

**SPECIAL MAGISTRATE HEARING
CITY COMMISSION MEETING ROOM
FORT LAUDERDALE CITY HALL
MARK PURDY PRESIDING
FEBRUARY 21, 2013
9:00 A.M. – 9:49 A.M.**

Staff Present:

Mary Allman, Secretary, Special Magistrate
John Gossman, Code Enforcement Supervisor
Lori Grossfeld, Clerk III
Peggy Burks, Clerk III
Erin Saey, Clerk III
Ginger Wald, Assistant City Attorney
Bridget Patterson, Admin Aide
Wanda Acquavella, Code Enforcement Officer
Stephanie Bass, Code Enforcement Officer
Dick Eaton, Senior Code Enforcement Officer
Ingrid Gottlieb, Senior Code Enforcement Officer
Jorg Hruschka, Building Inspector
Karl Lauridsen, Landscape Inspector
George Oliva, Building Inspector
Stephen Rogers, Fire Inspector

Respondents and Witnesses

CE12081968: Russell Bellew, owner
CE12120706: Omingue Paul; Michelet Delcine Corisin
CE11101981: Sean Frampton, owner
CE12051135: Johnny Taylor, contractor
CE10042206: Stephanie Peterson, property manager; Clinton Becker, maintenance supervisor
CE12080606: Octavio Rueda, property manager
CE13011365: Edwin Rommel Johnson, owner
CE12101550: Norbert Keim, owner
CE12110674: Robert Villa, owner
CE13010758: Michael Dietzen, owner
CE13010136: Flor Morales, 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: CE13011365

845 E Dayton Cir
JOHNSON, EDWIN R & CHANDRAL V

Certified mail sent to the owner was accepted on 1/29/13.

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

THERE IS A GREEN ESCALADE FL TAG MAM 627
EXPIRED DECAL 09/12, WHITE ECONOLINE VAN
EXPIRED DECAL FL TAG PA3 76G 04/12 AND A
BLACK FORD EXPLORER EXPIRED DECAL FL TAG
PC5 16G 04/12 WITH EXPIRED DECAL PARKED
AT THIS OCCUPIED PROPERTY. THIS IS A
REPEAT VIOLATION PREVIOUSLY CITED ON 3/1/12 CASE
NUMBER CE12030005 SPECIAL MAGISTRATE HEARING
4/19/12 GRANTED 21 DAYS TO COMPLY. CITED ON
8/25/11 CASE CE11082288. CASE WILL BE SCHEDULED FOR
SPECIAL MAGISTRATE HEARING FOR FINDING OF FACT
REGARDLESS OF COMPLIANCE FOR THE RIGHT TO TOW AND
OR START FINES FROM DATE OF VIOLATION.

Officer Acquavella presented photos of the property and the case file into evidence, and requested a finding of fact that the violation had existed as cited.

Edwin Rommel Johnson, owner, explained the violation was now complied.

Stephanie Bass, Code Enforcement Officer, requested the finding of fact for a repeat violation so if the violation recurred, the vehicle(s) could be immediately towed and fines could begin to accrue.

Judge Purdy found the violation had existed as cited.

Case: CE10042206

533 Northeast 3 Avenue
SOLE AT FORT LAUD CONDO ASSN INC

This case was first heard on 4/19/12 to comply by 5/17/12. Violations were as noted in the agenda. The property was complied, fines had accrued to \$8,350 and the City was requesting the full fine be imposed.

Karl Lauridsen, landscape inspector, suggested reducing the fines to administrative fees of \$450.

Stephanie Peterson, property manager, said the trees had been planted in 2005 and some had died.

Judge Purdy imposed a \$450 fine.

Case: CE11101981

414 Southeast 12 Court
OLSEN, JONATHAN & FRAMPTON, SEAN

This case was first heard on 4/19/12 to comply by 5/17/12. Violations were as noted in the agenda. The property was complied, fines had accrued to \$6,250 and the City was requesting a \$260 fine be imposed.

Jorg Hruschka, Building Inspector, recommended reducing the fine to \$260.

Sean Frampton, owner, thanked the City for the fine reduction.

Judge Purdy imposed a \$260 fine.

Case: CE12051135

511 E Dayton Cir
SEELAL, NICOLE C

This case was first heard on 11/1/12 to comply by 12/6/12. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,900 fine, which would continue to accrue until the property complied.

Johnny Taylor, contractor, stated the permit had been finalized on 9/22/11.

(Judge Purdy heard other cases while Ms. Wald researched the building permit)

Upon returning to the case, George Oliva, Building Inspector, explained that the property owner had not yet received a Certificate of Occupancy, and recommended a 42-day extension.

Judge Purdy granted a 42-day extension during which time no fines would accrue.

Case: CE12110674

1140 Northwest 4 Avenue
VILLA, ROBERT

Service was via posting on the property on 1/28/13 and at City Hall on 2/7/13.

Karl Lauridsen, Landscape Inspector, testified to the following violation:
47-21.13 A.

AUSTRALIAN PINE TREES ON SOUTH PROPERTY LINE
CONSTITUTING A PUBLIC NUISANCE. REMOVAL OF TREES REQUIRED.

Inspector Lauridsen presented photos of the property and the case file into evidence, and recommended the trees be removed within 30 days or a fine of \$25 per day.

Robert Villa, owner, said he had just purchased the property. He remarked that the trees were not dead, and he wondered why the City did not want to preserve the trees. Inspector Lauridsen explained that a neighbor had called with concerns about the trees.

Judge Purdy found in favor of the City and ordered compliance within 42 days or a fine of \$25 per day would begin to accrue.

Case: CE13010758

2415 Castilla Isle
DIETZEN, MICHAEL R

Certified mail sent to the owner was accepted on 1/25/13.

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

THE POOL AT THIS VACANT PROPERTY IS FULL OF GREEN STAGNANT, NON CIRCULATING WATER WHICH CREATES A BREEDING GROUND FOR INSECTS. THIS IS A HEALTH AND SAFETY ISSUE FOR THE NEIGHBORHOOD. THIS IS A RECURRING VIOLATION, HAVING PREVIOUSLY BEEN CITED UNDER CASES CE12030805 ON 4/8/2012, CE12060493 ON 6/25/2012 AND CE12081534 ON 9/16/2012. THIS CASE WILL BE HEARD BEFORE THE SPECIAL MAGISTRATE WHETHER IT COMES INTO COMPLIANCE OR NOT.

Officer Eaton stated the case was begun pursuant to a complaint but was now complied. He presented photos of the property and the case file into evidence, and requested a finding of fact that the violation had existed as cited.

Judge Purdy found the violation had existed as cited.

Case: CE12081968

109 S Victoria Park Rd
BELLEW, RUSSELL A

This case was first heard on 12/20/12 to comply by 1/10/13. 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.

Russell Bellew, owner, presented a cell phone photo of the car's current registration tag. Ingrid Gottlieb, Senior Code Enforcement Officer, said as of the previous day, the tag was dated 2011.

(Judge Purdy heard other cases while Officer Gottlieb researched the tag)

Upon returning to the case, Officer Gottlieb reported the current tag on the vehicle was for another car, which was illegal.

Mr. Bellew explained that he had been unable to renew his driver's license the previous year, which meant he could not renew the registration. He agreed to remove the car until he could resolve his license issue.

Judge Purdy granted a 5-day extension to 2/26/13 during which time no fines would accrue.

Case: CE13010136

3460 Berkeley Blvd
MORALES, FLOR M H/E MERAZ, ELMER R

Certified mail sent to the owner was accepted on 1/25/13.

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

THERE IS A WHITE HONDA IN THE REAR OF THE PROPERTY
WITH NO VALID TAG DISPLAYED, VEHICLE CAN BE SEEN
FROM THE RIGHT OF WAY.

Officer Bass 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.

Flor Morales, owner, said a new owner would pick up the car on the weekend.

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

Case: CE12080606

811 Northeast 14 Place
MIDDLE RIVER MANOR CONDO

This was a request to vacate the Order dated 11/15/12.

Judge Purdy vacated the Order dated 11/15/12.

Case: CE12101550

1111 Northeast 18 Avenue
KEIM, NORBERT M

Service was via posting on the property on 2/4/13 and at City Hall on 2/7/13.

Violations:

18-1.

THERE IS AT LEAST ONE POND ON THIS PROPERTY THAT CONTAINS GREEN STAGNANT WATER AND IS NOT BEING MAINTAINED TO PREVENT THE BREEDING OF MOSQUITOES.

18-12(a)

THE PROPERTY IS OVERGROWN WITH GRASS, WEEDS AND OTHER PLANT LIFE. THERE IS TRASH, RUBBISH, AND DEBRIS SCATTERED ABOUT THE PROPERTY. THE PROPERTY (INCLUDING THE BACK YARD) HAS BECOME OVERGROWN AND HAS NOT BEEN MAINTAINED.

The City had a stipulated agreement with the owner to comply with 18-1. within 35 days or a fine of \$100 per day, and with 18-12(a) within 35 days or a fine of \$50 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance with 18-1. within 35 days or a fine of \$100 per day, and with 18-12(a) within 35 days or a fine of \$50 per day would begin to accrue.

Case: CE13010389

3925 Davie Blvd
DOMINGUEZ, MARIA TERESA

Violations:

47-19.5 C.1.

THERE ARE TWO WALLS ONE RUNNING ALONG THE EAST PARKING LOT AND THE OTHER RUNNING ALONG THE WEST SIDE OF THE PARKING LOT THAT ARE IN DISREPAIR.

47-22.9.

THERE ARE SIGNS ON THIS PROPERTY WITHOUT THE
REQUIRED PERMITS.

9-306 VOID

The City had a stipulated agreement with the owner to comply with 47-19.5 C.1. within 21 days or a fine of \$100 per day and with 47-22.9. within 7 days or a fine of \$100 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance with 47-19.5 C.1. within 21 days or a fine of \$100 per day and with 47-22.9. within 7 days or a fine of \$100 per day would begin to accrue.

Case: CE12101681

3031 Davie Blvd
SUNSHINE STATE HOLDINGS II INC

Violations:

47-20.20.H.

THE PARKING FACILITIES ON THIS PROPERTY IS NOT
BEING MAINTAINED, IN THAT THE MARKINGS HAVE
FADED, WHEEL STOPS ARE IN DISREPAIR AND NOT IN THE
PROPER LOCATIONS. THE BLACKTOP MATERIAL IS
MISSING, CRACKED AND HAS POTHOLES.

9-305(b)

LANDSCAPE ON THIS PROPERTY IS NOT BEING
MAINTAINED. THERE IS MISSING AND/OR BARE AREAS OF
LAWN COVER. THERE IS MISSING AND/OR DEAD
VEGETATION/PLANTS/HEDGES.

9-306

THE EXTERIOR BUILDING WALLS AND FACADES ARE NOT
BEING MAINTAINED IN A SECURE AND ATTRACTIVE
MANNER. THE EXTERIOR WALLS, SOFFIT AND FASCIA HAVE
CRACKS, MISSING, FADED, CHIPPED AND MILDEW
STAINS. THERE ARE WINDOWS AND WINDOW FRAMES THAT
ARE DAMAGED AND REPLACED WITH PAINTED PLYWOOD.

The City had a stipulated agreement with the owner to comply within 35 days or a fine of \$100 per day, per violation. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance within 35 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE12071592

1525 Northwest 8 Avenue
FLORIDA 888 LLC

Service was via posting on the property on 1/30/13 and at City Hall on 2/7/13.

Ingrid Gottlieb, Senior Code Enforcement Officer, testified to the following violations:
18-12(a)

THERE IS LITTER, TRASH AND DEBRIS ON THE PROPERTY
AND SWALE.

47-20.20.H.

THE PARKING AREA HAS DIRT, LITTER AND STAINS. THE
PAVING IS CRUMBLING, AND THERE ARE HOLES. THERE IS
AN UNSECURED PARKING BUMPER.

9-278(g)

THERE ARE MISSING SCREENS ON WINDOWS.

Complied:

47-21.8.A.

9-280(h)(1)

9-306

Officer Gottlieb presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$50 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance within 28 days or a fine of \$50 per day, per violation would begin to accrue.

Case: CE12120706

210 Southwest 29 Avenue
PAUL, OMINIGUE

Certified mail sent to the owner was accepted on 1/31/13.

Violation:

9-308(a)

ROOF IS IN DISREPAIR AND IS NOT BEING MAINTAINED.

The City had a stipulated agreement with the owner to comply within 91 days or a fine of \$50 per day. The City was requesting a finding of fact and approval of the stipulated agreement.

Judge Purdy found in favor of the City, approved the stipulated agreement and ordered compliance within 91 days or a fine of \$50 per day would begin to accrue.

Case: CE13011002

2426 Southeast 17 Street
VILLAGE AT HARBOR BEACH CONDO

Certified mail sent to the owner was accepted on 1/25/13.

Stephen Rogers, 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 Rogers recommended ordering compliance within 84 days or a fine of \$150 per day.

Judge Purdy found in favor of the City and ordered compliance within 84 days or a fine of \$150 per day would begin to accrue.

Case: CE13011003

2424 Southeast 17 Street
VILLAGE AT HARBOR BEACH CONDO

Certified mail sent to the owner was accepted on 1/25/13.

Stephen Rogers, 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 Rogers recommended ordering compliance within 84 days or a fine of \$150 per day.

Judge Purdy found in favor of the City and ordered compliance within 84 days or a fine of \$150 per day would begin to accrue.

Case: CE13011004

2420 Southeast 17 Street
VILLAGE AT HARBOR BEACH CONDO

Certified mail sent to the owner was accepted.

Stephen Rogers, 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 Rogers recommended ordering compliance within 84 days or a fine of \$150 per day.

Judge Purdy found in favor of the City and ordered compliance within 84 days or a fine of \$150 per day would begin to accrue.

Case: CE13011009

1535 Southeast 15 Street
HARBOR VIEW APTS, A CONDO INC

Certified mail sent to the owner was accepted on 1/25/13.

Stephen Rogers, Fire Inspector, testified to the following violation:
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.

Complied:
NFPA 101:7.9.2.1

Inspector Rogers recommended ordering compliance within 84 days or a fine of \$150 per day.

Judge Purdy found in favor of the City and ordered compliance within 84 days or a fine of \$150 per day would begin to accrue.

Case: CE13011010

5420 Northeast 22 Terrace
LONGVIEW HOUSE LLC

Certified mail sent to the owner was accepted on 1/26/13.

Stephen Rogers, Fire Inspector, testified to the following violation:
NFPA 101:7.9.2.1

THE EMERGENCY LIGHT DOES NOT ILLUMINATE AS DESIGNED.

Complied:
FL Admin Code 69A-60.0081

Inspector Rogers recommended ordering compliance within 28 days or a fine of \$150 per day.

Judge Purdy found in favor of the City and ordered compliance within 28 days or a fine of \$150 per day would begin to accrue.

Case: CE03051020

220 Northeast 12 Avenue
MCCURRY, MARY EST

This was a request to vacate the Order dated 1/15/04.

Judge Purdy vacated the Order dated 1/15/04.

Case: CE12100188

2791 Southwest 3 Street
GALLOWAY, WILLIAM ADOLPHUS EST

This case was first heard on 12/6/12 to comply by 1/10/13. 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.

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

Case: CE12040647

1224 Northwest 11 Place
SWABY, ENID

This case was first heard on 9/20/12 to comply by 10/18/12. Violations were as noted in the agenda. The property was complied, fines had accrued to \$2,725 and the City was requesting a \$260 fine be imposed.

Judge Purdy imposed a \$260 fine.

Case: CE12090221

1025 Northwest 7 Avenue
MAGALDO, DIANNE

This case was first heard on 12/20/12 to comply by 1/17/13. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$10,200 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$10,200 fine, which would continue to accrue until the property complied.

Case: CE12091603

1521 Northwest 8 Avenue
EDRI, GUY

This case was first heard on 12/20/12 to comply by 1/17/13. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$5,100 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$5,100 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:

CE12011373	CE12121384	CE12121218	CT10050118
CE12110133	CE12120199	CE12081603	CE12120605
CE13010660	CE13010778	CE13011000	CE13011001
CE13011005	CE13011006	CE13011007	CE13011012
CE13011013	CE13011700	CE13011701	CE13011703
CE13011705	CE13011708	CE13011711	

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:

CT12120721 CT12120723 CE13010089

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:


CE13010611

There being no further business, the hearing was adjourned at **9:49 A.M.**



SPECIAL MAGISTRATE

ATTEST:



CLERK, SPECIAL MAGISTRATE

Minutes prepared by: J. Opperlee, Prototype Services