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**CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, OCTOBER 20, 2011 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL**

Cumulative Attendance 10/11 through 9/12

<u>Board Members</u>	Attendance	Present	Absent
Michael Weymouth, Chair	P	1	0
John Phillips arrived [3:15]	P	1	0
Joe Holland, Vice Chair	A	0	1
John Barranco	P	1	0
Joe Crognale	P	1	0
Pat Hale	P	1	0
Thornie Jarrett	P	1	0
Don Larson	P	1	0
B. George Walker	P	1	0

City Staff

Lori Grossfeld, Board Secretary
Ginger Wald, Assistant City Attorney
George Oliva, City Building Inspector
Gerry Smilen, City Building Inspector
Chris Augustin, Chief Building Official
Dee Paris, Administrative Aide
Brian McKelligett, Administrative Assistant II
Barbara Hartmann, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE11081275: Matthew Weisberg, attorney from Shapiro,
Fishman & Gache' LLP, representing Deutsche Bank
CE07101527: Kelly Elkins, attorney from Law Offices of
Daniel C. Consuegra, representing Citifinancial Services

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<u>Index</u>		
<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE11081275	DEUTSCHE BANK NATIONAL TR CO	3 35
	C/O LAW OFFICES OF DAVID STERN	
Address:	4820 NW 9 TER	
Disposition:	30 days to demolish or the City will demolish. Board approved 8-0.	
2. CE07101527	SMITH, CHARLIE J	8
Address:	1604 NW 11 CT	
Disposition:	30 days to demolish or the City will demolish. Board approved 8-0.	
3. CE11090240	MCCRAY, CLARA M EST	30
Address:	712 NW 15 WY	
Disposition:	Withdrawn.	
	Communication to the City Commission	41
	Board discussion	41

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Mr. Jarrett, to approve the minutes of the Board's September 2011 meeting. In a voice vote, motion passed 7-0.

Cases[INDEX](#)**1. Case: CE11081275****DEUTSCHE BANK NATIONAL TR CO****C/O LAW OFFICES OF DAVID STERN****4820 NW 9 TER**

MS. PARIS: Our first case is on page two. This is a new business case: CE11081275, the inspector is George Oliva, the address 4820 Northwest 9 Terrace. The owners are Deutsche Bank National Trust Company, Care of the Law Office of David Stern.

We have service by posting on the property 9/13/11, we've advertised in the Daily Business Review 9/30/11 and 10/7/11, certified mail as noted in the agenda.

MR. WEYMOUTH: Good afternoon Mr. Oliva.
[Inspector Oliva sneezed] Bless you.

INSPECTOR OLIVA: Good afternoon Board, George Oliva, Building Inspector for the City. I'm presenting case number CE11081275 on page two of the agenda. This case was opened August 16, 2011. The following picture were taken on that day and would like to submit them into the records.

[Inspector Oliva displayed photos of the property]

The picture shows the damage at the rear of the property that the weather has done to the roof deck you can see it's completely giving in to the property. That's

1 another view from the living room into the back of the
2 property which is the living room with the roof completely
3 collapsed. And that's mildew that is growing inside the
4 walls everywhere in the property. That's another picture of
5 the mildew. That's water inside the property all the
6 [inaudible] for the water, the walls are getting mildewed.
7 And that's the unsafe building notice that was posted by me.

8 And that's a picture of the front of the property.
9 So the City's asking the Board to find for the City that this
10 property is unsafe and to order the building to be demolished
11 in 30 days by the owners.

12 MR. WEYMOUTH: Okay. Can we hear from the
13 respondent?

14 MR. WEISBERG: Good afternoon, Matthew Weisberg on
15 behalf of Deutsche Bank. This was a foreclosed property, my
16 client is aware of the violations. They've put the bids in to
17 demo the property to cure the violations so they need, I
18 talked to my client today, they said they need about two
19 weeks in order to get the bids and to get the contractor
20 working on it. So I just ask for an extension of time in
21 order to go ahead and cure all the violations.

22 MR. WEYMOUTH: Any questions from the Board?

23 MR. CROGNALE: Yes, one. You're intending to
24 correct the violations?

25 MR. WEISBERG: Absolutely.

1 MR. CROGNALE: Okay, so you're going to take it to
2 moving it out of the code violation into a viable property?

3 MR. WEISBERG: Yes sir.

4 MR. CROGNALE: Okay.

5 MR. LARSON: You're going to re- you're going to
6 rebuild it?

7 MR. WEISBERG: I'm not sure to be honest. All I
8 know is that they told me they're willing and once they get
9 the contractor there going to be able to --

10 MR. LARSON: To put it back into her somebody
11 could have a turnkey operation?

12 MR. WEISBERG: I would assume so. All they told me
13 is that they're going to cure all the violations. So as far
14 as rebuilding, remodeling --

15 MR. WEYMOUTH: You say they're expecting to have
16 bids within a couple of weeks. Is there a set of plans? Is,
17 are, did I read it, was it this one or another one, is there
18 building that happened without a building permit with this
19 property or is that a different property? All right that's a
20 different one I read. So, are there plans required in order
21 for him to correct what needs to be corrected?

22 INSPECTOR OLIVA: Yes, he's going to need a set of
23 drawings plus an engineer's letter to assess the damage in
24 the roof.

25 MR. WEYMOUTH: Am I to assume that those plans

1 have been produced and that's how you're getting the bids or
2 are you just having people do site visits and preparing bids
3 to do the repair work?

4 MR. WEISBERG: I'm assuming it's the former. They
5 had plans too and they sent them out to contractors.

6 MR. BARRANCO: Can I rewind a minute? I thought
7 you guys said you were going to demolish the building.

8 MR. JARRETT: Yes, I did too.

9 MS. HALE: Yes, I did too.

10 MR. LARSON: I have some reservations, Mr.
11 Chairman, in regards to what he, because he hasn't got enough
12 information was given to him and it leaves us up in the air
13 to make the decisions and you should have come in better
14 prepared for what you had from your company. And I don't
15 blame you totally, if you don't get the information you can't
16 do a proper job.

17 MR. WEISBERG: I apologize sir. If I can, I'll
18 call my office, I'll see if we have any concrete answers as
19 far as what you're asking.

20 MS. HALE: Are you an employee of the bank or did
21 they employ you to come here as an attorney or a contractor
22 or something?

23 MR. WEISBERG: Well, I'm an employee of the --

24 MS. HALE: Of Deutsche Bank? No.

25 MR. WEISBERG: Well no, no, no, no ma'am, I'm an

1 employee of the law firm who was hired on behalf of Deutsche
2 Bank.

3 MS. HALE: Okay, and you are the lawyer in charge
4 of this case? Now you are.

5 MR. WEISBERG: For purposes of today, yes ma'am.

6 MR. JARRETT: I still have concern because the
7 question that was asked a few moments ago still hasn't been
8 answered.

9 MR. WEISBERG: Yes.

10 MR. JARRETT: Did you use the word demolish and
11 demolition contractor or did you not?

12 MR. WEISBERG: I believe, I don't have it in my
13 notes that's what I was looking for that there was a demo.
14 All I have notes from here was, excuse me, an e-mail from my
15 client saying we need at least two weeks to get the bid and
16 order the contractor to cure the violations.

17 MR. JARRETT: So, correct violations, the word
18 demolition didn't come out of --

19 MR. WEISBERG: It's not right here. When I was
20 looking through the file earlier I thought I saw it, that's
21 why I suggested maybe call my office and see exactly if it
22 has any specific plan, anything in the computer system.

23 MR. WEYMOUTH: Can we table this case [inaudible]
24 and then he can come back and enlighten the Board.

25 MS. WALD: That was going to be my suggestion.

1 MR. WEYMOUTH: I knew it was, I just wanted to
2 beat you to the punch.

3 MS. WALD: And you did an excellent job at it.

4 MR. WEYMOUTH: Thank you. All right we'll table
5 this and will give you --

6 MS. WALD: We can go ahead and just table this.
7 Call the next case and give you time to make some phone calls
8 and then you come back.

9 MR. WEISBERG: Sure, I appreciate it.

10 MR. LARSON: Thank you very much.

11 [Case continued on page [35](#)]

12

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14

2. Case: CE07101527

15

SMITH, CHARLIE J

16

1604 NW 11 CT

17

18 MS. PARIS: Our next case will be on page one,
19 this is a new business case, Case CE07101527, the inspector
20 is George Oliva, the address 1604 Northwest 11 Court. The
21 owner is Charlie J. Smith.

22

23 We have service by posting on the property
24 9/12/11, we've advertised in the Daily Business Review
25 9/30/11 and 10/7/11. Certified mail as noted in the agenda.

26

27

28 INSPECTOR SMILEN: Okay, this is actually old-
29 school style.

1 MR. LARSON: They pulled the second one up first.

2 MR. WEYMOUTH: Mr. Smilen, and are you going to
3 present this case?

4 INSPECTOR SMILEN: Yes, I'll be presenting this
5 case.

6 MR. WEYMOUTH: Very good.

7 INSPECTOR SMILEN: Fort Lauderdale Building
8 Inspector Gerry Smilen, presenting case number CE0710527. I
9 first had inspected this site on July 9, 2008 and this case
10 was opened by Building Inspector Wayne Strawn on October 26,
11 2007. There have been multiple additions on the property and
12 I'd like to submit the following dated pictures as evidence
13 into the record.

14 [Inspector Smilen displayed photos of the
15 property]

16 INSPECTOR SMILEN: Once upon a time, in the 50s
17 there was a house that was built and it started to look a
18 little bit like this. Let me, let me actually get a smaller,
19 I want to see where we started here. Take that away. Okay.

20 MR. LARSON: Is this a lesson how to build a house
21 without a permit?

22 INSPECTOR SMILEN: It's a lesson on how to get
23 caught. Okay. This area here is how this house originally
24 started. As you can see the configuration here. This is a
25 screen porch back here and this is the configuration of the

1 house, okay? Keep that in mind but let's put our thinking
2 caps on and remember about that. Now --

3 MS. WALD: [inaudible] Put that into evidence.

4 INSPECTOR SMILEN: I had stated that earlier.

5 Okay, now we're going to go and take an aerial shot of what
6 we have today. And as we can see, this is the front of the
7 house here, all of a sudden this thing just grew all over the
8 -- it grew a front porch here, it grew this whole extension
9 back here. It just, out of nowhere, just came out. We don't
10 know how that happened because we don't have any building
11 permits to show that it was supposed to be there.

12 MR. WEYMOUTH: Not even for the pool?

13 INSPECTOR SMILEN: The pool has a permit. Okay,
14 so now we're going to do a little more detailed investigation
15 here. Here is a little view of the front porch that was
16 added on without a permit. And I'm sure that some of you
17 people who have seen construction before in your lives could
18 probably understand and realize that this would never have a
19 permit the way it was done.

20 Here is a picture of the front of the house and
21 you can see the back of Inspector Wayne Strawn right there.
22 This, no it's not, this right here is an extended area in the
23 back. This is showing an area again on the front area of the
24 front porch. This is all stuccoed here and then again is
25 showing that whole area in there.

1 This is a view of the area that was extended out.
2 You'll notice all the ductwork is on top of the roof? That
3 actually did have a permit and that was legal. Here is some
4 electrical work that was done here. Here is the extension as
5 you can see, you can see where the roofline doesn't coincide
6 with the original roofline because this was added on and of
7 course the way the window is kind of put in there.

8 This is an area again in the front where there's
9 some plumbing that was coming out of the wall here and the
10 stucco. This is showing again the extensions coming out as
11 you can see where the level is, floor level, obviously a
12 little too low for living space. And you can see another part
13 of the back here as you can show this was all kind of
14 probably weekend work. And Pat, I have a special picture for
15 you.

16 MS. HALE: Oh, oh, I'm waiting.

17 INSPECTOR SMILEN: We just know how you love pools
18 and this is always a beauty right here.

19 MS. HALE: Oh, green too, my favorite color.

20 INSPECTOR SMILEN: As you can see right here there
21 is no protection at all around this pool. It does pose a
22 life safety issue not only for the fact that somebody could
23 fall in, but also the water, who knows what's breeding in
24 there.

25 MS. HALE: Never find them, they'd never find them

1 if they went in.

2 MR. WEYMOUTH: Is the house abandoned or is it
3 occupied?

4 INSPECTOR SMILEN: At this point, we went by there
5 a few days ago, there is major overgrowth of the property; it
6 does not look like anybody is in that house whatsoever. It is
7 abandoned as far as we can tell.

8 MR. WEYMOUTH: These pictures are current or these
9 pictures are from 2007?

10 INSPECTOR SMILEN: No, those pictures from 2007
11 but we can verify that just from our inspection last week.
12 I'm sorry, 2008.

13 MR. CROGNALE: Mr. Chair, Mr. Chair?

14 MR. WEYMOUTH: Yes sir?

15 MR. CROGNALE: Question for Mr. Smilen.

16 MR. WEYMOUTH: Go ahead.

17 MR. CROGNALE: Where was the City at all the time
18 when this magic was going on, this construction? It had,
19 obviously had to be more than one extension of the building,
20 it didn't all occur at the same time.

21 INSPECTOR SMILEN: Well, you have to understand
22 the way things were. I mean I, obviously, unpermitted work
23 isn't something that we know exactly when it happened but if
24 the case was opened in 2007 you'd have to think back that a
25 lot of this probably happened around hurricane, the aftermath

1 of hurricane Wilma and even before that and also the fact
2 that this work was done in the rear of the property, you
3 can't see it.

4 Mr. Phillips arrived at 3:18.

5 MR. CROGNALE: Some of it was done on the front
6 though. The porch --

7 INSPECTOR SMILEN: Yes, the porch was done on the
8 front, but most of it is in the back of the property.

9 Okay, the other information here is you're
10 probably wondering why the date goes back so far. There was
11 a bankruptcy proceeding going on on this property so it was
12 primed to be brought before the Unsafe Structures Board but
13 until all the dust settled from that particular dilemma we
14 were pretty much tied here we could do anything about it, so
15 now we're bringing it up here finally.

16 MS. HALE: Did that, this ever come before Code
17 Enforcement?

18 INSPECTOR SMILEN: No, I don't believe it --

19 MS. HALE: You know, I look at these pictures and
20 I swear I could have seen this house once before.

21 INSPECTOR SMILEN: Yes, I don't --

22 MS. HALE: I guess there's so many of them that I
23 don't know, but it just looked familiar to me.

24 INSPECTOR SMILEN: No, because when Wayne Strawn
25 opened the case it was originally slated for Unsafe

1 Structures Board and that's the way it's always been.

2 MS. HALE: Okay.

3 INSPECTOR SMILEN: This is also showing a window
4 that was blocked up here as well.

5 MS. HALE: Right.

6 MR. LARSON: Mr. Chairman?

7 MR. WEYMOUTH: Yes sir?

8 MR. LARSON: One question. You don't have any
9 pictures of the inside or anything to see if there's any
10 water leakage inside or anything like that?

11 INSPECTOR SMILEN: No, I was never granted access
12 into the property. It's only the outside of the property.

13 MR. LARSON: There's no -- nobody left a door open
14 for you or a window for you to crawl in or out of.

15 INSPECTOR SMILEN: Well, we're not really supposed
16 to do something like that.

17 MR. LARSON: I thought I'd ask.

18 MS. WALD: Gerry would never do anything like
19 that.

20 INSPECTOR SMILEN: I certainly would never do
21 something like that.

22 MR. LARSON: I know you wouldn't Gerry. Thank you
23 Gerry.

24 MR. WEYMOUTH: Is that - is that the conclusion of
25 your presentation? Is there more to present?

1 INSPECTOR SMILEN: Well, I would like to say one
2 other thing. Hello to Hollywood John Phillips over there.

3 MR. PHILLIPS: I left my other prescription in the
4 car.

5 INSPECTOR SMILEN: Sure. We ask that the Board
6 find for the City that this property is unsafe and order the
7 building to be the most by the property owner within 30 days.

8 MR. WEYMOUTH: Okay, before we turn it over to a
9 respondent, if there's is a respondent are there any
10 questions of Mr. Smilen, Inspector Smilen? Thornie?

11 MR. JARRETT: Well, that's what I was going to
12 ask, there is no respondent, right?

13 MR. WEYMOUTH: I don't know.

14 MS. WALD: We have someone --

15 MR. WEYMOUTH: I've got a quick question before we
16 go to the young lady. Just from a curbside view and looking
17 at this it looks like there were some things that were not
18 taken into consideration as it would apply to code or
19 whatever. Can you, were you able to ascertain whether it had
20 the proper foundation, whether the walls were properly
21 attached to the foundation, whether the roof. I mean, is it
22 like, you know, they did the right thing, they just didn't
23 pull a permit or --

24 INSPECTOR SMILEN: Well, I can tell you from my
25 observations without actually being on the inside of the

1 property there is a lot of work in there that is not
2 according to code. That whole area in the back there as I was
3 showing you how, where the floor level is. The floor level is
4 way too low for it to be considered living space. As you can
5 tell just from the construction of the front porch, that
6 would never fly for the requirements of the Florida Building
7 Code in a high velocity hurricane zone. And that type of
8 work is consistent throughout this whole property and my own
9 personal opinion is it does pose a windstorm hazard and a
10 life safety issue and does affect the community around it.

11 MR. WEYMOUTH: But can the work that's in place be
12 remediated to, I mean, can you add hurricane clips, can you
13 add straps, can you do additional nailing, can you do these
14 things or, you know, I mean if you start off wrong you just,
15 you can't fix it.

16 INSPECTOR SMILEN: Well, you can't say never to
17 anything. I mean, if somebody wants to take a property,
18 let's say, that's worth \$10,000 and they completely did
19 something like this and then it costs them \$30,000 to correct
20 it, yes you could do that. Is it economically feasible, is
21 somebody going to do it? Probably not, but anything can be
22 corrected. I mean you can do a complete demolition and put
23 something up like what it is in the proper way.

24 MR. WEYMOUTH: But, I'm sorry Thornie.

25 MR. JARRETT: No, go ahead.

1 MR. WEYMOUTH: And my understanding is there's
2 nobody living there right now that you can tell.

3 INSPECTOR SMILEN: You look at the property, there
4 are no signs of anybody in there at all.

5 MR. WEYMOUTH: Thornie?

6 MR. JARRETT: Setbacks, is it, how about the
7 setbacks? Is it sitting on, you know, since they expanded
8 this way and that way are they sitting on the setbacks?

9 INSPECTOR SMILEN: Well, we don't know that
10 because --

11 MR. JARRETT: Oh, okay.

12 INSPECTOR SMILEN: There was, there were no
13 permits, there were no surveys done, so we can't really tell
14 you if it is or it isn't. If you look at, it doesn't look
15 like anything encroached on the side setback and it is a
16 pretty sizable lot in the back. So with a pool being, with a
17 pool being there, I don't know that it would, I don't see
18 that that would be, that might be an issue, it might not, but
19 I'm not qualified to make that judgment.

20 MR. CROGNALE: I'd like to make a comment that
21 it's all immaterial to the fact that when it was, when it was
22 done, it is what it is and it's an unsafe structure at this
23 point in time. How it was constructed is of no material use
24 at this point in time because it wasn't done properly,
25 without permits.

1 INSPECTOR SMILEN: That's correct. You're
2 absolutely correct. I mean, if you go into the requirements
3 of the Florida Building Code for demolishing in Section 115,
4 none of this stuff was permitted, it was not proven to be
5 worthy and withstand the requirements in our area of the
6 country. And therefore it should be deemed unsafe.

7 MR. WEYMOUTH: Very good.

8 MR. BARRANCO: Chair, Mr. Chair? Just one
9 housekeeping question. You guys have listed on our agenda as
10 the inspector being George. Was it in fact Wayne or was it
11 you or was it all three of you?

12 INSPECTOR SMILEN: What it was was, it's in
13 George's area. I was with Wayne essentially when he, and I
14 took the pictures back in '08 and it was decided since I was
15 more familiar with the property that I would present the
16 case.

17 MR. WEYMOUTH: Very good.

18 MR. BARRANCO: Okay.

19 MR. WEYMOUTH: Any other questions of the City
20 before we hear from the respondent? Thank you. Ma'am?

21 MS. ELKINS: Good afternoon. I'm Kelly Elkins on
22 behalf of Citifinancial services and I'm just here because we
23 were notified of this hearing and basically we are in the
24 middle of foreclosure so, as you --

25 MR. LARSON: Can you speak into the mic so we can

1 hear you?

2 MS. ELKINS: We're in the middle of a foreclosure
3 case, as I heard before, someone mentioned that there was a
4 bankruptcy. Charles Smith, who owns the property currently,
5 filed bankruptcy back in 2008. So, then it took a while to
6 get the bankruptcy dismissed and the sale was rescheduled but
7 then the sale was canceled for a loan modification review a
8 couple different times and now we have instructions to reset
9 the sale so we're just waiting for an affidavit to be
10 executed and submit to the court and then we will get a new
11 sale date.

12 So, and also the information that we had back in
13 2008 the property was occupied by a tenant named Johnny
14 Glover so I'm not sure, I guess the City's saying that it's
15 not occupied any longer but the information that we had was
16 that it was occupied.

17 MR. WEYMOUTH: But it's not occupied now, to your
18 knowledge.

19 MS. ELKINS: I'm just hearing this today, so.

20 MR. PHILLIPS: How could it be under loan
21 modification if it's not occupied?

22 MS. ELKINS: No, that was back in --

23 MR. PHILLIPS: '08.

24 MS. HALE: 2008.

25 MS. ELKINS: No, 2000, well, 2009, a couple

1 different times in 2009. Because he filed bankruptcy and then
2 that delayed the process and then they were going to consider
3 him for a loan modification but apparently he didn't qualify.

4 MR. WEYMOUTH: I'm sorry. You're representing who?

5 MS. ELKINS: Citifinancial.

6 MR. WEYMOUTH: Okay.

7 MS. ELKINS: We were just notified of the hearing
8 so we're here.

9 MR. WEYMOUTH: Are there any other questions?

10 MR. BARRANCO: One more question.

11 MR. WEYMOUTH: Yes sir.

12 MR. BARRANCO: If we could grant you a time
13 extension, what's the most you would need to get your issues
14 resolved before we put in an order to demolish the building?

15 MS. ELKINS: You mean in order to have the sale
16 and all, I mean, and that?

17 MR. CROGNALE: No, that's not --

18 MR. WEYMOUTH: Well, that was going to be one of
19 my questions, is, what kind of timeframe are we working here?
20 You're putting it back up for sale, it obviously needs a lot
21 of work. Who's going to lend money on a house that needs
22 that much work? I'm trying --

23 MR. BARRANCO: Without permits inaudible]

24 MS. HALE: It's illegal.

25 MR. WEYMOUTH: I'm trying to figure out how to

1 unscramble this egg. I mean, you're not going to get a
2 lender to lend on it. I doubt somebody -- well somebody may
3 come in and pay cash for it, I don't know -- but you know.

4 MS. ELKINS: I mean a lot of, you know, just from
5 my past experiences, a lot of third-party purchasers come in
6 and take, you know the property and demolish or, you know, I
7 mean, yes.

8 MS. HALE: It's a lot of money that's what they
9 do.

10 MS. ELKINS: Yes.

11 MS. HALE: Ginger?

12 MS. WALD: Yes?

13 MS. HALE: May I ask you, can they set a property
14 up, is there no disclosure that there is an order let's say
15 on it for demolition. Does that sort of thing show up if a
16 purchaser goes through the lien search?

17 MS. WALD: Ginger Wald, Assistant City Attorney,
18 what will happen if this Board goes ahead and orders the
19 demolition, that then will be recorded in the public records
20 of Broward County and then if someone is actually doing a
21 lien search and they do it properly it will come up.

22 MS. HALE: Right. Because we can demolish
23 something even though it is a bank in foreclosure?

24 MS. WALD: Yes, in fact you've done it many a
25 times. This matter --

1 MS. HALE: I know we had because they haven't come
2 as she's come.

3 MS. WALD: Some people have. In this matter a
4 final judgment was actually obtained by the lender by the
5 bank back in 2009, 2008 sorry. It was, according to Broward
6 County Clerk of Court records last scheduled for a sale in
7 2009 and no record activity with the court since that period
8 of time. The bankruptcy was filed in 2008 and then was
9 ultimately dismissed; it was a Chapter 7 in 2009.

10 MR. CROGNALE: Question, in the interim, in the
11 interim, what's going to make it safe in the interim while
12 all this is going on, more safe?

13 MS. WALD: Someone has to do something.

14 MR. PHILLIPS: Citifinancial, are you a mortgage
15 lender?

16 MS. HALE: Yes.

17 MS. ELKINS: Yes.

18 MR. PHILLIPS: So, do you have corporate advances
19 for the taxes and insurance?

20 MS. ELKINS: Yes.

21 MR. PHILLIPS: Do you have any money in suspense
22 that you've been collecting from the mortgagor that you have
23 on credit?

24 MS. ELKINS: No.

25 MR. PHILLIPS: I mean, you're going to get the

1 title back, the certificate of title most likely.

2 MS. ELKINS: Correct. I mean, well, most likely.

3 MR. PHILLIPS: Did you ever get any hazard
4 insurance on this that paid you for any damage?

5 MS. ELKINS: No.

6 MR. PHILLIPS: So if you get the title, well,
7 they're the bank so it's up to them to push this to get the
8 title back and it'll be up to them to fix it once they have
9 the property. So the sooner you get your, which firm is
10 representing you?

11 MS. ELKINS: It's Daniel Consuega's office.

12 MR. PHILLIPS: Yes, I mean --

13 MS. ELKINS: I'm here for Daniel Consuega's
14 office.

15 MR. PHILLIPS: You're an attorney?

16 MS. ELKINS: Yes.

17 MR. PHILLIPS: Okay. The sooner you guys go in on
18 a summary judgment --

19 MS. ELKINS: Correct.

20 MR. PHILLIPS: Have defaults been entered?

21 MS. WALD: They already have a --

22 MR. PHILLIPS: Oh, you have a final judgment, oh.

23 MS. ELKINS: Yes, I'm, we have a final judgment.

24 We're just waiting for the affidavit of indebtedness back
25 from the client and to reset the sale date.

1 MR. PHILLIPS: That should not take, an affidavit
2 should not take more than, I mean, if you told them, hey
3 they're going to knock it down if you don't give us affidavit
4 amounts due and owing, principal, the interest, the advances
5 etcetera, and then it's going to take a sale date of,
6 [inaudible] what, 30, 60 days?

7 MS. ELKINS: Uh-hm [affirmative]. Most likely, I
8 mean, but it takes a little while to get a hearing date these
9 days so, you know, we have to reset the sale date.

10 MS. ELKINS: You have to go on a motion.

11 MR. PHILLIPS: [inaudible] Broward?

12 MS. ELKINS: Yes.

13 MR. PHILLIPS: You get that done in five days in
14 Judge Garcia Woods on a motion calendar.

15 MS. ELKINS: Their dockets are 150 --

16 MR. PHILLIPS: What?

17 MS. ELKINS: Their dockets are, I mean, I go there
18 -- I go, I --

19 MR. PHILLIPS: I'm there every day I'm telling
20 you.

21 MS. ELKINS: I'm there every day too.

22 MR. PHILLIPS: You can get it on, you get it on
23 five day calendar, there's no opposition. A lot of banks
24 don't want the properties back that's the problem you find
25 out.

1 MR. WEYMOUTH: Okay. Chair --

2 MR. PHILLIPS: I think if this is the bank, a
3 strong message can be given. Move the case along, tell your
4 rep to sign this affidavit of amounts due. Then why do you
5 need another affidavit amounts due if you got a final
6 judgment? Ma'am?

7 MS. ELKINS: I [inaudible]

8 MR. PHILLIPS: You have a final judgment right?

9 MS. ELKINS: Yes.

10 MR. PHILLIPS: You should just do on a motion
11 calendar a motion to reset sale date.

12 MS. ELKINS: They were getting a supplemental
13 affidavit of indebtedness.

14 MR. PHILLIPS: Yes but who canceled the sale date?

15 MS. HALE: They did.

16 MS. ELKINS: The --

17 MR. PHILLIPS: You did. The bank canceled the
18 sale date --

19 MS. ELKINS: To review for a loan modification,
20 yes.

21 MR. PHILLIPS: -- for whatever reason, for a
22 review for modification which three years old. You could go
23 in on a five-minute motion in five days and say motion to
24 reset sale date and that thing will be set in, I think
25 they're setting them for January 12. That's what needs to be

1 done.

2 MR. WEYMOUTH: All right, the Chair recognizes Mr.
3 Larson.

4 MR. LARSON: Ma'am?

5 MS. ELKINS: Yes.

6 MR. LARSON: You're representing, you're
7 representing the owner, the financial institution that's
8 holding the mortgage?

9 MS. ELKINS: Correct.

10 MR. LARSON: All right. Are they willing to come
11 in and either re-build this thing and bring it up to meet the
12 current codes because you've got, I'm a former builder and
13 you've got a pile of things in there that you're going to
14 have to try to get an architect to come in and put his
15 license on the line to validate that these things are, well,
16 some of the stuff may pass, some of the stuff they may have
17 to tear half the place down to repair. And is it going to be
18 worth it to your company to either just walk away from it and
19 let it go in and sell the land?

20 MS. ELKINS: Well, they'll get bids and then, you
21 know, I mean, as soon as we get title then they'll contact
22 contractors to get bids and then if it's something, I mean,
23 there were a couple, he said that the pool had a permit and
24 there was duct work that had permits. So, I mean, I don't
25 know, I'm not a construction person but --

1 MR. LARSON: Well, I'm putting you on the spot
2 because you're coming in here represent your company should,
3 your financial company should have given you more, some more
4 information so that you can do your job properly. Because
5 you're leaving us in a limbo period and I'm not going to be
6 in that limbo period because I'm going to vote to tear it
7 down. I can tell you that right now. Because it's gone on
8 too long and there is an unsafe issue and I'm not, I'm here
9 to protect the people.

10 MS. ELKINS: Well, I understand. I mean, if it's
11 abandoned and, I mean, I guess, you know, they should be able
12 to secure the pool and what not if they can prove that it's
13 abandoned at this point.

14 MS. HALE: Well, it's been that way for three
15 years; you're just lucky some kid didn't fall in.

16 MS. ELKINS: There was a -- there was a tenant.

17 MS. HALE: He does know, I'm really very strong on
18 green swimming pools.

19 MR. PHILLIPS: Can I just made a suggestion? They
20 can go in and reset the sale. I don't believe they need any
21 updated affidavit.

22 MR. CROGNALE: How does it make it safe in the
23 interim?

24 MR. PHILLIPS: Well, if we demolish it, if she
25 goes back to her firm and says hey guys, hey client rep, we

1 better get the City, or we better get this thing ASAP, the
2 Board has done a demolition. You go into court and say judge
3 would you please reset this, there's a sale date. The sooner
4 they get the title back the sooner they can come back and say
5 Ollie, Ollie ole free, here's our construction crew we really
6 want to fix it up. If they're serious about saving the
7 property.

8 MR. WEYMOUTH: Mr. Smilen, you have another
9 comment?

10 INSPECTOR SMILEN: Yes please. Okay, I think
11 we've gone through all the what ifs and what could be and
12 what might not be and everything else but I think we need to
13 come right back to the reality of this. The reality is, here
14 is your building right here, okay? The reality is -- let me
15 give you a better angle of it -- the reality is that if this
16 does get resold, This whole area back here, this whole area
17 in the front here, will have to be removed.

18 So you're removing close to a third, between a
19 third and a quarter of the building that you have now. Now,
20 from what I'm hearing here is the bank wants to sell it just
21 the way it is. So then you're telling the person when they
22 get the sale that they have to remove this. We're not really
23 fixing the problem here at this point. So I think we have to
24 keep that in mind and that needs to weigh heavy on your
25 decision.

1 MR. WEYMOUTH: It's the City's recommendation to
2 do a partial demolition not a full demolition?

3 INSPECTOR SMILEN: The City is recommending a full
4 demolition.

5 MR. WEYMOUTH: Even of the original structure that
6 was built to code at the time that it was built?

7 INSPECTOR SMILEN: Well, there's enough work done
8 on here without permits where the City feels the building
9 needs to be demolished.

10 MR. LARSON: Make the motion, I'll second it.

11 MS. HALE: Okay. I'm ready.

12 MR. WEYMOUTH: Any other questions of the
13 respondent or the City?

14 MS. HALE: I'll make a motion.

15 MR. WEYMOUTH: Would anybody like to make a
16 motion?

17 MS. HALE: I will. I move that we find that the
18 violations exist as alleged and that we order the property
19 owner to demolish the structure within 30 days and that we
20 order the City to demolish the structure should the property
21 owner fail to timely demolish. Such demolition is to be
22 accomplished by a licensed demolition contractor pursuant to
23 a City issued demolition permit.

24 MR. LARSON: I'll second that.

25 MR. WEYMOUTH: Any more discussion?

1 MR. WALKER: I actually have one question.

2 MR. WEYMOUTH: Yes sir.

3 MR. WALKER: If you tear the house down, the pool
4 is still unsafe, correct? How's that going to be secured?

5 MR. JARRETT: It's included, isn't it?

6 MR. WALKER: I mean, do you demolish the pool?

7 MS. HALE: Is that, wait a minute, a quick
8 question.

9 INSPECTOR SMILEN: Excuse me. The pool is part of
10 the demolition. That will be broken down and it will be
11 removed and filled in.

12 MR. WALKER: Okay.

13 MR. WEYMOUTH: Any other questions? All right.
14 Take it to a vote, all in favor?

15 BOARD MEMBERS: Aye.

16 MR. WEYMOUTH: All opposed? Thank you. Ms.
17 Paris, do we want to do the third case second or the first
18 case second?

19 MS. PARIS: Well he was here and apparently he
20 walked back out so we do have one other case.

21 MR. WEYMOUTH: Okay, let's do the third case.

22 [INDEX](#)

23 **3. Case: CE11090240**

24 **MCCRAY, CLARA M EST**

25 **712 NW 15 WY**

1 MS. PARIS: Correct, we'll move to page three, new
2 business case CE11090240, the inspector, George Oliva, the
3 address 712 Northwest 15 Way. The owner is the estate of
4 Clara M. McCray.

5 We have service by posting on the property
6 9/22/11, we've advertised in the Daily Business Review
7 9/30/11 and 10/7/11. Certified mail as noted in the agenda.

8 MS. HALE: 1947.

9 MR. WEYMOUTH: Thank you.

10 INSPECTOR OLIVA: Give us a few minutes here.

11 MR. WEYMOUTH: Mr. Oliva?

12 INSPECTOR OLIVA: George Oliva, Building Inspector
13 for the City. I'm presenting case number CE11090240 on page
14 three of the agenda. This case was opened on September 6,
15 2011 and the following pictures, and the following picture
16 were taken on that day and I would like to submit them into
17 the records.

18 [Inspector Oliva displayed photos of the
19 property]

20 The pictures show the front of the property that
21 would be the family room and you can see that the roof is
22 already giving into the property. That's part of the carport
23 and that already collapsed; most of the roof came down. And
24 you can see that the tie beam it has a crack on it and is
25 also kind of bending into the carport.

1 That's another picture of the other side of the
2 tie beam where you can see there's a crack on the top to the
3 left of the column that is beginning to form. That's a
4 faraway picture. And I want to make a note on this, the owner
5 of the property, she passed away and her son is living inside
6 the property at this moment. I tried to work with the guy
7 tried to find some help for him. He say he's United States
8 veteran from the Army.

9 He's mentally, he's not that good either, he's not
10 100%. But I tried for him to obtain help from different
11 organization including Rebuild Broward and I can't get nobody
12 to help him. So far I having, say that I have a lot of
13 pressure also from the neighbors next door that they
14 concerned with the property the way the roof is in case of a
15 hurricane there's going to be debris all over the place.

16 And once again that's the gentleman that's living
17 at the property he didn't let me go inside the property won't
18 even let me pass inside the fence so. I asking the Board to
19 find for the City that this property is unsafe and order the
20 building to be demolished in 30 days by the owner.

21 MS. HALE: Is it only the carport that, the roof?

22 INSPECTOR OLIVA: No ma'am. It's the --

23 MS. HALE: It's the whole -- I couldn't see from
24 the pictures

25 INSPECTOR OLIVA: It's a carport it's a front

1 porch that, the front porch already gave in.

2 MS. HALE: Okay.

3 INSPECTOR OLIVA: You can't see it from the
4 outside from the street in through the window but there's a
5 whole the ceiling.

6 MS. HALE: Okay, so it's the whole.

7 INSPECTOR OLIVA: And he made a statement to me
8 the day that I was talking to him that there's water leak
9 inside but he can live that way because he put buckets when
10 it rains. But that picture was taken before the raining
11 season so I don't know the condition inside that property
12 now. I tried to be there the other day with Gerry Smilen, we
13 tried to reach the guy again and he wouldn't open the door he
14 wouldn't let us into his property so.

15 At this moment the City really nothing we can do
16 about it to help the guy. And I'm asking the Board one more
17 time to find for the City that this property is unsafe and we
18 need to have some type of action taken the next 30 days and
19 my recommendation would be to be demolish.

20 MR. JARRETT: The structure looks a little, it's
21 different than what you all have brought us before.

22 INSPECTOR OLIVA: Right.

23 MR. JARRETT: Because in this case, below the
24 roofline the house looks like it's been maintained.

25 INSPECTOR OLIVA: Uh-hm [affirmative]

1 MR. JARRETT: But then the roof looks like it's
2 completely gone.

3 INSPECTOR OLIVA: I know, I wish that I would have
4 a chance to go inside and explain the owner or the son of the
5 owner to let me take a look inside there. I was there to
6 help him not to make any bad decision in his behalf. But
7 this is a type of person that he doesn't trust no one. Even
8 Gerry Smilen was the day we made it to him as a witness and
9 we could see together the damage and he wouldn't let us in.

10 MR. WEYMOUTH: I echo Thornie's position that, to
11 me it looks like the roof is gone.

12 INSPECTOR OLIVA: Yes it's pretty bad --

13 MR. WEYMOUTH: But below that, I mean, you don't
14 have the board up, broken out windows you don't have the
15 doors falling off, you don't have the beams. You know so,
16 almost as if, if somebody were to go in and do some roof work
17 and obviously now some truss work, this property maybe could
18 be rescued.

19 INSPECTOR OLIVA: I agree with that. If we could
20 have a look inside that property I would recommend a
21 different action. Since I don't have a way to get inside --

22 MR. WEYMOUTH: Is there a respondent here?

23 INSPECTOR OLIVA: No, he didn't show up and I went
24 to see him and I remind him that he needs to be here today
25 and --

1 MS. HALE: Did he live with his mother when his
2 mother lived in here?

3 INSPECTOR OLIVA: I'm not too sure about that.
4 According to the neighbor next-door that I spoke to her also,
5 he was in the Army at the time that she died.

6 MR. WEYMOUTH: And this is kind of a unique case
7 that I've seen.

8 MS. HALE: Yes.

9 MR. WEYMOUTH: I mean, you know, I'm just
10 hypothetical but what if you grant a demolition order and
11 they're all out there and the bulldozer's there and the guy's
12 inside and he refuses to leave his property?

13 MR. AUGUSTIN: Excuse me, Chris Augustin, Building
14 Official for the City of Fort Lauderdale. I'd like to
15 withdraw this case.

16 MR. WEYMOUTH: Okay, very good.

17 MS. HALE: Okay. Good.

18

19 **1. Case: CE11081275 [continued]**

20 MS. PARIS: And we're going to go back to page two
21 for Case CE11081275, the address 4820 Northwest 9 Terrace,
22 owner: Deutsche Bank National Trust Company, care of the Law
23 office of David Stern.

24 MR. WEYMOUTH: All right sir, what did you find
25 out for us?

1 MR. WEISBERG: Hello again. Unfortunately, we
2 don't have too much more information. I had one of my
3 colleagues look through the case in our system. It didn't say
4 anything about a demo so I apologize, I misspoke on that
5 front. All I have is that we spoke to the client again and
6 then that they are waiting on getting the bid in order to
7 cure the violation.

8 So they said it would take at least a couple
9 weeks. So they're, they're again, they're willing to go
10 ahead, cure the violation and I'd suggest maybe tabling this
11 and recalling it in a month or so and if we haven't, if they
12 haven't take any action by then, possibly, you know, sending
13 out the options and you know, giving us an ultimatum.

14 MS. HALE: I forget, is this occupied or
15 unoccupied?

16 MR. WEYMOUTH: Could we have our pictures back up,
17 please?

18 MS. HALE: This is the one with the chandelier.

19 MR. LARSON: This is the worst one.

20 MS. HALE: Is this the chandelier?

21 MR. WEYMOUTH: It's the one with all the mold
22 inside.

23 MS. HALE: Yes.

24 MR. LARSON: Yes, this has got all the mold
25 inside.

1 MR. JARRETT: Can I just make a comment?

2 MR. WEYMOUTH: Sure.

3 MR. JARRETT: Having served on the Board for
4 several years I've been here when there's been
5 representatives of banks in the past stand there and say the
6 exact same thing. Perhaps on 30 or 40 cases and not once has
7 it happened, we always ended up stretching the case out for
8 two or three months and then the demolition order had to be
9 set anyway and in the meantime the neighborhood had to suffer
10 from the property.

11 I personally would be very hesitant to give you an
12 extension because I don't feel like you've come back with
13 like a positive answer. And I understand why, I think I
14 understand why, because you're not getting a positive answer
15 from your client. And it, in my experience has been that's
16 the way banks handle it. So I'm not too apt to grant an
17 extension.

18 MR. WEISBERG: Understood, understood. And again,
19 I don't want to misrepresent anything to the Board here and
20 overstep my boundaries. I only want to communicate to you
21 guys what my client has communicated to me. And that's that
22 they're going to go for it, they're going to cure the
23 property and I have to take them at their word for that.

24 MS. HALE: Is this a foreclosure or a short sale?

25 MR. WEISBERG: It was a foreclosure ma'am.

1 MS. HALE: Okay. Huh?

2 MR. PHILLIPS: What firm are with?

3 MR. WEISBERG: Shapiro, Fishman and Gache'LLP.

4 MS. HALE: Yes, I, --

5 MR. CROGNALE: Mr. Chair?

6 MS. HALE: He's talking about his client and I
7 wondered if there was still a homeowner involved in this as a
8 short sale, gotcha.

9 MR. CROGNALE: Mr. Chair?

10 MR. WEYMOUTH: Yes sir?

11 MR. CROGNALE: I have a question for Ginger or --

12 MR. WEISBERG: Yes sir.

13 MR. CROGNALE: Ginger, since we've already given
14 the go-ahead to do the demolition --

15 MR. WEYMOUTH: As it relates to this case, we have
16 not.

17 MS. WALD: You haven't voted, you haven't voted
18 yet.

19 MR. CROGNALE: Since that's being considered --

20 MS. WALD: Yes.

21 MR. CROGNALE: If it goes to the vote and it is
22 considered for demolition, do they have a stay somewhere down
23 that they can appeal that [inaudible] the respondent.

24 MS. WALD: Oh, you can appeal, yes.

25 MR. CROGNALE: The respondent then who says now

1 that they want to take care of the problem but yet they
2 hadn't given him enough information that we can sink our
3 teeth into. So if we make that determination for demolition
4 do they have an option to protect their interest?

5 MS. WALD: Yes. Ginger Wald, Assistant City
6 Attorney. Basically, the legal processes is this: if the
7 Board in any case, if their order is for the owner to
8 demolish the property it's based, obviously, on the evidence
9 that's been presented in front of you by either side. And
10 then if the criteria is met under the Florida Building Code
11 and the City ordinance for demolition and it's done with
12 substantial competent evidence, we had due process and you
13 followed the essential requirements of the law, then, even if
14 it's appealed, the court will uphold your ruling.

15 So can a respondent, can an owner go ahead and
16 appeal your order? Yes, and in fact I've defended them. I
17 don't always tell you what happens but it does happen and we
18 defend those cases.

19 And if the court finds that there was not
20 substantial competent evidence or the essential requirements
21 of law were departed from, or there was not due process,
22 which I don't think would be in this case, then they would
23 overturn it and then the case would have become back to you.

24 The only other alternative would be if that
25 individual, the owner, requested, within a reasonable period

1 of time, for a re-hearing. And we have brought those cases.
2 I can't remember if we brought those cases to this Board in
3 the past, maybe once before. Thornie, think we had one that
4 we brought back.

5 They can ask for a rehearing. They can bring the
6 case back to the Board, we would schedule it in front of the
7 Board, the Board would hear the argument of the respondent as
8 to why the case should be reheard for whatever reason. Then
9 the Board would take a vote whether to rehear it. If the
10 Board voted yes to rehear the case then the case would be
11 reheard and then obviously whatever decision you wish to make
12 at that time you could.

13 So those are two of the options that can happen
14 after today if the Board does take a vote to order
15 demolition. I hope that answers your question.

16 MR. WEYMOUTH: Any other comments, any other
17 questions? Seeing none, is there a motion?

18 MS. HALE: I'll make it. I move that we find that
19 the violations exist as alleged and that we order the
20 property owner to demolish the structure within 30 days and
21 that we order the City to demolish the structure should the
22 property owner fail to timely demolish. Such demolition is
23 to be accomplished by a licensed demolition contractor
24 pursuant to a City issued demolition permit.

25 MR. WEYMOUTH: Okay, is there a second?

1 MR. CROGNALE: Second.

2 MR. WEYMOUTH: Any more discussion? Put it to a
3 vote. All in favor?

4 BOARD MEMBERS: Aye.

5 MR. WEYMOUTH: All opposed? Passes, thank you.

6 MR. WEISBERG: Thank you.

7

8 **Communication to the City Commission** [INDEX](#)

9 MS. PARIS: And our last order of business, is
10 there any communication to the City Commission?

11 MR. WEYMOUTH: None.

12

13 **Board Discussion** [INDEX](#)

14 MS. PARIS: Okay, adjourn?

15 MR. BARRANCO: Hold on. I got a, I just have a
16 question for future cases not discussing any case today, so.
17 Is there any way the inspectors on some of these properties
18 where we have a history of violations that have been
19 happening over time, can we get aerial photos of what the
20 property looked like maybe three years ago, four years ago,
21 five years ago?

22 Because those are available.

23 MS. WALD: Um-hm [affirmative].

24 MR. BARRANCO: Because I'd be really interested to
25 know if the bank -- in cases where things are financed -- I'd

1 really love to know if the bank could have been aware of some
2 of these violations. It'd be helpful for me in making these
3 decisions because if something was financed and there was in
4 fact --

5 MS. WALD: Yes.

6 MR. BARRANCO: -- work done without a permit and
7 the bank knew about it, it would make my decision real easy.

8 MS. WALD: Ginger Wald, Assistant City Attorney.
9 Those would be available and since we have two of the three
10 inspectors here and they've heard what you would like to see
11 I'm sure they will take that into consideration and can
12 obtain that information and do it timely to bring it forward
13 to you. I'm sure they'll make every effort to do so.

14 MR. WEYMOUTH: I would say that was not a
15 communication to the City Commission.

16 MS. WALD: I think that was just a --

17 MR. WEYMOUTH: Unless you want those aerials from
18 the City Commission.

19 MR. JARRETT: Communication to the City Attorney's
20 office.

21 MR. WEYMOUTH: Very good.

22 MR. MCKELLIGETT: Motion to adjourn?

23 MR. WEYMOUTH: You betcha. Is there a motion to
24 adjourn?

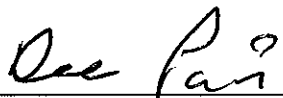
25 MR. LARSON: Motion to adjourn.

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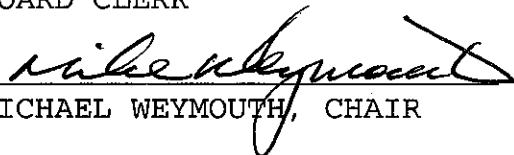
MS. HALE: Second.

[Earlier in the meeting, Ms. Paris made the Board aware of the dates for the Better Meetings Academy. Staff also distributed the Board's 2012 Calendar]

[Meeting concluded at 3:52 pm.]



BOARD CLERK



MICHAEL WEYMOUTH, CHAIR

[Minutes prepared by: J. Opperlee, Prototype, Inc.]

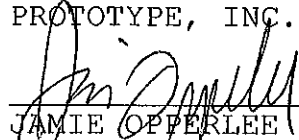
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CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held October 20, 2011, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 17 day of November, 2011.

PROTOTYPE, INC.




JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 17 day of NOVEMBER, 2011.



D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services



NOTARY PUBLIC
State of Florida