

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
ROSE-ANN FLYNN PRESIDING
MARCH 17, 2011
9:00 A.M. –10:29 A.M.**

Staff Present:

Mary Allman, Secretary, Special Magistrate
Sue Manning, Secretary, Special Magistrate
Brian McKelligett, Clerk of Special Magistrate Supervisor
Dee Paris, Administrative Aide
Gail Jagaessar, Administrative Aide
Lori Grossfeld, Clerk III
Peggy Burks, Code Enforcement Supervisor
Cheryl Pingitore, Code Enforcement Supervisor
Ginger Wald, Assistant City Attorney
Stephanie Bass, Code Enforcement Officer
Mark Campbell, Code Enforcement Officer
Andre Cross, Code Enforcement Officer
Dick Eaton, Senior Code Enforcement Officer
Ingrid Gottlieb, Senior Code Enforcement Officer
Todd Hull, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
Bill Snow, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Stephen Rogers, Fire Inspector
Salvatore Viscusi, Code Enforcement Officer
Aretha Wimberly, Code Enforcement Officer

Respondents and Witnesses

CE10120105: Brian Kopelowitz, attorney
CE10080337: Robert Joseph, general manager
CE11010596: Eugene Mori, owner
CE10080491: Grace Antonello, property manager
CE11020065: John Hansen, owner
CE10111795: Noel Lima, owner
CE11011793; CE11011777: Fabio Ferrer, bank representative
CE10121382; CE10121383; CE10121384; CE10121385; CE10121386; CE10121388;
CE10121389; CE10121390: Thomas Shoop, property manager
CE10120265: Ingrid Fadil, attorney
CE10081709; CE10081705; CE10081710; CE10081708; CE10081707: John Schmatz,
sub-tenant; Mark Cervasio, City representative; Robert Lettman, attorney

CE10030613: Tyler Tuchow, owner
CE10111911: Sharon Bolduc, owner
CE10101634: Michael Small, property manager
CE10111992: George Avakian, realtor's 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.

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

Case: CE11011777

1470 Northwest 20 Street
MIDFIRST BANK

Certified mail sent to the owner was accepted on 2/28/11. Service was also via posting at City Hall on 3/3/11.

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

THE SWIMMING POOL IN THE REAR YARD ON THIS OCCUPIED PROPERTY IS PARTIALLY FILLED WITH TRASH/RUBBISH/DEBRIS AND GREEN/STAGANANT WATER. THIS POOL IN THIS CONDITION IS UNSANITARY, UNSIGHTLY AND IS A POTENTIAL BREEDING GROUND FOR MOSQUITOES. THIS POOL IN THIS CONDITION ALSO POSES A THREAT TO THE HEALTH, SAFETY, AND WELFARE TO THE COMMUNITY.

Officer Viscusi reported that Midfirst Bank had recently foreclosed on the properties. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day.

Mr. Fabio Ferrer, bank representative, agreed to Officer Viscusi's terms.

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

Case: CE11011793

1470 Northwest 20 Street
MIDFIRST BANK

Certified mail sent to the owner was accepted on 2/28/11. Service was also via posting at City Hall on 3/3/11.

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

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

Officer Viscusi presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day.

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

Case: CE11010596

213 Royal Palm Drive
GOLDSTEIN, DAVID M TRSTEE

Certified mail sent to the owner was accepted on 2/25/11. Service was also via posting at City Hall on 3/3/11.

Dick Eaton, Senior Code Enforcement Officer, testified to the following violation:
8-91.(b)

THERE IS A BOAT HOIST AT THIS PROPERTY WHICH HAS
BEEN INSTALLED WITHOUT REQUIRED PERMITS AND
APPROVALS. PRIOR TO THE COMMENCEMENT OF ANY
CONSTRUCTION ACTIVITIES, A PERMIT FOR THE ERECTION
OF DOCKS, SLIPS, BOAT DAVITS, HOISTS AND MOORING
PILES OR SIMILAR BOAT MOORING STRUCTURES SHALL BE
OBTAINED FROM THE BUILDING DEPARTMENT.

Officer Eaton said this case was begun as a result of a neighborhood complaint. He presented photos of the property and the case file into evidence.

Mr. Eugene Mori, owner, stated the davits were present when he purchased the property 18 years ago; he believed they were installed when the house was built in the 1950's. Mr. Mori thought the davits should be grandfathered in. He presented his own photos to Ms. Flynn and noted there were many davits and lifts installed within 10 feet of property lines in the nearby canals.

Officer Eaton had performed research and determined that Mr. Mori's house had been built in 1955 and the original plans did not show the dock or davit. The permit sheet showed the dock had been installed in 1990 and the drawings for that permit did not show the davit. Mr. Mori believed the davits must be older because of the rust problem.

Ms. Wald explained that the City's code included a legal non-conforming use, also known as grandfathering. It was the respondent's burden of proof to show that the structure was installed prior to the requirements or changes in the code. Ms. Wald stated the code regarding the davits under which this owner had been cited was in Chapter 8 of the City's codes [not the ULDR] and this specified that a permit was required prior to installing davits or hoists. Currently, the ULDR, which contained the language regarding non-conforming uses, required that davits could not be located on the property line, even though a dock could.

Ms. Wald stated the Chapter 8 code requiring the permit had been in effect since 1953, so the issue was whether or not a permit had ever been pulled. In this case, the davit did not appear on the 1955 plans.

Ms. Wald remarked that there would be a problem if Mr. Mori applied for a permit per the ULDR. She said he could apply for a variance from the Board of Adjustment or the Development Review Committee. He could also remove the davit.

Ms. Flynn noted that they were relying on the fact that the 1990 plans were accurate, but suggested the davit might be included on the seawall repair plans from 1965. Officer Eaton said this was a possibility, but he had found nothing about the davit structure.

Ms. Flynn advised Mr. Mori to research this himself to determine if the structure was shown on another set of plans included for a permit. Mr. Mori wanted to apply for a permit and/or a variance. Ms. Wald advised it would take three months to apply to the Board of Adjustment. Ms. Flynn could continue the case to allow Mr. Mori time to bring additional evidence regarding non-conforming use; she could find for the City that the violation existed and allow three months for Mr. Mori to seek a variance, or she could find against the City and for Mr. Mori.

Ms. Flynn continued the case to 7/21/11 and ordered the respondent to reappear at that hearing.

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

Case: CE10081705
1805 Northwest 51 Place # 2
ZELEY AVIATION
C/O ROBERT LETTMAN

Ordered to reappear

This case was first heard on 10/7/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/18/11.

Stephen Rogers, Fire Inspector, said he was appearing for Inspector Ron Tetreault. Permits had been pulled for all of the work, and Inspector Rogers recommended an extension.

Mr. John Schmatz, subtenant, said they were in the process of revising their lease with the City. They intended to demolish the buildings and rebuild. He requested an extension.

Mr. Robert Lettman, attorney for Zeley Aviation, stated they were still working on the documentation, and requested a 90-day extension.

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

Case: CE10081707

Ordered to reappear

1805 Northwest 51 Place # 8
ZELEY AVIATION
C/O ROBERT LETTMAN

This case was first heard on 10/7/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/18/11.

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

Case: CE10081708

Ordered to reappear

1805 Northwest 51 Place # 7
ZELEY AVIATION
C/O ROBERT LETTMAN

This case was first heard on 10/7/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/18/11.

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

Case: CE10081709

Ordered to reappear

1805 Northwest 51 Place
ZELEY AVIATION
C/O ROBERT LETTMAN

This case was first heard on 10/7/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/18/11.

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

Case: CE10081710

Ordered to reappear

1805 Northwest 51 Place # 4
ZELEY AVIATION
C/O ROBERT LETTMAN

This case was first heard on 10/7/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/18/11.

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

Case: CE10111992

6520 Northwest 34 Avenue
FEDERAL NATIONAL MORTGAGE ASSN

Certified mail sent to the owner was accepted on 2/28/11. Service was also via posting at City Hall on 3/3/11.

Mary Rich, 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.

Mr. George Avakian, realtor's representative, said the property was in foreclosure but they intended to comply the violations. He requested 21 days.

Officer Rich presented photos of the property and the case file into evidence, and recommended ordering compliance within 21 days or a fine of \$50 per day.

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

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

Case: CE10121382 Request for extension
1531 Southeast 15 Street # 1
RAMOS, ROGELIO

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Stephen Rogers, Fire Inspector, stated he was representing Inspector Ron Tetreault, who had recommended a 63-day extension for all cases.

Mr. Thomas Shoop, property manager, said all of the violations had been corrected but they were awaiting final inspection.

Ms. Paris requested that Ms. Flynn change the comply by date on all of the 2/3/11 Orders from 3/3/11 to 3/17/11.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121383 Request for extension
1531 Southeast 15 Street # 2
CASE, WILLIAM J

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121384 Request for extension
1531 Southeast 15 Street # 3
JOHNSON, HILDA LOUISE

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121385

Request for extension

1531 Southeast 15 Street # 4
POPA, GABRIEL M & POPA, MARGARET

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121386

Request for extension

1531 Southeast 15 Street # 5
ALTMAN, DAVID M

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121388

Request for extension

1531 Southeast 15 Street # 6
CETRON, ROBERT B

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121389

Request for extension

1531 Southeast 15 Street # 7
REGAN, MICHAEL
C/O SALOME ZIKAKIS ESQ

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10121390

Request for extension

1531 Southeast 15 Street # 8
CIPOLLA, CHARLES J & KIMMARIE

This case was first heard on 2/3/11 to comply by 3/3/11. Violations were as noted in the agenda. The property was not complied, fines had accrued to \$3,500 and the City was requesting a 63-day extension and abatement of the fines that had already accrued.

Ms. Flynn granted a 63-day extension during which time no fines would accrue and changed the comply by date on the 2/3/11 Order from 3/3/11 to 3/17/11.

Case: CE10030613

Request for extension

2009 Northwest 21 Avenue
TUCHOW, TYLER

This case was first heard on 5/20/10 to comply by 7/22/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$14,500.

Salvatore Viscusi, Code Enforcement Officer, said he had spoken with the owner, who was dealing with legal issues on the property. The owner had requested a 182-day extension to address the legal issues and Officer Viscusi did not object to this request.

Mr. Tyler Tuchow owner, agreed to comply within 182 days.

Ms. Flynn granted a 182-day extension during which time no fines would accrue.

Case: CE10111911

3771 Southwest 1 Street
BOLDUC, JAY P & SHARON L

This case was first heard on 1/20/11 to comply by 2/3/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,000 and the City was requesting the full fine be imposed.

Stephanie Bass, Code Enforcement Officer, said the owner was present to request reduction of the fines.

Ms. Sharon Bolduc, owner, said the tenant would not return messages or allow access to the property to make repairs.

Officer Bass stated she had experienced issues re-inspecting the property, but it was not complied until February 18.

Ms. Flynn imposed a \$300 fine.

Case: CE10111795

1008 Southwest 22 Avenue
KUNDZIN, DULCINEIA & LIMA, NOEL MORENO

This case was first heard on 1/20/11 to comply by 2/3/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$100 and the City was requesting the full fine be imposed.

Stephanie Bass, Code Enforcement Officer, said the property representative was present.

Mr. Noel Lima, owner, stated the tenant had not paid rent, and once Mr. Lima was aware of the problem, he had acted. Officer Sotolongo acted as interpreter for Mr. Lima. Mr. Lima stated he had received the notice on January 20, after the tenant had left the property in a shambles. Officer Bass confirmed that on her visits to the property, the tenant had been present. Mr. Lima said he was never informed by the tenant of the violations. Ms. Wald confirmed that notice had been sent to Mr. Lima's residence.

Ms. Flynn imposed a \$75 fine.

Case: CE10101634

4720 Northwest 15 Avenue
FIRST INDUSTRIAL L P

Personal service was made to the owner on 2/25/11. Service was also via posting at City Hall on 3/3/11.

Mary Rich, Code Enforcement Officer, testified to the following violation:
47-21.13 A.

THERE IS A LARGE DEAD TREE TO REAR SOUTHEAST
PORTION OF PROPERTY. THE DEAD TREE IN THIS
CONDITION THREATENS OR ENDANGERS THE PUBLIC
HEALTH, SAFETY AND WELFARE OR WHICH COULD CAUSE
THE SPREAD OF DISEASE OR INFESTATION TO
SURROUNDING PLANT LIFE, IS HEREBY PROHIBITED AND
DECLARED TO BE A PUBLIC NUISANCE.

Officer Rich stated she had spoken with the property manager and agreed to recommend ordering compliance within 35 days or a fine of \$50 per day.

Mr. Michael Small, property manager, agreed to comply with Officer Rich's terms.

Officer Rich presented photos of the property and the case file into evidence.

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

Case: CE10080491

608 Southwest 5 Avenue
MTB FL LLC

This case was first heard on 10/21/10 to comply by 11/11/10 and 12/9/10. Violations were as noted in the agenda. The property was complied, fines had accrued to \$6,450 and the City was requesting the full fine be imposed.

Ms. Paris requested Ms. Flynn vacate the Order dated 2/3/11. Ms. Flynn vacated the Order dated 2/3/11.

Todd Hull, Code Enforcement Officer, explained there had been 13 re-inspections and three hearings: administrative costs totaled \$847.00

Ms. Grace Antonello, property manager, said the property had been in probate and the deceased owner's children had spent nearly \$30,000 on the property and there was more work to be done. She requested the fines be waived.

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

Case: CE10080337

Request for extension

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

This case was first heard on 9/2/10 to comply by 1/20/11. Violations were as noted in the agenda. The property was not complied, and fines had accrued to \$8,250.

Stephen Rogers, Fire Inspector, said some work had been done at the property without a permit and the Fire Department considered the blocked path of egress posed a hazard for potential loss of life in an emergency. He requested fines continue to accrue.

Mr. Robert Joseph, general manager of the tenant nightclub, said they had not received notice of the violations, the property owner had received them and forwarded them to the tenant. He said they had paid the owner \$3,500 to correct the problem but she had apparently not done so. Ms. Flynn confirmed that the property owner was responsible, not the tenant.

Ms. Wald confirmed that the property owner was responsible for the violations. She noted that the tenant's contract with the owner might indicate that the tenant was responsible, but the City had already determined the violations existed, and was

recommending the fines be imposed. Ms. Wald recommended the request for extension be denied.

Ms. Flynn denied the request for an extension.

Case: CE11020065

913 Northeast 4 Avenue
HANSEN, JOHN III

Certified mail sent to the owner was accepted on 3/2/11. Service was also via posting at City Hall on 3/3/11.

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

THE PROPERTY HAS BECOME OVERGROWN (INCLUDING THE ALLEY-WAY) AND HAS NOT BEEN MAINTAINED.

Officer Cross said the owner had indicated the property had been mowed, but he needed to reinspect. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 14 days or a fine of \$25 per day.

Mr. John Hansen, owner, agreed to Officer Cross's terms.

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

Case: CE10120265

Rescheduled from-2/17/11

1641 South Ocean Drive
WACHOVIA BANK NA
C/O MARSHALL C WATSON PA

Certified mail sent to the owner was accepted on 2/25/11.

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

NUISANCE - THE POOL AT THIS VACANT RESIDENTIAL PROPERTY CONTAINS DIRTY STAGNANT WATER AS WELL AS RUBBISH, TRASH, AND DEBRIS. THE CITY OF FORT LAUDERDALE CONSIDERS THIS TO BE A THREAT TO THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AS IT IS CREATING A BREEDING GROUND FOR MOSQUITOS, INSECTS, AND OTHER PESTS.

Officer Wimberly 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. She remarked that the neighbors were complaining about the mosquitoes and this was a health hazard to the community.

Ms. Ingrid Fadil, attorney, stated her client had indicated the problem would be addressed.

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

Case: CE10120105

1 West Las Olas Boulevard
LAS OLAS & ANDREWS LLC
C/O JEFFREY OSTROW ESQ

Certified mail sent to the owner was accepted on 2/28/11. Service was also via posting at City Hall on 3/3/11.

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

THE PROPERTY IS OVERGROWN WITH GRASS, WEEDS AND
OTHER PLANT LIFE. THERE IS TRASH, RUBBISH AND
SOLID WASTE ON THE PROPERTY.

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

Mr. Brian Kopelowitz, attorney, said the owner had signed an agreement with the Downtown Development Authority [DDA] for the DDA to landscape and maintain the property and to install pavers. Work should commence within the next 30 to 60 days. Mr. Kopelowitz requested 14 days for the DDA to begin work.

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

Case: CE10091910

Stipulated agreement

3030 Harbor Drive
SATYAN BEACH PROPERTIES LLC

Violations:
9-306

THE EXTERIOR OF THE BUILDING IS NOT BEING
MAINTAINED, IN THAT THERE ARE AREAS OF THE
EXTERIOR WALLS WHERE THE STUCCO IS CRACKED, AND

THERE ARE SECTIONS OF THE CONCRETE RAILINGS THAT
HAVE EXPOSED AND RUSTED STEEL REINFORCEMENT.

The City had a stipulated agreement with the owner to comply within 18 weeks or a fine of \$50 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Ms. Flynn found in favor of the City, approved the stipulated agreement and ordered compliance within 18 weeks or a fine of \$50 per day would begin to accrue.

Case: CE11011745

842 Southwest 13 Street
RICHARDS, EVELYN

Service was via posting on the property on 2/25/11 and at City Hall on 3/3/11.

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

THE POOL ON THIS PROPERTY HAS GREEN STAGNANT WATER
WHICH IS OR MAY REASONABLY BECOME INFESTED WITH
MOSQUITOS AND IS ENDANGERING THE PUBLIC HEALTH,
SAFETY AND WELFARE.

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

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

Case: CE10110931

2605 Northeast 13 Court
GIACCHETTO, BRIAN T H/E
MELANCON, THOMAS

Service was via posting on the property on 2/25/11 and at City Hall on 3/3/11.

Wanda Sappington, Code Enforcement Officer, testified to the following violation:
25-5

THERE ARE AT LEAST 2 LARGE BOULDERS ON THE NORTHWEST
SIDE OF THE PROPERTY ON THE CITY SWALE.
THERE ARE MULTIPLE CONCRETE TRIANGLES ON
THE WEST CORNER ON THE CITY SWALE.

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

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

Case: CE11011389

3001 Bayview Drive
SHERMAN, STEVEN T

Certified mail sent to the owner was accepted on 2/25/11. Service was also via posting at City Hall on 3/3/11.

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

THE POOL AT THIS PROPERTY IS FILLED WITH GREEN/STAGNANT WATER. THIS POOL IS UNSANITARY, UNSIGHTLY, AND IS A POTENTIAL BREEDING GROUND FOR MOSQUITOES. IN ITS CURRENT CONDITION, THIS POOL POSES A THREAT TO THE HEALTH, SAFETY, AND WELFARE TO THE COMMUNITY.

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

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

Case: CE11012315

1821 Southwest 23 Terrace
GLOBAL DIRECT MANAGEMENT LLC

Certified mail sent to the owner was accepted on 2/25/11. Service was also via posting at City Hall on 3/3/11.

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

THE SWIMMING POOL LOCATED AT THE REAR OF THIS UNOCCUPIED SINGLE FAMILY RESIDENCE IS NOT BEING MAINTAINED. THE WATER IN THE POOL IS STAGNANT, DIRTY AND DARK BROWN IN COLOR. IN ADDITION THERE IS TRASH AND RUBBISH IN THE POOL. THE POOL IN THIS CONDITION IS A PUBLIC NUISANCE.

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

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

Case: CE10120815

2020 S Miami Rd
MIAMI ROAD PARTNERS LLC

Service was via posting on the property on 2/20/11 and at City Hall on 3/3/11.

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

NUISANCE - THERE IS MISCELLANEOUS RUBBISH, TRASH, AND DEBRIS STORED ON THIS RESIDENTIAL PROPERTY INCLUDING SHOPPING CARTS AND OTHER RUBBISH INSIDE OF A DUMPSTER ENCLOSURE AND A DISCARDED MATTRESS AND OTHER RUBBISH ALONGSIDE THE EAST WALL OF THE PROPERTY. THIS IS A RECURRING VIOLATION HENCE THE CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE RATHER IT COMES INTO COMPLIANCE PRIOR TO THE HEARING OR NOT.

Officer Wimberly stated this was a recurring violation. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 7 days or a fine of \$50 per day.

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

Case: CE10090864

1322 Northwest 8 Avenue # B
SAINT FORT, MARIE

Certified mail sent to the owner was accepted on 3/4/11. Service was also via posting at City Hall on 3/3/11.

Dick Eaton, Senior 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 LANDSCAPE DEBRIS AND FURNITURE. THE PROPERTY HAS BECOME OVERGROWN AND HAS NOT BEEN MAINTAINED.

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

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

Case: CE10110279

795 Northwest 13 Street
LAKE SHORE ASSETS LLC

Service was via posting on the property on 2/24/11 and at City Hall on 3/3/11.

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

THERE ARE WINDOWS AT THIS PROPERTY THAT ARE NOT
WATER TIGHT OR RODENT PROOF.

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

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

Case: CE11010735

1150 Northwest 9 Terrace
WOLVERTON, JOHN D EST

Service was via posting on the property on 2/15/11 and at City Hall on 3/3/11.

Salvatore Viscusi, Code Enforcement Officer, testified to the following violations:
47-5.31.

THERE IS A VACANT/UNOCCUPIED SINGLE FAMILY
RESIDENCE AT THIS LOCATION THAT HAS HAD A ROOF
COVERED WOOD STRUCTURE ERECTED ON THE LEFT SIDE
YARD THAT IS CONNECTED TO THE DWELLING ON THIS PROPERTY.
THIS PROPERTY IS LOCATED IN THE LAUDERDALE MANORS
RESIDENTIAL SUB-DIVISION AND IS ZONED RS-8
(RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
DISTRICT) THIS STRUCTURE IS IN VIOLATION OF THE
ZONING SIDE YARD REQUIREMENT FOR RS-8 ZONED PROPERTIES.
THE MINIMUM SIDE YARD REQUIREMENT IS (5FT) AS
STATED IN THE U.L.D.R. UNDER THE TABLE OF
DIMENSIONAL REQUIREMENTS FOR RS-8 ZONED PROPERTIES.

9-280(b)

THERE ARE SEVERAL WINDOWS ON THE VACANT/
UNOCCUPIED DWELLING
ON THIS PROPERTY THAT ARE BROKEN OR ARE IN
DISREPAIR. THERE ARE AREAS OF SOFFIT AND FASCIA

BOARDS THAT ARE ROTTING, MISSING AND IN DISRPEAIR.
THERE IS A SECTION OF EXTERIOR WALL IN THE REAR
YARD OVERTOP OF A SLIDING GLASS DOOR THAT LEADS
INTO THE KITCHEN THAT IS IN DISREPAIR AND A LARGE
HOLE IS VISIBLE.

9-280(h)(1)

THERE IS A 4FT WOOD AND PLASTIC FENCE ON THE RIGHT
SIDE YARD THAT IS DAMAGED, DOWN AND IN DISREPAIR.

9-306

THERE ARE AREAS OF MISSING/CHIPPING/ PEELING PAINT
AND DIRT STAINS PRESENT ON THE EXTERIOR WALLS,
FASCIA AND SOFFIT BOARDS ON THE HOME ON THIS PROPERTY.

Officer Viscusi said this property was an ongoing hazard for the neighbors and he had received many complaints. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day, per violation.

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

Case: CE11020276

544 Northeast 17 Avenue
HSBC BANK USA NA TRSTEE

Certified mail sent to the owner was accepted on 2/28/11. Service was also via posting at City Hall on 3/3/11.

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

18-11(b)

THE POOL AT THIS VACANT PROPERTY IS FULL OF GREEN
STAGNANT WATER, CREATING A POTENTIAL BREEDING
GROUND FOR MOSQUITOS. IN THIS CONDITION IT
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.

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

Case: CE11010791

636 Northeast 1 Avenue
LAMBRIX, BRICE J

Certified mail sent to the owner was accepted on 2/25/11. Service was also via posting at City Hall on 3/3/11.

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

THERE IS OVERGROWTH AND LAWN DEBRIS THROUGHOUT
THIS PROPERTY AND SWALE AREA, INCLUDING WEEDS
GROWING UP AROUND THE FOUNDATION OF THE HOUSE.

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

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

Case: CE11010869

521 Long Island Avenue
CREAMER, JAMES F

Certified mail sent to the owner was accepted on 3/3/11. Service was also via posting at City Hall on 3/3/11.

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

THERE ARE TWO FRONT WINDOWS AT THE PROPERTY THAT
ARE IN DISREPAIR AND COVERED WITH BOARDS.

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

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

Case: CE10111170

1030 Southwest 31 Avenue
ENGLAND, LISTON

Certified mail sent to the owner was accepted on 2/25/11. Service was also via posting at City Hall on 3/3/11.

Stephanie Bass, Code Enforcement Officer, testified to the following violation:

18-12(a)

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

Officer Bass stated the property was in foreclosure. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$25 per day.

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

Case: CE11012024

3761 Southwest 1 Street
DEUTSCHE BANK NATL TR CO TRSTEE
C/OMOSKOWITZ MS SIMOWITZ PA

Certified mail sent to the owner was accepted on 2/25/11. Service was also via posting at City Hall on 3/3/11.

Stephanie Bass, Code Enforcement Officer, testified to the following violation:

18-11(b)

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

Officer Bass stated the property had been previously cited for the same violations. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

Case: CE11011796

1413 Northeast 56 Court
YANCEY, H B & ELIZABETH G

Certified mail sent to the owner was accepted on 3/1/11. Service was also via posting at City Hall on 3/3/11.

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.

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

Case: CE10090731

444 Northwest 21 Avenue
KNIGHT, ROSEMARY & JENKINS, ANNIE LOI

This case was first heard on 11/4/10 to comply by 1/6/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,725 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$1,725 fine, which would continue to accrue until the property complied.

Case: CE10111111

433 Northeast 12 Avenue
FEDERAL NATL MORTGAGE ASSN

This case was first heard on 1/20/11 to comply by 2/3/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,050 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$2,050 fine, which would continue to accrue until the property complied.

Case: CE09120332

2701 Middle River Drive # 21
RAMIREZ, JOSE ALBERTO

This case was first heard on 3/4/10 to comply by 9/2/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$87,250 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$87,250 fine, which would continue to accrue until the property complied.

Case: CE10120328

3301 Northeast 17 Street
GRUBER, RICHARD C & BARBARA J

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

\$4,500 fine, which would continue to accrue until the property complied.

Mario Sotolongo, Code Enforcement Officer, said there was a misunderstanding between the bank and the owner; the owner had believed the bank was going to treat the pool but the bank had not done so. The owner had now hired someone to clean the pool. Officer Sotolongo recommended an extension to April 7. He reported there was a short sale in progress.

Ms. Flynn granted a 21-day extension during which time no fines would accrue.

Case: CE10120169

1130 Northwest 7 Avenue
WELLS FARGO BANK NA

This case was first heard on 2/3/11 to comply by 2/13/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,550 fine, which would continue to accrue until the property complied.

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

Case: CE08070315

1333 Northeast 1 Avenue
HUNT, MARK

This case was first heard on 9/18/08 to comply by 10/2/08. Violations were as noted in the agenda. The property was complied, fines had accrued to \$600 and the City was requesting the full fine be imposed.

Ms. Flynn imposed the \$600 fine.

Case: CE10090252

1600 Northwest 2 Avenue
COUNTRYWIDE HOME LOANS INC
C/O FERRELL, ELIZABETH M

This case was first heard on 2/3/11 to comply by 2/13/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$775 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$775 fine, which would continue to accrue until the property complied.

Cases Complied

Ms. Paris 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:

CE11011300	CE11011512	CE10120769	CE11010315
CE11011515	CE11010507	CE11012091	CE11020207
CE11020209	CE11020216	CE11020351	CE11011773
CE11012020	CE11020325	CT11012253	CE10121113
CE10120182	CE11011742	CE11020020	CE10121611

Cases Withdrawn

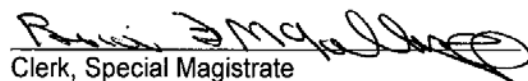
Ms. Paris announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE10120709	CT11010830	CE11012304
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There being no further business, the hearing was adjourned at **10:29 AM**.


Special Magistrate

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services