

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
H. MARK PURDY PRESIDING
MARCH 3, 2011
9:00 A.M. –11:04 A.M.**

Staff Present:

Mary Allman, Secretary, Special Magistrate
Sue Manning, Secretary, Special Magistrate
Brian McKelligett, Clerk of Special Magistrate – Supervisor
Lori Grossfeld, Clerk III
Peggy Burks, Code Enforcement Supervisor
Cheryl Pingitore, Code Enforcement Supervisor
Frank Arrigoni, Building Inspector
Stephanie Bass, Code Enforcement Officer
Leonard Champagne, Code Enforcement Officer
Dick Eaton, Senior Code Enforcement Officer
Adam Feldman, Sr. Code Enforcement Officer
John Heller, Chief Building Inspector
Todd Hull, Code Enforcement Officer
Jorge Maura, Detective
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Craig Stevens, Chief Electrical Inspector
Ron Tetreault, Fire Inspector
Ursula Thime, Sr. Code Enforcement Officer
Richard Thompson, Building Inspector
Barbara Urow, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer
Burt Ford, Building Inspector
Deborah Hernandez, Assistant Code Manager

Respondents and Witnesses

CE09060941: Tracy Skinner, property manager; Anthony Altobell, builder
CE10110905: Stephen Tilbrook, attorney; Cara Cameron, owner; Ralph Enderby, neighbor; Linda Socolow, attorney; Thomas Demots, neighbor; Ronald Centamore, neighbor; Brian Kopelowitz, tenant's attorney
CE09121326: Joseph Falso, contractor
CE10091094: Lourdes Clerge, attorney; Jason Maltez, owner's son; Ana Bonille, owner
CE09062091: Adrian Moore, interested party
CE11010629: Barry Smith, owner
CE10050259: Jerome Petrisko, owner's husband
CE10062351: Laurence Brokaw, owner
CE11020903: Wilson Jimenez, owner's nephew; Lilian Sweet, owner

CE10022141: Seyad Beladi, owner
CE09071472: Eugene Dominko, owner
CE09082355: Shalonda Copeland, owner; Anthony Mills, owner
CE11020592: Kevin Sorensen, property manager
CE10032952: Tyler Tuchow, owner; Lourdes Clerge, attorney
CE10022384: Elizabeth Lowery, contractor's representative
CE10121894: Guy Abbotoni, realtor
CE10071523: Mark Brown, owner's son
CE10111805: Lourdes Clerge, attorney
CE11020725: Paul Cahaly, general manager; James Hanskat, engineer
CE11010677: Harold Looney, III, owner; Prospero Rich Marino, condo association president; Stephen Drummond, neighbor; Mary Deane, neighbor

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: CE09062091

521 Southwest 27 Terrace
JEAN LEONCE JOSEPH TR
GONFRA RL EST SOLUTIONS INC TRUST

This case was first heard on 11/19/09 to comply by 1/21/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$8,175 fine, which would continue to accrue until the property complied.

Stephanie Bass, Code Enforcement Officer, reported the property was in foreclosure. She said she had been unable to gain access to inspect the interior of the property.

Mr. Adrian Moore, interested party, said they were trying to short-sell the property and needed to obtain a pay-off letter from the lender. Mr. Moore said he could not afford to fix the problems and wanted to buy the property first. He noted the ceiling problems had already been fixed. Mr. Moore agreed to meet Officer Davis at the property for her to inspect it. He asked for an extension for him to buy the property and begin addressing the violations. Officer Davis did not object to the request for an extension.

Judge Purdy granted a 49-day extension to 4/21/11, during which time no fines would accrue and ordered the respondent to reappear at that hearing.

Case: CE09121326

275 Southwest 27 Avenue
BATMASIAN, JAMES H & MARTA
C/O INVESTMENTS LIMITED

This case was first heard on 11/18/10 to comply by 12/2/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$4,050 and the City was requesting a \$750 fine be imposed.

Mr. Joseph Falso, contractor, requested further reduction of the fine. He noted this was the second roof they had put on the building since the hurricane.

Judge Purdy imposed a \$750 fine.

Case: CE11020725

4060 Galt Ocean Drive
PLAZA BEACH HOTEL CORP
C/O TIDAN CONST INC

Certified mail sent to the owner was accepted on 2/12/11 and certified mail sent to the registered agent was accepted on 2/14/11.

Richard Thompson, Building Inspector, testified to the following violation:
FBC 109.16

THE 40 YEAR INSPECTION FOR THIS PROPERTY HAS NOT BEEN DONE IN ACCORDANCE WITH THE BROWARD COUNTY BOARD OF RULES APPEALS IN REFERENCE TO: BCBRA POLICY #05-05.D.(5). THE REPAIRS OR MODIFICATIONS THAT POSE AN IMMEDIATE THREAT TO LIFE SAFETY OR WHERE FAILURE OF A CRITICAL COMPONENT IS IMMINENT HAS NOT BEEN CORRECTED WITHIN THE 180-DAY TIME FRAME.

Inspector Thompson stated there were loose railings at the hotel that had not been corrected for five years. He said the representatives had agreed to have plans drawn within 30 days and the work completed within 90 days.

Mr. James Hanskat, engineer, said they had conducted a 40-year inspection in 2007 but apparently the report was "a little misleading as to what was required" and he took responsibility for this. He agreed to submit plans within 30 days and do the work within 90 days.

Inspector Thompson recommended a fine of \$250 per day for non-compliance.

Judge Purdy found in favor of the City and ordered compliance within 140 days or a fine of \$250 per day would begin to accrue.

Case: CE10022141 Ordered to reappear from 1/20/11
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 and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,875 and the City was requesting no fine be imposed.

Mr. Seyad Beladi, owner, thanked the City for the fine recommendation.

Judge Purdy imposed no fine.

Case: CE10071523 Ordered to reappear from 1/20/11
3020 Northwest 23 Street
BROWN, CYNTHIA L

This case was first heard on 10/21/10 to comply by 11/4/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,025 and the City was requesting no fine be imposed.

Mr. Mark Brown, the owner's son, thanked the City for the fine recommendation.

Judge Purdy imposed no fine.

Case: CE10032952
2410 Northwest 21 Street
TUCHOW, TYLER

This case was first heard on 7/15/10 to comply by 7/29/10 and 9/16/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$4,600 and the City was requesting the full fine be imposed.

Sal Viscusi, Code Enforcement Officer, said the original citation was the result of a complaint from the former tenant, who had been evicted. The owner had advised Officer Viscusi that the tenant refused to allow him access to the property to repair the violations, but once the tenant was removed, Mr. Tuchow had immediately acted to repair the violations. Officer Viscusi recommended no fines be imposed.

Ms. Lourdes Clerge, attorney, stated she represented the bank.

Judge Purdy imposed no fine.

Case: CE10022384
2605 N Atlantic Blvd
SADOWSKI, ALEX & HELEN

Request for extension

This case was first heard on 11/4/10 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/4/11.

Adam Feldman, Code Enforcement Officer, said a permit had been issued for a sewer cap and the property would be demolished.

Ms. Elizabeth Lowrey, contractor's representative, confirmed the property would be demolished; the contractor had applied for the permit.

Judge Purdy granted a 35-day extension during which time no fines would accrue.

Case: CE10121894
2640 Northwest 21 Street
FEDERAL NATIONAL MORTGAGE ASSN

Certified mail sent to the owner was accepted on 2/14/11.

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

THERE IS A VACANT/UNOCCUPIED SINGLE FAMILY RESIDENCE ON THIS PROPERTY THAT HAS HAD ALL OF ITS WINDOWS, DOORS, AND OTHER OPENINGS BOARDED UP WITHOUT FIRST OBTAINING THE REQUIRED BOARD UP CERTIFICATE FROM THE CITY OF FORT LAUDERDALE BUILDING DEPARTMENT.

Officer Viscusi explained the property had been involved in a fire, and the City's board-up vendor had mistakenly boarded up the property without a permit. He said a building inspector had advised that the City could still issue a board-up certificate. Officer Viscusi presented photos of the property and the case file into evidence, and recommended ordering compliance within 49 days or a fine of \$25 per day.

Mr. Guy Abbotoni, realtor, agreed to comply.

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

Case: CE11010629
801 Northeast 16 Avenue
SMITH, BARRY, ALLAN & GOLDBERG, ROBIN ELIZABETH

Service was via posting on the property on 2/15/11 and at City Hall on 2/17/11.

Dick Eaton, Senior Code Enforcement Officer, testified to the following violation:
18-4(c)

THERE IS AN INOPERABLE, OLDER MODEL, 4-DOOR BLUE VEHICLE IN THE CARPORT AT THIS PROPERTY WITH FLAT TIRES.

Officer Eaton described his interaction with the owner regarding the violation. 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.

Mr. Barry Smith, owner, agreed to comply within 10 days.

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: CE11020592

2255 Northeast 51 Street
TOPANGA CANYON LLC

Certified mail sent to the owner was accepted on 2/14/11 and certified mail sent to the registered agent was accepted on 2/14/11.

Richard Thompson, Building Inspector, testified to the following violation:
FBC 109.16

THE 40 YEAR INSPECTION FOR THIS PROPERTY HAS NOT BEEN DONE IN ACCORDANCE WITH THE BROWARD COUNTY BOARD OF RULES APPEALS IN REFERENCE TO: BCBRA POLICY #05-05.D.(5). THE REPAIRS OR MODIFICATIONS THAT POSE AN IMMEDIATE THREAT TO LIFE SAFETY OR WHERE FAILURE OF A CRITICAL COMPONENT IS IMMINENT HAS NOT BEEN CORRECTED WITHIN THE 180-DAY TIME FRAME.

Inspector Thompson stated the owner had submitted a report that no repairs were required, but this needed to be signed and sealed. He presented the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$250 per day.

Mr. Kevin Sorensen, property manager, agreed to comply.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$250 per day would begin to accrue.

Case: CE09060941

10 S New River Drive E
AZORRA PROPERTIES LLC

Certified mail sent to the registered agent was accepted on 2/14/11.

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

PERMIT 97070967 WAS ISSUED FOR A PUBLIC PARKING
SIGN.

PERMIT 04100768 WAS ISSUED FOR 2 SIGNS
(DOWNTOWNER).

PERMIT 01102158 WAS ISSUED FOR STRUCTURAL CONCRETE
REPAIRS.

THE PERMITS HAVE EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

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

Ms. Tracy Skinner, property manager, reported the master permit was closed and this was a sub-permit. She said the inspection would require cutting holes in the ceiling. Mr. McKelligett informed her that compliance required renewal of the permit only. Inspector Arrigoni stated a change of contractor form must be filled out as well because the original contractor had been removed as a qualifier from the permit, and the permit showed no contractor.

Mr. Anthony Altobell, builder, stated there had been proper inspections before applying the drywall. The master permit had been closed out over five years ago. He reported they had never changed the qualifier on the permit, because he had been the contractor since the beginning and he had never been removed. He felt there was an error.

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

Case: CE10050259

900 Northeast 26 Avenue
SUNRISE INTRACOASTAL DENTAL CTR

This case was first heard on 6/17/10 to comply by 8/19/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$117,600 fine, which would continue to accrue until the property complied.

Mr. Jerome Petrisko, the owner's husband, said there had been a fire at the property and they had struggled with the insurance company for four years. The claim had finally

been settled and he had secured financing in January 2011. Mr. Petrisko said new permits had been pulled and some work had already been done. He requested a 49-day extension.

Ron Tetreault, Fire Inspector, did not object to the request for an extension.

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

Case: CE09082355

2229 Northwest 8 Street
COPELAND, SHALONDA

Service was via posting on the property on 2/11/11 and at City Hall on 2/17/11.

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

FBC(2007) 105.10.3.1

PERMIT 04040447 WAS ISSUED FOR CONSTRUCTION OF A
NEW 2 STORY TRIPLEX.

PERMIT 07110996 WAS ISSUED FOR INSTALLATION OF
STORM SHUTTERS.

THE PERMITS HAVE EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

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

Ms. Shalonda Copeland, owner, said they intended to apply for a variance for the parking issue and requested additional time. Mr. McKelligett remarked that the case had begun in August 2009. Ms. Copeland said she hoped to appear at the April Board of Adjustment meeting for the variance.

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

Case: CE10110905

Rescheduled from 2/17/11

109 Southwest 2 Avenue
111 PROPERTIES INC
C/O CARA EBERT CAMERON PA

Adam Feldman, Code Enforcement Officer, testified to the following violation:

5-56.(d)

THERE IS MUSIC OR OTHER FORMS OF ENTERTAINMENT
THAT CAN BE HEARD OUTDOORS FROM THIS ESTABLISHMENT
AFTER THE PERMITTED HOURS.

Officer Feldman explained this was an outdoor club that played music at night. He said he was requesting a finding of fact, but no order for a compliance date or fine for non-compliance.

Mr. Stephen Tilbrook, the landlord's attorney, said he had requested a continuance the prior week, but the City wished to go ahead with the hearing for a finding of fact. He requested 30 days to review evidence, some of which he had not yet received, and to meet with the neighbors and City staff. Officer Feldman objected to the request for a continuance and Judge Purdy denied the request. Mr. Tilbrook objected to the presentation of evidence he had yet to review.

Deborah Hernandez, Assistant Code Manager, stated the City would not object to not presenting the evidence Mr. Tilbrook had mentioned, i.e., the video of the inspections. She was comfortable with the testimony of the inspector. Assistant Code Manager Hernandez noted this was a violation that was not continuous; this was why they were requesting a finding of fact that the violation had existed when witnessed by the inspector.

Mr. Brian Kopelowitz, the tenant's attorney, said his client employed 150 Fort Lauderdale residents and he did not feel this was a black and white issue. Mr. Kopelowitz was unsure whether it was appropriate for Judge Purdy to decide, in this forum, if this was an appropriate violation. He stated in the Special Entertainment District, it was permissible to play music after midnight or 1 AM; what was not permitted was playing music outdoors. Mr. Kopelowitz reported the building had recently been renovated and was 85% roof covered, so this was not a case of music being played outdoors on a street or sidewalk, "which the strict definition of the code prohibits." He requested time to prepare and present evidence.

Assistant Code Manager Hernandez referred to the ordinance, and stated Chapter 5 regulated Special Entertainment District establishments. She said the owner had signed an agreement to comply with the provisions of the special Entertainment District. She stated the ordinance specified that music was permitted indoors at any time during business hours, but outdoor entertainment must cease as of midnight on weekdays and 1 AM on legal holidays, Fridays, Saturdays and Sundays. Assistant Code Manager Hernandez explained this was indeed an outdoor bar, an amphitheater with a stage and a curved half-roof structure.

Officer Feldman testified he had conducted three inspections: once during the week after midnight and on a Saturday and a Sunday. On these inspections, he reported music was being played by a DJ until 1:30 or 2:00 AM.

Mr. Tilbrook referred to an aerial photo of the property, and explained there were two facilities: The Revolution Bar, an indoor facility, and America's Backyard. He stated America's Backyard was arguing that "a great deal of this facility is actually indoors" and pointed out roof structures on the property and noted that all speakers were under roof

structures. Mr. Tilbrook said the address on the citation was 109 SW 2nd Avenue, which did not exist; America's Backyard's address was 200 West Broward Boulevard. He said they had only received clarification of which tenant was the subject of the citation the prior week. Mr. Tilbrook wanted time to present full evidence of building permits, occupational licenses, facility addresses, property records, and tenant/lease information.

Assistant Code Manager Hernandez said on February 2, City representatives had a conference call with Pam McCord, who represented the owner of 111 Properties. Ms. McCord was aware of the notice and knew which facility it pertained to and had informed Assistant Code Manager Hernandez that she would contact America's Backyard and they would be in compliance by that evening. Assistant Code Manager Hernandez added that the Property Appraiser had many incorrect addresses, but the City must use addresses assigned by the City. The notice also contained the correct legal description. She stated they had also met with the owner of America's Backyard and physically handed him the notice, so there was no dispute that they understood which establishment this involved. Regarding the structure, Assistant Code Manager Hernandez said it was not an enclosed structure, this was an outdoor establishment.

Judge Purdy found that the violation did exist.

Mr. Ralph Enderby, neighbor, said they had been putting up with the noise since 2009. He said this had been discussed with the City in 2009 and the manager of America's Backyard had promised to try to bring everything into compliance. Mr. Enderby said the roof structures were canvas awnings over the entertainment area and did not mitigate noise.

Mr. Thomas Demots, neighbor, said he had been hearing noise since 2006 and he had spoken with the City and the facility manager, with no results.

Officer Viscusi presented the case file into evidence.

Case: CE11010677

5201 Northeast 24 Terrace # A212
LOONEY, HAROLD E III

Service was via posting on the property on 2/14/11 and at City Hall on 2/17/11.

Mary Rich, Code Enforcement Officer, testified to the following violation:
9-276(a)

UNIT A212 IS NOT MAINTAINED IN A CLEAN SANITARY
CONDITION. THERE IS STRONG URINE ODOR EMITTING
FROM UNIT A212 THAT IS AFFECTING THE COMMON AREAS
OF THE CONDOMINIUM AND UNIT A112.

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.

Mr. Harold Looney, owner, said there had been no inspection of the interior of his apartment. Officer Rich said she had not inspected the interior, but the smell could be detected outside the unit in the hallway.

Ms. Mary Deane, neighbor, said this had been going on for three years. She remarked that two years ago, Mr. Looney's apartment had been cleared out by a HAZMAT team because it was completely saturated with human urine that had come through her ceiling. The following year and this year, her bathroom ceiling had fallen in. Ms. Deane remarked that Mr. Looney could not live by himself; he could not handle everyday activity. She reported he defecated in the elevator and urinated all over.

Mr. Prospero Rich Marino, condo association president, agreed Mr. Looney had a problem and said they had tried to get help for him. He reported Mr. Looney went on binges. Mr. Marino requested help for Mr. Looney. He explained there had been a leak from Mr. Looney's apartment to the floor below and the association had hired a plumber to repair it and Mr. Looney had refused to pay the bill. Mr. Looney said a lawyer had informed him that he was not responsible for the plumber's bill; it was the association's responsibility.

Ms. Deane said Mr. Looney had been Baker Acted several times and the Police had been to the apartment numerous times. She said this situation was affecting her health and she needed some kind of help.

Officer Rich said she would like 10 days to inspect the property to see if it had been cleaned up, and informed Mr. Looney that if this recurred, it would be a repeat violation and fines would be larger.

Mr. Looney said the Police had not been to his apartment and he had never been Baker Acted. Ms. Deane said she had been present at times when the Police came and told her Mr. Looney had been Baker Acted and he returned 72 hours later.

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: CE10062351
1035 North Andrews Avenue
BROKAW, LAURENCE

Vacate order of 1/20/11 & re-impose

This case was first heard on 8/5/10 to comply by 9/2/10. Violations were as noted in the agenda. The property was complied, and fines had accrued to \$42,250. This was a request to vacate the Order Imposing Fines dated 1/20/11.

Ron Tetreault, Fire Inspector, said a new owner had taken over the property and complied all violations immediately. He recommended no fines be imposed.

Judge Purdy granted Mr. McKelligett's request to vacate the Order Imposing Fines dated 1/20/11 and Officer Tetreault's request to impose no fine on the new owner.

Case: CE11020903

1132 Northwest 2 ST
SWEET, LILIAN

Service was via posting on the property on 2/15/11 and at City Hall on 2/17/11.

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.

Complied:

NFPA 1:1.7.6.2

MO SEC. 9-313.

Inspector Tetreault recommended ordering compliance with NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day, and with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day.

Mr. Wilson Jimenez, the owner's nephew, said fire extinguishers were installed; Inspector Tetreault noted they must be inspected and tagged. Mr. Jimenez stated the electric smoke detectors were already installed.

Judge Purdy found in favor of the City and ordered compliance with NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day, and with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day would begin to accrue.

Case: CE10111805

3368 Northwest 64 Street
LAWSON, SUSIE

This case was first heard on 1/20/11 to comply by 1/30/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,100 fine, which would continue to accrue until the property complied.

Ms. Lourdes Clerge, attorney, reported the property was in foreclosure, but a certificate of title had not been issued yet. She stated the case was on hold for document review of the foreclosure action. She requested an extension.

Mr. McKelligett confirmed the property had been out of compliance for 35 days. He recommended imposition of the fines, which would continue to accrue until the property complied.

Judge Purdy imposed the \$3,100 fine, which would continue to accrue until the property complied.

Case: CE10091094

424 Southwest 25 Terrace
BONILLA, ANA H/E MALTEZ, RAFAEL

This case was first heard on 12/2/10 to comply by 12/12/10. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$350 and the City was requesting the full fine be imposed.

Stephanie Bass, Code Enforcement Officer, said the property had been in foreclosure since 2009 but no sale date was scheduled. She recommended imposition of the full fine.

Mario Sotolongo, Code Enforcement Officer, acted as interpreter for the owner.

Ms. Ana Bonilla, owner, said she occupied the home. Officer Sotolongo said the owner had informed him that she had "a deal with the bank" and she was "keeping the house."

Ms. Lourdes Clerge, attorney, said the foreclosure was on hold for forbearance, and she assumed the owner was involved in a loan modification program with the bank.

Mr. McKelligett recommended no fine be imposed.

Judge Purdy imposed no fine.

Case: CE09071472

Request for extension

2157 Northeast 63 Court
DOMINKO, EUGENE J JR

This case was first heard on 10/7/10 to comply by 2/17/11. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$325.

Mr. Eugene Dominko, owner, requested his case be set to be heard by Meah Tell, who had heard his case originally. He stated the case was the result of contractor fraud.

Frank Arrigoni, Building Inspector, said the case had begun in July 2009.

Mr. McKelligett asked Mr. Dominko how long it would take him to comply. Mr. Dominko said he wanted to install the roof himself and could finish it in three months; he explained the flat roof had passed all inspections but the final. Inspector Arrigoni thought Chief Building Inspector John Heller could grant Mr. Dominko's request to put the permit in his name if only a final inspection was required.

Judge Purdy granted a 35-day extension during which time no fines would accrue.

Case: CE11010098

743 Northeast 17 Way
CASSAGNOL, CYNTHIA

Certified mail sent to the owner was accepted on 2/16/11.

Dick Eaton, Senior Code Enforcement Officer, testified to the following violations:
9-280(b)

THEIR ARE SEVERAL JALOUSIE WINDOWS ON THE FRONT PORCH AREA OF THIS PROPERTY THAT ARE IN DISREPAIR AND MISSING SLATS, SOME AREAS COVERED WITH BOARDS. THERE ARE AREAS ALONG THE EDGE OF THE ROOF LINE WITH ROTTING AND DAMAGED WOOD.

9-306

THERE ARE AREAS OF PEELING AND MISSING PAINT ON THIS PROPERTY.

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

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

Case: CE10120963

1881 Southeast 17 Street
FL GRANDE LLC
C/O WHM LLC

Stipulated agreement

Violations:

47-19.5.E.7.

THE CHAINLINK FENCE THAT'S MOUNTED ON TOP OF THE WALL SURROUNDING THE TENNIS COURTS IS IN DISREPAIR IN THAT THERE IS A LARGE SECTION ON THE SOUTHWEST CORNER THAT IS MISSING.

9-280(h)(2)

THE TENNIS COURTS ARE IN DISREPAIR IN THAT THE ASPHALT IS PEELING/CRACKING AND MISSING IN SEVERAL AREAS AND IS UNSIGHTLY.

9-306

THE WALLS AND THE STAIRCASE OF THE STRUCTURE WHERE THE TENNIS COURTS ARE LOCATED ARE IN DISREPAIR IN THAT THERE ARE PATCHES OF CONCRETE THAT ARE CHIPPING/MISSING; THERE ARE AREAS THAT ARE STAINED/MILDEWED AND IN NEED OF PAINT.

The City had a stipulated agreement with the owner to comply within 56 days or a fine of \$100 per day, per violation. 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 56 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE10092137

1913 Northeast 21 Street
ELVINGER, MATS

Service was via posting on the property on 2/15/11 and at City Hall on 2/17/11.

Burt Ford, Building Inspector, testified to the following violation:

FBC(2007) 105.10.3.1

THERE IS AN EXPIRED PERMIT #09101294 TO INSTALL A
6 FT SHADOW BOX FENCE.

Inspector Ford submitted the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day.

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

Case: CE09050343

2617 Northeast 27 Way
LEEDS, STEVEN A

Service was via posting on the property on 2/15/11 and at City Hall on 2/17/11.

Burt Ford, Building Inspector, testified to the following violation:

FBC(2007) 105.10.3.1

PERMIT 07081541 WAS ISSUED FOR CONSTRUCTION OF AN

ADDITION & ALTERATIONS.
PERMIT 07081546 WAS ISSUED FOR ROOFING WORK.
PERMIT 07081545 WAS ISSUED FOR ELECTRICAL WORK.
PERMIT 07081543 WAS ISSUED FOR MECHANICAL WORK.
PERMIT 07081544 WAS ISSUED FOR PLUMBING WORK.
THE PERMITS HAVE EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

Inspector Ford submitted the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day.

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

Case: CE10090438

812 Southwest 8 Avenue
FEDERAL HOME LOAN MORTGAGE CORP

Certified mail sent to the owner was accepted on 2/15/11.

Todd Hull, Code Enforcement Officer, testified to the following violation:
9-308(b)

THE ROOF IS NOT MAINTAINED IN A CLEAN CONDITION.
THERE ARE ONE OR MORE TARPS ON THE ROOF. THE
TARP(S) ARE NOT A PERMANENT PART OF THE BUILDING
OR A FUNCTIONAL ELEMENT OF ITS MECHANICAL OR
ELECTRICAL SYSTEM.

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

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: CE11010099

1755 Northeast 58 Street
BERMAN, MARIA

Service was via posting on the property on 2/14/11 and at City Hall on 2/17/11.

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

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

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.

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: CE11010463

1412 Northeast 57 Court
FRUHWIRT, JOHANNES

Service was via posting on the property on 2/14/11 and at City Hall on 2/17/11.

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

THERE IS TRASH, RUBBISH, AND DEBRIS INCLUDING, BUT NOT LIMITED TO, HUGE PILES OF LANDSCAPE DEBRIS ON THE PROPERTY.

Officer Rich 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.

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

Case: CE11010466

1412 Northeast 57 Court
FRUHWIRT, JOHANNES

Service was via posting on the property on 2/14/11 and at City Hall on 2/17/11.

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

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

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.

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: CE10022072

1467 Northeast 56 Street
VIENS, MARC DAVID

Service was via posting on the property on 2/14/11 and at City Hall on 2/17/11.

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

PERMIT 04070995 WAS ISSUED FOR WINDOW INSTALLATION.
THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

Inspector Arrigoni said he had spoken with the owner and agreed to recommend ordering compliance within 35 days or a fine of \$25 per day.

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

Case: CE11020906

1008 Northwest 2 Street
BLAINE, VELMA T

Service was via posting on the property on 2/15/11 and at City Hall on 2/17/11.

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

Judge Purdy found in favor of the City and ordered compliance within 77 days or a fine of \$250 per day would begin to accrue.

Case: CE11020926

1018 Northwest 10 Avenue
CROWN LIQUORS OF BROWARD INC

Certified mail sent to the owner was accepted on 2/15/11 and certified mail sent to the registered agent was accepted on 2/15/11.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 17A:7.3.2.4

FIRE SUPPRESSION SYSTEM IS IN NEED OF MAINTENANCE.

Inspector Tetreault recommended ordering compliance within 182 days or a fine of \$250 per day.

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

Case: CE11020911

3001 Northwest 60 Street
LAVI LIMITED PARTNERSHIP
C/O MC KINNEY PROP

Service was via posting on the property on 2/17/11 and at City Hall on 2/17/11.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:13.3.1.1

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

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

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

Case: CE11020912

3047 Northwest 60 Street
LAVI LIMITED PARTNERSHIP
C/O MC KINNEY PROP

Service was via posting on the property on 2/17/11 and at City Hall on 2/17/11.

Ron Tetreault, Fire Inspector, testified to the following violations:
NFPA 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

NFPA 1:13.3.1.1

SPRINKLER HEAD IS DAMAGED.

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

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

Case: CE11020908

3278 Davie Blvd
SARRIA HOLDINGS II INC

Personal service was made to the store manager.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:1.12.1

WORK REQUIRES A PERMIT.

Complied:

NFPA 1:13.3.1.1

NFPA 1:11.1.2

NFPA 25:5.3.3.1 .

Inspector Tetreault recommended ordering compliance within 49 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance within 49 days or a fine of \$250 per day would begin to accrue.

Case: CE11020882

3910 Southwest 12 Court
FLORES, BENJAMIN & HARGROVE, DARRELL

Service was via posting on the property on 2/15/11 and at City Hall on 2/17/11.

Ron Tetreault, Fire Inspector, testified to the following violation:
69A-60.0081

STRUCTURE HAS BEEN CONSTRUCTED USING LIGHT-FRAME TRUSS-TYPE STRUCTURAL MEMBERS. THE REQUIRED IDENTIFYING SYMBOL IS NOT POSTED TO SUFFICIENTLY WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF LIGHT-FRAME TRUSS-TYPE CONSTRUCTION IN THE STRUCTURE.

NFPA 101:31.3.4.5.1

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

NFPA 1:13.6.1.2

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

Complied:

MO Sec. 9-313.

Inspector Tetreault recommended ordering compliance with 69A-60.0081 and NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day, per violation and with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day.

Judge Purdy found in favor of the City and ordered compliance with 69A-60.0081 and NFPA 1:13.6.1.2 within 35 days or a fine of \$150 per day, per violation and with NFPA 101:31.3.4.5.1 within 35 days or a fine of \$250 per day would begin to accrue.

Case: CE11020917

4812 Northeast 23 Ave
SPACE STATION LC

Certified mail sent to the owner was accepted on 2/16/11.

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

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

Inspector Tetreault recommended ordering compliance within 35 days or a fine of \$250 per day.

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

Case: CE10111419

603 SOLAR ISLE Drive
GARCIA, ROSA A

This case was first heard on 1/20/11 to comply by 1/30/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,100 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$3,100 fine, which would continue to accrue until the property complied.

Case: CE10081901

200 Southwest 9 Avenue
SAILBOAT VENTURES LLC

This case was first heard on 11/18/10 to comply by 1/27/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,700 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$1,700 fine, which would continue to accrue until the property complied.

Case: CE10110592

6733 Northwest 29 LN
FERREIRA, GILMAR

This case was first heard on 1/20/11 to comply by 1/30/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$525 and the City was requesting the full fine be imposed.

Judge Purdy imposed the \$525 fine.

Case: CE10110060

2012 S Miami Rd
MIAMI ROAD PARTNERS LLC

This case was first heard on 12/16/10 to comply by 1/20/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$7,600 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$7,600 fine, which would continue to accrue until the property complied.

Case: CE10100418

1815 Northwest 7 Avenue
WILLIAMS, DARREN L & CONTINA

This case was first heard on 12/2/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$650 and the City was requesting the full fine be imposed.

Judge Purdy imposed the \$650 fine.

Case: CE09091387

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

This case was first heard on 10/21/10 to comply by 1/20/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$450 and the City was requesting the full fine be imposed.

Judge Purdy imposed the \$450 fine.

Case: CE10050026

1800 Northwest 9 LN
ROACH, HOWARD & SARAH

This case was first heard on 9/16/10 to comply by 10/21/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,025 and the City was requesting a \$200 fine be imposed.

Judge Purdy imposed the \$200 fine.

Case: CE10042585

1801 Northwest 9 Place
ROACH, HOWARD & SARAH

This case was first heard on 9/16/10 to comply by 10/21/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,025 and the City was requesting a \$200 fine be imposed.

Judge Purdy imposed the \$200 fine.

Cases Complied

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

CE11010800	CE11010999	CE11011327	CE11020606
CE11010858	CE11010862	CE11010848	CE11010899
CE10041295	CE10010469	CE10042557	CE11020901
CE11020915	CE11020920	CE11020922	CE11020923
CE11020924	CE11020894	CE11020899	

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:

CE11011251 CT10120040

There being no further business, the hearing was adjourned at **11:04 AM**.


SPECIAL MAGISTRATE

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services