

**SPECIAL MAGISTRATE HEARING  
CITY COMMISSION MEETING ROOM  
H. MARK PURDY PRESIDING  
NOVEMBER 4, 2010  
9:00 A.M. –12:06 p.m.**

**Staff Present:**

Mary Allman, Secretary, Special Magistrate  
Susanne Manning, Secretary, Special Magistrate  
Brian McKelligett, Clerk of Special Magistrate – Supervisor  
Ginger Wald, Assistant City Attorney  
Lori Grossfeld, Clerk III  
Erin Peck, Clerk III  
John Gossman, Code Enforcement Supervisor  
Cheryl Pingitore, Code Enforcement Supervisor  
Frank Arrigoni, Building Inspector  
Stephanie Bass, Code Enforcement Officer  
Mark Campbell, Code Enforcement Officer  
Leonard Champagne, Code Enforcement Officer  
Lynda Crase, Business Tax Inspector  
Andre Cross, Code Enforcement Officer  
Alejandro DelRio, Code Enforcement Officer  
Dick Eaton, Sr. Code Enforcement Officer  
Adam Feldman, Sr. Code Enforcement Officer  
Wilson Quintero, Code Enforcement Officer  
Mary Rich, Code Enforcement Officer  
Wanda Sappington, Code Enforcement Officer  
Mario Sotolongo, Code Enforcement Officer  
Ron Tetreault, Fire Inspector  
Ursula Thime, Sr. Code Enforcement Officer  
Barbara Urow, Code Enforcement Officer

**Respondents and Witnesses**

CE10041251, CE10050265: Russell Bratt, owner  
CE10092080, CE10092084, CE10092085, CE10092087, CE10092088, CE10092089,  
CE10092091, CE10092094, CE10092095, CE10092096, CE10092098, CE10092100,  
CE10092101, CE10092102: Carlos Anglade, owners' representative  
CE10092104: Jozef Alhale, owner  
CE10042649: Vilamar Julme, owner  
CE10091207: James Martino, owner  
CE10082101: Donald Woodrey, owner  
CE10081937, CE10081938, CE10081939, CE10081940: David Burgess, property  
manager  
CE09121420: Danielle Levin, attorney  
CE08121655: Louis James, owner, Tarek Bahlawan, tenant

CE09120231: Craig Galle, attorney  
CE10071983: Barry Woods, owner  
CE10061050: Eugenio Grosso, part owner, Ana Grosso, part owner  
CE10022141: Seyed-Ebrahim Beladi, owner  
CE10080294: James Barber, contractor  
CE10072030: Mohammed Markatia, owner  
CE09091488: Mahesh Chandra, owner  
CE08110612: Phung Dinh, power of attorney  
CE10041843: Richard Inglis, attorney  
CE09120356: Stuart Weinstock, owner  
CE10011854: Kenneth Fick, owner  
CE10071516: Klaus Buhl, part owner  
CE10090260: Richard Coker, attorney, Sadler James, resident, Aiton Yaari, owner, Joel Gustafson, resident, Jader Oliveira, resident, Christopher Schuman, resident, Kimberly Barbar, resident, Stephen Lipton, resident, Frederick Carlson, representative

NOTE: All individuals who presented information to the Special Magistrate during these proceedings were sworn in.

The meeting was called to order at 9:00 A.M.

**Case: CE10041251**

77 Southwest 20 Street  
ARDOX CORP

This case was first heard on 5/20/10 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 \$22,800 fine, which would continue to accrue until the property complied.

Mr. Russell Bratt, owner, said he was unable to obtain parts for the sprinkler and he may need to install a new system. Mr. Bratt he was experiencing problems with the roofing job and was considering remodeling.

Ron Tetreault, Fire Inspector, said the situation must be remedied. He did not object to an extension.

Judge Purdy granted a 77-day extension to 1/20/11, during which time no fines would accrue and ordered the respondent to reappear at that hearing.

**Case: CE10050265**

1801 S Andrews Avenue  
BRATT, RUSSELL I

This case was first heard on 6/17/10 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 \$36,000 fine, which would continue to accrue until the property complied.

Mr. Russell Bratt, owner, said 99% of these issues had been taken care of.

Ron Tetreault, Fire Inspector, said the property had been inspected a month ago and the violations still existed. Inspector Tetreault said the owner must make an appointment for him to reinspect the property and recommended an extension.

Judge Purdy granted a 28-day extension to 12/2/10 during which time no fines would accrue, and ordered the respondent to reappear at that hearing.

**Case: CE10022141**

2020 E Oakland Park Boulevard  
BELADI, SEYED EBRAHIM & JAVID, SAFIEH

This case was first heard on 5/20/10 to comply by 9/23/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,025 fine, which would continue to accrue until the property complied.

Mary Rich, Code Enforcement Officer, said the owner had already applied for the wall permit.

Mr. Seyed-Ebrahim Beladi, owner, confirmed he had applied for the permit. He said he would need one month after the permit was issued to do the work.

Judge Purdy granted a 42-day extension during which time no fines would accrue.

**Case: CE10091207**

700 Northwest 21 Terrace  
SUNRISE RECYCLING LLC

Certified mail sent to the registered agent was accepted on 10/20/10.

Adam Feldman, Code Enforcement Officer, testified to the following violation:  
47-19.9.A.2.c.

THERE ARE MATERIALS/SCRAP METAL BEING STORED ON  
THE PROPERTY THAT EXCEED THE HEIGHT OF THE REQUIRED  
SCREENING WALL.  
DUE TO THE RECURRING NATURE OF THIS VIOLATION, IT  
WILL BE HEARD BY THE SPECIAL MAGISTRATE WHETHER IT  
COMES INTO COMPLIANCE OR NOT.

Officer Feldman reported the property had been complied for some time. He requested a finding of fact that the property had been in violation.

Mr. James Martino, owner, explained that the shipping company had run out of shipping containers for the scrap metal.

Judge Purdy found for the City that the violation had existed.

**Case: CE10071516**

5910 Northeast 18 Avenue  
ALAC INVESTMENT LLC

This case was first heard on 8/19/10 to comply by 9/16/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,500 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

The following 14 cases at the same address were heard together:

**Case: CE10092080**

417 Northeast 17 Avenue # 01  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

Ron Tetreault, Fire Inspector, testified to the following violations for all of the properties:  
NFPA 1:14.4.1

THE PATH OF EGRESS IS OBSTRUCTED/BLOCKED.

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.

NFPA 101:7.10.5.2.1

THE EXIT SIGN DOES NOT ILLUMINATE AS DESIGNED.

Complied:

NFPA 1:1.7.6.2

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 1:14.4.1, NFPA 101:7.9.2.1 and NFPA 101:7.10.5.2.1 within 77 days or a fine of \$150 per day.

Mr. Carlos Anglade, the owner's representative, agreed to Inspector Tetreault's terms.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 1:14.4.1, NFPA 101:7.9.2.1 and NFPA 101:7.10.5.2.1 within 77 days or a fine of \$150 per day would begin to accrue.

**Case: CE10092084**

417 Northeast 17 Avenue # 02  
VEGAS, MARIA ANTONIA  
AVENIDA PRINCIPAL CHULAVISTA

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

**Case: CE10092085**

417 Northeast 17 Avenue # 03  
VEGAS, ARMANDO  
C/O AV PRINCIPAL CHULAVISTA

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

**Case: CE10092087**

417 Northeast 17 Avenue # 04  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

**Case: CE10092088**

417 Northeast 17 Avenue # 05  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

**Case: CE10092089**

417 Northeast 17 Avenue # 06  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

**Case: CE10092091**

417 Northeast 17 Avenue # 07  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

**Case: CE10092094**

417 Northeast 17 Avenue # 09  
SANCRISTOBAL, ALEJANDRO RAFAEL  
AV ROOSEVELT PARADA 14 ESQ SALT

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

**Case: CE10092095**

417 Northeast 17 Avenue # 10  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

**Case: CE10092096**

417 Northeast 17 Avenue # 11  
RODRIGUEZ, HENRIQUE

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

**Case: CE10092098**

417 Northeast 17 Avenue # 12  
GIL, IVAN  
C/O CARLOS ANGLADE

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

**Case: CE10092100**

417 Northeast 17 Avenue # 13  
KANARIPO LTD

Certified mail sent to the owner was accepted on 10/16/10 and certified mail sent to the registered agent was accepted on 10/19/10.

**Case: CE10092101**

417 Northeast 17 Avenue # 14  
HIDALGO, CELIA

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

**Case: CE10092102**

417 Northeast 17 Avenue # 15  
VIVAS, YSIS

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

**Case: CE10092104**

417 Northeast 17 Avenue # 16  
ALHALE, BARBARA E &  
ALHALE, JOZEF

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

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

NFPA 1:14.4.1

THE PATH OF EGRESS IS OBSTRUCTED/BLOCKED.

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.

NFPA 101:7.10.5.2.1

THE EXIT SIGN DOES NOT ILLUMINATE AS DESIGNED.

Complied:

NFPA 1:1.7.6.2

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 1:14.4.1, NFPA 101:7.9.2.1 and NFPA 101:7.10.5.2.1 within 77 days or a fine of \$150 per day.

Mr. Jozef Alhale, owner, said he would work with Mr. Anglade to get the building up to code. He agreed to Inspector Tetreault's terms.

Judge Purdy found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 77 days or a fine of \$250 per day and with NFPA 1:14.4.1, NFPA 101:7.9.2.1 and NFPA 101:7.10.5.2.1 within 77 days or a fine of \$150 per day would begin to accrue.

**Case: CE10061050**

1951 Northeast 51 Street  
SALGENE PROPERTIES INC  
C/O SALVO MULE

**Request for extension**

This case was first heard on 8/5/10 to comply by 10/7/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$6,750.

Ron Tetreault, Fire Inspector, said the detectors had been installed incorrectly and must be relocated. He recommended a 42-day extension.

Ms. Ana Grosso, part owner, and Mr. Eugenio Grosso, part owner, agreed to Inspector Tetreault's terms.

Judge Purdy granted a 42-day extension during which time no fines would accrue.

**Case: CE10072030**

3031 Davie Blvd  
MARKATIA EQUITIES INC

This case was first heard on 9/2/10 to comply by 10/7/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$200 and the City was requesting the full fine be imposed.

Stephanie Bass, Code Enforcement Officer, reported the property had complied on 10/12/10.

Mr. Mohammed Markatia, owner, said the permitting process had taken more time than he anticipated. He requested no fine be imposed. Officer Bass did not object to waiving the fine.

Judge Purdy imposed no fine.

**Case: CE09120231**

1500 Southwest 17 St  
POINT BREEZE HOLDINGS LLC

Certified mail sent to registered agent was accepted on 10/13/10.

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

PERMIT 06100850 WAS ISSUED FOR DEMO.  
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.

Mr. Craig Galle, attorney, explained Point Breeze had acquired the property on 9/28/10 from Regions Bank, who had foreclosed on the property. He requested the hearing be continued for two weeks for him to determine the scope of work and what had been completed.

Ms. Wald stated the inspector had informed her that the demolition was complete, but the permit required final inspection. Mr. Galle reiterated his request for a continuance.

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

**Case: CE10080294**

2023 S Miami Rd  
ELIZABETH ANN WEYMOUTH TR

This case was first heard on 9/2/10 to comply by 10/7/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$750 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

**Case: CE10041843**

**Request for extension**

5110 Northeast 18 Avenue  
INGLIS, LAURA I

This case was first heard on 7/15/10 to comply by 8/19/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$13,500.

Ron Tetreault, Fire Inspector, said the owner had experienced problems pulling the smoke detector permit. He needed access to the units to prove the owner's contention that there were fire extinguishers in the individual units.

Mr. Richard Inglis, attorney, said this was a permit problem. He described the permit application delay and said the owner had never been given notice of the 8/19 hearing. Mr. Inglis said he had also missed one hearing due to a funeral.

Ms. Wald suggested Mr. Inglis could request an extension. Mr. Inglis said the property was complied and inspected. Inspector Tetreault reminded Mr. Inglis that there was an outdoor fire extinguisher that had not been serviced; it must be serviced or removed. He suggested an extension to reinspect the property.

Judge Purdy granted a 14-day extension during which time no fines would accrue.

**Case: CE10011854**

5900 Northwest 24 Way  
FICK, KENNETH  
KC FXE AVIATION INVESTMENTS LLC

This case was first heard on 3/4/10 to comply by 6/17/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$18,600 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

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

**Case: CE10081937**                      Request for extension  
1231 Southeast 1 Street # 2  
TAGLIARENI, IVY & WESTHEIMER, ELAINE

This case was first heard on 10/7/10 to comply by 11/4/10. Violations were as noted in the agenda. The property was not complied.

Ron Tetreault, Fire Inspector, said he had spoken with the management company, who had already hired an electrician to pull the permit and do the work. He recommended a 28-day extension

Mr. David Burgess, property manager, agreed to Inspector Tetreault's terms.

Judge Purdy granted a 28-day extension for all of the cases, during which time no fines would accrue.

**Case: CE10081938**                      Request for extension  
1231 Southeast 1 Street # 3  
CAPPELEN, ARTHUR

This case was first heard on 10/7/10 to comply by 11/4/10. Violations were as noted in the agenda. The property was not complied.

**Case: CE10081939**                      Request for extension  
1231 Southeast 1 Street # 4  
WILLIAMS, JULIA M LE  
JULIA M WILLIAMS REV LIV TR

This case was first heard on 10/7/10 to comply by 11/4/10. Violations were as noted in the agenda. The property was not complied.

**Case: CE10081940**                      Request for extension  
1231 Southeast 1 Street # 5  
GRANT, PERRY LITTMAN

This case was first heard on 10/7/10 to comply by 11/4/10. Violations were as noted in the agenda. The property was not complied.

**Case: CE09091488**  
3711 North Ocean Boulevard  
MV MANAGEMENT CORP

This case was first heard on 10/15/09 to comply by 12/17/09. Violations were as noted in the agenda. The property was complied, fines had accrued to \$32,100 and the City was requesting a \$520 fine be imposed.

Ron Tetreault, Fire Inspector, requested a \$520 fine be imposed.

Mr. Mahesh Chandra, owner, said the property had complied prior to the deadline. He said no fine should be imposed.

Judge Purdy imposed a \$520 fine.

**Case: CE10090260**

219 S Fort Lauderdale Beach Blvd  
EL-AD FL BEACH LLC

Certified mail sent to the owner was accepted on 10/20/10 and certified mail sent to the registered agent was accepted on 10/20/10.

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

THIS PROPERTY IS BEING USED IN VIOLATION OF SITE CONDITIONS AS ORDERED BY THE PLANNING AND ZONING BOARD (CASE# 6-R-93) IN THAT THEY ARE PROVIDING OUTDOOR ENTERTAINMENT PAST SUNSET, THEY ARE NOT CLOSING ALL DOORS AND WINDOWS WHEN INDOOR ENTERTAINMENT IS PROVIDED, AND THEY ARE USING OUTDOOR PUBLIC ADDRESS SYSTEMS.

THIS IS A REPEAT VIOLATION PREVIOUSLY CITED UNDER CASE CE09010524 FOUND IN VIOLATION BY SM FLYNN ON 07/16/09, AND CASE CE10032150 FOUND IN VIOLATION BY SM FLYNN ON 06/17/2010.

Mr. Richard Coker, attorney, presented a motion *in limine*. He stated the notice sent in September was for a violation that occurred on 9/11/10 and concerned some stipulated requirements of a site plan on the beach. He said the City intended to bring up violations that had occurred after 9/11, for which they had received no notice. Mr. Coker said this was a different situation from a continuous violation. He said the violations were different as to where the specific offense occurred. Mr. Coker said under due process, this was improper and against the process of Chapter 162. They were entitled to have notice of the violation and the circumstances to prepare a case. Mr. Coker's motion was to limit the hearing to what was before Judge Purdy, which was the notice of hearing.

Ms. Wald explained the rules of evidence did not apply to this proceeding; they proceeded pursuant to Chapter 11 of the Fort Lauderdale Code of Ordinances. Once something was presented, there could be cross examination and a motion could be made. Mr. Coker's motion was therefore putting the cart before the horse. Regarding Chapter 162 of Florida statutes, Ms. Wald said this applied in Code Enforcement matters. She recommended the hearing proceed.

Officer Sotolongo said the case had begun as the result of a complaint. He provided Judge Purdy with a copy of the site conditions that applied to the property. Officer Sotolongo said on 9/11/10 he had conducted sound level measurements from the complainant's residence and had tested the sound emanating from the pool and outdoor bar on the west side of the main building facing Almond Avenue in front of the gates. On that occasion, no violation had been found. Later that same day, he had returned to the property and discovered live music playing in the outdoor areas of the building facing A1A, which was a violation of the conditions of the Special Entertainment District. Officer Sotolongo presented photos of the property into evidence. Officer Sotolongo had researched the code cases against the property and discovered this was a repeat violation of 47-34.2.D.

Officer Sotolongo stated on 10/3/10 he had inspected the property at 5:45 p.m.

Mr. Coker interrupted Officer Sotolongo to state they were present to address the violation that had occurred on 9/11/10 only. Any other evidence presented was not relevant and was a violation of the owner's due process.

Officer Sotolongo requested Judge Purdy find the violations existed throughout the past two months on different dates, and that he impose fines for those specific dates.

Ms. Wald stated the case was brought as a repeat violation and Judge Purdy must find that the violation occurred. In a repeat violation case, the inspector did not need to provide time for compliance. The Special Magistrate may impose fines of up to \$1,000 per day for the repeat violation. Ms. Wald said the inspector did not need to provide additional notice.

Ms. Wald read from the notice, which stated: "The final order may include a fine to be imposed up to \$1,000 per day, per violation, for each day the repeat violation occurs, beginning with the date the repeat violation was found to occur by the code inspector on 9/11/2010." She noted there were different types of violations, they could be continuous or could stop and recur, and this owner knew the activity could not occur. Ms. Wald believed due process had been provided, the notice was provided for 9/11/10, the opportunity to hear testimony and be heard had been provided.

Mr. Coker said this was not a continuous violation, and each violation stood on its own from an evidentiary point of view. This would make testimony and defense different for

each instance. Mr. Coker wanted Judge Purdy to confine the case to the 9/11 violation only.

A unit owner wished to testify, and Mr. Coker objected to "anybody other than us and the City" testifying.

Officer Sotolongo again described the violation he had discovered on 9/11/10: outdoor music playing past sunset on the beach side of the building. Judge Purdy stated he would hear the testimony and sort out the legal issues after he heard it. He accepted Mr. Coker's objection as a continuing objection to each one.

Officer Sotolongo stated on 10/3, he had inspected the property at 5:45 and at 7:20 p.m. and no violation of the noise ordinance was established. At 7:05, he found the property in violation for providing outdoor entertainment after sunset on the pool side. He had contacted the manager and informed him he needed to stop the music, which the manager had done at 7:23 p.m. Officer Sotolongo submitted a sunset table and Mr. Coker objected.

Officer Sotolongo stated on 10/8, the notice of repeat violation had been mailed to the owner via first class and certified mail.

Officer Sotolongo said on 10/16/10 he inspected the property at 9:15, 9:50 and 10:18 p.m. and at each inspection, music had been playing outdoors on the beach side. On 10/29/10, Inspector Sotolongo had inspected the property at 11:25 p.m. and found music playing indoors, but the sliding glass doors were open, allowing the music to be heard clearly from the road. On 10/30 Officer Sotolongo had inspected the property at 10:15 p.m. and found music being played on the ground floor, inside, with the doors open and music playing outdoors on the second floor.

In addition to the five violations Officer Sotolongo had listed, he stated there were a number of phone messages and emails from neighbors describing their concerns about the use of public address systems, noise levels and outdoor entertainment after sunset.

Officer Sotolongo requested Judge Purdy find the repeat violation existed, order the property owner to adhere to the site plan conditions and pay a fine of \$600 per day.

Mr. Coker reiterated his motion, and said Judge Purdy had heard how different each of the violations was in terms of circumstance and timing. He said he needed notice of each violation to allow him to bring the appropriate people present to testify to those specific circumstances.

Officer Sotolongo confirmed for Mr. Coker that the 9/11 violation concerned music playing in the front of the building adjacent to A1A and he had heard it from his vehicle while driving by. Officer Sotolongo stated it was recorded music by a band called 440 and was coming from inside the building.

Officer Sotolongo confirmed that on October 3 he had witnessed recorded music poolside after sunset. He had spoken with the manager, who had instructed the DJ to stop the music. Officer Sotolongo said he would not have known by the light levels that it was officially sunset.

On October 16, at 9:15, 9:50 and 10:18, Officer Sotolongo said he had heard recorded music emanating from inside the building outdoors on the beach side while he was walking.

On October 29, at 11:25 p.m. Officer Sotolongo said he had heard music emanating from inside the building. On October 20, he had heard outdoor music from the second floor balcony on the A1A side.

Officer Sotolongo reminded Judge Purdy that there were residents who wished to speak. Mr. Coker objected to this, stating it had nothing to do with the 9/11 violation and "certainly, if it has something to do with violations that aren't before you, even from the City's point of view, which are the five listed."

Judge Purdy asked the neighbors to speak.

Mr. Christopher Schuman, resident of Jackson Tower and complainant on 9/11, said he had complained repeatedly of "incredibly loud music." He said the music was so loud inside his apartment that even with the windows and doors closed he could not hear the television. Mr. Schuman said Officer Sotolongo had taken the noise measurements from his apartment. Mr. Schuman confirmed his location relative to the property in question for Mr. Coker. Mr. Coker posited that Mr. Schuman could not tell where the noise he heard originated from. Mr. Schuman said he had walked outside to determine where the music was coming from on more than one occasion. Mr. Schuman said the day Officer Sotolongo visited, the noise levels had been lower than they often were.

Ms. Kimberly Barbar, resident of Jackson Tower, explained the process that must be followed to get Officer Sotolongo to investigate. She stated this was an ongoing problem, every single weekend. She too had visited the property to determine the noise was originating from there. Ms. Barbar felt the fine was no longer a deterrent. She referred to the agreement the owner had entered into that indicated outdoor public address systems were prohibited and stated they were utilizing these in the day and in the evening. They were also providing outdoor entertainment between sunset and sunrise, specifically at 10, 11 and 12 o'clock at night, which was prohibited. Ms. Barbar requested the maximum fine be imposed.

Mr. Stephen Lipton, resident, agreed that the owners were serial violators and the small fines imposed in the past were no deterrent. Mr. Lipton said Officer Sotolongo was entitled to present evidence of serial violations because that was the nature of a repeat violation.

Mr. Joel Gustafson, Jackson Tower resident, said he often noted the sunset time to see if the noise would stop, and many times it did not. He said the agreement had been continually violated since he lived there.

Mr. Sadler James, resident, said he frequented nearby establishments. He felt this was selective enforcement because this was the special entertain district. He remarked that sunset was the time when the sun dipped over the horizon, and he felt it was arbitrary to go by the technical sunset time. Mr. James said he had supplied input into the process of rewriting the code for some of these time-certain issues. Mr. James also believed the City had some complicity in creating this situation by allowing the three towers to be built with no foliage to break up the "echo chamber." He noted, "Here we are in the entertainment district complaining about noise, which is entertainment, which is a part of the business of the special entertainment district."

Mr. Coker asked Officer Sotolongo if the sliding glass doors were only in the front. Officer Sotolongo reported the doors he was talking about were in the front, but he did not know if there were any in the back.

Regarding the conditions, Mr. Coker said they were here because of condition 2 and condition 4. He stated that the terms "sunrise and sunset" were "undefined terms, they're up for interpretation." Mr. Coker said ordinances were strictly construed against the government because they were in derogation of property rights. Mr. Coker said the agreement specified that the exterior doors must be closed during entertainment performances; he remarked that recorded music was not a performance. Mr. Coker said all of the testimony was that music occurred inside, but was heard outside and he believed the testimony indicated it was recorded music. Mr. Coker remarked that these were very minor issues, and asked Judge Purdy to consider this when determining a fine to impose.

Ms. Wald clarified that the ordinance cited was for the special entertainment district, and items 1 through 6 were the conditions that must be followed to operate in the special entertainment district. There were also site plan conditions for the property. Mr. Coker disagreed, and said the citation referred to the site conditions ordered by the Planning and Zoning Board.

Ms. Wald said Officer Sotolongo had testified to five separate violations and Judge Purdy should determine whether the violations occurred. The City had requested a fine of \$600 per violation.

Judge Purdy complimented Mr. Coker on his handling of the case, but acknowledged that this was a "chronic and a persistent problem, that is a violation of the ordinance and had created a situation in the neighborhood that is really untenable."

Judge Purdy said the 10/3 violation was a "close call" and he would give the owner some leeway.

Officer Sotolongo submitted the case file into evidence.

Judge Purdy found a violation existed on 9/11/10, 10/16/10, 10/29/10 and 10/30/10 and imposed a fine of \$600 for each day this violation did exist.

**Case: CE08110612**

4500 Northwest 12 Avenue  
BUI, VI & LE, KIM

This case was first heard on 3/19/09 to comply by 3/29 and 4/23/09. Violations were as noted in the agenda. The property was complied, fines had accrued to \$37,950 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

**Case: CE10042649**

500 Northeast 13 Street  
JULME, VILAMAR  
ST LOUIS, EXAMENE ET AL

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

Officer Cross was out of the room and Judge Purdy heard another case until he returned.

Andre Cross, Code Enforcement Officer, testified to the following violation:  
47-19.4 D.7.

ALL RECEPTACLES AND BULK CONTAINERS WHICH RECEIVE GARBAGE, LIQUID WASTE, OR FOOD FROM FOOD HANDLING OPERATIONS INCLUDING, BUT NOT LIMITED TO, BAKERIES, MEAT PROCESSING PLANTS, OR ANY BUSINESS ESTABLISHMENT WHERE IT IS DETERMINED THAT GARBAGE, LIQUID WASTE, OR FOOD WILL BE ACCUMULATED, SHALL HAVE A RAISED CONCRETE SLAB, A DRAIN, AND CLEANING WATER FACILITIES FOR SAID RECEPTACLES AND CONTAINERS AND BE CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SOUTH FLORIDA BUILDING CODE (BROWARD EDITION). THE DUMPSTER ENCLOSURE AT THIS J&C CUISINE RESTAURANT PROPERTY DOES NOT MEET THE REQUIREMENTS FOR FOOD HANDLING OPERATIONS.

Officer Cross said the owner was working with the restaurant operator. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 105 days or a fine of \$100 per day.

Mr. Vilamar Julme, owner, explained that many of the units were unoccupied and he was in a difficult financial situation.

Judge Purdy found in favor of the City and ordered compliance within 105 days or a fine of \$100 per day would begin to accrue.

**Case: CE08121655**

1447 Northwest 6 Street  
JAMES, LOUIS

This case was first heard on 2/19/09 to comply by 3/19/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$17,250 fine, which would continue to accrue until the property complied.

Wanda Sappington, Code Enforcement Officer, stated she opposed any extension.

Mr. Tarek Bahlawan, tenant, requested another extension. He explained that he had applied for the license for the convenience store and the City had issued it, but two weeks later the City said it had made a mistake issuing the license and advised him to speak to the homeowner association. He said he had obtained the blessing of the wrong homeowner association.

Mr. Bahlawan had submitted a request for the parking reduction. He had been informed there was a problem with the lighting for the parking lot and he needed to re-do the parking study. He said he would re-submit the application and he anticipated being on the December Board of Adjustment agenda.

Officer Sappington had heard from Planning and Zoning that the owner had not submitted the parking reduction plan. Mr. Bahlawan said he had submitted it in September and someone from Zoning had called him in October to inform him that the lighting was wrong.

Ms. Wald explained that the convenience store was not allowed per the zoning code but the owner could apply for a variance. She said this case had continued since February 2009 and several extensions had been provided. Ms. Wald advised Judge Purdy that he could grant another extension or deny an extension and impose the fines.

Judge Purdy granted a 77-day extension to 1/20/11 during which time no fines would accrue and ordered the respondent to reappear at that hearing.

**Case: CE09120356**

5691 Northeast 14 Avenue  
5691 LLC

This case was first heard on 2/4/10 to comply by 4/8/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,800 and the City was requesting no fine be imposed.

Judge Purdy imposed no fine.

**Case: CE09121420**

1433 Southwest 33 Court  
BELTRAN, ELSA

This case was first heard on 3/18/10 to comply by 4/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$80,800 fine, which would continue to accrue until the property complied.

Ron Tetreault, Fire Inspector, reported the property was in foreclosure.

Ms. Danielle Levin, bank attorney, stated there were tenants in the building and requested an extension. Mr. McKelligett stated the foreclosure had begun in March 2009 and the bank did not yet have title. Ms. Levin said the foreclosure was being challenged.

Inspector Tetreault said they typically kept fines running until the bank foreclosed. They then opened a new case against the bank and provided time to comply. Mr. McKelligett recommended imposition of the fines.

Judge Purdy imposed the \$80,800 fine, which would continue to accrue until the property complied.

**Case: CE10071983**

1825 Southwest 30 Street  
WOODS, BARRY B

Service was via posting on the property on 10/13/10 and at City Hall on 10/21/10. Mark Campbell, Code Enforcement Officer, testified to the following violation:  
9-280(h)(1)

THERE IS A WOODEN FENCE ON THIS PROPERTY THAT IS  
DAMAGED AND IN DISREPAIR.

Complied:

18-12(a)

18-4(c)

Officer Campbell said this case was begun as the result of a complaint. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$50 per day.

Mr. Barry Woods, owner, requested a six-month extension.

Judge Purdy found in favor of the City and ordered compliance within 63 days or a fine of \$50 per day would begin to accrue.

**Case: CE10090478**

1700 Southwest 28 Way  
LASHER, BARRY JR & DUNAWAY, R TR  
LUXOR CAPITAL VENTURES LLC TRS

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

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

THERE IS TRASH, RUBBISH & DEBRIS SCATTERED ABOUT  
THE PROPERTY. THE PROPERTY HAS BECOME OVERGROWN  
AND HAS NOT BEEN MAINTAINED.

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.

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

**Case: CE10081008**

945 Southwest 16 Street  
ESPINAL, PEDRO

Service was via posting on the property on 10/20/10 and at City Hall on 10/21/10.

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

THERE IS OVERGROWTH, RUBBISH, TRASH, AND DEBRIS  
SCATTERED ALL AROUND THE PROPERTY AND SWALE AREA  
INCLUDING, BUT NOT LIMITED TO, YARD WASTE AND  
UNMAINTAINED BUSHES AND SHRUBS.

Officer Campbell stated a final judgment had been filed on 8/13/10 and a sale was scheduled for 1/11/11. 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.

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

**Case: CE10022384**

2605 North Atlantic Blvd  
SADOWSKI, ALEX & HELEN

Violation:  
9-308(b)

THE ROOF AT THIS LOCATION IS STAINED/MILDEWED/DIRTY.

The City had a stipulated agreement with the owner to comply within 119 days or a fine of \$25 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance within 119 days or a fine of \$25 per day would begin to accrue.

**Case: CE10090731**

444 Northwest 21 Avenue  
KNIGHT, ROSEMARY &  
JENKINS, ANNIE LOIS ET AL

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

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

DOORS, WINDOWS, AND/OR OTHER OPENINGS HAVE BEEN  
BOARDED OR OTHERWISE SECURED IN A NON-CONVENTIONAL  
MANNER. THERE IS NO CURRENT AND VALID CITY-ISSUED  
BOARD-UP PERMIT ON RECORD.

Officer Quintero presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$25 per day.

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

**Case: CE10082101**

1041 Northeast 10 Avenue  
RSJ PROPERTY INVESTMENT LLC

Certified mail sent to the registered agent was accepted on 10/13/10.

Violation:  
18-7(b)

THIS PROPERTY HAS BEEN BOARDED WITHOUT THE  
REQUIRED BOARDING CERTIFICATE.

The City had a stipulated agreement with the owner to comply within 77 days or a fine of \$100 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance within 77 days or a fine of \$100 per day would begin to accrue.

**Case: CE10071198**

2617 Northeast 27 Way  
LEEDS, STEVEN A

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

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

BOARD-UP CERTIFICATE 09061406 EXPIRED ON 7/16/2009.  
THE BUILDING IS BOARDED WITHOUT A CITY-ISSUED BOARD-UP  
CERTIFICATE.

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

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

**Case: CE10090616**

2764 Northeast 33 Street  
CUNNINGHAM, BERRIS JR  
CUNNINGHAM, ROBBIN L

Personal service was made to the owner.

Ursula Thime, Code Enforcement Officer, testified to the following violation:  
9-305(a)

OVERGROWN FICUS HEDGE IS ENCROACHING ONTO PUBLIC  
SIDEWALK HINDERING THE SAFE AND CONVENIENT PASSAGE  
OF PEDESTRIANS ON THE SIDEWALK.

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.

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

**Case: CE10090964**

4610 Northeast 18 Avenue

MAHONEY, MARY L EST

Service was via posting on the property on 9/29/10 and at City Hall on 10/21/10.

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

THE YARD AT THIS PROPERTY, INCLUDING THE SWALE,  
HAS BECOME OVERGROWN AND 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.

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

**Case: CE10091501**

490 North Federal Highway  
5 STREET FTL PARTNERS LLC

Certified mail sent to the owner was accepted on 10/20/10 and certified mail sent to the registered agent was accepted on 10/20/10.

Dick Eaton, Code Enforcement Officer, testified to the following violation:  
9-306

THERE ARE A COUPLE AREAS OF GRAFFITI SPRAYED ON  
THE REAR OF THE STRUCTURE ON THIS VACANT LOT.

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

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

**Case: CE10091499**

500 North Federal Highway  
5 STREET FTL PARTNERS LLC

Certified mail sent to the owner was accepted on 10/20/10 and certified mail sent to the registered agent was accepted on 10/20/10.

Dick Eaton, Code Enforcement Officer, testified to the following violation:  
9-306

THERE ARE SEVERAL AREAS OF GRAFFITI SPRAYED ON THE  
EXTERIOR OF THIS VACANT BUILDING.

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

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

**Case: CE10090689**

508 Bontona Avenue  
DEUTSCHE BANK NATIONAL TRUST CO

Certified mail sent to the owner was accepted on 10/12/10.

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

THE POOL IN THE REAR OF THIS PROPERTY IS FULL OF  
GREEN, STAGNANT WATER CREATING A POTENTIAL BREEDING  
GROUND FOR MOSQUITOES. THIS PRESENTS A HEALTH AND  
SAFETY ISSUE FOR THE NEIGHBORHOOD.

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

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

**Case: CE10081796**

315 N Birch Rd  
315 BIRCH LP

Certified mail sent to the registered agent was accepted on 10/13/10.

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

THERE IS ACCUMULATION OF YARD DEBRIS AND OVERGROWTH  
OF GRASS, WEEDS AND PLANT LIFE ON THIS VACANT LOT.

Officer Sotolongo presented photos of the property and the case file into evidence, and said he had spoken with the owner and agreed to recommend ordering compliance within 14 days or a fine of \$50 per day.

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

**Case: CE10081795**

325 N Birch Rd  
315 BIRCH LP

Certified mail sent to the registered agent was accepted on 10/13/10.

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

THERE IS ACCUMULATION OF YARD DEBRIS AND OVERGROWTH  
OF GRASS, WEEDS, AND PLANT LIFE ON THIS VACANT LOT.

Officer Sotolongo presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$50 per day.

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

**Case: CE10062443**

505 Breakers Avenue  
UNION HOLDINGS LLC

Certified mail sent to the owner was accepted on 10/13/10 and certified mail sent to the registered agent was accepted on 10/13/10.

Mario Sotolongo, Code Enforcement Officer, testified to the following violations:  
47-19.1.C.

THIS UNDEVELOPED PARCEL (I.E., VACANT LOT) IS BEING  
UTILIZED FOR ACCESSORY USES WITHOUT A PRINCIPAL  
STRUCTURE IN USE, IN THAT, IT IS BEING USED AS A  
PARKING LOT AND STORAGE AREA FOR CONSTRUCTION  
MATERIALS AND BULK TRASH CONTAINERS.

47-21.6 L.

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

Officer Sotolongo said he had spoken with the registered agent, who had promised to comply, but this had not happened. Officer Sotolongo presented photos of the property and the case file into evidence, and recommended ordering compliance within 42 days or a fine of \$50 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance within 42 days or a fine of \$50 per day, per violation would begin to accrue.

**Case: CE10091715**

555 Antioch Avenue  
GRAND TERRAMAR LLC

Certified mail sent to the owner was accepted on 10/13/10 and certified mail sent to the registered agent was accepted on 10/13/10.

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

THERE IS ACCUMULATION OF RUBBISH, TRASH, DEBRIS,  
AND OVERGROWTH OF GRASS WEEDS AND PLANT LIFE ON  
THIS VACANT LOT. DUE TO THE RECURRING NATURE OF  
THE VIOLATION, THIS CASE WILL BE PRESENTED TO A  
SPECIAL MAGISTRATE EVEN IF THE PROPERTY COMES INTO  
COMPLIANCE BEFORE THE HEARING OR NOT.

Officer Sotolongo presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$50 per day.

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

**Case: CE09111669**

1050 Southwest 39 Avenue  
BAPTISTE, ORILIEN H/E BAPTISTE, AGNES JOSEPH

Service was via posting on the property on 10/11/10 and at City Hall on 10/21/10.

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:  
06111865 BUILDING ALTERATION  
06111867 ELECTRICAL  
06111868 ROOF  
08072002 BUILDING ALTERATION  
08072089 ELECTRICAL  
08072090 MECHANICAL  
08102019 PLUMBING  
08110862 SHUTTERS

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

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

**Case: CE09101583**

1733 Northeast 8 Street

MUREN DEVELOPMENT LLC  
C/O CIFTCI, ALLAN

Certified mail sent to the owner was accepted on 10/13/10 and certified mail sent to the registered agent was accepted on 10/13/10.

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

THE FOLLOWING PERMIT WAS ISSUED FOR A SIGN. THE  
PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED  
INSPECTIONS.  
07042038 SIGN PERMIT.

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

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

**Case: CE09111828**

2229 Southwest 5 Place  
GALINDO, DENYS H/E GALINDO, BELINDA

Service was via posting on the property on 10/11/10 and at City Hall on 10/21/10.

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

BUILDING PERMIT 06110277 ISSUED FOR DRYWALL  
INSTALLATION HAS EXPIRED W/O PASSING ALL REQUIRED  
INSPECTIONS.

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

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

**Case: CE09111468**

3500 Galt Ocean Drive # 1016  
CALIO, JOSEPH CHARLES II

Service was via posting on the property on 10/11/10 and at City Hall on 10/21/10.

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:  
01061116 WINDOW REPLACEMENT  
07051293 KITCHEN CABINET REPLACEMENT  
07051295 PLUMBING FIXTURE CABINET REPLACEMENT  
07120099 MECHANICAL EXHAUST MICROWAVE CABINET  
REPLACEMENT

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

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

**Case: CE09102071**

3405 Southwest 12 Place  
TORRES, GUSTAVO A

Service was via posting on the property on 10/11/10 and at City Hall on 10/21/10.

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

PERMIT 07022193 WAS ISSUED FOR A TEMPORARY FENCE.  
THE PERMIT HAS EXPIRED.

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

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

**Case: CE10100127**

713 Northwest 4 Avenue  
BANK OF NEW YORK MELLON

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

Andre Cross, Code Enforcement Officer, testified to the following violation:  
9-279(f)

THE OCCUPIED BUILDING AT THIS LOCATION DOES NOT HAVE  
THE REQUIRED CITY WATER SERVICE TO THE BUILDING.

Officer Cross presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$50 per day.

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

**Case: CE10091679**

906 Northwest 2 Avenue  
STOVEALL, EUGENE  
EUGENE STOVEALL SPECIAL NEEDS TR

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

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, OLD FURNITURE 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.

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

**Case: CE10071437**

1001 Northeast 17 Court  
DEUTSCHE BANK NATL TR CO TRSTEE  
C/O BAC HOME LOANS SERVICING LP

Certified mail sent to the owner was accepted on 10/12/10.

Andre Cross, Code Enforcement Officer, testified to the following violation:  
47-20.20.H.

PARKING FACILITIES SHALL BE KEPT IN GOOD OPERATING CONDITION. SUCH MAINTENANCE INCLUDES, BUT IS NOT LIMITED TO, REMOVING GLASS AND LITTER: PRUNING, NOURISHING, AND WATER VEGETATION. THE DRIVEWAY IS STILL IN DISREPAIR ALLOWING VEGETATION TO GROW THROUGHOUT THE MISSING ASPHALT AREAS. ALSO, THE DRIVEWAY IS NOT IN A HARD DUST-FREE CONDITION.

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

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

**Case: CE10081777**

121 Hendricks Isle  
MUNOZ, PABLO G

Service was via posting on the property on 10/15/10 and at City Hall on 10/21/10.

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

NFPA 303:6.4.1

CLASS I STANDPIPE SYSTEM IS NOT PROVIDED FOR THE PIER, DOCK,  
BULKHEAD AND/OR BUILDING THAT IS GREATER THAN 150 FT (45 m)  
FROM THE CLOSEST PLACE WHERE THE FIRE APPARATUS CAN GAIN  
ACCESS.

Inspector Tetreault reported the permit had been pulled. He recommended ordering compliance within 168 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 168 days or a fine of \$250 per day would begin to accrue.

**Case: CE10092093**

417 Northeast 17 Avenue # 08  
SCHOEM, HOWARD N

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

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

NFPA 1:14.4.1

THE PATH OF EGRESS IS OBSTRUCTED/BLOCKED.

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.

NFPA 101:7.10.5.2.1

THE EXIT SIGN DOES NOT ILLUMINATE AS DESIGNED.

Complied:

NFPA 1:1.7.6.2

Inspector recommended ordering compliance within 77 days or a fine of \$250 per day for NFPA 101:31.3.4.5.1 and within 77 days or a fine of \$150 per day for NFPA 1:14.4.1, NFPA 101:7.9.2.1 and NFPA 101:7.10.5.2.1.

Judge Purdy found in favor of the City and ordered compliance within 77 days or a fine of \$250 per day for NFPA 101:31.3.4.5.1 and within 77 days or a fine of \$150 per day for NFPA 1:14.4.1, NFPA 101:7.9.2.1 and NFPA 101:7.10.5.2.1 would begin to accrue.

**Case: CE10100025**

619 Southeast 14 Court  
BROCK, RANDOLPH F

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

Ron Tetreault, Fire Inspector, testified to the following violation:  
NFPA 101:31.3.4.5.1

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

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

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

**Case: CE10100016**

808 Southeast 13 Street  
ROSSI, VANESSA

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

Ron Tetreault, Fire Inspector, testified to the following violation:  
NFPA 101:31.3.4.5.1

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

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

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

**Case: CE10081936**

1231 Southeast 1 Street # 1  
CORNETT, JAMES MARK

Service was via posting on the property on 10/15/10 and at City Hall on 10/21/10.

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

NFPA 101:31.3.4.5.1

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

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

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

**Case: CT10070900**

1800 S Miami Rd  
C O GROUP INC

This case was first heard on 9/16/10 to comply by 9/30/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$150 civil penalty and an \$850 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$150 civil penalty and the \$850 fine, which would continue to accrue until the property complied.

**Case: CE10062132**

5596 Bayview Drive  
GALLANT, GLENN M

This case was first heard on 8/19/10 to comply by 9/23/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,025 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$1,025 fine, which would continue to accrue until the property complied.

**Case: CE10071462**

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

This case was first heard on 9/2/10 to comply by 9/30/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

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

**Case: CE10071755**

4610 Northeast 18 Avenue  
MAHONEY, MARY L EST

This case was first heard on 9/16/10 to comply by 9/26/10. 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.

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

**Case: CE10070314**

1032 Northwest 3 Avenue  
BANK OF NEW YORK

This case was first heard on 9/16/10 to comply by 9/26/10. 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.

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

**Case: CE10071762**

1445 Northeast 60 Street  
MCGIRR, JAMES P

This case was first heard on 9/16/10 to comply by 9/26/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$800 and the City was requesting the full fine be imposed.

Judge Purdy imposed the \$800 fine.

**Case: CE10072011**

3780 Southwest 14 Street  
AMERICAN ONE RENTALS INC

This case was first heard on 9/16/10 to comply by 10/7/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,025 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$2,025 fine, which would continue to accrue until the property complied.

**Case: CE10071174**

3421 Southwest 14 Street

**JUAREZ, ISAIAS & ISABEL**

This case was first heard on 9/16/10 to comply by 9/26/10. 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.

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

**Case: CE10071214**

3421 Southwest 14 Street  
JUAREZ, ISAIAS & ISABEL

This case was first heard on 9/16/10 to comply by 9/30/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$850 fine, which would continue to accrue until the property complied.

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

**Case: CE10072004**

1624 Southwest 28 Way  
MTG FINANCE LLC

This case was first heard on 9/16/10 to comply by 9/26/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,600 and the City was requesting the full fine be imposed.

Judge Purdy imposed the \$1,600 fine.

**Case: CE09050108**

830 Northwest 3 Street  
BYNES, JOHN & DOROTHY

This case was first heard on 7/16/09 to comply by 8/13/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$15,500 and the City was requesting the full fine be imposed.

Judge Purdy imposed the \$15,500 fine.

**Case: CE09121430**

3321 Southwest 15 Avenue  
EDGEWATER LLC

This case was first heard on 3/18/10 to comply by 4/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$80,800 fine, which would continue to accrue until the property complied. Judge Purdy imposed the 80,800 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:

CE10091516	CE10081742	CE10081003	CE10091101
CE10091717	CE09111692	CE09120261	CE09082359
CE10091084	CE10091439	CE10091011	CE10091003
CE10091160	CE10100052	CE10100014	CE10100027
CE10100028	CE10100029	CE10100030	CE10100024
CE10100018	CE10100019	CE10100020	CE10100021
CE10100022	CE10100023	CE10100026	

### **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:

CE10081514	CE10091503	CE10091094
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### **Cases Withdrawn**

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

CE09102120	CE10081855
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### **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:

CE10090002	CE09101369	CE09101693	CE09101598
CE09101501	CE09111480		

### **Cases Closed**

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

CE10100017

There being no further business, the hearing was adjourned at **12:06 P.M.**

  
SPECIAL MAGISTRATE

ATTEST:

  
Clerk, Special Magistrate

Minutes prepared by: J. Opperee, Prototype Services