

**SPECIAL MAGISTRATE HEARING
1st FLOOR COMMISSION CHAMBERS
FORT LAUDERDALE CITY HALL
MARK PURDY PRESIDING
APRIL 3, 2014
9:00 A.M.**

Staff Present:

Mary Allman, Secretary, Special Magistrate
Lori Grossfeld, Clerk III
Shani Allman, Clerk III
Sharon Ragoonan, Code Manager
Jeri Pryor, Code Supervisor
Tommy Bolden, Special Projects employee
Anthony Fajardo, City Zoning Administrator
Ginger Wald, Assistant City Attorney
Stephanie Bass, Code Enforcement Officer
Andre Cross, Code Enforcement Officer
Alejandro DelRio, Code Enforcement Officer
Dick Eaton, Senior Code Enforcement Officer
Adam Feldman, Senior Code Enforcement Officer
Ingrid Gottlieb, Senior Code Enforcement Officer
Richard Thompson, Building Inspector
Jorge Maura, Detective
George Oliva, Building Inspector
Wilson Quintero, Code Enforcement Officer
Wilson Quintero Jr., Code Enforcement Officer
Mary Rich, Code Enforcement Officer
Maria Roque, Code Enforcement Officer
Ursula Thime, Senior Code Enforcement Officer
Aretha Wimberly, Code Enforcement Officer
Shelly Wright, Code Enforcement Officer

Respondents and Witnesses

CE13081095: Richard Coker, attorney
CE14030156: Randall Klett, Chair of the Central City CRA
CE14020142: Ilan Timanski, owner
CE13121034; CE13121036; CE13121037: David Damerauer, owner
CE12041268: Peter Bajic, owner
CE13121325: Andrew Tanelus, maintenance person; Lisa Wells, owner
CE14010507: Karen Ramirez, property manager; Randall Klett, Chair of the Central City CRA
CE13090417; CE13061507: Luis Valdez, owner

CE13100098: Matthew Jelnek, owner's agent; Randall Klett, Chair of the Central City CRA
CE12041299: Maynard Mast, partner
CE14010061; CE13111167; CE14011102; CE14011290; CE14010001: Randall Klett, Chair of the Central City CRA
CE12041301: Yvonne McCormack-Lyons, owner; Roy Lyons, owner's husband
CE12050914: Bernard Diesen, owner
CE13070428: Randall Klett, Chair of the Central City CRA; Markus Champion, owner
CE14010611: Katie Shenko, attorney; Randall Klett, Chair of the Central City CRA
CE13120212: Chaya Vanunu, owner
CE10011001: Vivian Dennis, representative
CE12041355: Veronel Pierre, owner
CE12041381: Pedro Guiterrez, property manager; Shay Milech, property manager
CE13060673: Bernard Gordon, property manager; Walter Morgan, attorney
CE13060154: Maria Dominguez, owner
CE11020725: James Hanskat II, engineer; Paul Cahaly, general manager
CE13121176: Nectaria Chakas, attorney; Carolina Gorman attorney
CE14010530: Roman Pavlik, Senior Vice President; Michael Garrett, manager

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: CE13121176

6201 North Federal Highway
MICHEL LLC

Certified mail sent to the owner was accepted on 3/12/14.

Adam Feldman, Senior Code Enforcement Officer, testified to the following violation:
47-22.3.J.

THERE ARE TWO MESSAGE BOARD CENTER SIGNS INSTALLED
OFF THE STOREFRONT GLASS AND ABOVE THE FRONT
ENTRANCE DOOR OF THE BUSINESS, WITHOUT FIRST GOING
THROUGH THE REVIEW PROCESS AND REQUIREMENTS OF THE
CITY OF FORT LAUDERDALE ZONING DEPARTMENT.
PER SECTION 47-22.3.J., MESSAGE CENTER SIGN, THE
DEVELOPMENT SITE DOES NOT MEET THE SPECIFIED
CRITERIA.

Officer Feldman presented photos of the property and the case file into evidence, and recommended ordering compliance within 42 days or a fine of \$150 per day.

Carolina Gorman, attorney stated the owner wanted to comply and would do whatever was necessary.

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

Case: CE13060673

3353 Davie Blvd

3333 DAVIE LLC

This case was first heard on 10/3/13 to comply by 11/7/13. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$28,800 fine, which would continue to accrue until the property complied.

Leonard Champagne, Code Enforcement Officer, stated the violations were not complied and recommended imposition of the fines.

Walter Morgan, attorney, entered into evidence an affidavit from Bernard Gordon, property manager. Mr. Morgan described actions the property manager had taken to try to comply. He said Officer Champagne had requested an engineer's certification, but the City plumbing inspector had informed him that no certification was required unless repairs were being conducted. The engineer had indicated the drainage system was probably beyond its useful life and he could not certify it. Mr. Morgan also presented exhibits describing the repaving work that had been done. He noted that further inspection or replacement of the drain pipes would necessitate tearing up the new paving. Mr. Morgan conceded that if the drainage system was beyond its useful life, they would consent to replacing it within one year. He stated this would probably cost \$90,000. Mr. Morgan felt the property was currently in compliance.

Officer Champagne said the engineer's inability to certify the drainage system indicated it was not working properly. If Mr. Morgan wished to have an engineer certify the system, he said this should take no more than 60 days; a replacement should take no more than 180 days. Mr. Morgan said since the pipes had been cleaned, there was no evidence the system was not working properly.

Officer Champagne said he had cited the property because the owners had been using a pump to direct flooding water in the street, creating an environmental issue. He said the engineer's certification should cost approximately \$250 - \$300.

Judge Purdy stated he was taking the matter under advisement and granted an extension to 6/5/14 during which time no fines would accrue. He also ordered the respondent to reappear at that hearing.

Case: CE11020725

4060 Galt Ocean Drive
PLAZA BEACH HOTEL CORP
% TIDAN CONS

This case was first heard on 3/3/11 to comply by 7/21/11. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$24,000 and the City was requesting a \$1,560 fine be imposed.

Richard Thompson, Building Inspector, confirmed the property was in compliance and requested a fine of \$1,560 be imposed.

James Hanskat II, engineer, said obtaining the plans, permits and completing the work had taken some time.

Judge Purdy imposed a \$1,560 fine.

Case: CE13061507

1103 Southwest 15 Terrace
GALO, FABIO

This case was first heard on 8/1/13 to comply by 9/19/13. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$58,500 fine, which would continue to accrue until the property complied.

Thomas Clements, Fire Inspector, said he had difficulty communicating because the Property Appraiser had an incorrect address for the owner. He recommended a 63-day extension.

Luis Valdez, owner, agreed.

Judge Purdy granted a 63-day extension during which time no fines would accrue, and made the extension retroactive to 9/19/13, removing the accrued fines.

Case: CE12041268

889 Southwest Riverside Drive
N'ICE APARTMENTS LLC

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$11,600 and the City was requesting the full fine be imposed.

Peter Bajic, owner, reported the property was complied as of the previous day. He requested the fines be waived, and explained that the City had delayed installation of a connection.

Ms. Wald did not object to the request to abate the fines entirely.

Judge Purdy imposed no fine.

Case: CE12050914

1124 Northwest 15 Court
DIESEN, BERNARD N

This case was first heard on 7/23/12 to comply by 8/27/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$5,500 fine, which would continue to accrue until the property complied.

Bernard Diesen, owner, said there was an issue with the City's connections that had caused delays. He had thought the permit was closed out but it had not been, and it had taken him time to get the plumbing complete. Mr. Diesen requested 84 days.

Judge Purdy granted an 84-day extension during which time no fines would accrue.

Case: CE14020142

713 Northwest 4 Avenue
ILAN PROFESSIONAL DESIGN INC

Service was via posting on the property on 3/8/14 and at City Hall on 3/20/14.

Andre Cross, Code Enforcement Officer, testified to the following violations:

9-276(c)(3)

THERE IS EVIDENCE OF TERMITE DAMAGE AND DROPPINGS
OF TERMITE WINGS IN APARTMENT #1

9-279(f)

THE BUILDING IS OCCUPIED WITHOUT BEING CONNECTED
TO THE CITY OF FORT LAUDERDALE'S WATER SYSTEM.

9-307(a)

THERE IS A BROKEN WINDOW IN FRONT OF APARTMENT #1
AND IS IN NEED OF REPLACING OR REPAIR.

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

Ilan Timanski, owner, said the tenants had not paid rent in five months and were being evicted. The tenants had also denied him access to address the issues in the apartment. He anticipated the eviction would be complete in 10 days. Mr. Timanski requested 10 days. He confirmed that the water account was in his name and the City had turned off the water for non-payment. The tenants had turned on an outside faucet and let it run, incurring an \$800 bill in one month.

Officer Cross said the water must be turned on immediately because there were children in the apartment. He recommended ordering compliance with 9-279(f) within 2 days or a fine of \$50 per day, and with the remaining violations within 10 days or a fine of \$50 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance with 9-279(f) within 2 days or a fine of \$50 per day, and with the remaining violations within 10 days or a fine of \$50 per day, per violation would begin to accrue.

Case: CE13081095

459 Northeast 17 Wy
IGOE, REGINA CHAMPLIN

This case was first heard on 11/7/13 to comply by 3/6/14. Violations were as noted in the agenda. The property was complied, and fines had accrued to \$1,000.

Ursula Thime, Senior Code Enforcement Officer, confirmed that the storage unit had been removed and the violation was complied. She recommended imposition of the fines.

Richard Coker, attorney, said he had requested an extension prior to the deadline for compliance. Ms. Wald confirmed Mr. Coker had contacted her requesting an extension.

Judge Purdy granted a 28-day extension during which time no fines would accrue, and made the extension retroactive to 3/6/14, removing the accrued fines.

Case: CE13120212

1613 Northwest 11 Court
C & V INVESTMENT PROPERTIES LLC

Certified mail sent to the owner was accepted on 3/12/14.

Wilson Quintero, Code Enforcement Officer, testified to the following violation:
9-304(b)

THE GRAVEL DRIVEWAY ON THIS VACANT, UNOCCUPIED
PROPERTY IS NOT BEING MAINTAINED. THERE ARE AREAS
OF THE GRAVEL DRIVEWAY THAT ARE MISSING OR WORN THROUGH
AND THERE IS GRASS GROWING THROUGH IT.

Complied:
18-12(a)

Officer Quintero 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 \$100 per day.

Chaya Vanunu, owner, said the property was complied as of the previous day, and presented photos showing new gravel on the driveway. Officer Quintero said he would inspect the property the following week to confirm compliance.

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

Case: CE12041299

1105 Southwest 15 Terrace
RAMOS, EDWARD & GLADYS

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$22,400 and the City was requesting the full fine be imposed.

Maynard Mast, company partner, said he had purchased the property in May 2013 from a foreclosure. He described the work that had been done and requested no fine be imposed.

Judge Purdy imposed no fine.

Case: CE14010507

1007 Northwest 8 Avenue
SIMON'S PROPERTY SUNRISE LLC

Certified mail sent to the owner was accepted on 3/7/14.

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

OVERGROWTH, RUBBISH, TRASH, AND DEBRIS HAS
ACCUMULATED ON THIS VACANT COMMERCIAL PROPERTY
INCLUDING BUT NOT LIMITED TO WHAT APPEARS TO BE A
MAKE SHIFT SHELTER FOR HOMELESS PERSONS ALONG WITH
DISCARDED FURNITURE AND TELEVISION PARTS.

Officer Wimberly reported the City had cleared the property on January 28.

Karen Ramirez, property manager, said she had sent a landscaper to clean the property on the 26th, so she assumed they were in compliance. She asked that the fines be dismissed. Ms. Ramirez added that their address had changed and the notice had been forwarded, causing a delay.

Tommy Bolden, member of the City's Special Projects cleaning crew, described work the City had done to trim vegetation, clean up the property and remove debris on January 28.

Officer Wimberly thought the owner's landscaper may have cleared out the portion of the property inside the fence; the City had cleared the rest. She recommended imposing a fine of \$827.28 to cover costs.

Randall Klett, Chair of the Central City CRA, stated this property was in the CRA and had been contributing to blight in the area. He requested no reduction of the fine.

Judge Purdy denied the appeal.

Case: CE10011001
1700 W Broward Blvd
BALAJI INVESTMENTS INC

This case was first heard on 2/22/10 to comply by 6/22/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$37,500 and the City was requesting the full fine be imposed.

Vivian Dennis, representative, thanked the City for the numerous extensions. She said they had paid a contractor who had taken their money and done no work. When they found another construction company, they had experienced problems with easements from other properties. She requested no fine be imposed.

Judge Purdy imposed no fine.

Case: CE13100098
1104 Northwest 6 Avenue
OSHU 1 LLC

Request for extension

This case was first heard on 2/6/14 to comply by 3/14/14 and 5/8/14. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$1,100.

Matthew Jelnek, the owner's agent, said they had corrected the wrong driveway, and requested a 60-day extension, retroactive to 3/14 to remove the accrued fines.

Ingrid Gottlieb, Senior Code Enforcement Officer, said compliance would not take 60 days. Mr. Jelnek said they were doing additional work which would take longer.

Randall Klett, Chair of the Central City CRA, said they had tolerated the mess in this neighborhood for too long and requested a short extension.

Ms. Wald recommended a 42-day extension.

Judge Purdy granted a 42-day extension during which time no fines would accrue, and made the extension retroactive to 3/14/14, removing the accrued fines.

Case: CE13070428

1229 Northeast 3 Avenue
CHAMPION, MARKUS J

Service was via posting on the property on 3/19/14 and at City Hall on 3/20/14.

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

THERE IS DAMAGED FASCIA BOARD AND A WINDOW THAT HAS BEEN REPLACED AND IS NOT WEATHERPROOF AND WATERTIGHT.

9-306

THERE ARE AREAS OF MISSING AND PEELING PAINT ON THE STRUCTURE.

9-280(h)(1)

THE WOOD FENCE IS IN DISREPAIR.

9-278(e)

THERE ARE WINDOWS WITH BOARDS COVERING THEM.

Complied:

9-305(b)

18-4(c)

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

Markus Champion, owner, said some of the violations were not legitimate. He explained he had struggled to maintain the house and did not appreciate the City requesting these improvements.

Officer Gottlieb stated she had reinspected on Tuesday and found the boarding still on the window and the fascia board still in disrepair.

Randall Klett, Chair of the Central City CRA, said if they saw some progress, he would not object to the situation.

Officer Gottlieb and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

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

Case: CE14010611

1300 Northwest 2 Avenue
WELLS FARGO BANK
% ALDRIDGE CONNERS

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

Ingrid Gottlieb, Senior Code Enforcement Officer, testified to the following violations:
9-306

THERE IS ROTTED FASCIA BOARD ON THE HOUSE.

9-280(h)(1)

THE WOOD FENCE AT THIS PROPERTY IS IN DISREPAIR,
AND IS LEANING.

9-305(b)

THE LANDSCAPING IS NOT BEING ADEQUATELY MAINTAINED,
AND THERE ARE TALL WEEDS ON THE PROPERTY AND SWALE.

9-304(b)

THE GRAVEL DRIVEWAY IS COVERED WITH WEEDS.

18-7(b)

THERE ARE WINDOWS BOARDED ON THE HOUSE, WITHOUT
THE REQUIRED BOARD UP CERTIFICATE.

18- 12(a)

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

Officer Gottlieb presented photos of the property and the case file into evidence, and said someone had informed her they intended to demolish the house.

Katie Shenko, bank attorney, requested 120 days to demolish the property. She informed Ms. Wald that they had not hired a demolition contractor yet. Ms. Wald recommended the bank begin the demolition process, and said a permit could be pulled within 30 days. Officer Gottlieb said the property must be cleaned as soon as possible as well.

Randall Klett, Chair of the Central City CRA, said he had been looking at the house for years. He stated the bank had delayed taking possession of the property. He wanted the property cleaned up immediately

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

Case: CE14010530

6721 Northeast 21 RD

IH2 PROPERTY FLORIDA LP

Service was via posting on the property on 3/7/14 and at City Hall on 3/20/14.

Shelly Wright, Code Enforcement Officer, testified to the following violations:

25-56(b)

THE SIDEWALK IN FRONT OF THIS RESIDENCE IS CRACKED
AND UNEVEN, THE SIDEWALK IN THIS CONDITION IS NOT

CONVENIENT AND IS NOT SAFE FOR THE PUBLIC.
47-20.20.H.

THE DRIVEWAY OF THIS PROPERTY IS NOT BEING MAINTAINED,
THERE ARE AREAS OF THE DRIVEWAY WITH POTHOLE.

Officer Wright 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.

Roman Pavlik, Senior Vice President, said he anticipated the work would be complete within a few weeks.

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.

The following three cases for the same owner were heard together.

Case: CE13121036

817 Northwest 1 Street
DFD CAPITAL DEVELOPMENT CORP

This case was first heard on 2/6/14 to comply by 2/20/14. 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.

Andre Cross, Code Enforcement Officer, said this was a vacant property on which the owner was storing vehicles, constituting an illegal land use.

David Damerauer, owner, said he had been trying to set up a meeting with staff since the property had been cited. He stated after they had evicted a tenant, they had removed 30 yards of trash from the property. Mr. Damerauer said he had missed a hearing because he had been told that the hearing would be stayed to allow him to meet with staff regarding the issues.

Mr. Damerauer said there had been a 2009 case against the property for the same issues, and they had complied the violations then. He said the property had not changed "one iota from where it was in 2009."

Officer Cross brought Judge Purdy's attention back to the violations at hand, which he said were not the same ones Mr. Damerauer was discussing.

Mr. Damerauer said this was a double jeopardy issue, since the 2009 case had been resolved with their compliance. He produced paperwork from the 2009 case CE08102313, and explained that the City had indicated that combining the two lots into one folio number would comply the violations.

Officer Cross reiterated that the vehicles could not be stored on the property and the trash and debris must be removed. Mr. Damerauer stated there was no rubbish on the property, "That's his opinion." He also contended that Officer Cross had cited the property using the wrong statutes.

Anthony Fajardo, City Zoning Administrator, stated the owner had not demonstrated that he had a legal, non-conforming use on the property. He could apply for a permit to allow the storage on the site. Mr. Fajardo said he had not reviewed the previous case. He explained that in a B3 zone, outside storage was allowed, subject to certain requirements.

Ms. Wald reminded Judge Purdy that this was a hearing to determine whether the property was still in violation and whether to impose fines.

Judge Purdy stated the prior case was irrelevant. He determined that all violations remained and imposed the \$4,100 fine, which would continue to accrue until the property complied.

Mr. Damerauer reiterated that these were the same violations for which he had previously been cited.

Case: CE13121034

817 Northwest 1 Street
DFD CAPITAL DEVELOPMENT CORP

This case was first heard on 2/6/14 to comply by 2/20/14. 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.

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

Case: CE13121037

817 Northwest 1 Street
DFD CAPITAL DEVELOPMENT CORP

This case was first heard on 2/6/14 to comply by 2/20/14. 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.

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

Case: CE12041301

1113 Southwest 15 Avenue
MCCORMACK-LYONS, YVONNE

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$30,800 fine, which would continue to accrue until the property complied.

Yvonne McCormack-Lyons, owner, said they were trying to obtain a loan modification on the property. The foreclosure sale was scheduled for 7/22/14 and she requested an extension.

Ms. Wald did not object to the request for an extension.

Judge Purdy granted a 126-day extension during which time no fines would accrue.

Case: CE13060154

3925 Davie Blvd
DOMINGUEZ, MARIA TERESA

This case was first heard on 7/18/13 to comply by 8/15/13. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$14,850 and the City was requesting a \$520 fine be imposed.

George Oliva, Building Inspector, confirmed the violation was complied and recommended a \$520 fine.

Maria Dominguez, owner, said she had worked with the inspector.

Judge Purdy imposed a \$520 fine.

Case: CE12041381

1906 Southwest 8 Street
METAYER, MILNET

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$28,600 and the City was requesting the full fine be imposed.

Pedro Guterrez, property manager, stated they had begun the work before the closing date and done \$12,000 worth of work.

Judge Purdy imposed a \$520 fine.

Case: CE12041355

1709 Southwest 11 Court
PIERRE, VERONEL & PIERRE, MARIE MIRANA

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$32,900 fine, which would continue to accrue until the property complied.

Pierre Veronel, owner, said his wife was not cooperating with him to have the work done, causing a delay. He requested 90 days. Mr. Veronel confirmed he had paid the City, but he had not yet hired a contractor. Ms. Wald recommended a 77-day extension.

Judge Purdy granted a 77-day extension during which time no fines would accrue, and made the extension retroactive to 11/26/12, removing the accrued fines.

Case: CE13121325

924 Northwest 9 Avenue
3 STARS INVESTMENT LLC

This case was first heard on 2/6/14 to comply by 2/16/14. Violations were as noted in the agenda. The property was complied, fines had accrued to \$1,100 and the City was requesting the full fine be imposed.

Andre Cross, Code Enforcement Officer, confirmed the property was complied.

Lisa Wells, owner, said they had cut the grass in February and immediately phoned Officer Cross. By the time Officer Cross reinspected, the grass had regrown. Officer Cross said it was possible the property had been mowed, but when he reinspected, it was again overgrown.

Judge Purdy imposed no fine.

Case: CE14030156

529 Northeast 14 Place
TAMAYO, MARIO & OSORIO, CLEMENTINA

Service was via posting on the property on 3/12/14 and at City Hall on 3/20/14.

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

18-12(a)

THE PROPERTY HAS BECOME OVERGROWN AND
HAS NOT BEEN MAINTAINED AGAIN. DUE TO

THE RECURRING NATURE OF THIS VIOLATION THIS CASE IS BEING HELD AT THE SPECIAL MAGISTRATE WHETHER THE PROPERTY COMES IN COMPLIANCE OR NOT. THE PROPERTY OWNER WAS CITED FOR OVERGROWTH ON SEPTEMBER 25, 2013 UNDER CASE NUMBER CE13091538 GIVEN 10 DAYS TO COME IN COMPLIANCE. I REINSPECTED THE PROPERTY ON OCTOBER 09, 2013 AND THE PROPERTY WAS STILL OVERGROWN. I THEN SUBMITTED THE WORK ORDER AND REINSPECTED THE PROPERTY ON OCTOBER 23, 2013 AND THE PROPERTY WAS CUT AND CLEANED BY PARKS AND REC. I THEN CITED THE PROPERTY AGAIN FOR OVERGROWTH ON DECEMBER 05, 2013 UNDER CASE NUMBER CE13120201. I THEN REINSPECTED THE PROPERTY ON DECEMBER 19, 2013 AND THE PROPERTY WAS STILL OVERGROWN. I THEN SUBMITTED THE WORK ORDER AND REINSPECTED THE PROPERTY ON JANUARY 01, 2014 AND THE PROPERTY WAS CUT AND CLEANED BY PARKS AND REC. HOWEVER DUE TO THE RECURRING NATURE OF THIS VIOLATION THE CITY IS REQUESTING THAT THE MAGISTRATE FINDS THAT THE VIOLATION DID EXIST, IF THIS VIOLATION OCCURS AGAIN THE PROPERTY OWNER IS SUBJECT TO BE CITED AS A REPEAT VIOLATOR.

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

Randall Klett, Chair of the Central City CRA, said he had emailed Officer Cross about the violations on the property, which was a detriment to the area.

Judge Purdy found in favor of the City that the violation had existed as cited.

Case: CE13111167

1321 Northwest 2 Avenue
TUCKER, LEOLA

Service was via posting on the property on 3/15/14 and at City Hall on 3/20/14.

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

THERE IS TRASH AND DEBRIS ON THIS PROPERTY.

47-34.1.A.1.

THERE IS OUTDOOR STORAGE ON THE PROPERTY. THIS IS NOT A PERMITTED LAND USE IN RDS-15 ZONING.

9-278(e)

THERE ARE BOARDS COVERING WINDOWS, NOT ALLOWING FOR THE REQUIRED VENTILATION TO THE EXTERIOR.

9-280(h)(1)

THERE IS A FENCE IN DISREPAIR ON THE PROPERTY. IT IS ROTTING AND FALLING DOWN.

47-19.2 EE.

THERE IS A SHED STRUCTURE IN THE REAR YARD, THAT IS TOO CLOSE TO THE PROPERTY LINE.

Officer Gottlieb said the case was begun pursuant to a complaint. She presented photos of the property and the case file into evidence, and recommended ordering compliance within 35 days or a fine of \$25 per day, per violation.

Randall Klett, Chair of the Central City CRA, said 35 days was "beyond generous."

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

Case: CE14011102

1336 Northwest 2 Avenue

HANRATTY, WILLIAM R & KAMERLING, AARON

Service was via posting on the property on 3/15/14 and at City Hall on 3/20/14.

Ingrid Gottlieb, Senior Code Enforcement Officer, testified to the following violations:

9-304(b)

THERE ARE VEHICLES PARKING ON A GRASS OR DIRT SURFACE.

9-305(b)

THE LANDSCAPING IS NOT BEING MAINTAINED. THERE ARE AREAS OF DEAD AND MISSING GRASS AND BARE DIRT.

Complied:

18-4(c)

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.

Judge Purdy 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: CE14010001

1521 Northwest 8 Avenue
EDRI, GUY

Service was via posting on the property on 3/13/14 and at City Hall on 3/20/14.

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

THE CEILING IS IN DISREPAIR DUE TO A ROOF LEAK.
THE KITCHEN CABINET IS IN DISREPAIR. THE BATHROOM
SINK IS BROKEN. THERE ARE HOLES THAT HAVE BEEN
CHEWED IN THE WALLS BY RODENTS.

9-280(f)

THERE IS A LEAK UNDER THE KITCHEN SINK. THE SHOWER
PLUMBING IS IN DISREPAIR.

9-308(a)

THERE IS EVIDENCE OF A ROOF LEAK.

9-276(c)(3)

THERE IS EVIDENCE OF RODENTS IN THE HOUSE.

9-306

THERE IS PEELING, MISSING, AND DIRTY PAINT ON THE
EXTERIOR OF THE STRUCTURE.

Withdrawn
FBC 105.1

Officer Gottlieb said there was another open case on this property for which fines were running. She 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, per violation.

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

Case: CE14011290

1505 Northwest 8 Avenue
DARWIN1 LLC

Certified mail sent to the owner was accepted on 3/12/14.

Ingrid Gottlieb, Senior Code Enforcement Officer, testified to the following violations:
9-280(h)(1)

THE CHAIN LINK FENCE IS IN DISREPAIR.

24-27.(f)

THE TRASH BINS ARE CONSTANTLY OVERFLOWING
AND HAVE THE LIDS OPEN.

Officer Gottlieb 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, per violation.

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

Case: CE14010061

1111 Northwest 2 Avenue
RAYNOR, JAMES HOID

This case was first heard on 2/20/14 to comply by 3/6/14. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,350 fine, which would continue to accrue until the property complied.

Randall Klett, Chair of the Central City CRA, begged Judge Purdy to impose the fines and to have the City mitigate the problem.

Judge Purdy imposed the \$1,350 fine, which would continue to accrue until the property complied.

Case: CE14020826

1401 Southwest 1 Street
TAYLOR, WILLIAM K EST

Service was via posting on the property on 3/11/14 and at City Hall on 3/20/14.

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

THIS VACANT PROPERTY IS ONCE AGAIN OVERGROWN AND HAS DEAD LAWN DEBRIS SCATTERED ABOUT. IT IS NOT BEING MAINTAINED ON A REGULAR BASIS. THIS IS A RECURRING VIOLATION PER CASES CE13100755, CE13031465 AND CE13041692. THIS CASE WILL GO BEFORE THE SPECIAL MAGISTRATE AND WILL BE HEARD WHETHER IT COMES INTO COMPLIANCE OR NOT.

Officer Eaton reported the violation 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 in favor of the City that the violation had existed as cited.

Case: CE14011139

1503 Southeast 2 Street
SARKELL, BARRY

Certified mail sent to the owner was accepted on 3/15/14.

Ursula Thime, Senior Code Enforcement Officer, testified to the following violation:
24-27.(b)

THERE ARE SANITATION CARTS STORED IN FRONT OF THE
GARAGE DOOR FOR WEEKS AT THIS TOWNHOUSE.

Officer Thime 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.

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

Case: CE14020002

638 Northeast 7 Avenue
PANDARAN, SURENDRAN

Certified mail sent to the owner was accepted on 3/15/14.

Ursula Thime, Senior Code Enforcement Officer, testified to the following violation:

18-12(a)

THERE IS OVERGROWTH OF GRASS/PLANTS/WEED ON THIS
PROPERTY. THIS IS A RECURRING VIOLATION THAT HAS BEEN
CITED SEVERAL TIMES IN THE PAST AT THIS PROPERTY,
SEE CASES CE12100767, CE13011575, CE13090344. THIS
CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE
WHETHER THE VIOLATION COMPLIES PRIOR TO THE DATE
OF THE HEARING OR NOT.

Officer Thime reported the violation was now complied. She 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 in favor of the City that the violation had existed as cited.

Case: CE14020648

418 Northeast 12 Avenue
BELMAHI, FOUAD

Service was via posting on the property on 3/14/14 and at City Hall on 3/20/14.

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 AND DEBRIS. THE PLASTIC WHICH COVERED TIGHTLY THE POOL OVER THE METAL AND WOODEN STRUCTURE HAS DETERIORATED AND IS HANGING IN PIECES INTO THE WATER. THE PROPERTY IN THIS CONDITION 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.

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

Case: CE14020021

900 Northwest 6 Street
SIXTH STREET PLAZA INC

Violation:
9-306

EXTERIOR WALLS, FASCIA, AND/OR SOFFIT ARE DIRTY AND STAINED WITH AREAS OF FADING PAINT AND AREAS WHERE PAINTING IS NOT HARMONIOUS.

The City had a stipulated agreement with the owner to comply within 91 days or a fine of \$25 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 \$25 per day would begin to accrue.

Case: CE14021707

1001 Indiana Avenue
DAISE, RANDY T H/E COLE, JOANNE E DAISE

Certified mail sent to the owner was accepted on 3/13/14.

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

THERE IS A DERELICT/INOPERABLE BLUE PICK UP TRUCK WITH AN EXPIRED TAG IN THE DRIVEWAY OF THIS OCCUPIED RESIDENTIAL PROPERTY. THIS IS A RECURRING

VIOLATION: THE PROPERTY WAS PREVIOUSLY CITED VIA CASES CE12071452, CE12022168, AND CE1007616. FAILURE TO CORRECT THIS VIOLATIONS HAS RESULTED IN THE PROPERTY BEING SCHEDULED FOR A SPECIAL MAGISTRATE HEARING AS A RECURRING VIOLATION. ADDITIONALLY, THE PROPERTY IS SUBJECT TO THE CITY ABATING THE VIOLATION BY HAVING THE VEHICLE TOWED FROM THE PROPERTY AT THE PROPERTY OWNER'S EXPENSE.

Officer Wimberly presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$100 per day, with the right to tow the vehicles.

Judge Purdy found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day would begin to accrue, and granted the City the right to tow the vehicles.

Case: CE14011651

1204 Northeast 11 Avenue
DELOS SANTOS, BENITO B

Service was via posting on the property on 3/16/14 and at City Hall on 3/20/14.

Shelly Wright, Code Enforcement Officer, testified to the following violation:
18-7(b)

THERE ARE WINDOWS & DOORS ON THIS PROPERTY THAT HAVE BEEN BOARDED WITHOUT OBTAINING A REQUIRED BOARD UP CERTIFICATE.

Officer Wright 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.

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

Case: CE14020830

2789 Davie Blvd
M R MCTIGUE PARTNERS L L C
% EAST K

Service was via posting on the property on 3/8/14 and at City Hall on 3/20/14.

Leonard Champagne, Code Enforcement Officer, testified to the following violation:
47-19.4.D.8.

DUMPSTER ENCLOSURE IS NOT BEING MAINTAINED. THE GATES ARE LEFT OPENED AND IN DISREPAIR. THERE IS RUBBISH, TRASH AND DEBRIS OVERFLOWING ONTO THE ENCLOSURE PAD AND PARKING AREA.

THIS IS A RECURRING VIOLATION. PREVIOUS CASES INCLUDE THE FOLLOWING: CE13111088 AND CE13101126. THIS CASE WILL BE PRESENTED TO THE SPECIAL MAGISTRATE SEEKING A FINDING OF FACT WHETHER OR NOT THE VIOLATION COMPLIES PRIOR TO THE HEARING DATE.

Officer Champagne presented photos of the property and the case file into evidence, and recommended ordering compliance within 10 days or a fine of \$200 per day.

Judge Purdy found in favor of the City and ordered compliance within 10 days or a fine of \$200 per day would begin to accrue.

Case: CE14011652

2125 S Federal Highway
ELEMENT THREE INC

Certified mail sent to the owner was accepted on 3/7/14.

Violations:

47-21.8.A.

THE LANDSCAPING DOES NOT PRESENT A NEAT, WELL-KEPT APPEARANCE. THERE ARE HEDGES AND OTHER PLANT LIFE THAT HAVE NOT BEEN MAINTAINED/REPLACED OR REMOVED.

47-19.4.D.8.

THE DUMPSTER ENCLOSURE IS IN DISREPAIR AND IS NOT BEING MAINTAINED IN GOOD CONDITION AND APPEARANCE.

47-20.20.H.

THE PARKING FACILITIES ARE NOT BEING KEPT IN GOOD OPERATING CONDITION. THERE ARE CRACKS, POTHoles AND THE ASPHALT TOP COAT IS LOOSE AND MISSING IN SOME AREAS; WHEELSTOPS ARE MISSING, LOOSE OR BROKEN. THE SURFACE MARKINGS ARE FADED OR MISSING.

Complied:

47-21.9

47-19.5.E.7.

The City had a stipulated agreement with the owner to comply within 84 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 84 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE14011873

1217 Northwest 19 Avenue
HSBC BANK USA NA TRSTEE
% OCWEN LOAN SERVICING LLC

Certified mail sent to the owner was accepted on 3/13/14.

Wilson Quintero, Code Enforcement Officer, testified to the following violations:

9-308(a)

THERE IS A TARP COVERING THE MAJORITY OF THE ROOF SURFACE ON THE STRUCTURE AT THIS LOCATION. THIS IS AN INDICATION THAT THE ROOF IS 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 Quintero presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$100 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day, per violation would begin to accrue.

Case: CE14021327

1707 Northwest 9 Street
ALPI CONSTRUCTION LLC

Service was via posting on the property on 3/12/14 and at City Hall on 3/20/14.

Wilson Quintero, Code Enforcement Officer, testified to the following violation:

18-12(a)

THERE IS PLANT, LAWN OVERGROWTH, TRASH, RUBBISH AND DEBRIS ON THIS VACANT/BOARDED CHAIN LINK FENCED SINGLE FAMILY RESIDENCE DWELLING AND SWALE.

Officer Quintero 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.

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

Case: CE14011299

933 Northwest 2 Avenue
GRANT-JOHNSON, YVONNE

Certified mail sent to the owner was accepted on 3/7/14.

Andre Cross, Code Enforcement Officer, testified to the following violation:
9-280(h)(1)

THE CHAIN LINK FENCE SURROUNDING THE VACANT LOT IS
IN DISREPAIR. THERE ARE AREAS OF BENT SUPPORT POST
THAT HAVE CAUSED THE FENCE TO LEAN IN AREAS AND IS
IN NEED OF REPLACE OR REPAIR.

Officer Cross 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.

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

Case: CE14030026

830 Northwest 3 Street
BYNES, JOHN & DOROTHY EST

Certified mail sent to the owner was accepted on 3/12/14.

Thomas Clements, Fire Inspector, testified to the following violations:
MO Sec. 9-313.

ADDRESS IS NOT POSTED ACCORDING TO THE CODE.

NFPA 1:13.6.9.3.1.1.1

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

NFPA 1:4.5.8.1

THE SINGLE STATION SMOKE DETECTORS IN EACH
APARTMENT ARE NOT FUNCTIONING AS DESIGNED.

Inspector Clements recommended ordering compliance within 14 days or a fine of \$150 per day, per violation.

Judge Purdy found in favor of the City and ordered compliance within 14 days or a fine of \$150 per day, per violation would begin to accrue.

Case: CE14030065

615 Northwest 14 WY

APOSTOLIC CHURCH OF GOD IN JESUS NAME INC

Service was via posting on the property on 3/13/14 and at City Hall on 3/20/14.

Thomas Clements, Fire Inspector, testified to the following violation:

F-103.2.5

UNABLE TO GAIN ENTRY TO PERFORM A FIRE SAFETY INSPECTION.

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

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

Case: CE14030131

701 NW 20 Avenue

701 NW 20 LLC

Service was via posting on the property on 3/13/14 and at City Hall on 3/20/14.

Thomas Clements, Fire Inspector, testified to the following violation:

F-103.2.5

UNABLE TO GAIN ENTRY TO PERFORM A FIRE SAFETY INSPECTION.

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

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

Case: CE13121166

1310 Northwest 46 Street

FEDERAL NATIONAL MORTGAGE ASSN

% ONE WEST BANK

This case was first heard on 2/20/14 to comply by 3/2/14. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,100 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$3,100 fine, which would continue to accrue until the property complied.

Case: CE13101319

1615 Northeast 3 Court
HUNTER, SUSANA EST

This case was first heard on 2/20/14 to comply by 3/6/14. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,350 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$1,350 fine, which would continue to accrue until the property complied.

Case: CE10081777

121 Hendricks Isle
MUNOZ, PABLO G

This was a request to vacate the Order dated 6/2/11.

Judge Purdy vacated the Order dated 6/2/11.

Case: CE13090417

1100 Northwest 5 Avenue
WELLS FARGO BANK NA

This case was first heard on 8/1/13 to comply by 9/19/13. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of an \$88,500 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$88,500 fine, which would continue to accrue until the property complied.

Case: CE13090477

2158 Northwest 6 Court
CHURCH OF NEW LIFE CHRISTIAN FELLOWSHIP INC

This case was first heard on 12/19/13 to comply by 1/2/14. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$4,875 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$4,875 fine, which would continue to accrue until the property complied.

Case: CE12041253

607 Southwest 20 Avenue
MCMULLEN, DAWN

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$24,400 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$24,400 fine, which would continue to accrue until the property complied.

Case: CE12041320

1605 Southwest 10 Street
MCINERNY, JILL

This case was first heard on 8/27/12 to comply by 11/26/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$30,100 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$30,100 fine, which would continue to accrue until the property complied.

Case: CE12050938

1316 Southwest 19 Street
LOOS, MATTHEW S

This case was first heard on 7/23/12 to comply by 8/27/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$22,300 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$22,300 fine, which would continue to accrue until the property complied.

Case: CE12050992

1717 Southwest 13 Avenue
JOHNSON, TIMOTHY F

This case was first heard on 7/23/12 to comply by 8/27/12. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$32,100 fine, which would continue to accrue until the property complied.

Judge Purdy imposed the \$32,100 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:

CE14010253	CE14030384	CE14020207	CE14011170
CE14020898	CE14021219	CE14021220	CE13121654
CE14012017	CE14021058	CE14022300	CE13120594
CE13120643	CE14010494	CE14020211	CE14021198
CE14020776	CE14020868	CE14010654	CE13060551
CE13101375	CE14010334	CE14030028	CE14030049
CE14030050	CE14030053	CE14030055	CE14030127

Cases Rescheduled

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

CE13121227 CE14020955

Cases Withdrawn

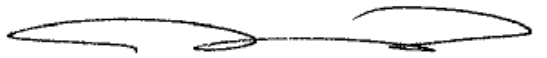
The below listed cases were withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE14020656	CE13120685	CE13120686	CE13120687
CE13120689	CE13120692	CE14010052	CE13121200

There being no further business, the hearing was adjourned at 11:45 A.M.


SPECIAL MAGISTRATE

ATTEST:


Clerk, Special Magistrate

Minutes prepared by: J. Opperee, Prototype Services