

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
FORT LAUDERDALE CITY HALL
ROSE-ANN FLYNN PRESIDING
MARCH 15, 2012
9:00 A.M. – 11:00 A.M.**

Staff Present:

Sue Manning, Secretary, Special Magistrate
Mary Allman, Secretary, Special Magistrate
Brian McKelligett, Clerk of Special Magistrate - Supervisor
Lori Grossfeld, Clerk III
Ginger Wald, Assistant City Attorney
Wanda Acquavella, Code Enforcement Officer
Mark Campbell, Code Enforcement Officer
Alejandro DelRio, Code Enforcement Officer
Dick Eaton, Senior Code Enforcement Officer
Ingrid Gottlieb, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Ron Tetreault, Fire Inspector
Ursula Thime, Senior Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer

Respondents and Witnesses

CE11122054: Catherine Malcolm, owner; Denzle Garfield, attorney; Gauane Grant, attorney for Reggae Village
CE12010670: Stephen Michael Apicello, real estate broker
CE11081122: Carolyn Vasant Rice, owner
CE12010362: George Salamon, owner
CE12010376: Mary Catherine Grace, owner; Maria Rodriguez Lewis, attorney
CE11070246: Phillip Scott Ragsdale, owner
CE11070949: Walter Gordon Campbell, attorney; George Jeffrey Day, Broward County Zoning Official; Arthur Howden Bond, neighbor; Herold Wesley Johnson, owner
CE11090937: Robert Jay Perlman, owner
CE12021166: Allyson Rae Cameron, owner'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.

Case: CE11081122

Request for extension

746 Northwest 7 Avenue
RICE, ROBERT J & CAROLYN L

This case was first heard on 9/15/11 to comply by 3/15/12. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 3/16/12.

Carolyn Vasant Rice, owner, reported the restaurant was closed and would not reopen until the building was up to code.

Ron Tetreault, Fire Inspector, recommended a 182-day extension.

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

Case: CE11070246

Request for extension

1245 Northwest 1 Avenue
RAGSDALE, PHILLIP SCOTTY

This case was first heard on 10/20/11 to comply by 1/19/12. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$650.

Ingrid Gottlieb, Senior Code Enforcement Officer, said the owner had installed new doors but had done so without permits. The frames had been changes as well and the doors still were not weather proof.

Phillip Scott Ragsdale, owner, said he had been ill and unable to perform the work. He requested a 45-day extension. Officer Gottlieb recommended 63 days.

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

Case: CE12010376

1190 Southwest 27 Avenue
SUNLIGHT INVESTMENTS INC

Certified mail sent to the owner was accepted on 2/15/12. Service was also via posting at City Hall on 3/1/12.

Karl Lauridsen, landscape Inspector, testified to the following violation:
47-21.4

REQUIRED TO OBTAIN TREE REMOVAL PERMIT FOR THREE BLACK OLIVE TREES DUE TO THE HATRACK PRUNING. THE LANDSCAPE DEPARTMENT WILL DETERMINE THE REQUIRED REPLACEMENT.

Inspector Lauridsen presented photos of the property into evidence, and explained that the trees should be removed because they presented a safety hazard after being hat-racked.

Mary Catherine Grace, owner, said the trees were healthy and had been trimmed by FPL. She objected to being required to replace three healthy trees. She presented her own photos of the trees.

Inspector Lauridsen explained that hat-racking was an indiscriminate pruning that interrupted the natural growth of a tree and caused it to be unsound.

Ms. Wald explained that the citation required a permit and the removal of the trees. Ms. Flynn said the citation did not tell her that there was a finding that the trees were hat-racked; it only told her that they needed a permit.

Ms. Flynn found for the property owner and dismissed the case.

Case: CE12010670

725 Northeast 14 Street
PPTS V CORP

Service was via posting on the property on 2/28/12 and at City Hall on 3/1/12.

Andre Cross, Code Enforcement Officer, testified to the following violation:
9-306

THE EXTERIOR WOODEN PANELS ARE DETERIORATED AND
ROTTED AND ARE NOT MAINTAINED, ALSO THE WINDOW AND
DOOR FRAMES ARE DETERIORATED AND ROTTED. THE
EXTERIOR OF THE PROPERTY IS IN GENERAL DISREPAIR.

Stephen Michael Apicello, real estate broker, said they were demolishing the property.

Officer Cross presented photos of the property and the case file into evidence, and recommended ordering compliance within 84 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 84 days or a fine of \$50 per day would begin to accrue.

Case: CE11122054

111 Northwest 2 Street
JERK MACHINE INC &
MALCOLM, CATHERINE A & DESMOND A

Certified mail sent to the owner was accepted on 2/16/12. Service was also via posting at City Hall on 3/1/12.

Dick Eaton, Senior Code Enforcement Officer, testified to the following violations:
47-20.20.E.

A PORTION OF THE PARKING FACILITY AND PARKING SPACES ARE BEING FENCED OFF AND BEING USED FOR OUTDOOR SEATING AND OUTDOOR ENTERTAINMENT. THIS IS A REPEAT VIOLATION PER CASE CE10051559 IN WHICH SPECIAL MAGISTRATE FLYN ISSUED A FINDING OF FACT ON AUGUST, 19,2010. THIS CASE WILL BE HEARD BEFORE THE SPECIAL MAGISTRATE WHETHER IT COMES INTO COMPLIANCE OR NOT.

47-34.1.A.1.

THIS BUSINESS IS PROVIDING OUTDOOR ENTERTAINMENT AND MUSIC WHICH IS NOT A PERMITTED USE IN THIS RAC-CC ZONING DISTRICT. THIS IS A REPEAT VIOLATION PER CASE CE10051559 IN WHICH SPECIAL MAGISTRATE FLYN ISSUED A FINDING OF FACT ON AUGUST, 19,2010. THIS CASE WILL BE HEARD BEFORE THE SPECIAL MAGISTRATE WHETHER IT COMES INTO COMPLIANCE OR NOT.

Officer Eaton said the case was opened as the result of a complaint. When he spoke to the owner about the violation in December, he had indicated that a section of the parking area had been blocked off for a staff Christmas party. The owner had applied for a permit for this event but it had been denied. Officer Eaton had informed the owner of the ramifications of another citation and the owner stated it would not happen again. The following Saturday, on 12/31/11 the property had been visited by Inspector Thime and she found that a section of the parking lot had been fenced off again. Officer Eaton presented photos taken on that date.

Officer Eaton said someone from the restaurant had called to ask him if a temporary fence could be erected and he had informed her that they could not block off any parking areas or have any outdoor entertainment. The caller asked what needed to be done to get approval for a change of use and he had advised her to contact the Zoning Department. He also warned the caller that they could be cited for a repeat violation if they continued the use.

Officer Eaton visited the property on 1/22/12 and noted a non-permitted sign advertising Reggae Village and posters advertising a weekend event with DJs and performers. Officer Eaton visited the property on one of the event dates, 2/4/12 and found the parking lot fenced off and loud music playing. Officer Eaton presented photos taken on that date and said he had cited the property as a repeat violation. He had visited the property on the next event date, 2/12/12 and found the same activities. He presented photos taken on that date.

On 2/19/12, Officer Eaton went to the property to post the notice of hearing and noticed new posters advertising future events through March and observed that wheel stops

had been moved in the parking area where the fence had been erected. He presented photos taken on that date. Subsequent inspections on event dates showed the events had been moved inside.

Officer Eaton requested a fine of \$1,000 per repeat violations for the dates of 2/4/12 and 2/12/12 for a total of \$12,000.

Denzle Latty, attorney, said homeless people were "invading the business" and this resulted in a "colossal loss of business." He explained that when they held permitted outdoor events, homeless people invaded the property and patrons would leave. Mr. Latty stated he had instructed his client to stop the activity in the parking area.

Gauane Grant, attorney for Reggae Village, stated they had a permit to have outdoor seating but not for entertainment. He said the entertainment was inside but the noise could be heard outside when the door was opened. Mr. Grant said the restaurant now understood that the fencing must not be erected.

Ms. Flynn found that the violation had existed as cited and imposed a total fine of \$1,000 for the two dates the property was out of compliance.

Case: CE12021166

2755 E Oakland Park Boulevard
WEK PROPERTIES LLC C/O THOMAS G SHERMAN ESQ

Certified mail sent to the owner was accepted on 2/24/12.

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

NFPA 1:13.3.3.3

CEILING TILE(S)IS/ARE MISSING/DAMAGED.

NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Complied:

NFPA 1:13.3.1.1

NFPA 25:13.6.2.1

NFPA 1:10.4.4

NFPA 1:13.3.1.1

NFPA 1:13.3.2.1

Inspector Tetreault recommended ordering compliance within 98 days or a fine of \$150 per day, per violation.

Allyson Rae Cameron, owner's representative, said she was working diligently to fix the violations.

Ms. Flynn found in favor of the City and ordered compliance within 98 days or a fine of \$150 per day, per violation.

Case: CE11070949

1701 Northwest 22 Street
JOHNSON, H W & JUNE L

This case was first heard on 10/6/11 to comply by 10/20/11 and 12/1/11. Violations were as noted in the agenda. BCZ 39-313.(c)(3) was complied on 11/23/11 and fines had accrued to \$1,650; the City was requesting the full fine be imposed. BCZ 39-313.(c)(2) was rescheduled to be heard at this hearing.

Dick Eaton, Senior Code Enforcement Officer, testified to the following violation:
BCZ 39-313.(c)(2)

THERE IS A VEHICLE SALVAGE/WRECKING YARD BUSINESS BEING CONDUCTED AT THIS M-3 ZONED PROPERTY WHICH DOES NOT HAVE THE REQUIRED SCREENING WALL ON ALL SIDES. ALL SUCH OPERATIONS SHALL BE COMPLETELY SURROUNDED BY AN OPAQUE WALL AT LEAST SIX (6) FEET IN HEIGHT, WITH OPENINGS ONLY FOR INGRESS AND EGRESS OF PEDESTRIANS AND VEHICLES. SUCH OPENINGS SHALL BE EQUIPPED WITH OPAQUE OR TRANSLUCENT GATES THE SAME HEIGHT AS THE WALL.

Ms. Wald had received a motion from the owner's attorney to set aside a Final Order and she stated the Order contained the error that a finding of fact had been made regarding BCZ 39-313.(c)(2). She recommended either amending the Order or vacating it to remove the fines accrued for BCZ 39-313.(c)(2). Ms. Flynn said she would amend the Order. Ms. Wald advised Ms. Flynn to hear the rescheduled citation for BCZ 39-313.(c)(2).

Walter Gordon Campbell, attorney, introduced Andrew Siegel, Broward County Circuit Court judge. Judge Siegel stated he had previously represented the owners in this matter. He said most of the issues had been for Code Enforcement violations that ended up in resolution. Judge Siegel stated at some point, the property had been re-zoned to M-4 by Broward County and he had attended that County Commission hearing. This zoning allowed the auto salvage business on the property.

Subsequent to the re-zoning, Judge Siegel said Code Violations had existed regarding the structure on the property and the fencing. He recalled that Code Enforcement had indicated the owners could install chain link fence with plastic privacy slats or a wood fence on the property and the owner had installed a wood fence. Judge Siegel also recalled that the owner had deeded five feet of his property to the County and he had moved the fence back to accommodate this.

Ms. Wald asked Judge Siegel about the date the zoning was changed but Judge Siegel could only say it was prior to the Governmental Center being used for the County Commission. He thought it was in the mid-1980s.

Officer Eaton said the case had been opened as the result of a complaint. He stated the property was annexed into Fort Lauderdale on 11/21/05 but it remained under Broward County zoning ordinance. It was zoned M-3 Intense Manufacturing and Industrial District, which permitted vehicle salvage and wrecking. Under CZ 39-313, the property was required to conform to revisions in the code as stated in CZ 39-313,(c)(6), which required all existing salvage or wrecking yards to comply with all requirements within two years of the effective date, by 12/31/02.

Ms. Wald advised hearing testimony from the Broward County Zoning Official regarding how the M-4 zoning had become M-3 and when this had occurred.

George Jeffrey Day, Broward County Zoning Official, explained that the County had eliminated the M-5 and M-4 zoning in 1999-2000 and put junk yards and salvage yards in the M-3 category. The junk yards had been given two years to comply with the new requirements. Mr. Day said in 2004 a violation had been sent to the property indication the site was not one acre (one of the new requirements). He said the owners were trying to prove it was an acre when the property was annexed into Fort Lauderdale and out of Broward County's jurisdiction and they had administratively closed their case. Mr. Day said he no longer had the records to show the owner and the business had received notice of the violations. He stated he had met with the property owner's attorney and the county attorney regarding this.

Mr. Day confirmed for Ms. Wald that the change in zoning was advertised in a newspaper per ordinance. Mr. Day presented copies of the Broward County ordinances showing changes to the zoning and that the M-4 zoning was repealed in 2000. He confirmed that prior to the annexation into Fort Lauderdale in 2005, the property was zoned M-3.

Ms. Flynn asked if fencing was one of the requirements of the zoning change. Mr. Day said there were approximately six items junk yards were required to comply with or they would have to relocate, but all junk yards had been annexed into other cities before any case was resolved.

Mr. Campbell said the property was in compliance at that time because of an agreement with Broward County that Judge Siegel mentioned.

Ms. Flynn stated she wanted to see the items Mr. Day referred to with which junk yards were required to comply and Ms. Wald presented them. Ms. Wald also presented a copy of the repeal of the M-4 zoning code.

Mr. Campbell reiterated that the property was in compliance with all Broward County ordinances and Mr. Day stated it was not in compliance because the property was not one acre, and it had been cited for this. He said they had not pursued other violations because of that fact.

Herold Wesley Johnson, property owner, said they had owned the property since 1968 and had operated a wrecker service on the property for 20 years. He said in the late 1980s the Broward County Zoning Official had informed him that they must do certain things regarding a junk yard license. He had tried unsuccessfully to get neighboring properties to petition to increase the zoning from M-3 to M-4. Mr. Johnson said he had petitioned for his own property and in 1989 the Broward County Commission granted his petition for M-4 zoning. At that time, he had also given five feet from the front of the property to qualify for the M-4 zoning.

Mr. Johnson presented a Certificate of Occupancy dated 3/14/1990 indicating the property was zoned M-4. He stated the building configuration did not reflect County records, so he had an engineer create as-built plans and the property had been brought into compliance. When the property was inspected, he had been informed that the fence did not comply and he must install screening in the fence, or install a concrete wall or a wood fence. Mr. Johnson had installed a wood fence. In the early 2000s, he had moved the fence back and he had installed opaque PVC fence. The County also wanted landscaping around the fence and he said there was concrete where the plants should be located. The County had advised him to "get a landscape architect to say that it's not a good venture to ... try to put plants in a junk yard." He said he had received this notification and Broward County had "released us from it...we put that PVC fence across the front and that was the last I heard of it." He stated he had never received notification regarding a letter sent to one of the tenants.

Mr. Johnson said the property had been in compliance when it was annexed into Fort Lauderdale in 2005.

Mr. Eaton presented photos and said there were several fence styles around the property.

Mr. Eaton confirmed for Mr. Campbell that this case was begun as a result of a neighbor's complaint. He said Fort Lauderdale had not been notified at the time the City annexed the property that the fence was not in compliance.

Arthur Howden Bond, neighbor, said the fencing was damaged and the perimeter wall comprised plastic tarps, chain link and wood fencing and was an eyesore. He said the complaint had originated because the public street in front of the property was being used as a loading/unloading area for the junk yard.

Ms. Wald read from BCZ 39-313. which stated that salvage and wrecking yards must be surrounded by an opaque wall at least six feet in height, and this must be accomplished

by 12/31/2002. She explained that the Broward County zoning code still applied to this property and would until Fort Lauderdale completed rezoning in this area.

Mr. Campbell said the City also inherited Broward County's permission for this fence to comply with the Broward County ordinance. It was therefore in compliance now.

Ms. Flynn said the code indicated the fence must be opaque and she noticed this was not the case for the entire fence. Ms. Wald said the ordinance actually said this must be an opaque wall, not a fence.

Mr. Campbell stated this was an estoppel argument and making the owner go through the expense of complying with the City's citation was wrong.

Ms. Flynn said after the agreement, the zoning and the requirements for that zoning had changed. She asked if the County was not entitled to do so. Mr. Campbell said the property complied with these changes also. Ms. Flynn referred specifically to the "wall" requirement and Mr. Campbell read a definition of the word "wall." Ms. Flynn said she could not find that a concrete wall was required because that was not specifically stated in the ordinance. But she felt it was clear that the County requirement called for an opaque barrier, and she did not see that in the photos. Ms. Wald agreed the ordinance did not say concrete, but it did say it must be opaque and it must be six feet.

Ms. Wald said the issue for Ms. Flynn to decide was whether there was a violation and to apply the law. She said she should take Mr. Campbell's estoppel argument into consideration as well. Ms. Wald said Ms. Flynn should also decide if the fence constituted an "opaque wall."

Ms. Lynn ruled that Mr. Johnson did not have to install a cement wall, and that based on the photos, the fence was not opaque. She would give the owner 98 days to bring the property into compliance.

Ms. Wald clarified that Ms. Flynn had found the violation existed as cited and ordered the owner to come into compliance within 98 days or a fine of \$5 per day would begin to accrue.

Regarding the Massey hearing for BCZ 39-313.(c)(3), Ms. Wald requested administrative costs of \$260.

Officer Eaton submitted the case file and photos into evidence.

Ms. Flynn imposed a \$260 fine for BCZ 39-313.(c)(3).

Case: CE11090937

1720 Southwest 35 Avenue
PERLMAN, ROBERT

This case was first heard on 1/19/12 to comply by 1/29/12. 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.

Robert Jay Perlman, owner, reported the house was in foreclosure and he could not afford to put the pool in working order. He stated there was a sale date of June 6.

Alejandro DelRio, Code Enforcement Officer, recommended imposition of the fines.

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

Case: CE12010400

1321 Southwest 22 Terrace
KHOURY, MICHELLINE

Certified mail sent to the owner was accepted on 2/15/12. Service was also via posting at City Hall on 3/1/12.

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

THE POOL ON THIS VACANT 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 said a worker on the property had informed him the property would be demolished. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day.

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

Case: CE12011321

2149 Northeast 56 Place
SCHMIDTKE, DONNA

Service was via posting on the property on 2/21/12 and at City Hall on 3/1/12.

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

THERE IS GRASS/PLANT/WEED OVERGROWTH, TRASH,
RUBBISH AND DEBRIS ON PROPERTY.

Officer Rich 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: CE12010362

1124 Northwest 5 Avenue
SALAMUN, GEORGE S

Service was via posting on the property on 2/15/12 and at City Hall on 3/1/12.

Violation:
9-280(b)

THERE IS A WINDOW IN THE REAR OF THIS DUPLEX,
THAT HAS BROKEN AND MISSING GLASS.
THERE IS A WINDOW IN THE FRONT THAT HAS
DUCT TAPE ALL AROUND IT, AND DOES NOT
APPEAR TO CLOSE PROPERLY.

The City had a stipulated agreement with the owner to comply within 56 days or a fine of \$25 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 56 days or a fine of \$25 per day would begin to accrue.

Case: CE12010916

1420 E Sunrise Blvd
FIRST NATL BANK FT LAUD TR P-654
C/O STAR ENTERPRISE TAX DEPT

Service was via posting on the property on 2/24/12 and at City Hall on 3/1/12.

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

THERE IS RUBBISH TRASH AND DEBRIS STORED BEHIND
THE BUILDING AT THIS GAS STATION, IT CONSISTS OF
BUT IS NOT LIMITED TO A DISCARDED TOILET, A
BATHROOM SINK, BROKEN SODA MACHINES, WOOD PIECES,

BUCKETS, ETC. THERE IS SMALL LITTER ON THE PARKING LOT.

Officer Thime 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: CE12011003

3223 Northeast 40 Street
BURTON, PAUL PARRA, CECILIA

Service was via posting on the property on 2/11/12 and at City Hall on 3/1/12.

Ursula Thime, Senior Code Enforcement Officer, testified to the following violation:
18-7(a)

THE BUILDING ON THIS PROPERTY IS VACANT WITH
BROKEN, MISSING OR UNSECURED DOORS, WINDOWS OR
OTHER OPENINGS ALLOWING UNAUTHORIZED ACCESS TO THE
INTERIOR.

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

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

Case: CE12011034

3223 Northeast 40 Street
BURTON, PAUL PARRA, CECILIA

Service was via posting on the property on 2/11/12 and at City Hall on 3/1/12.

Ursula Thime, Senior Code Enforcement Officer, testified to the following violation:
18-11(b)

THE SWIMMING POOL LOCATED AT THE BACK OF THIS
UNOCCUPIED PROPERTY HAS STAGNANT WATER, TRASH,
DEBRIS AND ALGAE.
THE POOL IN THIS CONDITION IS A BREEDING GROUND
FOR MOSQUITOES AND HAS BECOME A PUBLIC NUISANCE.

Officer Thime 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: CE12021165

2323 Northwest 19 Street # 2
19 STREET MEDICAL CENTER INC

Certified mail sent to the owner was accepted on 2/24/12.

Ron Tetreault, Fire Inspector, testified to the following violation:
MO Sec. 9-313.

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

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

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$150 per day.

Case: CE12021173

17 S Ft Laud Beach Blvd
THOR GALLERY AT BEACH PLACE LLC
THOMPSON C/O K FAHEY

Certified mail sent to the owner was accepted on 2/24/12.

Ron Tetreault, Fire Inspector, testified to the following violations:
NFPA 1:10.4.4

THE FIRE ALARM SYSTEM HAS NOT BEEN TESTED, INSPECTED
AND/OR TAGGED IN ACCORDANCE WITH THE CODE.

F-21.1.3

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

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

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$250 per day, per violation.

Case: CE12021443

1050 Northeast 5 Terrace
RINKER MATERIALS CORP
ATTN: GENICE DINNERMAN-PBR TEAM

Certified mail sent to the owner was accepted on 2/24/12. Service was also via posting at City Hall on 3/1/12.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:1.7.6.1

UNABLE TO GAIN ENTRY TO PERFORM A FIRE SAFETY INSPECTION.

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

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$150 per day.

Case: CE12021444

644 Northwest 13 Terrace
WILLIAMS MEMORIAL CME CHURCH

Certified mail sent to the owner was accepted on 2/24/12. Service was also via posting at City Hall on 3/1/12.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:1.7.6.1

UNABLE TO GAIN ENTRY TO PERFORM A FIRE SAFETY INSPECTION.

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

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$150 per day.

Case: CE12011951

1049 Wyoming Avenue
BARNES, BERNICE

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

THE POOL AT THIS OCCUPIED PROPERTY IS PARTIALLY COVERED AND FILLED WITH GREEN STAGNANT WATER. THE POOL IN THIS CONDITION ENDANGERS THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORING PROPERTIES.

Officer Bass 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: CE12021450

2880 Northeast 32 Street # 4
ESPOSITO, JOSEPH A & CAPONIGRO, CARLO

Certified mail sent to the owner was accepted on 2/24/12. Service was also via posting at City Hall on 3/1/12.

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 101:31.3.4.5.1.

Complied:

FL Admin Code 69A-60.0081
MO Sec. 9-313.

Inspector Tetreault recommended ordering compliance within 98 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 98 days or a fine of \$250 per day.

Case: CE12021452

2880 Northeast 32 Street # 6
OLIVER, GARY LEE

Certified mail sent to the owner was accepted on 2/24/12. Service was also via posting at City Hall on 3/1/12.

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 101:31.3.4.5.1.

Complied:

FL Admin Code 69A-60.0081
MO Sec. 9-313.

Inspector Tetreault recommended ordering compliance within 98 days or a fine of \$250 per day.

Ms. Flynn found in favor of the City and ordered compliance within 98 days or a fine of \$250 per day.

Case: CE09080157

661 E Melrose Cir
DUPEROUX, JOSEPH

This case was first heard on 11/17/11 to comply by 12/15/11. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,225 and the City was requesting no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE11111266

1416 Southwest 9 Street
CORTEK, LARRY

This case was first heard on 1/19/12 to comply by 2/2/12. 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: CE11092072

1000 Northwest 52 Street
US PAVERS & SUPPLIERS INC

This case was first heard on 1/19/12 to comply by 2/2/12. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$4,100 fine, which would continue to accrue until the property complied.

Case: CE11110561

2025 E Sunrise Blvd
BROWARD LAND HOLDINGS LLC

This case was first heard on 1/19/12 to comply by 2/2/12. 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: CE11110988

2751 Northeast 55 Street
BRESSLOER, ELLIOT & SUSAN

This case was first heard on 1/19/12 to comply by 2/2/12. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,100 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$4,100 fine, which would continue to accrue until the property complied.

Case: CE11111017

2751 Northeast 55 Street
BRESSLOER, ELLIOT & SUSAN

This case was first heard on 1/19/12 to comply by 2/2/12. 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. Flynn imposed the \$1,025 fine, which would continue to accrue until the property complied.

Cases Complied

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:

CE12011160	CE11080821	CE12011685	CE11050540
CE11121256	CE11111767	CE12010318	CE12010727
CE12012188	CE12011058	CE12011478	CE11121252
CE11111924	CE12010735	CE12011760	CE12011953
CE12020029	CE12020168	CE12021152	CE12021155
CE12021160	CE12021162	CE12021161	CE12021169
CE12021172	CE12021442	CE12021446	CE12021448
CE12021449	CE12021451	CE12021454	CE12021455
CE12021456	CE12021457	CE12021445	CE12021458

Cases Withdrawn

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:

CE11091843	CE11120895	CE12010122
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There being no further business, the hearing was adjourned at **11:00 AM**.


Special Magistrate

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services