

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
FORT LAUDERDALE CITY HALL
ROSE-ANN FLYNN PRESIDING
AUGUST 16, 2012
9:00 A.M. – 10:23 A.M.**

Staff Present:

Brian McKelligett, Clerk of Special Magistrate – Supervisor
Dee Paris, Administrative Aide
Mary Allman, Secretary, Special Magistrate
Lori Grossfeld, Clerk III
Erin Saey, Clerk III
Jeri Pryor, Clerk of Special Magistrate Supervisor
John Gossman, Code Enforcement Supervisor
Skip Margerum, Code Enforcement Supervisor
Ginger Wald, Assistant City Attorney
Greg Brewton, director of Sustainable Development
Wanda Acquavella, Code Enforcement Officer
Stephanie Bass, Code Enforcement Officer
Andre Cross, Code Enforcement Officer
Dick Eaton, Senior Code Enforcement Officer
Adam Feldman, Code Enforcement Officer
Ingrid Gottlieb, Code Enforcement Officer
Todd Hull, Code Enforcement Officer
George Oliva, Building Inspector
Wilson Quintero, Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Ron Tetreault, Fire Inspector
Ursula Thime, Senior Code Enforcement Officer
Salvatore Viscusi, Code Enforcement Officer
Aretha Wimberly, Code Enforcement Officer

Respondents and Witnesses

CE12061853; CE12061854: Sharon Bryant, property manager
CE12031713: Raphael Bain, owner
CE12051447: Eduardo Contreras, owner
CE12051621: Tal Hen, owner
CE12032603: Frannix Jean-Mary, owner's husband
CE12020536: Waltraud Pawlik, owner
CE12050372: Roberto Berrios, owner
CE12061463: Alan Gabriel, attorney; Emily Scott, court reporter; Gregory Boardman, property manager
CE12032250: Agnes Rosalee Brown, owner

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: CE12061853

429 Northwest 9 Avenue
NEW MOUNT OLIVE MISSIONARY BAPTIST CHURCH INC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

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.

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

Sharon Bryant, property manager, agreed to comply.

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

Case: CE12061854

437 Northwest 9 Avenue
NEW MOUNT OLIVE MISSIONARY BAPTIST CHURCH INC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

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.

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

Sharon Bryant, property manager, agreed to comply.

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

Case: CE12032250

2824 Southwest 4 Court
DURHAM, AGNES R

Service was via posting on the property on 7/20/12 and at City Hall on 8/2/12.

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

THERE IS A BROWN VAN WITH AN EXPIRED DECAL BEING
STORED ON THE PROPERTY.

Officer Bass 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.

Agnes Rosalee Brown, owner, said she was unable to renew her driver's license until she got her birth certificate and she could not register her cars without one. She explained that she used the van for storage. Ms. Brown said it would take months to get her birth certificate. She requested 60 days.

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

Case: CE12051621

724 Northwest 3 Street
RH INVESTMENTS PROPERTIES LLC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

Andre Cross, Code Enforcement Officer, testified to the following violations:
9-280(b)

THE FLOORS ARE NOT STRUCTURALLY SOUND. THE FLOOR
IS CAVING IN AREAS AND THE FLOOR TILE ARE
BROKEN UP IN THE BATHROOM CAUSED BY THE
DETERIORATING OF THE FLOORS.

9-280(f)

THERE IS RAW SEWAGE BACKING UP ABOVE GROUND ON THE
EAST SIDE OF THE PROPERTY.

9-306

THE SIDE WOODEN PANELS ON THE EXTERIOR OF THE
BUILDING ARE ROTTED AND ARE DETERIORATED. ALSO THERE ARE
AREAS OF PEELING AND CHIPPED PAINT ON THE BUILDING.

9-307(a)

THE DOORS ARE IN NEED OF WEATHER STRIPPING AND
THERE ARE GAPS AND THE DOORS ARE NOT WEATHER TIGHT.

ALSO THE DOOR FRAMES ARE ROTTED AND ARE IN GENERAL DISREPAIR.

Withdrawn:
FBC 105.1

Tal Hen, owner, stated the property was sound until the tenant moved in. She had not paid rent since moving in and there were many people living in the house. He said the tenant had been evicted and he would make the repairs as Officer Cross directed. He requested 90 days.

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

Ms. Flynn found in favor of the City and ordered compliance with 9-280(f) within 10 days or a fine of \$25 per day and with the remaining violations within 49 days or a fine of \$25 per day, per violation would begin to accrue.

Case: CE12061463

1600 Northeast 4 Avenue
SCHOOL BOARD OF BROWARD COUNTY

Certified mail sent to the owner was accepted on 7/30/12. Personal service was also made on 7/26/12.

Adam Feldman, Senior Code Enforcement Officer, testified to the following violation:
47-24.1.B.

MULTIPLE DEVELOPMENT HAS TAKEN PLACE WITHOUT FIRST OBTAINING DEVELOPMENT REVIEW COMMITTEE APPROVAL FROM THE CITY IN ACCORDANCE WITH THIS SECTION. BASED ON THE IRREVERSIBLE CHARACTER OF THE VIOLATION, THIS CASE WILL BE PRESENTED TO A SPECIAL MAGISTRATE, REGARDLESS IF THE PROPERTY IS BROUGHT INTO COMPLIANCE BEFORE THE HEARING OR NOT. IF THE SPECIAL MAGISTRATE FINDS A VIOLATION TO BE IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY IMPOSE A FINE NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00) PER VIOLATION.

Withdrawn:
47-21.12 A.1.

Alan Gabriel, attorney for the school Board, said he had filed a motion to dismiss with the City Attorney. He explained there was a process in place dictating how schools could be modified and built. There was also an interlocal agreement that provided for the process to improve school property. Mr. Gabriel stated there was no basis to

require the school district to apply for site plan approval. He agreed work was being done at the school.

Regarding the trees, Mr. Gabriel said the school district had secured the proper tree permits from Broward County and that violation had been withdrawn. He stated they had also secured the needed permits for the work being done. He requested that his letter regarding the motion to dismiss be submitted into evidence, as well as another publication from the City.

Mr. Brewton said this was about the development review process, which the City believed was necessary under City guidelines. Mr. Gabriel stated the School Board was exempt from those guidelines. He explained that the school board had met with the City to review work being done from the beginning. Mr. Gabriel indicated the Code Violation was offensive and the fact that the City was asking for \$15,000 "just adds fuel to the fire." He stated he had tried to work to resolve this, but his efforts had been rebuffed. Mr. Gabriel insisted this was not the right venue for this discussion.

Ms. Wald said her office had not been asked for an opinion so she had no position to express.

Ms. Flynn requested the language in the ordinance that dictated the review process. Mr. Gabriel explained this language was in the interlocal agreement, not in an ordinance. The review noted in the agreement had nothing to do with the DRC program that other property owners were required to participate in. He agreed to provide Ms. Flynn with the pertinent sections of the interlocal agreement.

Mr. Gabriel stated the school board was concerned about this setting a precedent that would allow any municipality to dictate and demand, outside the law, that the school district submit to site plan review before work was conducted on school sites.

Mr. Brewton agreed the school board did not need to go through the City's permitting process. He said the review process the City was seeking was for various disciplines to review the site plan. He said what had been presented to the City were renderings, not a site plan that could describe the impact of the development. The City could not require the school board to make changes based on the review, but it could suggest changes and work on a compromise. Mr. Brewton had asked the school board to agree to conform to the Development Review Committee process for all future development.

Mr. Gabriel noted the design and construction work had been going on since 2005. He drew Ms. Flynn's attention to a section of his letter referring to Section 1013.33(9), which, stated, "Local government review or approval is not required for a proposed renovation or construction on existing school sites."

Officer Feldman submitted the case file into evidence.

Ms. Flynn agreed to take the case under advisement and rule shortly. The following day, August 17, 2012, Ms Flynn gave her ruling; she hereby granted the respondent's motion to dismiss and dismissed the case in its entirety.

Case: CE12050372

1227 Northwest 5 Avenue
BERRIOS, ROBERTO J

Service was via posting on the property on 7/24/12 and at City Hall on 8/2/12.

Ingrid Gottlieb, Senior Code Enforcement Officer, testified to the following violation:
47-20.20.H.

THE PARKING LOT OF THIS RENTAL DUPLEX IS IN
DISREPAIR. THERE ARE LARGE POTHOLES, DIRT AND
DEBRIS.

Complied:
9-313(a)

Officer Gottlieb said the owner questioned whether the potholes in the swale were his responsibility, and she had informed him that they were. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$50 per day.

Roberto Berrios, owner, asked Ms. Flynn if he was responsible to repair the potholes in the swale area, which he felt were part of the street, not his property. He stated the City had done street construction that he felt led to weakening of the paving in the swale. Ms. Flynn confirmed that Mr. Berrios was responsible for the swale area.

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: CE12032603

1045 Northwest 5 Avenue
DARGENSON, YVENOLINE

Service was via posting on the property on 7/24/12 and at City Hall on 8/2/12.

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

THE GARAGE DOORS ARE IN DISREPAIR. THEY ARE
FALLING APART, AND HAVE DIRTY AND PEELING PAINT.

9-280(h)(1)

THE CHAIN LINK FENCE IS IN DISREPAIR. THERE ARE

LEANING AND BENT POSTS, AND BENT TOP RAIL.

Complied:
18-12(a)
47-20.20.H.

Officer Gottlieb said there were permits in place to enclose the garage, which would comply the problems.

Frannix Jean-Mary, the owner's husband, said he had removed the fence. He stated the plans were with the architect to make the corrections. Mr. Jean-Mary requested 90 days.

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

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

Case: CE12031713

528 Northwest 8 Avenue
BAIN, RAPHAEL

This case was first heard on 6/7/12 to comply by 7/12/12. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,700 fine, which would continue to accrue until the property complied.

Raphael Bain, owner, said he was trying to fix the fence. He requested a 30-day extension.

Andre Cross, Code Enforcement Officer, suggested a 49-day extension.

Ms. Flynn granted a 49-day extension during which time no fines would accrue.

Case: CE12020536

1221 Northeast 1 Avenue
PAWLIK, WALTRAUD

This case was first heard on 6/7/12 to comply by 7/5/12. 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.

Waltraud Pawlik, owner, requested additional time to clean the carport.

Ingrid Gottlieb, Senior Code Enforcement Officer, said the case had begun pursuant to a neighbor's complaint and very little progress had been made. She added that an unpermitted structure had been put up in the yard recently.

Ms. Flynn granted a 35-day extension during which time no fines would accrue.

Case: CE12050288

6721 Northwest 26 Way
ZOELLER, BEVERLY A & WEBER, ERICA

Service was via posting on the property on 7/11/12 and at City Hall on 8/2/12.

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

THE SCREEN ENCLOSURE SURROUNDING THE FRONT PORCH
ON THIS PROPERTY IS IN DISREPAIR AND HAS
RIPPED/TORN SCREENS PRESENT.

Officer Viscusi said the property was in foreclosure but the owner was renting it out. 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.

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: CE12050646

1613 Northwest 15 Court
FILES, LILLIE B EST

Certified mail sent to the owner was accepted on 7/26/12.

Wilson Quintero, Code Enforcement Officer, testified to the following violation:
9-308(a)

THERE IS A ROOF IN DISREPAIR ON THIS SFR DWELLING,
BLUE TARP IS COVERING THE ROOF.

Officer Quintero presented photos of the property and the case file into evidence. He said he had spoken with the owner and agreed to recommend ordering compliance within 189 days or a fine of \$25 per day.

Ms. Flynn found in favor of the City and ordered compliance within 189 days or a fine of \$25 per day would begin to accrue.

Case: CE12051447

615 Northeast 5 Avenue
CONTRERAS, EDUARDO B & DIANA

This case was first heard on 6/21/12 to comply by 7/1/12. 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.

Eduardo Contreras, owner, said a former tenant had not tended to the pool because he was ill and the subsequent tenant had not taken care of it either. Mr. Contreras had a difficult time finding his own pool service because this was an undesirable neighborhood, but the current company was performing well and the pool was in very good condition now.

Aretha Wimberly, Code Enforcement Officer, said the owner had not taken responsibility for the pool for over a year. She recommended imposition of the full fine.

Ms. Flynn imposed a \$300 fine.

Case: CE12060540

3317 Northeast 15 Street
TANTIKIJ, TARN

Service was via posting on the property on 7/29/12 and at City Hall on 8/2/12.

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

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

Officer Eaton said the case was begun pursuant to a neighbor's complaint. 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: CE12020048

1611 Northeast 15 Avenue
STEINER, JOSEPH G

Service was via posting on the property on 7/30/12 and at City Hall on 8/2/12.

Adam Feldman, Senior Code Enforcement Officer, testified to the following violation:
9-306

THE EXTERIOR OF THE BUILDING IS IN DISREPAIR, IN THAT THERE ARE AREAS OF THE EXTERIOR WALLS/DOORS, THAT ARE DIRTY OR HAVE MISSING/PEELING PAINT.

Complied:

18-12(a)

9-305(a)

9-313(a)

Officer Feldman said the case was begun pursuant to a complaint. 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.

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: CE12030336

1998 E Sunrise Blvd
E SUNRISE LLC

Certified mail sent to the owner was accepted on 7/24/12.

Ursula Thime, Senior Code Enforcement Officer, testified to the following violations:
47-19.4.D.6.

THE HARD SURFACE, WHICH SERVES AS A SERVICE ACCESS DRIVE FOR THE PURPOSE OF EMPTYING TWO BULK CONTAINERS HAVE DETERIORATED. IT HAS POT HOLES, IT IS UNEVEN AND NOT MAINTAINED.

9-306

THE EXTERIOR WALLS OF THE BUILDING ARE DIRTY, HAVE PEELING PAINT AND THE WALLS ARE NOT MAINTAINED IN AN ATTRACTIVE MANNER.

Withdrawn:

47-19.4.C.2.

Officer Thime said the owner had requested two months. She 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. Flynn 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: CE12041533

1305 Northwest 7 Terrace
1305 INVESTMENTS LLC

Certified mail sent to the owner was accepted on 7/24/12.

Ingrid Gottlieb, Senior Code Enforcement Officer, testified to the following violations:
47-21.8.A.

THE ENTIRE FRONT YARD IS GRAVEL, AND THERE IS NO
LIVING GROUND COVER.

9-304(b)

THERE ARE AREAS OF THE PARKING SURFACE, THAT
ARE MISSING SUFFICIENT GRAVEL, SO THAT THERE IS A
LARGE AMOUNT OF DIRT SHOWING.

Officer Gottlieb 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, per violation.

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

Case: CE12011288

1100 Southwest 4 Avenue
LETO, BETHANY M & LETO, PETER J JR

Violation:

47-19.1 D.

THERE IS A CAR CANOPY ERECTED IN THE FRONT YARD
SETBACK OF THIS RESIDENTIAL PROPERTY. THIS
ACCESSORY STRUCTURE DOES NOT CONFORM TO FRONT YARD
RESTRICTIONS FOR THIS RESIDENTIAL BUILDING ZONED
RD-15 AS PER TABLE 47-5.32.

Complied:

47-34.1.A.1.

The City had a stipulated agreement with the owner to comply within 35 days 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 35 days or a fine of \$50 per day would begin to accrue.

Case: CE12061252

18 Southeast 11 Street
WEAVER, VICTOR L

Service was via posting on the property on 7/24/12 and at City Hall on 8/2/12.

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

18-11(b)

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

Officer Hull 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: CE12040741

709 Southeast 11 Court
FEDERAL NATIONAL MORTGAGE ASSN

Certified mail sent to the owner was accepted on 7/26/12.

Todd Hull, Code Enforcement Officer, testified to the following violations:

9-306

THERE IS PEELING AND CHIPPING PAINT ON THE
EXTERIOR OF THE STRUCTURE. THE SOFFIT AND FASCIA
ARE DETERIORATED AND IN DISREPAIR.

9-308(b)

THERE IS A TARP COVERING THE MAJORITY OF THE ROOF
SURFACE ON THE STRUCTURE AT THIS LOCATION. THE
TARP IS NOT A PERMANENT PART OF THE BUILDING OR A
FUNCTIONAL ELEMENT OF ITS MECHANICAL OR ELECTRICAL
SYSTEM AND IS NOT PERMITTED.

Officer Hull presented photos of the property and the case file into evidence. He stated he had spoken with the bank property manager and agreed to recommend ordering compliance within 35 days or a fine of \$50 per day, per violation.

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

Case: CE12070209

2836 Southwest 3 Court
WALDEN, WILLIE JAMES JR

Certified mail sent to the owner was accepted on 7/28/12.

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

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

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: CE12020626

2440 Northwest 31 Avenue
HANOY HOLDINGS 8 INC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

George Oliva, Building Inspector, testified to the following violation:
FBC(2007) 105.10.3.1

FENCE PERMIT# 11062271, AND WINDOWS PERMIT#
11062273 BOTH WERE LEFT TO EXPIRED WITHOUT
INSPECTIONS.

Withdrawn:
FBC(2007) 109.10

Inspector Oliva 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: CE12040521

2340 Northwest 15 Court
BRADLEY, J D JR & ALYCE

Certified mail sent to the owner was accepted on 7/24/12.

George Oliva, Building Inspector, testified to the following violation:
FBC(2010) 105.11.2.1

THE FOLLOWING ADDITION PERMITS ARE EXPIRED
07020781 BUILDING
07020782 PLUMBING
07020785 MECHANICAL
07020786 ELECTRICAL
07020788 ROOF
07050645 SHUTTERS

Withdrawn:
FBC(2010) 110.9

Inspector Oliva 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: CE12061826

3115 Terramar Street
SUNSCAPE GROUP LLC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

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.

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

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

Case: CE12061849

2701 Northeast 49 Street
J&E FLORIDA HOLDINGS LLC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

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

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

Complied:
FL Admin Code 69A-60.0081
NFPA 1:1.7.6.2

Inspector Tetreault recommended ordering compliance within 63 days or a fine of \$150 per day.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$150 per day would begin to accrue.

Case: CE12061858

700 Southeast 3 Avenue # 200
CBSA LAW PLAZA LLC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

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 would begin to accrue.

Case: CE12061859

700 Southeast 3 Avenue
CBSA LAW PLAZA LLC

Certified mail sent to the owner was accepted on 7/24/12 and certified mail sent to the registered agent was accepted on 7/24/12.

Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:18.2.2.1

ACCESS TO OR WITHIN THE STRUCTURE OR AREA IS DIFFICULT
BECAUSE OF SECURITY.

Complied:
NFPA 1:13.1.4

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 would begin to accrue.

Case: CE12070725

3104 Northeast 9 Street
KAPLAN FAMILY INVESTMENTS LLC
PIROFSKY FAMILY INVESTMENTS LLC

Certified mail sent to the owner was accepted on 7/25/12 and certified mail sent to the registered agent was accepted on 7/25/12.

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.

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

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

Case: CE12070733

1220 Southwest 26 Street
GREEN ARBOR MANAGEMENT CORP

Certified mail sent to the owner was accepted on 7/31/12 and certified mail sent to the registered agent was accepted on 7/25/12.

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

NFPA 1:1.12.1

WORK REQUIRES A PERMIT.

NFPA 1:10.11.6

A(AN) HIBACHI, GRILL, OR OTHER SIMILAR DEVICE(S) USED FOR
COOKING, HEATING, OR ANY OTHER PURPOSE IS BEING USED OR
KINDLED ON A BALCONY, UNDER AN OVERHANGING PORTION, OR
WITHIN 10 FT (3 M) OF A STRUCTURE.

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

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

Case: CE12070739

2600 Southwest 12 Terrace
THABILE PROPERTIES LLC

Certified mail sent to the owner was accepted on 8/10/12 and certified mail sent to the registered agent was accepted on 8/10/12.

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

FL Admin Code 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.

NFPA 1:11.1.10

THERE IS/ARE MISSING ELECTRICAL COVER(S).

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

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

Case: CE12070426

1105 NW 6 Ave
ARCHDIOCESE OF MIAMI DIVINE
MERCY HAITIAN MISSION

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

NFPA 101:13.1.7.1

APPROVED MAXIMUM CAPACITY CALCULATIONS ARE NOT PROVIDED.

Complied:

NFPA 1:14.4.1

NFPA 1:1.7.6.2

NFPA 1:10.4.4

NFPA 1:13.6.9.3.1.1.1

NFPA 101:7.9.2.1

NFPA 1:11.1.10

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$150 per day.

Ms. Flynn found in favor of the City and ordered compliance within 91 days or a fine of \$150 per day would begin to accrue.

Case: CE12040809

713 Northwest 4 Avenue
ILAN PROFESSIONAL DESIGN INC

This case was first heard on 6/21/12 to comply by 7/5/12. Violations were as noted in the agenda. The property was complied and the City was requesting imposition of the full \$3,200 fine

Ms. Flynn imposed the \$3,200 fine.

Case: CE12041466

3021 Northeast 41 Street
RIVERNIDER, DARRYL

This case was first heard on 6/21/12 to comply by 7/5/12. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,700 and the City was requesting no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE12042100

2790 Southwest 2 Street
BROWNING, RANDALL

This case was first heard on 6/21/12 to comply by 7/5/12 and 7/26/12. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,050 fine, which would continue to accrue until the property complied.

Ms. Flynn imposed the \$3,050 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:

CE12061335	CE12052059	CE12061740	CE12030517
CE12061754	CE12061556	CE12070484	CE12070765
CE12031468	CE12042121	CE12050152	CE12061441
CE12061757	CE12061822	CE12061824	CE12061825

CE12061827	CE12061850	CE12061851	CE12061852
CE12061855	CE12061856	CE12061857	CE12070416
CE12070418	CE12070421	CE12070423	CE12070726
CE12070727	CE12070728		

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:

CE12060191

Cases Rescheduled

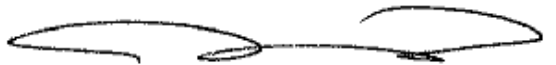
The below listed cases had been rescheduled. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE12040202 CE12040498 CE12040647

There being no further business, the hearing was adjourned at **10:23 AM**.


Special Magistrate

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperlee, Prototype Services