

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
MEAH TELL PRESIDING
APRIL 7, 2011
9:00 A.M. –12:40 P.M.**

Staff Present:

Mary Allman, Secretary, Special Magistrate
Sue Manning, Secretary, Special Magistrate
Brian McKelligett, Clerk of Special Magistrate Supervisor
Adriane Holmes, Service Clerk
Gail Jagessar, Administrative Aide
Lori Grossfeld, Clerk III
Peggy Burks, Code Enforcement Supervisor
Cheryl Pingitore, Code Enforcement Supervisor
John Heller, Chief Building Inspector
Ginger Wald, Assistant City Attorney
Frank Arrigoni, Building Inspector
Mark Campbell, Code Enforcement Officer
Andre Cross, Code Enforcement Officer
Scott Dry, Electrical Inspector
Dick Eaton, Senior Code Enforcement Officer
Todd Hull, Code Enforcement Officer
Jorge Maura, Detective
Kathye Reily, Building Permits Division
Mary Rich, Code Enforcement Officer
Wanda Sappington, Code Enforcement Officer
Mario Sotolongo, Code Enforcement Officer
Craig Stevens, Chief Electrical Inspector
Ron Tetreault, Fire Inspector
Richard Thompson, Building Inspector
Stephen Rogers, Fire Inspector
Barbara Urow, Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer
Aretha Wimberly, Code Enforcement Officer

Respondents and Witnesses

CE10033020: Cara Cameron, owner; Pamela McCord, legal assistant; Robert Joseph, general manager
CE11030747: Anthony Gagliano, manager; Antonio Myrick, superintendent
CT10032564: Dwayne Dickerson, attorney; Martin Walker, tenant
CE10042649: Vilamar Julme, owner
CE11022305: Luis Vallejo, air conditioning technician
CE10081902: Gregory Baum, owner
CE11030544: Heiko Dobrikow, general manager; Daniel Spates, engineer

CE10120615: Jason Ackerman, attorney
CE10100127: Lisa Kessler, bank representative
CE11022010: Jason Smith, owner
CE10090438: Sharon McLennon, agent
CE11010464: John Bujalski, general contractor
CE11010423; CE11010444: Ronald Guziejka, contractor; David Richmond, Vice President of company
CE10070762: Thomas Coon, attorney
CE10070310: Howard Elfman, realtor
CE09100254: Clony Merone, owner
CE10020370: Pierre Petit Frere, pastor/owner
CE09090671: John Nocera, owner
CE11011533: Nick Caporella, general contractor
CE10050265: Russell Bratt, owner
CE11022434: John Rayson, attorney; Samuel Yohanan, owner
CE11021729; CE10111141: Jon Russell, owner's representative; Ernst Olivier, bank attorney
CE10011805: Lakhi Mohnani, owner
CE11030510: Diane Levy, owner
CE11031267: John Ross, owner's representative
CE10050223: Christine Rocha, owner's representative
CE07120555: Thomas Tabor, neighbor; Albert Gadol, neighbor; Shirley Gadol, neighbor; Peter Goulet, neighbor; Dennis Shannon, neighbor; William Teat, homeowners association; Rudolph Frei, homeowners association; Stephen Tate, homeowner; Peter Watson, homeowner; Vincent Agostinelli, homeowner; Cheryl Kane, homeowner; John Holmes, homeowner

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: CE09100254

1151 Northwest 19 Court
MERONE, CLONY H/E MERONE, OTELIA

This case was first heard on 1/20/11 to comply by 2/17/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,200 fine, which would continue to accrue until the property complied.

Mr. Clony Merone, owner, requested 91 days.

Frank Arrigoni, Building Inspector, agreed to Mr. Marone's request.

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

Case: CE11030510

2916 Southeast 6 Avenue
ELEMENT TWO ENTERPRISES INC

Certified mail sent to the registered agent was accepted on 3/9/11. Service was also via posting on the property on 3/7/11 and at City Hall on 3/17/11.

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

PURSUANT TO FLORIDA BUILDING CODE AND THE POLICY ESTABLISHED BY THE BROWARD BOARD OF RULES AND APPEALS FOR THE BUILDING SAFETY INSPECTION PROGRAM, THE FOLLOWING HAS NOT BEEN FULLY COMPLIED WITH:
THE REQUIRED 40-YEAR BUILDING SAFETY INSPECTION CERTIFICATION PREPARED BY A PROFESSIONAL ENGINEER OR ARCHITECT REGISTERED IN THE STATE OF FLORIDA HAS NOT BEEN FURNISHED TO THE BUILDING OFFICIAL WITHIN 90 DAYS OF THE INITIAL NOTICE, OR THE REPORT INDICATED REQUIRED MODIFICATIONS OR REPAIRS.

Inspector Thompson submitted the case file into evidence and said he had spoken with the owner and agreed to allow 35 days to comply or a fine of \$250 per day.

Ms. Diane Levy, owner, stated two buildings needed glass installed to pass inspection.

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

Case: CE11010464

901 North Federal Highway
R K ASSOCIATES #5 INC
C/O SEARS-TAX DEPT D/768 B2-116A

Certified mail sent to the owner was accepted on 3/14/11.

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

PERMIT 03051495 WAS ISSUED FOR REPAVING, STRIPING & ADA RAMPS. THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED INSPECTIONS.

Mr. John Bujalski, general contractor, requested 91 days.

Inspector Arrigoni recommended a fine of \$25 per day for failure to comply.

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

Case: CE11022434

2115 Northeast 37 Drive # 236
YOHANAN, SAMUEL D

Certified mail sent to the owner was accepted on 3/10/11.

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 reported no permit had been issued and no detectors were installed. The owner's father had denied Inspector Tetreault entry into the property to inspect. He recommended ordering compliance within 42 days or a fine of \$250 per day.

Ms. Tell disclosed that she was a Code Enforcement Special Magistrate for the Town of Davie and the owner's attorney, John Rayson, was Davie Town Attorney.

John Rayson, the owner's attorney, made a motion to dismiss, because Inspector Tetreault had never inspected the property to establish the circumstances. Mr. Rayson said Fort Lauderdale Code specifically stated that the Fire Chief or members of the Fire Department must inspect buildings except private dwellings unless invited by the occupant. Mr. Rayson also moved to strike the hearsay testimony Inspector Tetreault gave regarding his being denied entry by the owner's father. Mr. Rayson stated per the State Condominium Code, individual units were private dwellings, not part of the common elements to which inspectors had access.

Ms. Wald had read Mr. Rayson's motion to dismiss. She stated the City was required to enforce the NFPA Code. Ms. Wald noted that Inspector Tetreault had determined that no permit had been issued for a smoke detector, so either it was not installed or it had been installed without a permit, which would result in another violation. Ms. Wald pointed out that the rules of evidence did not apply in a quasi-judicial Special Magistrate proceeding; the Special Magistrate accepted evidence and made her own determination on whether the violation existed. Ms. Wald continued that the City could apply to the Circuit Court for a warrant to enter the unit to ensure the life, health and safety of this unit owner and everyone in the condominium complex.

Mr. Rayson said, "This business about permit is a red herring." He said in 2002, the entire condominium complex had been inspected for smoke detectors and it had passed. He presented that inspection report into evidence.

Ms. Tell stated this presented a health and safety issue. She referred to the inspection history Mr. Rayson had presented, and noted that in 2002, hard-wired smoke detectors were not required. Inspector Tetreault confirmed that the hard-wired detectors were not required until 2005 with Section NFPA 101:31.3.4.5.1. He pointed out that the building had pulled a permit to install hard-wired detectors in all of the other units, but Mr. Yohanan would not agree to have the detector installed along with the rest of the condo association. There were a total of four units excluded from the permit: Mr. Yohanan's unit, his father's unit and two others.

Mr. Rayson proffered "that he is hard-wired, that he has been hard-wired, that he does not need a permit, his property is not in foreclosure." Mr. Rayson stated the permit that the condo association had obtained for all of the other units had later been revoked.

Ms. Tell asked for Mr. Yohanan's testimony that his property was hard-wired and was in compliance. Mr. Yohanan stated he had purchased the unit "years ago, and in order to pass inspection...in order to get my loan...the banks will inspect and ensure that it's up to stuff." He thought he had purchased the unit in 2007 or 2008.

Mr. Yohanan informed Ms. Wald that he had not installed the unit himself. Ms. Wald asked Mr. Yohanan if he would permit Inspector Tetreault to inspect his unit to confirm the installation of the hard-wired detector and Mr. Yohanan replied, "Absolutely not."

Ms. Tell stated this was a much larger issue than just Mr. Yohanan's condo. She referred to the Code Section, and said there was no evidence that a permit had been pulled for the installation. Ms. Tell noted that this affected everyone else in the building.

Mr. Rayson insisted that Mr. Yohanan was not required to allow access to his private dwelling. He stated when Mr. Yohanan bought the unit "it was already hard-wired for smoke detectors and it had already passed inspection. He is not required to open up his apartment to anyone under the Constitution, under 718 and indeed under 12-30 of the Fort Lauderdale City Code." Mr. Rayson continued that, "The hardwiring was there, he doesn't know who put it in or when it was put it in and it would be objectionable to suggest that he did it without a permit under the testimony that you have."

Mr. Yohanan had provided a photo, and Inspector Tetreault explained that this was not sufficient for compliance because he could not tell from the photo where it had been taken, and whether the installation was proper. He explained this was why a permit was required for installation. Ms. Tell asked to see the provision that required a permit to install the detectors. This could not be cited by Inspector Tetreault because he had not brought his Code book to the hearing. Ms. Tell stated she was accepting the testimony of Inspector Tetreault that a permit and inspection was required to comply with NFPA 101:31.3.4.5.1. Mr. Rayson stated, "We will not allow inspection; we don't have to."

Ms. Tell found in favor of the City and ordered compliance within 70 days or a fine of \$250 per day would begin to accrue.

Case: CE07120555
3316 Northeast 38 Street
COHEN, LAWRENCE E & BARBARA F

Ordered to reappear from 2/17/11
Extension requested to 6/2/11

This case was first heard on 4/3/08 to comply by 8/28/08. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,875 fine, which would continue to accrue until the property complied.

Mr. McKelligett stated the Cohens were not present, but their attorney had filed a motion for an extension. Ms. Tell admitted the motion into evidence and Mr. McKelligett showed it to the neighbors. Ms. Tell advised she would hear other cases while the motion was examined.

Mario Sotolongo, Code Enforcement Officer, presented a copy of the attorney's motion and Ms. Tell asked someone to phone the attorney to determine why no one was present.

Upon returning to the case, Mr. McKelligett reported that a call to the law office had reached an answering machine. Ms. Tell thought the Cohens had never missed a hearing and wondered why they were not present.

Officer Sotolongo objected to the attorney's motion. He said neighbors were present and City Commissioners had received over 10 letters from residents regarding this property. Ms. Tell suggested Officer Sotolongo try to reach the attorney again before they proceeded.

After speaking to the attorney's assistant, Officer Sotolongo reported that the attorney was under the impression that by sending the motion document, the attorney need not appear. The assistant said Mr. McKelligett had indicated to her that this was okay. This was not the case, and Officer Sotolongo thought this might be a misunderstanding.

Ms. Tell asked Officer Sotolongo to phone the attorney so he could participate on the phone. Mr. McKelligett said this was not within the provision. Mr. McKelligett said the neighbors present had the right to ask questions of the attorney if he testified.

Ms. Wald said they did not have the technology to do this over the phone. Ms. Tell said she would not continue without finding out what was going on from the attorney. The assistant informed Officer Sotolongo that the attorney was in Orlando and could not be reached by phone. Mr. McKelligett asked Ms. Tell to hear testimony and then rule on the motion. Ms. Tell looked in the file to find a phone number for the Cohens.

Mr. McKelligett reported he had acknowledged receipt of the motion from the attorney and informed his assistant that it would be presented to the Magistrate prior to the

hearing and it would be heard at the hearing. He had never indicated that attendance was not required.

Officer Sotolongo reported he had phoned the Cohens' home and cell and had reached an answering machine at both. He had left a message for them to return his call as soon as possible because Ms. Tell wished to speak with them.

Ms. Tell stated she was granting the motion for an extension and rescheduling the case for 56-days.

Ms. Shirley Gadol, neighbor, said she lived across the street and was a real estate agent. She stated she had lost sales and sold homes nearby "at a reduced cost because of these people." Ms. Gadol said Mr. Cohen would not answer his door or his phone. She invited Ms. Tell to inspect the property and Ms. Tell agreed. Ms. Tell said she was sympathetic to the Neighbors' concerns, but proper notice was a very big issue.

Another neighbor presented photos of the property and said nothing had changed. He wondered about "special rules that apply to Mr. Cohen and no one else." The neighbor stated the pool was only half full. The President of the homeowners association said this had been a problem for many years and several members had taken time off from work to be present at the hearing. He stated it was time for this to come to some conclusion.

Ms. Tell granted the motion for an extension to June 2, 2011.

Case: CE10120615

620 Northwest 10 Terrace
FIRST BANK PUERTO RICO

This case was first heard on 1/20/11 to comply by 2/17/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$4,250 and the City was requesting no fines be imposed.

Mr. Jason Ackerman, attorney, thanked the City.

Ms. Tell imposed no fines.

Case: CE10070310

1032 Northwest 3 Avenue
BANK OF NEW YORK TRSTEE

This case was first heard on 10/7/10 to comply by 10/21/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$6,150 and the City was requesting the full fines be imposed.

Mr. Howard Elfman, realtor, requested abatement of the fines. He stated once the bank gained possession of the building, they had acted to comply the violations.

Barbara Urow, Code Enforcement Officer, requested administrative costs of \$709.

Ms. Tell imposed a \$709 fine.

Case: CE11030747

303 Southeast 17 Street
NORTH BROWARD HOSPITAL DISTRICT

Certified mail sent to the president was accepted on 3/15/11 and certified mail sent to the registered agent was accepted on 3/15/11.

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

FBC 109.16

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THE REQUIRED 40-YEAR BUILDING SAFETY INSPECTION CERTIFICATION PREPARED BY A PROFESSIONAL ENGINEER OR ARCHITECT REGISTERED IN THE STATE OF FLORIDA HAS NOT BEEN FURNISHED TO THE BUILDING OFFICIAL WITHIN 90 DAYS OF THE INITIAL NOTICE, OR THE REPORT INDICATED REQUIRED MODIFICATIONS OR REPAIRS.

Mr. Anthony Gagliano, manager, said he did not know where the notices had been sent, but when the security guard gave Mr. Gagliano the notice, he had engaged an engineer to conduct the inspection and create the report.

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

Ms. Tell found in favor of the City and ordered compliance within 56 days or a fine of \$250 per day would begin to accrue.

Case: CT10032564

401 S Ft Laud Beach Blvd
BEACH BOYS PLAZA INC
C/O HAMUY

Certified mail sent to the owner was accepted on 3/14/11.

Mario Sotolongo, Code Enforcement Officer, testified to the following violation:

47-22.9.

TWO FREE STANDING SIGNS HAVE BEEN INSTALLED ON THE WEST SIDE OF THE PROPERTY TO ADVERTISE PARKING FACILITY WITHOUT FIRST OBTAINING A PERMIT.

Officer Sotolongo presented photos of the property and said he had been working with the owner, who had applied for a permit. He stated the permit process was at a standstill due to a "difference of opinion." The owner would meet with Planning and Zoning to resolve the issue. Officer Sotolongo recommended ordering compliance within 35 days or a fine of \$50 per day.

Mr. Dwayne Dickerson, attorney, said there were several outstanding issues and requested a continuance. He said they had been discussing with staff whether this sign could be exempt, or what must be done to comply if the sign was not exempt. He said they felt their sign was not advertising; it was informative. Mr. Dickerson noted that their sign was the same size as the City's sign for the adjacent parking lot.

Ms. Wald asked if Mr. Dickerson was contesting that this was a violation and Mr. Dickerson said they were.

Mr. Dickerson requested a 60 to 90-day continuance to work with the City. He felt they had a justifiable argument regarding whether the sign even required a permit. Ms. Wald recommended withdrawing the case and said she would have another Assistant City Attorney contact Mr. Dickerson.

The case was withdrawn from the agenda.

Case: CE11030544

620 East Las Olas Boulevard
THE LAS OLAS HOLDING CO INC

Certified mail sent to the officer was accepted on 3/10/11 and certified mail sent to the registered agent was accepted on 3/11/11.

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

PURSUANT TO FLORIDA BUILDING CODE AND THE POLICY ESTABLISHED BY THE BROWARD BOARD OF RULES AND APPEALS FOR THE BUILDING SAFETY INSPECTION PROGRAM, THE FOLLOWING HAS NOT BEEN FULLY COMPLIED WITH:
THE REQUIRED 40-YEAR BUILDING SAFETY INSPECTION CERTIFICATION PREPARED BY A PROFESSIONAL ENGINEER OR ARCHITECT REGISTERED IN THE STATE OF FLORIDA HAS NOT BEEN FURNISHED TO THE BUILDING OFFICIAL WITHIN 90 DAYS OF THE INITIAL NOTICE, OR THE REPORT INDICATED REQUIRED

MODIFICATIONS OR REPAIRS.

Inspector Thompson presented the case file into evidence stated this was the Riverside Hotel Group, and he had agreed to allow 91 days to comply or a fine of \$250 per day.

Mr. Heiko Dobrikow, general manager, agreed to Inspector Thompson's terms.

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

Case: CE10011805

2424 Laguna Drive
MOHNANI, KAMLA

This case was first heard on 6/17/10 to comply by 12/16/10. Violations and extensions were as noted in the agenda. The property was complied, and fines had accrued to \$850.

Mr. Lakhi Mohnani, owner, waived the right to notice of a Massey hearing.

Aretha Wimberly, Code Enforcement Officer, confirmed the property was complied. Mr. McKelligett recommended no fines be imposed.

Ms. Tell imposed no fines.

Case: CE10090438

812 Southwest 8 Avenue
FEDERAL HOME LOAN MORTGAGE CORP

Request for extension

This case was first heard on 3/3/11 to comply by 4/7/11. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 4/8/11.

Ms. Sharon McLennon, agent, said the home had been through foreclosure and they had identified a buyer. The roof damage was so severe they were unsure it could be repaired. She requested 60 days for the new owner to take ownership and handle the situation.

Ms. McLennon said the closing was scheduled for May 15 and the prospective buyer was aware of the violation.

Ms. Tell granted a 56-day extension during which time no fines would accrue.

Case: CE11022010

715 Northwest 20 Avenue
HARDEN, ARTHUR Z EST
C/O SMITH, JASON

Service was via posting on the property on 3/21/11 and at City Hall on 3/24/11.

Todd Hull, Code Enforcement Officer, testified to the following violation:
9-306

THERE IS GRAFFITI ON THE REAR OF THE BUILDING AT
THIS LOCATION.

Mr. Jason Smith, owner, said this house was part of his deceased father's estate. Mr. Smith was in the military and had just returned from deployment. He explained he had removed and painted over the graffiti several times but it always returned.

Ms. Wald advised Mr. Smith to contact the Police regarding the graffiti problem. She also suggested he provide Inspector Hull with a second contact person for the notices. Mr. Smith requested 60 days to paint the building.

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

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

Case: CE10033020

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

This case was first heard on 4/29/10 to comply by 11/4/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$15,250 fine, which would continue to accrue until the property complied.

Ron Tetreault, Fire Inspector, said he understood that the property was close to compliance.

Ms. Cara Cameron, owner, reported they had been working on the property for a long time. She reported the sprinkler system had been installed and was awaiting inspection. Ms. Cameron said the fire wire from the new tamper and alarm would be done the following week.

Ms. Tell granted a 42-day extension during which time no fines would accrue.

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

Case: CE11010423

923 North Federal Highway
R K ASSOCIATES #5 INC
C/O SEARS-TAX DEPT D/768 B2-116A

Certified mail sent to the owner was accepted on 3/14/11.

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

PERMIT 06042170 WAS ISSUED FOR INTERIOR DEMO. THE
PERMIT HAS EXPIRED W/O PASSING REQUIRED INSPECTIONS.
THE WORK WAS DONE AND INTERIOR RENOVATIONS WERE ALSO
DONE W/O PERMITS. SEE CASE CE10070638.

Mr. David Richmond, Vice President of the Greenstar Co, explained that this property had been sold to RK in 1956 and leased to Sears for 99 years and "Greenstar Co got the space across the way, there's another strip mall, again, for 99 years, in 1956 that occurred and that's why we only got the violations recently, a few weeks ago and we already had planned to hire a contractor."

Mr. Ronald Guziejka, contractor, explained that RK Associates was a simple fee title holder and the building owner was Greenstar. The land was owned by RK and the building was owned by Greenstar. Mr. Guziejka said tenants and made improvements to the building and moved out and he was determining what all of the improvements were. He had met with Inspector Arrigoni and said they intended to comply. He requested 120 days for this property and 90 days for the property at 929 North Federal Highway..

Inspector Arrigoni clarified that this property had been cited for one demolition permit. He said the owner needed to hire another contractor and 120 days was excessive. Inspector Arrigoni said someone had submitted an application to do renovations, and the work had been done without permits, but that was not part of this case.

Ms. Wald stated this case was only for the expired permit. Inspector Arrigoni stated to comply this violation, a new contractor must be selected and a permit application must be completed. A hold harmless/change of contractor form must be submitted and the permit could be renewed.

Mr. Richmond said he understood what must be done to comply.

Inspector Arrigoni stated the address listed with the Broward County Property Appraiser was where the inspection report and notices had been sent. If there was a problem with this address, the property owner should correct this.

Inspector Arrigoni recommended ordering compliance within 28 days or a fine of \$25 per day, but said he would consider additional time.

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

Case: CE11010444

929 North Federal Highway
R K ASSOCIATES #5 INC
C/O SEARS-TAX DEPT D/768 B2-116A

Certified mail sent to the owner was accepted on 3/14/11.

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

PERMIT 04010180 WAS ISSUED FOR REPAIR OF STORE FRONT. THE
PERMIT HAS EXPIRED W/O PASSING THE REQUIRED INSPECTIONS.

Inspector Arrigoni stated the store had been damaged by a car and no inspections had been done. He recommended ordering compliance within 35 days.

Mr. David Richmond, Vice President of the Greenstar Co, said he understood what needed to be done.

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

Case: CE10050265

1801 South Andrews Avenue
BRATT, RUSSELL I

This case was first heard on 6/17/10 to comply by 9/16/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$92,250 and the City was requesting the full fine be imposed.

Ron Tetreault, Fire Inspector, stated the City would not object to imposing administrative costs of \$520. He reported he had made 9 or 10 visits to the property.

Mr. Russell Bratt, owner, said he would like no fine to be imposed, but he felt Inspector Tetreault's statement was justified.

Ms. Tell imposed a \$520 fine.

Case: CE11022305

505 North Fort Lauderdale Beach Blvd
Q CLUB RESORT & RESIDENCES

Certified mail sent to the owner was accepted on 3/10/11 and certified mail sent to the registered agent was accepted on 3/11/11.

Ron Tetreault, Fire Inspector, testified to the following violation:
F-21.1.3

THE SMOKE CONTROL SYSTEM HAS NOT BEEN CERTIFIED ANNUALLY
BY A BROWARD COUNTY LICENSED TEST AND BALANCE COMPANY.

Inspector Tetreault said he had spoken with management at the property. He recommended ordering compliance within 182 days or a fine of \$250 per day.

Mr. Luis Vallejo, air conditioning technician, requested 180 days.

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

Case: CE10050223

3301 Southwest 9 Avenue
REINVT LLC

This case was first heard on 6/17/10 to comply by 9/16/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$6,000 and the City was requesting a \$520 fine be imposed.

Ms. Christine Rocha, owner's representative, agreed to the \$520 fine.

Ms. Tell imposed a \$520 fine.

Case: CE09090671

1509 Northeast 16 Terrace
NOCERA, JOHN PARIS & NOCERA, LOURDES

Service was via posting on the property on 3/10/11 and at City Hall on 3/24/11.

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

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

07081019 A.C./ADDITION
07081018 PLUMBING/ADDITION
07081017 ELECTRICAL/ADDITION

07081015 BUILDING/ADDITION
97080673 REPLACE 1 WINDOW

Mr. John Nocera, owner, explained that while in the middle of the home addition, his home equity line had been cut in half. He was now doing a small amount at a time, when he could afford it.

Ms. Wald explained that once the permits were renewed, the owner would have 180 days to comply. To comply this case, the owner must get the permits re-issued.

Inspector Arrigoni stated the only charge would be to renew the master permit; there would be no separate charge for the sub-permits. He stated it could cost as much as \$1,000 to renew the master permit. Mr. Nocera said he would rather pull individual permits and get some work done. If work was ongoing, the permits could be extended.

Inspector Arrigoni agreed to determine the exact cost to renew the master permit. Upon returning to the case, Inspector Arrigoni reported that the contractor had removed himself from the permit and the owner must file a change of contractor. The fee would be approximately \$1,250. Inspector Arrigoni said the owner could obtain individual permits but this would be more expensive than renewing the master permit.

Mr. Nocera said he could probably afford the permit in 60 days.

Ms. Tell found in favor of the City and ordered compliance within 70 days or a fine of \$25 per day would begin to accrue.

Case: CE10020370

1317 Northeast 4 Avenue
AGAPE CHURCH OF GOD INC

This case was first heard on 4/1/10 to comply by 7/15/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$119,250 fine, which would continue to accrue until the property complied.

Ron Tetreault, Fire Inspector, reported only three violations remained.

Pierre Petit Frere, pastor, said he had been unaware fines were running. He said they had been working feverishly and it had been very costly. Inspector Tetreault said a considerable amount of work had been done, but some of the remaining work would require an architect to reconfigure the building. He recommended a 147-day extension for the remaining violations. Ms. Tell reminded Mr. Petit Frere to request an extension if work could not be complete by the end of the extension.

Mr. Petit Frere thanked Ms. Tell for acknowledging their efforts. He reiterated that he was unaware that fines were accruing. Ms. Tell informed Mr. Petit Frere that they could

not address the fines until the property was complied. Once the property was complied, Mr. Petit Frere must attend a hearing to discuss the fines.

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

Case: CE10070762

1006 Northwest 6 Avenue
SOBELEVSKY, PETER

Certified mail sent to the owner was accepted on 3/12/11.

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

THE FOLLOWING AFTER THE FACT PERMITS HAVE EXPIRED
W/O PASSING ALL REQUIRED INSPECTIONS:
03052074 ISSUED FOR BUILDING ALTERATIONS.
03052085 ISSUED FOR ELECTRICAL ALTERATIONS.
03052086 ISSUED FOR MECHANICAL ALTERATIONS.
03052087 ISSUED FOR PLUMBING ALTERATIONS.

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

Mr. Thomas Coon, attorney, said his client had purchased the property in 2007 unaware of the expired permit. A tenant had been given a lease agreement that included a low rent in exchange for the tenant "bringing the property up with a purchase option." That tenant had decided not to keep the property and had assigned the lease to someone else, who was not aware of the lease obligations.

Mr. Coon did not feel 28 days would be enough time; the plans had been lost and new plans must be drawn for the permits. He requested 56 days.

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

Case: CE10081902

540 Northeast 17 Avenue
BAUM, GREGORY

Ordered to reappear from 2/17/11

This case was first heard on 10/21/10 to comply by 10/31/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$6,400 and the City was requesting the full fine be imposed.

Dick Eaton, Senior Code Enforcement Officer, reminded Ms. Tell that Mr. Baum had been directed to bring documentation to support his claim that he did not own the property.

Mr. Gregory Baum, owner, said he had done a title search that showed he was the owner of the property. Ms. Wald said Mr. Baum was the legal owner of the property and requested the fines be imposed. Mr. Baum insisted he was not the owner. He presented a court order to Ms. Tell regarding a complaint in a lawsuit. Mr. Baum said, "The bank has already foreclosed on this property once on somebody else's name. Somebody bought it at the foreclosure auction, the bank turned around, they canceled the foreclosure because it was not in that person's name, it was in my name still. There was a legal address that was incorrectly filed." Mr. Baum stated the document he had provided related to the bank wanting the property back. He said the bank had served him that document 10 days ago and it was going to court.

Ms. Tell referred to the court documents, which stated Mr. Baum had made a warranty deed to A&J Realty Trust. She asked if the legal description of the property was the address and Ms. Wald said it was not: that was the problem. Ms. Tell explained, "What you thought was an instrument conveying your title out to the property that we're talking about today that has the swimming pool, the legal description is of a different piece of property, not the piece of property that has the swimming pool." Mr. Baum stated this was incorrect: the property with the swimming pool was noted as 540 Northeast 17th Avenue, this had been sold to AJ Realty with an incorrect legal address. He said at that point, it was sold with another incorrect legal address, and this had nothing to do with him.

Ms. Tell said Mr. Baum should determine if he had recourse against whoever made the mistake on the deed.

Mr. Baum said he had already paid to maintain a property that was not his, from pool maintenance to landscaping, to having the water and electric turned on.

Officer Eaton said a recent rainstorm had resulted in the pool being in violation again and he noted the property was occupied. Mr. Baum said he would fix the tarp. He stated he had "put a friend in there to guard the place."

Ms. Tell explained that because of the mistake on the deed, Mr. Baum still owned the property. She advised him to speak to the judge regarding whether or not he could sell it.

Officer Eaton stated administrative fees for the case totaled \$1,000.

Mr. Baum estimated it had cost him \$1,000 in materials and time. He said the court hearing was to correct the error that had been made.

Ms. Tell imposed no fines.

Case: CE10042649

500 Northeast 13 Street
JULUME, VILAMAR
ST LOUIS EXAMENE ETAL

This case was first heard on 11/4/10 to comply by 2/17/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,800 fine, which would continue to accrue until the property complied.

Andre Cross, Code Enforcement Officer, said the owner had installed the grease trap but not the drain. Mr. Vilamar Julme, owner, said an inspector had informed him that he did not need the drain. Officer Cross recommended giving Mr. Julme time for Officer Cross to confer with the plumbing inspector to determine whether or not the drain must be installed. He recommended 35 days.

Mr. Julme said he had spoken with an engineer, who told him he had spoken with an inspector who informed him, "since we keep the dumpster clean, it [would] be fine." He agreed to provide Officer Cross with the engineer's phone number.

Ms. Tell granted a 42-day extension to 5/19/11, during which time no fines would accrue and ordered the respondent to reappear at that hearing.

Case: CE11031267

3000 State Road 84
VY MARINA MILE LLC
C/O RUDEN, MCCLOSKEY, SMITH, SCHUSTER

Certified mail sent to the registered agent was accepted on 3/16/11.

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

PURSUANT TO FLORIDA BUILDING CODE AND THE POLICY
ESTABLISHED BY THE BROWARD BOARD OF RULES AND APPEALS
FOR THE BUILDING SAFETY INSPECTION PROGRAM, THE FOLLOWING
HAS NOT BEEN FULLY COMPLIED WITH:
THE REQUIRED 40-YEAR BUILDING SAFETY INSPECTION
CERTIFICATION PREPARED BY A PROFESSIONAL ENGINEER OR
ARCHITECT REGISTERED IN THE STATE OF FLORIDA HAS NOT BEEN
FURNISHED TO THE BUILDING OFFICIAL WITHIN 90 DAYS OF THE
INITIAL NOTICE, OR THE REPORT INDICATED REQUIRED

MODIFICATIONS OR REPAIRS.

Inspector Thompson stated the City had never received the first report. The owner's representative had assured him that the report and any needed repairs would be taken care of within 60 days.

Mr. John Ross, owner's representative, said he thought a report had been done, but the owner had intended to redevelop the property until he lost his financing. The property had subsequently been sold.

Inspector Thompson presented the case file into evidence.

Ms. Tell found in favor of the City and ordered compliance within 56 days or a fine of \$250 per day would begin to accrue.

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

Case: CE11021729

2301 North Atlantic Blvd
BANK OF AMERICA N A
C/O MICULITZKI, YANINA

Certified mail sent to the owner was accepted on 3/16/11.

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

THE POOL ON THE PROPERTY IS FULL OF GREEN AND STAGNANT WATER. THE WATER IS, OR MAY REASONABLY BECOME, INFESTED WITH MOSQUITOES AND IS ENDANGERING THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Officer Sotolongo said Bank of America had taken possession of the house but the former owner had failed to vacate the house. Officer Sotolongo presented photos of the property and the case file into evidence, and recommended allowing 42 days for the former owner to be evicted or a fine of \$100 per day.

Mr. Ernst Olivier, bank attorney, said he had agreed to the 42 days. The bank was pursuing eviction against the former owner and had a hearing date of April 21.

Mr. Jon Russell, the owner's representative, said he would be managing and marketing the property once the bank took possession.

Ms. Tell found in favor of the City and ordered compliance within 42 days or a fine of \$100 per day would begin to accrue.

Case: CE10111141

2301 North Atlantic Blvd
BANK OF AMERICA N A
C/O MICULITZKI, YANINA

This case was first heard on 1/20/11 to comply by 2/17/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,200 fine, which would continue to accrue until the property complied.

Mario Sotolongo, Code Enforcement Officer, recommended allowing a 42-day extension to evict the former owner.

Ms. Tell granted a 42-day extension during which time no fines would accrue.

Case: CE10100127

713 Northwest 4 Avenue
BANK OF NEW YORK MELLON TRSTEE

This case was first heard on 11/4/10 to comply by 11/18/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$3,100 and the City was requesting the full fine be imposed.

Ms. Lisa Kessler, bank representative, stated this was a bank foreclosure. They had relocated the unit occupants after initially having a problem getting in touch with one of them. Ms. Kessler reported the property did not have water service and there were electrical issues as well. The property was now vacant, secured and boarded. She hoped to sell the property to someone who would rehabilitate it.

Mr. McKelligett recommended no fines be imposed.

Ms. Tell imposed no fines.

Case: CE11011748

1410 Southwest 4 Avenue
VEN2005 LLC

Certified mail sent to the registered agent was accepted on 3/11/11.

Mark Campbell, Code Enforcement Officer, testified to the following violation:
18-1.

THERE IS AN OPEN AND ABANDONED SEPTIC TANK ON THIS
VACANT PROPERTY. THIS PRESENTS A THREAT TO THE
HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

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

Case: CE11010384

624 Southwest 16 Avenue
RODRIGUEZ, ROGELIO

This was a request to vacate the Final Order dated 2/17/11.

Ms. Tell vacated the Final Order dated 2/17/11.

Case: CE11020573

521 Northwest 13 Avenue
BARNES, ANTHONY E

Certified mail sent to the owner was accepted on 3/10/11.

Andre Cross, Code Enforcement Officer, testified to the following violation:
18-4(c)

THERE IS AN UNLICENSED, INOPERABLE VEHICLE BEING
STORED ON THE PROPERTY INCLUDING, BUT NOT LIMITED
TO, A LATE MODEL UNKNOWN MAKE AND MODEL. THE VEHICLE
DESCRIBED IS PROPPED UP BY JACKS AND CENTER BLOCKS.

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

Case: CE10091946

2550 Northwest 19 Street
LIU, RONALD
LIU, ANN

Service was via posting on the property on 3/16/11 and at City Hall on 3/24/11.

Barbara Urow, Code Enforcement Officer, testified to the following violations:
9-280(h)(1)

THE WOOD FENCE ON THIS PROPERTY HAS MISSING AND
BROKEN SLATS AND IS IN GENERAL DISREPAIR.

9-306

THERE IS CHIPPED, PEELING, FADED AND MISSING PAINT ON THE PROPERTY. THERE ARE AREAS OF THE FASCIA THAT ARE ROTTED AND IN DISREPAIR.

Complied:

18-12(a)

9-280(b)

Officer Urow presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

Ms. Tell 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: CE11021261

905 Southeast 12 Court # 6
ROFFMAN, CONNELLY

Service was via posting on the property on 3/7/11 and at City Hall on 3/24/11.

Aretha Wimberly, Code Enforcement Officer, testified to the following violations:

9-279(e)

UNIT 6 AT THIS MULTI-UNIT RESIDENTIAL PROPERTY IS OCCUPIED BUT DOES NOT HAVE HOT WATER SUPPLIED TO THE KITCHEN OR BATHROOMS AS THERE IS NOT AN ACTIVE ELECTRIC ACCOUNT WITH FPL.

9-280(g)

UNIT 6 AT THIS MULTI-UNIT RESIDENTIAL PROPERTY IS OCCUPIED BUT THE ELECTRICAL WIRING AND ACCESSORIES ARE NOT WORKING DUE TO THE ABSENCE OF AN ACTIVE ELECTRIC ACCOUNT WITH FPL.

Officer Wimberly said the owner was occupying the property and allowing vagrants to live there. Several people had been arrested at the property. She 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.

Ms. Tell 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: CE11011599

1563 W Sunrise Blvd
MANNING, WAYNE

Certified mail sent to the owner was accepted on 3/11/11.

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

47-24.1.B.

THERE HAS BEEN A CHANGE OF USE OF THIS PROPERTY WITHOUT A DEVELOPMENT PERMIT OR PROPER APPROVALS. THE OPERATION OF A HOMELESS SHELTER AND ANY OTHER BUSINESS DERIVED FROM THIS VENTURE IS PROHIBITED ON THIS PROPERTY WITHOUT FIRST OBTAINING APPROVAL FROM ALL THE CITY OF FORT LAUDERDALE DEPARTMENTS.

47-34.2.B.

THE USE OF THIS BUILDING HAS BEEN CHANGED WITHOUT OBTAINING APPROVAL OF THE CITY OF FORT LAUDERDALE ZONING DEPARTMENT. THE OPERATION OF A HOMELESS SHELTER AND ANY OTHER BUSINESS DERIVED FROM THIS VENTURE IS PROHIBITED ON THIS PROPERTY WITHOUT FIRST OBTAINING APPROVAL FROM THE ZONING DEPARTMENT.

Officer Viscusi said the case had begun as the result of a complaint from the Fire Department. He explained that the property owner was a pastor who tried to help the community but this use could not be licensed in this location. The pastor had recently obtained approval for office space at the property and Officer Viscusi would inspect to ensure the property was complied.

Officer Viscusi presented photos of the property and the case file into evidence, and recommended ordering compliance within 63 days or a fine of \$100 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance within 63 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE11020350

1663 Northwest 15 Terrace
ABLES, JOHN

Service was via posting on the property on 3/9/11 and at City Hall on 3/24/11.

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

18-7(b)

THE VACANT/UNOCCUPIED SINGLE FAMILY RESIDENCE ON THIS PROPERTY HAS HAD ALL OF ITS WINDOWS, DOORS,

AND OTHER OPENINGS BOARDED UP WITHOUT FIRST HAVING OBTAINED A BOARD UP CERTIFICATE FROM THE CITY OF FORT LAUDERDALE BUILDING DEPARTMENT. IN ADDITION, THE MANNER IN WHICH THE DWELLING WAS BOARDED UP DOES NOT MEET THE REQUIRED BOARD UP STANDARD.

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

Case: CE11021529

1736 Northwest 18 Street
ROBERTSON, AVON

Certified mail sent to the owner was accepted on 3/16/11.

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

18-11(b)

THE SWIMMING POOL ON THIS VACANT/UNOCCUPIED PROPERTY IS FILLED WITH GREEN/STAGNANT WATER. THE 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 presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

Case: CE10081276

2617 North Ocean Boulevard
USMAN, GHULAM H

Service was via posting on the property on 3/10/11 and at City Hall on 3/24/11.

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

FBC(2007) 105.10.3.1

PERMIT 07101131 WAS ISSUED FOR ALTERATIONS. THE PERMIT HAS EXPIRED W/O PASSING ALL REQUIRED INSPECTIONS.

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

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

Case: CE10081526

2621 North Ocean Boulevard
USMAN, GHULAM H

Service was via posting on the property on 3/10/11 and at City Hall on 3/24/11.

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

THERE IS AN EXPIRED PERMIT, #07121180, TO REPAIR
ROTTED WOOD AT OVERHANG AND WINDOWS; AND PERMIT
#07121184 FOR SHUTTERS FOR 2 WINDOWS.

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

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

Case: CE09100680

2887 Northeast 35 Court
MILLEDGE, JOHN M
TRAMER, SUSAN M

Certified mail sent to the owner was accepted on 3/10/11.

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

PERMIT 96051701 WAS ISSUED FOR AN ADDITION.
THE PERMIT HAS EXPIRED DUE TO THE FACT THAT A
C.O. THAT IS REQUIRED HAS NOT BEEN ISSUED.

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

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

Case: CE09102151

4250 Galt Ocean Drive # 1A
BELLINI, GIANCARLO & BELLINI, MARIA

Certified mail sent to the owner was accepted on 3/21/11.

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

PERMIT 07021438 WAS ISSUED FOR SHUTTER
INSTALLATION.
PERMIT 07032289 WAS ISSUED FOR ELECTRICAL.
THE PERMITS HAVE EXPIRED W/O PASSING ALL REQUIRED
INSPECTIONS.

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

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

Case: CE10022438

5562 Northeast 29 Avenue
GAUDREAU, PIERRE & DANIELLE

Certified mail sent to the owner was accepted on 3/10/11.

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:
09031810 BUILDING REROOF.
00051004 MECHANICAL CHANGE OUT A/C UNIT

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

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

Case: CE11031219

400 Hendricks Isle
LANDINGS AT LAS OLAS CONDOMINIUM ASSOCIATION

Certified mail sent to the registered agent was accepted on 3/16/11.

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

THE FIRE SPRINKLER SYSTEM IS IN NEED OF SERVICE.

Complied:
NFPA 1:10.4.4

Inspector Tetreault recommended ordering compliance within 42 days or a fine of \$150 per day.

Ms. Tell found in favor of the City and ordered compliance within 42 days or a fine of \$150 per day would begin to accrue.

Case: CE11022436

510 Northwest 22 Avenue # 1
CONE, WILLIAM J & ELECTA C

Certified mail sent to the owner was accepted on 3/10/11.

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

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

NFPA 1:13.6.6.8.3.1

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

NFPA 1:11.1.2

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

MO SEC. 9-313.

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day and with the other violations within 42 days or a fine of \$150 per day.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day and with the other violations within 42 days or a fine of \$150 per day.

Case: CE11022440

513 Northwest 22 Avenue # 1
CONE, ELECTA DENISE

Service was via posting on the property on 3/15/11 and at City Hall on 3/24/11.

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

Ms. Tell found in favor of the City and ordered compliance within 105 days or a fine of \$250 per day would begin to accrue.

Case: CE11022302

529 Northwest 8 Avenue
BOGEN, ANNE & DURFEE, ROBIN

Certified mail sent to the owner was accepted on 3/11/11.

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.

Complied:

NFPA 1:13.6.6.8.3.1
NFPA 1:1.7.6.2
NFPA 1:13.6.3.10

Inspector Tetreault recommended ordering compliance within 42 days or a fine of \$250 per day.

Ms. Tell found in favor of the City and ordered compliance within 42 days or a fine of \$250 per day would begin to accrue.

Case: CE11022300

1133 Northwest 5 Street
GAINES, JOHN

Service was via posting on the property on 3/14/11 and at City Hall on 3/24/11.

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

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

MO SEC. 9-313.

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

Complied:

NFPA 1:13.6.6.8.3.1

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day, and with MO SEC. 9-313. within 42 days or a fine of \$150 per day.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day, and with MO SEC. 9-313. within 42 days or a fine of \$150 per day.

Case: CE11022429

2115 Northeast 37 Drive # 122
BANK OF NEW YORK MELLON TRSTEE

Certified mail sent to the owner was accepted on 3/14/11.

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

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

Case: CE11022431

2115 Northeast 37 Drive # 229
LUIS, ANTHONY B

Service was via posting on the property on 3/15/11 and at City Hall on 3/24/11.

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

Ms. Tell found in favor of the City and ordered compliance within 42 days or a fine of \$250 per day would begin to accrue.

Case: CE11031080

2300 Northwest 6 Street
FOEMAN, W J & FRANKIE M

Certified mail sent to the owner was accepted on 3/16/11.

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

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

Case: CE11031081

3017 Northwest 60 Street
LAVI LIMITED PARTNERSHIP
C/O MC KINNEY PROP

Certified mail sent to the owner was accepted on 3/19/11.

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

NFPA 1:13.6.6.8.3.1

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

NFPA 1:13.3.2.1

SPRINKLER PROTECTION IS REQUIRED.

Inspector Tetreault recommended ordering compliance within 105 days or a fine of \$150 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance within 105 days or a fine of \$150 per day, per violation would begin to accrue.

Case: CE11022312

3121 Southwest 13 Street
YABOR, MIGUEL & MARIBEL LOPEZ

Service was via posting on the property on 3/16/11 and at City Hall on 3/24/11.

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

NFPA 101:31.3.4.5.1

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

69A-60.0081

THIS 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.

Inspector Tetreault recommended ordering compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day and with 69A-60.0081 within 42 days or a fine of \$150 per day.

Ms. Tell found in favor of the City and ordered compliance with NFPA 101:31.3.4.5.1 within 42 days or a fine of \$250 per day and with 69A-60.0081 within 42 days or a fine of \$150 per day.

Case: CE10121416

2010 Northeast 62 Street
CITIBANK NA TRSTEE

This case was first heard on 2/17/11 to comply by 2/27/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,500 and the City was requesting the full fine be imposed.

Ms. Tell imposed the \$1,500 fine.

Case: CE10101675

2111 Northwest 28 Terrace
FERTIL, BERLANDE
FERTIL, RIBERT & JOSEPH, TERESE I

This case was first heard on 1/20/11 to comply by 2/24/11. 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.

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

Case: CE10111818

409 Northeast 3 Street
THE WAVES LLC

This case was first heard on 2/3/11 to comply by 2/17/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,400 fine, which would continue to accrue until the property complied.

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

Case: CE09071692

1608 E Broward Blvd
INCHIAN PROPERTIES LLC

This case was first heard on 1/20/11 to comply by 2/17/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,200 fine, which would continue to accrue until the property complied.

Ms. Tell imposed the \$1,200 fine, which would continue to accrue until the property complied.

Case: CE11010100

1900 North Federal Highway
THOMPSON, JANET & ANTWEILER, J L
RICKEL, JOHN L
C/O REC DEVELOPMENT

This case was first heard on 2/17/11 to comply by 2/27/11. 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.

Ms. Tell imposed the \$1,600 fine.

Case: CE11010047

5921 Northeast 18 Terrace
RYAN, JOHN
MOROZ, GERALD A

This case was first heard on 2/17/11 to comply by 2/27/11. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,800 fine, which would continue to accrue until the property complied.

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

Case: CE10062356

600 West Las Olas Boulevard
SYMPHONY TOWERS LLLP

This was a request to vacate the Order dated 8/5/10.

Ms. Tell vacated the Final Order dated 8/5/10.

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:

CE11011533	CE11012140	CE11020945	CE11021853
CE11012077	CE11011829	CE11020478	CE11020225
CE11020306	CE11021415	CE11020597	CE11020671
CE10101839	CE10081527	CE11030519	CE11030516
CE11030488	CE11030438	CE11030150	CE11030156
CE11021432	CE11022301	CE11022446	CE11022445
CE11031083	CE11022299	CE11031075	CE11031073
CE11031076	CE11022293	CE11022294	CE11022433
CE11022289	CE11022310	CE11022296	CE11022297
CE11022295	CE11022308		

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:

CE11031251	CE11022298	CE11022437	CE11022438
CE11022439	CE11022442	CE11022443	CE11022444
CE11031082	CE10110258		

There being no further business, the hearing was adjourned at **12:40 PM**.



SPECIAL MAGISTRATE

ATTEST:


Clerk, Special Magistrate