complied because of Mr. Johnson's paperwork, or require reinspection.

Ms. Flynn granted a 14-day extension during which time no fines would accrue.

Case: CE10032952

2410 Northwest 21 Street
TUCHOW, TYLER

This case was first heard on 7/15/10 to comply by 7/29/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,900 fine, which would continue to accrue until the property complied.

Sal Viscusi, Code Enforcement Officer, said he had spoken with the owner, who was attempting to evict the tenant, who was refusing him access to the property.

Mr. Tyler Tuchow, owner, said the tenant was a "nightmare" and was fighting the eviction. He said the work was done, but he could not allow Officer Viscusi into the property to inspect it.

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

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 the City was requesting imposition of a \$1,400 fine.

Alejandro DelRio, Code Enforcement Officer, reported the property was complied and requested imposition of the fines.

Mr. Kevin Bloch, bank representative, requested reduction of the fine. He said there had been problems with the water on the property and the property had been a disaster when they took control in July after an eviction.

Ms. Flynn imposed a \$1,200 fine.

Case: CE09091387

1701 Northwest 15 Avenue
SMITH, EDWARD D & GLENDA W T

Certified mail sent to the owner was accepted on 10/1/10. Service was also via posting at City Hall on 10/7/10.

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

FBC(2007) 105.10.3.1

THE FOLLOWING PERMITS HAVE EXPIRED W/O PASSING ALL
REQUIRED INSPECTIONS:
07071250 BUILDING, REROOF
04070188 BUILDING, FENCE
02090040 ELECTRICAL, GARAGE REMODEL

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

Mr. Edward Smith, owner, said he had bought the property in 2007 and was unaware of these permits. Inspector Arrigoni described how the violations could be complied. Ms. Wald explained that Mr. Smith was responsible for the permits now that he owned the property. If the work had never been done, the permits could be withdrawn.

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

Case: CE10091289

1116 West Broward Blvd
NOOR INVESTMENTS REALTY LLC

Certified mail sent to the registered agent was accepted on 9/27/10.

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

THE PATH OF EGRESS IS OBSTRUCTED / BLOCKED.

Inspector Tetreault announced the owners had left and requested other cases be heard.

Upon returning to the case, Inspector Tetreault recommended ordering compliance within 182 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day would begin to accrue.

Case: CE09110674

3067 Northwest 60 Street
LAVI LIMITED PARTNERSHIP
C/O MC KINNEY PROP

This case was first heard on 12/3/09 to comply by 12/17/09 and 4/1/10. Violations and extensions were as noted in the agenda. The property was complied and the City was requesting imposition of an \$18,950 fine.

Mr. Timothy Lang, tenant, said they had pulled all of the permits and done all of the work. He said they had closed the company and done the work to help the building owner comply.

Ron Tetreault, Fire Inspector, recommended a \$520 fine to cover administrative costs.

Ms. Flynn imposed a \$520 fine.

Case: CE10071059

50 Isle of Venice
50 Isle of Venice LLC

This case was first heard on 9/2/10 to comply by 9/12/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$250 fine.

Mr. John Brown, owner, said there was no electricity or water to the property and they were rebuilding the pool. He stated they had needed to borrow a generator to empty the pool.

Adam Feldman, Code Enforcement Officer, recommended the \$250 fine.

Ms. Flynn imposed the \$250 fine.

Case: CE10070124

350 Carolina Avenue
CLARKE, RUPERT H/E CLARKE, LEYON

This case was first heard on 9/2/10 to comply by 9/12/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$400 fine.

Stephanie Bass, Code Enforcement Officer, said the owner contended the property was complied prior to 9/17 when she had inspected and complied it. Officer Bass found when she visited the property on 9/13 that the owner had constructed a fence [without a permit] around the derelict vehicle. The owner's wife confirmed that the vehicle was inside the fence, and Officer Bass informed her that the vehicle must be repaired or removed and fines would begin. Later that week, the owner had phoned the previous inspector, Aretha Davis, to report he was in compliance and Officer Bass visited the property and complied it. The owner phoned her to say the property was actually complied on 9/14.

Mr. Rupert Clarke, owner, said the car had been removed on 9/14. He said the car's owner was in the Middle East and Mr. Clarke did not have the title, but his son had moved it on 9/14. Officer Bass said Officer Davis had informed her that she had been out for a couple of days when Mr. Clarke phoned and she had not retrieved the message until 9/17.

Ms. Flynn imposed a \$200 fine.

Case: CE10081482

1700 Northeast 3 Court
MELLETT, SCOTT L & PATRICIA J

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 10/7/10.

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

25-4

THE SIDEWALKS AROUND THIS PROPERTY ARE OBSTRUCTED
IN SEVERAL AREAS DUE TO OVERGROWN LANDSCAPE THAT

IS NOT BEING MAINTAINED.

Officer Eaton said the case was the result of a complaint. 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.

Mr. Scott Mellett, owner, quoted from the code cited and asked how the word "obstruct" was defined. Mr. McKelligett explained that sidewalks were constructed to specific widths by code, and a portion that appeared to be approximately half was obstructed, so the sidewalk no longer met code.

Ms. Wald advised Ms. Flynn to weigh the evidence and determine whether this was an obstruction. Ms. Wald interpreted an obstruction as anything that blocked the proper width of the sidewalk. Mr. Mellett argued that he was not blocking or closing the sidewalk by an obstacle and he had cut the landscaping back a lot already. Officer Eaton agreed Mr. Mellett had trimmed the landscaping back, but not far enough to comply, since there had been a complaint from the neighborhood. Ms. Flynn advised Mr. Mellett he must move the foliage farther back so it was not "lapping over onto the sidewalk." Mr. Mellett had a video on his computer he said showed he could pass the sidewalk unobstructed. Ms. Wald said this could not be entered into evidence because it could not be retained for future viewing.

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: CE09081914

1470 North Dixie Hwy # 12
CROSS, A J

Service was via posting on the property on 9/27/10 and at City Hall on 10/7/10.

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

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT, #07121326, FOR INTERIOR
REMODELING IN APT.12. - CHANGE FROM 1 BEDROOM TO 2
BEDROOM UNIT.

Mr. A.J. Cross, owner, said he became aware of the violation when he received the notice. He explained that the contractor who had done the work had his license revoked. Mr. Cross stated the developer would only close out permits for units they still held, not for those that had been sold. Mr. Cross said the unit was in foreclosure, and presented documents pursuant to this.

Ms. Wald informed Mr. Cross that for a condo unit such as this, an owner could not pull an owner/builder permit; he must hire a contractor.

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

Case: CE09040076

3043 Riomar Street
MAGNA CASA DEVELOPERS LLC

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 \$1,550 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$1,550 fine, which would continue to accrue until the property complied.

Case: CE10090464

711 Northwest 4 Avenue
BANK OF NEW YORK MELLON

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 10/7/10.

Andre Cross, Code Enforcement Officer, testified to the following violation:

18-12(a)

THERE IS TRASH, RUBBISH, AND DEBRIS SCATTERED ABOUT THE PROPERTY INCLUDING, BUT NOT LIMITED TO, TREE DEBRIS AND MISCELLANEOUS ITEMS. THE PROPERTY HAS BECOME OVERGROWN (INCLUDING THE SWALE) AND HAS NOT BEEN MAINTAINED.

Officer Cross presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$100 per day.

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

Case: CE10071185

1111 Seminole Drive
HORKY, JAMES K

Service was via posting on the property on 9/27/10 and at City Hall on 10/7/10.

Wanda Sappington, Code Enforcement Officer, testified to the following violation:

18-11(a)

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

Officer Sappington 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: CE10090537

2213 Northeast 16 Street
SCARINCIO, MARK & SUSIE

Service was via posting on the property on 9/28/10 and at City Hall on 10/7/10.

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

THE PROPERTY HAS BECOME OVERGROWN AND THE
LANDSCAPE HAS NOT BEEN MAINTAINED.

Officer Thime 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.

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

Case: CE10062120

1444 Northwest 8 Avenue
CWABS INC
C/O COUNTRYWIDE HOME LOANS

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 10/7/10.

Barbara Urow, Code Enforcement Officer, testified to the following violation:
47-20.20.H.

THE PARKING LOT ON THIS RENTAL PROPERTY IS NOT
BEING MAINTAINED. THERE ARE OIL/DIRT STAINS,
ASPHALT CRACKS, AND THE WHEELSTOPS ARE NOT SECURED.

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: CE10071523

3020 Northwest 23 Street
BROWN, CYNTHIA L

Certified mail sent to the owner was accepted on 9/24/10. Service was also via posting at City Hall on 10/7/10.

Sal Viscusi, Code Enforcement Officer, testified to the following violation:

18-12(a)

THERE IS LAWN OVERGROWTH PRESENT ON THIS PROPERTY AND THE PROPERTY IS LITTERED WITH TRASH/RUBBISH/DEBRIS.

Officer Viscusi 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: CE10080906

660 Northwest 22 Rd
RANDALL, SADIE

Stipulated agreement

Violations:

9-280(b)

THERE ARE WINDOWS, DOORS, AND OTHER OPENINGS THAT ARE IN DISREPAIR AND NOT WEATHER, WATERTIGHT, OR RODENT PROOF. THE SOFFIT AND FASCIA IS IN DISREPAIR WITH ROTTING AND FALLING WOOD AND BUILDING MATERIAL.

9-280(h)(1)

THE WOODEN FENCE ON THIS PROPERTY IS IN DISREPAIR.

9-308(a)

THE ROOF ON THIS PROPERTY IS NOT BEING MAINTAINED IN A SAFE, SECURE, AND WATERTIGHT CONDITION.

The City had a stipulated agreement with the owner to comply within 91 days or a fine of \$50 per day, per violation. The City was requesting a finding of fact and approval of the stipulated agreement.

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

Case: CE10082078

909 Northwest 16 Terrace
WILLIAMS, ANNIE W
C/O ARTHUR WILLIAMS

Certified mail sent to the owner was accepted on 9/25/10.

Leonard Champagne, Code Enforcement Officer, testified to the following violations:
47-34.4.A.1.

THE PROPERTY IS BEING USED TO STORE MATERIALS AND
ITEMS OUTSIDE IN THE OPEN. OUTSIDE STORAGE IS NOT
A PERMITTED USE OF THIS RD-15 ZONED PROPERTY PER
ULDR TABLE 47-5.12.

9-308(a)

THE ROOF ON THIS PROPERTY IS NOT BEING MAINTAINED.
THERE ARE LEAKS FROM THE CEILING IN THE BEDROOM AND
KITCHEN.

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

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

Case: CE10080801

1515 Northwest 8 Street
SIRI, CARMELO

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

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

THERE IS AN ACCUMULATION OF OVERGROWN PLANT LIFE AND
RUBBISH, TRASH, AND DEBRIS ON THE PROPERTY AND SWALE.

9-279(f)

THIS PROPERTY IS OCCUPIED WITHOUT THE REQUIRED
CITY WATER SERVICE.

Officer Champagne reported the property had been inspected 9 times. He 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, per violation.

Ms. Flynn 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.

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

Case: CE10081746

540 Northeast 17 Avenue
BAUM, GREGORY

Certified mail sent to the owner was accepted on 9/23/10. Service was also via posting at City Hall on 10/7/10.

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

THIS VACANT PROPERTY IS OVERGROWN THROUGHOUT
INCLUDING THE SWALE AREAS.

Officer Eaton said the case was the result of a neighborhood complaint. He 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.

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

Case: CE10081902

540 Northeast 17 Avenue
BAUM,GREGORY

Certified mail sent to the owner was accepted on 10/15/10. Service was also via posting at City Hall on 10/7/10.

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

THE POOL IN THE REAR OF THIS VACANT PROPERTY IS FILLED
WITH GREEN STAGNANT WATER CREATING A POTENTIAL BREEDING
GROUND FOR MOSQUITOES. THIS SITUATION CREATES A HEALTH
AND SAFETY ISSUE FOR THE NEIGHBORHOOD.

Officer Eaton said the case was the result of a neighborhood complaint. He 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: CE10082088

2081 Northeast 63 Street
BLAIR INTERNATIONAL INC
C/O INCORP SERVICES INC

Certified mail sent to the owner was accepted on 9/27/10. Service was also via posting at City Hall on 10/7/10.

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

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

Officer 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. 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: CE09082061

880 Southeast 12 Street
JOHNSON, BEVERLY A

Service was via posting on the property on 9/27/10 and at City Hall on 10/7/10.

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

THERE IS AN EXPIRED PERMIT, #07100672, -TRIPLEX- TO REPLACE KITCHENS AND BATHS AND REPLACE WINDOWS.

Inspector Arrigoni 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: CE09082071

1464 Holly Heights Drive
FERNANDEZ, JOSE A &
SANDRINI, GEORGE W ETAL

Certified mail sent to the owner was accepted on 9/24/10. Service was also via posting at City Hall on 10/7/10.

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

THERE ARE EXPIRED PERMITS: PERMIT #07100399 TO
REMODEL KITCHEN AND SUB PERMIT #07100454 FOR
ELECTRIC AND PERMIT #07100467 FOR PLUMBING.

Inspector Arrigoni 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: CE09071524

2471 Northwest 16 Street
BEARD, MELVIN C III &
BEARD, UNDREA

Certified mail sent to the owner was accepted [no date]. Service was also via posting at City Hall on 10/7/10.

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

THERE ARE 2 EXPIRED PERMITS: PERMIT #06043445 TO REPLACE
A GARAGE DOOR - NEVER OBTAINED A PASS INSPECTION.
PERMIT #08100858 FOR REROOF SHINGLE, 2,876' - NEVER
OBTAINED A PASS FINAL INSPECTION.

Inspector Arrigoni 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: CE10081305

505 Southwest 11 Street
DESMARIS, DERLYSE F EST

Service was via posting on the property on 9/30/10 and at City Hall on 10/7/10.

William Snow, Code Enforcement Officer, testified to the following violation:

18-12(a)

THE PROPERTY IS OVERGROWN WITH GRASS, WEEDS, AND OTHER PLANT LIFE. THERE IS AN ACCUMULATION OF TRASH, RUBBISH, AND SOLID WASTE ON THE PROPERTY. THE TRASH, RUBBISH, AND SOLID WASTE CONSISTS OF, BUT IS NOT LIMITED TO, YARD WASTE.

Officer Snow 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.

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

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

Case: CE10080489

600 Southwest 5 Avenue
STUART, IRENE EST

Certified mail sent to the owner was accepted on 10/12/10. Service was also via posting at City Hall on 10/7/10.

William Snow, Code Enforcement Officer, testified to the following violation:

9-306

THE EXTERIOR OF THE BUILDING IS NOT BEING MAINTAINED IN A SECURE AND ATTRACTIVE MANNER. ONE OR MORE EXTERIOR WALLS ARE DIRTY, MILDEW STAINED, OR HAS AREAS OF PEELING PAINT. THE METAL ROOF DRIP EDGE OR FLASHING IS MILDEW STAINED.

Complied:

18-12(a)

9-305(b)

Officer Snow stated he had been in contact with the property agent, who promised to bring this and the other properties for this owner into compliance. He presented photos of the property and the case file into evidence, and recommended ordering compliance with 9-306 within 49 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance with 9-306 within 49 days or a fine of \$100 per day would begin to accrue.

Case: CE10080490

604 Southwest 5 Avenue
STUART, IRENE EST

Certified mail sent to the owner was accepted on 10/12/10. Service was also via posting at City Hall on 10/7/10.

William Snow, Code Enforcement Officer, testified to the following violations:
47-20.20.H.

THE PARKING AREA IS NOT MAINTAINED. THERE ARE ONE OR MORE BROKEN WHEEL STOPS. THERE IS A LARGE SECTION OF PAVEMENT THAT IS BROKEN AND HAS BEEN ELEVATED BY TREE ROOTS. THE PAVEMENT IS CRACKED, BROKEN, AND VEGETATION IS GROWING THROUGH THE DEFECTIVE PAVEMENT.

9-306

THE EXTERIOR OF THE BUILDING IS NOT BEING MAINTAINED IN A SECURE AND ATTRACTIVE MANNER. ONE OR MORE EXTERIOR WALLS ARE DIRTY, MILDEW STAINED, OR HAS AREAS OF PEELING PAINT. THE METAL ROOF DRIP EDGE OR FLASHING IS MILDEW STAINED.

Complied:

18-12(a)

9-305(b)

Officer Snow presented photos of the property and the case file into evidence, and recommended ordering compliance with 47-20.20.H. within 63 days or a fine of \$100 per day, and with 9-306 within 49 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance with 47-20.20.H. within 63 days or a fine of \$100 per day, and with 9-306 within 49 days or a fine of \$100 per day would begin to accrue.

Case: CE10080491

608 Southwest 5 Avenue
STUART, IRENE EST

Certified mail sent to the owner was accepted on 10/12/10. Service was also via posting at City Hall on 10/7/10.

William Snow, Code Enforcement Officer, testified to the following violations:
47-20.20.H.

THE PARKING AREA IS NOT MAINTAINED. THERE ARE ONE OR MORE BROKEN WHEEL STOPS.

9-306

THE EXTERIOR OF THE BUILDING IS NOT BEING MAINTAINED IN A SECURE AND ATTRACTIVE MANNER. ONE OR MORE EXTERIOR WALLS ARE DIRTY, MILDEW STAINED, OR HAS AREAS OF PEELING PAINT. THE METAL ROOF DRIP EDGE OR FLASHING IS MILDEW STAINED.

Complied:

18-12(a)

9-305(b)

Officer Snow presented photos of the property and the case file into evidence, and recommended ordering compliance with 47-20.20.H. within 21 days or a fine of \$50 per day, and with 9-306 within 49 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance with 47-20.20.H. within 21 days or a fine of \$50 per day, and with 9-306 within 49 days or a fine of \$100 per day would begin to accrue.

Case: CE09101382

300 Northwest 16 Street
SCANLAN, HARRY J

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

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

FBC(2007) 105.10.3.1

PERMIT 03050655 WAS ISSUED FOR INSTALLATION OF WINDOWS.
PERMIT 03051252 WAS ISSUED FOR ELECTRICAL SERVICE CHANGE.
THE PERMITS HAVE EXPIRED W/O PASSING ALL REQUIRED INSPECTIONS.

Inspector Arrigoni 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: CE09091301

1141 Northwest 8 Avenue
RESTORING GRACE COMMUNITY CHURCH INC

Certified mail sent to the owner was accepted on 10/1/10. Service was also via posting at City Hall on 10/7/10.

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

PERMIT 07071813 WAS ISSUED FOR REPLACEMENT OF WINDOWS.
THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

Inspector Arrigoni 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: CE10082107

2790 Southwest 2 Street
BROWNING, RANDALL

Certified mail sent to the owner was accepted on 9/21/10.

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

THE LAWN AT THIS PROPERTY HAS BECOME OVERGROWN AND
IS NOT BEING MAINTAINED.

Officer Bass reported the property was in foreclosure. She 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.

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

Case: CE10071170

2830 Southwest 9 Street
VASQUEZ, ALBA E & VASQUEZ, GUILLERMO

Service was via posting on the property on 9/27/10 and at City Hall on 10/7/10.

Stephanie Bass, Code Enforcement Officer, testified to the following violation:
18-1.

NUISANCE - THERE ARE A LARGE NUMBER OF BEES SWARMING
AND NESTING ON THE NORTHEAST CORNER OF THE CEILING
OVER THE FRONT PORCH OF THIS VACANT RESIDENTIAL
PROPERTY CREATING A PUBLIC SAFETY HAZARD.

Officer Bass presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$50 per day.

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

Case: CE10062213

3721 Southwest 1 Street
GEORGE, CLAUDE P

Service was via posting on the property on 9/20/10 and at City Hall on 10/7/10.

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

THE WINDOW IS IN DISREPAIR WITH A MISSING WINDOW PANE.

Complied:
9-280(f)

Officer Bass reported the property was in foreclosure. She 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.

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

Case: CE10080841

524 Bayshore Drive
DOKIMOS, JOHN & MIDDLE RIVER OASIS LLC

Service was via posting on the property on 9/23/10 and at City Hall on 10/7/10.

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

NFPA 1:11.1.2

ELECTRICAL WIRING NOT PER NFPA 70, NATIONAL ELECTRICAL CODE.

NFPA 1:11.1.2

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

NFPA 101:7.10.5.2.1

THE EXIT SIGN DOES NOT ILLUMINATE AS DESIGNED.

MO Sec. 9-313.

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

Inspector Tetreault recommended ordering compliance within 28 days or a fine of \$100 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE10091262

722 Southeast 13 Street
TROIANO, ANNA

Certified mail sent to the owner was accepted on 9/25/10.

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.

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

Case: CE10091528

804 Southeast 18 Court
AQUA LOFTS TOWNHOMES LLC

Certified mail sent to the owner was accepted on 9/29/10 and certified mail sent to the registered agent was accepted on 9/27/10.

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.

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

Case: CE10091255

823 Southeast 14 Street
MURRAY, JUNE

Certified mail sent to the owner was accepted on 9/25/10.

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 1:13.6.6.8.3.1

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

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day, and with NFPA 1:13.6.6.8.3.1 within 28 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 28 days or a fine of \$250 per day, and with NFPA 1:13.6.6.8.3.1 within 28 days or a fine of \$150 per day would begin to accrue.

Case: CE10080851

918 Northeast 17 Terrace
RUEDA-GONZALEZ, SUSANA

Service was via posting on the property on 9/23/10 and at City Hall on 10/7/10.

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

NFPA 1:13.6.6.8.3.1

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

NFPA 1:13.6.1.2

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

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

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

Case: CE10080856

925 Northeast 17 Terrace
SCHULTZ, DONALD & MARYLYN

Service was via posting on the property on 9/23/10 and at City Hall on 10/7/10.

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

NFPA 1:13.6.1.2

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

NFPA 101:31.3.4.5.1

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

Inspector Tetreault recommended ordering compliance with NFPA 1:13.6.1.2 within 28 days or a fine of \$150 per day, and with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance with NFPA 1:13.6.1.2 within 28 days or a fine of \$150 per day, and with NFPA 101:31.3.4.5.1 within 28 days or a fine of \$250 per day would begin to accrue.

The following 7 cases at the same address were heard together:

Case: CE10091569

1231 Southeast 1 Street # 7
WISE, VALARIE L & PESCRILLE, JAMES A

Certified mail sent to the owner was accepted on 9/27/10.

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.

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

Case: CE10091570

1231 Southeast 1 Street # 8
THOMAS R SCOTT REV TR
SCOTT, THOMAS R TRSTEE

Certified mail sent to the owner was accepted on 10/4/10.

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.

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

Case: CE10091573

1231 Southeast 1 Street # 9
MILLER, MANDY & MILLER, WILLIAM ETAL

Certified mail sent to the owner was accepted on 9/29/10

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.

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

Case: CE10091575

1231 Southeast 1 Street # 10
PAJAK, GREGORY V

Certified mail sent to the owner was accepted on 9/27/10.

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.

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

Case: CE10091579

1231 Southeast 1 Street # 12
FEDERAL HOME LOAN MTG CORP

Certified mail sent to the owner was accepted on 9/27/10.

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.

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

Case: CE10091581

1231 Southeast 1 Street # 13
DOROTHY DE SAULNIER TR
DE SAULNIER, DOROTHY TRSTEE

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

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

Case: CE10091584

1231 Southeast 1 Street # 14
MONTGOMERY, SCOTT T

Certified mail sent to the owner was accepted on 9/29/10.

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.

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

Case: CE10071460

2200 Northwest 31 Avenue
DORIN, RICHARD N & DORIN, DEBORAH

This case was first heard on 9/2/10 to comply by 9/16/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$850 fine, which would continue to accrue until the property complied.

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

Case: CE10060107

4300 Bayview Drive
PHD DEVELOPMENT LLC

This case was first heard on 8/5/10 to comply by 9/9/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,600 and the City was requesting imposition of a \$160 fine.

Ms. Flynn imposed a \$160 fine.

Case: CE10030017

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 and extensions were as noted in the agenda. The property was complied, fines had accrued to \$6,750 and the City was requesting imposition of a \$794 fine.

Ms. Flynn imposed a \$794 fine.

Case: CE07020434

2459 Andros Ln
MASTERS, EDWARD A

This was a requested to vacate the Final Order dated 9/6/07.

Ms. Flynn vacated the Final Order dated 9/6/07.

Case: CE10052180

508 Bontona Avenue
MCRAE, PAUL S

This was a requested to vacate the Final Order dated 7/15/10.

Ms. Flynn vacated the Final Order dated 7/15/10.

Case: CE10071288

921 Northeast 16 Terrace
LE JARDIN AT VICTORIA PARK LLC

This case was first heard on 9/2/10 to comply by 9/16/10. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of a \$775 fine.

Ms. Flynn imposed the \$775 fine.

Case: CE09121091

1001 Northwest 51 Court
JUST HAPPENS INC

This was a requested to vacate the Final Order dated 6/3/10.

Ms. Flynn vacated the Final Order dated 6/3/10.

Case: CE09121100

1001 Northwest 51 Court
JUST HAPPENS INC

This was a requested to vacate the Final Order dated 6/3/10.

Ms. Flynn vacated the Final Order dated 6/3/10.

Case: CE10042455

2921 Northwest 21 Street
JOHNSON, VERMELL EST

This case was first heard on 8/19/10 to comply by 9/2/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,400 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$2,400 fine, which would continue to accrue until the property complied.

Case: CE10010525

1018 Northwest 2 Avenue
LOOR, BECKER A

This was a requested to vacate the Orders dated 3/18/10 and 6/17/10.

Ms. Flynn vacated the Orders dated 3/18/10 and 6/17/10.

Case: CE10071093

2340 Southwest 15 Street
HUTTON, ALINE M EST

This case was first heard on 9/2/10 to comply by 9/12/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,800 fine, which would continue to accrue until the property complied.

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

Case: CE10032817

410 Northwest 14 Avenue
MAX LLC

Ordered to reappear

This case was first heard on 7/15/10 to comply by 9/2/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,400 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$3,400 fine, which would continue to accrue until the property complied.

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:

CE10081643	CE10070642	CE10071031	CE10081439
CE10081020	CE10090005	CE10081275	CE10081381
CE09060047	CE09091229	CE09020804	CE09101289
CE10090185	CE10050846	CE10082136	CE10090089
CE10090131	CE10071074	CE10081826	CE10091534
CE10091531	CE10091533	CE10091285	CE10091288
CE10091260	CE10091297	CE10091295	CE10091529
CE10091263	CE10091265	CE10091267	CE10091268

CE10091269	CE10091270	CE10091271	CE10091274
CE10091275	CE10091277	CE10091279	CE10091281
CE10091283	CE10091284	CE10080720	CE10080722
CE10080723	CE10080726	CE10080727	CE10080730
CE10080732	CE10080736	CE10091287	

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:

CE10091292	CE10091258	CE10091253	CE10091294
CE10091537	CE10091578	CE09110632	CE09072660

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:

CE09111423	CE09110458	CT09110448	CE10050391
CE10041843			

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:

CE10041436	CE10041439	CE10041441	CE10041472
CE10041473	CE10041474	CE10041475	CE10041476
CE10041477			

Cases Continued

Mr. McKelligett announced that the below listed cases had been continued. 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 **11:38 a.m.**



Special Magistrate

ATTEST:



Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services