

**CODE ENFORCEMENT BOARD**  
**City Commission Meeting Room**  
**100 North Andrews Avenue**  
**SEPTEMBER 28, 2004**  
**10:00 A.M – 4:05 P.M.**

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**ATTENDANCE**

**CUMULATIVE**

**From January, 2002**

**Present      Absent**

**BOARD MEMBERS PRESENT:**

Pat Hale, Vice-Chairman	27	3
Myrnabelle Roche	8	0
Sarah Horn	16	4
Gerald D. Jordan, Chairman	29	1
John Phillips	28	2
Rixon Rafter	26	4
Bobby Young	26	4

Bruce Jolly, Attorney

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Assistant City Attorney  
Eve Bazer, Administrative Assistant II  
Betty Costanza, Community Inspections  
Wayne Strawn, Building Inspector  
Kenneth Reardon, Building Inspector  
Robert Pignataro, Building Inspector  
Mohammed Malik, Building Inspector  
Thomas Clements, Fire Inspector  
Ivett Spence-Brown, Fire Inspector  
Dallas Shumaker, Fire Inspector  
Jeff Lucas, Fire Inspector  
Robert Kisarewich, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

**ALSO PRESENT:**

Robert Mazal (CE04020375)	Richard Williams (CE04030144)
Moussa Fax (CE03101760)	Ron Camers (CE03101760)
Charlotte Callejo (CE04031465)	Robert Ruth (CE03101760)
Carl Moter (Ce03101760)	Jack Packar (CE03071744)

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 2

Israel Lopez (CE03090082)  
Robert Symington (CE03072355)  
Hector Flores (CE0380416) &  
(CE04050176)  
G.G. Harrison (CE03051896)  
Juan Marcilanda (CE97110669)  
Joseph Sorota (CE01100650)  
Michel Jeannot (CE01120943)  
Rod Feiner (CE99110812)  
Jihad Abuznafo (CE00506662) &  
(CE02011873)  
Thomas Kelaher (CE04020156)  
Michael Zuro (CE99070234)  
Ken Shake (CE04050176)  
Jay Adams (CE02070146) &  
(CE02070147)  
Albert Moustakis (CE9306099)

Donald Zimmer (CE02100142)  
Russell Chase (CE03080101)  
Allan Kozich (CE04070632)  
Tom Winburn (CE04050176)  
Don Olsen (CE04070632)  
Andree Ettenne (CE99080132)  
Waddah Allaf (CE04020515)  
Marcello Penso (CE01120943)  
Donald Scarborough (CE04041274)  
Seril Grossfeld (CE00506662) &  
(CE02011873)  
Oscar Soto (CE04080999)  
Richard Coker, Jr. (CE99070234)  
Deanna Lobinski (CE02070146)  
& (CE02070147)  
B.J. Cummins (CE9306099)  
Jeanette Moustakis (CE9306099)

Chairman Gerald Jordan called the meeting to order at approximately 10:00 a.m., and proceeded to introduce the Board and explain the procedure for today's meeting.

**NOTE: All individuals wishing to speak on any of the cases on today's agenda were sworn in.**

**Massey Hearing**

Albert & Jeannette Moustakis  
1010 SW 02 Ct.

Eve Bazer announced that this case had originally been heard on February 22, 1994 for compliance by April 8, 1994. She explained there was one section at \$150 per day. Fines total \$573,750. She advised that the property was not in compliance.

B. J. Cummins, attorney for the owner, stated that they wanted to know what exactly was to take place at today's hearing. He explained they had documentation showing their attempts to bring the property into compliance. He stated they had various architects submitting plans. In 1994, he stated that this was an owner/builder restoration project. He added that one set of plans had been approved by the Historic Preservation Board.

John Phillips entered the meeting at approximately 10:04 p.m.

Al Moustakis, son of the owner, stated that he was part owner of the property back in 1979 while he and his wife lived at the site until 1982. He stated they were divorced and his interest in the property had been turned over to his wife. He explained that she had not received his mother's interest in the property because it was tenants in common. He stated that she had maintained possession and sole control of the property from 1982 until 1993. He stated that she had been sued by Jeannette Moustakis who owned the other half of the property, and his mother had purchased the other half in 1993. He stated that in the backup materials he had provided, there was a copy of all the documentation regarding the sale of the property.

John Phillips suggested that this matter be postponed. Chair Gerald Jordan disagreed as with other members of the Board. He stated that they should have submitted the additional information about two weeks ago.

Mr. Moustakis stated that he wanted to provide a synopsis from the family's perspective, and then if the Board wanted to withhold their ruling until a later date, he would not object.

Rixon Rafter asked when the house had been converted to a duplex. Mr. Moustakis stated that while he had been in possession of the property, it had been a single-family home. He assumed while it was under his ex-wife's possession and control that it had been converted. He stated that there had been a renter in the back of the apartment unbeknown to either himself or his mother. He further stated that he did not know why there had not been any activity on the part of the City between 1982 and 1993.

Chair Gerald Jordan stated that evidently some interaction with the City had begun in 1993. Mr. Moustakis confirmed. He continued stating that it had been his mother's intent to make this property her permanent residence. He advised that on July 27, 1993 a hearing had been scheduled, and supposedly Wayne Strawn had made personal service on his mother. He reiterated that his mother had no recollection of such service. He advised that he only recently became involved in this matter. He explained that the first piece of documentation that he found indicating his mother accepting service was August 20, 1993.

Mr. Moustakis stated that an architect had been hired after August, 1993. He continued stating that the first architect hired had been James Lenox who had submitted plans to the City. Sometime after that, Jeffrey Igle had then been retained to draw up new plans.

Bruce Jolly stated that he wanted to remind the Board that the purpose of the Massey hearing was not to retry the case, but only to hear what information was actually relevant to the issue.

B. J. Cummins stated that according to Chapter 162.09.3, the property owner could present evidence. He explained that Steve Fedora had been hired to do the contracting work. He reiterated that a lot of work had been done on the property.

Lindwell Bradley, Supervisor Community Inspections, stated that since the property was not in compliance, the City needed to know if the property was going to be brought into compliance. Then, the Board could make a determination. He stated they needed to know if there was a plan of action in progress.

Eve Bazer stated that once the property was brought into compliance, the owner could meet with her and they could discuss the various issues and dates regarding the work, and the fines could then be adjusted.

Mr. Moustakis stated that Mr. Fedora had passed away. Since learning about the lien, he had contacted James Lenox once again and now had in his possession plans that he had signed as of September 22, 2004. He stated that evidently they could not receive a permit in 90 days. Pat Hale stated that the Board understood the permitting problems

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 4

existing in the City. Chair Gerald Jordan stated that once receiving a permit, work had to be done within that time period.

John Phillips suggested that the Board continue this hearing for a period of 90 days, and then possibly come back with a solution.

**Motion** made by John Phillips that this hearing be postponed for 90 days.

Mr. Moustakis stated that he would not object to the postponement.

Rixon Rafter asked how the property was zoned and was a duplex allowed. Mr. Moustakis explained that a duplex was permitted, and one of the plans had called for duplex construction, but he was not sure if the family would do that. He reiterated that the footprint of the building had not changed. Mr. Moustakis stated that the demolition requested by the City had been done a long time ago.

Wayne Strawn, Building Inspector, explained that the footprint was different than when he had been at the site 11 years ago. He stated that it was smaller because the entire south section had been demolished. He reiterated that had been where the illegal apartment had been located. He further stated that because of the demolition, some of the violations no longer apply. He stated that the Board at that time had required full compliance on all items, and they had not itemized the fine schedule per violation. He further stated that while the approval from the Historic Preservation Board was good, it was only the beginning of the process. He explained that the building had been completely rehabilitated and the original violations had been replaced with new ones. He believed that Kenneth Reardon had put a Stop Work Order, but it had been ignored. He explained that the issues had then been addressed in Criminal Court, and the work was finally stopped.

Chair Gerald Jordan stated that such action was not acceptable to this Board.

Mr. Moustakis reiterated that documents showing such information had been included in the Board's back-up material. He explained it had been under owner/contractor provision, and his mother had signed a Power of Attorney, and her brother had been doing the work. He stated that he had paid a fine because it was cheaper than fighting the City. He explained their testimony would be that the Zoning Department had given them the go ahead to do the work. He stated the permits had been applied for at that time.

Myrnabelle Roche entered the meeting at approximately 10:23 a.m.

Mr. Moustakis stated they wanted to bring the property into compliance and his mother had been trying to do so for a long period of time.

Chair Gerald Jordan stated that it appeared things had gotten out of control.

Wayne Strawn stated that he had spoken with Mrs. Moustakis many times, and if there was a way to help her to solve these problems, he reiterated that he would do so. He explained that when they had to go through the Historic Preservation Board, and then obtain contractors and the building had always been vacant, the problem was trying to

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 5

get the right people on the job since they were doing so while living in Chicago. He reiterated that they had not been able to get the right combination of people together and jump through the necessary hoops. He stated this was something they had to do for themselves.

Mr. Cummins stated that when the plans had been denied that had been approved by the Historic Preservation Board, Mr. Fedora's name had been given to the family as someone who could assist them with the permitting process. He believed that Mrs. Moustakis had paid Mr. Fedora over \$1,000 to help them, and evidently he had not been the person to do the work. He asked if Mr. Phillips' motion could be considered.

Rixon Rafter stated that the problem was that this had dragged on for 10 years, and it was inexcusable for them to be trying to find an architect at this time. Mr. Cummins reiterated that they had architects, but nothing had been done.

Wayne Strawn stated that he had been in contact with the owner for about 10-11 years. He stated that he did not think the approval granted by the Historic Preservation Board lasts forever, and they might have to go back before that Board. Pat Hale stated that she only saw a 2001 date for historic approval.

Bruce Jolly reiterated that if he understood Mr. Phillips' motion correctly was whether the Massey hearing should be continued for 90 days, which would mean that after 90 days the Board would hear whether the property was in compliance, and if so when, and if not, then why not.

Mr. Phillips stated that there were some extenuating circumstances in this case, such as the owner living in Chicago, the son going through a divorce, the situation with Mr. Fedora, and other issues. He stated that the property owners that came before this Board were never totally innocent, but sometimes naïve or neglectful. He further stated that human beings made mistakes. He reiterated that the procedure under Chapter 162 was a little unique, and he felt the 90 days should be given. He stated the City was not losing in any way because the fines would be continuing. He further stated that he wanted the change to digest the information which had been distributed to the Board. He continued stating that with the change in the footprint, there was some evidence of attempted compliance.

Mr. Moustakis stated that notes on the architectural plan showed that the Historic Preservation approval had been as of October 14, 2000.

Wayne Strawn stated that the code officer had problems with the property, and he believed that the City had actually maintained the law several times and there were liens on the property for that work. He reiterated that he had been there last week and the grass was very tall in the back. He stated that the City would appreciate some attention being shown to the property.

Bob Young stated that he would second the motion so they could move forward, and hopefully the owner would begin getting these problems resolved.

The motion was restated as follows:

**Motion** made by John Phillips and seconded by Bob Young to continue the Massey Hearing until January 25, 2005.

Eve Bazer reminded the Board that the fines would continue during that period of time.

Chair Gerald Jordan asked the owner to keep the property maintained.

The Board unanimously approved the motion.

Eve Bazer announced that the Board would now hear new business cases.

**Reference No. CE04050176**

Cabi New River LLC  
400 SW 4 Ave.

ULDR 47-19.1.C – No primary structure on property and dock is unsafe and in disrepair. FBC 3401.6 – Structure/fixtures in disrepair.

Eve Bazer announced that service was by the owner showing up at today's meeting.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that violation UDR 47-19.1.C was being withdrawn at the request of John Simmons, Assistant Director, Community Inspections. He stated that he was requesting 60 days for compliance or a fine of \$200 per day.

**Motion** made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting that compliance was to be reached by November 23, 2004, or a fine of \$200 per day would be imposed.

Hector Torres, owner, stated that they had purchased the property for a major development, and they had cleaned up the property. He explained they had a commitment to Riverwalk and the neighbors of Esplanade to clean the site. He explained they had demolished some buildings. He explained when they purchased the property, the dock had been in disrepair, and they had promised Riverwalk and the Marine Advisory Board that they would repair it. He stated that their tenant had hired a general contract to do the work. He explained the issue was something that had to be permitted, and they thought they were only replacing them. He stated they wanted to be a good neighbor and would take care of all issues involved.

Kenneth Reardon further stated that he wanted to make a clarification regarding the withdrawal of item 47-19.1.C. He continued stating that the section read as follows: "No accessory use or structure shall be permitted if the principal structure was no longer in use." He explained the site was vacant, but the dock was being used. He stated that Mr. Simmons had the section withdrawn because there was no primary structure on the property, but there was an unsafe dock. He explained the dock had to be removed.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 7

Mr. Torres further stated that this site was the block between Shirttail Charlie's and Esplanade. He explained they had a master plan to build a development at the site which would incorporate the Riverwalk from Esplanade. He remarked that they had a Submerged Land Lease also and they wanted to retain the dock. He stated there was a structure on the site because they had purchased the properties next to Sun Powered Diesel Marine. He advised that since the site consisted of more than 2 acres, they were considered a PUD and would not have to replat. He stated that they were going to repair the dock.

Sara Horn stated that she was also Vice-President of the Tarpon River Civic Association, and they had tried diligently to get hold of Mr. Torres, but have never heard back from him. Mr. Torres reiterated that Dave Rose had been conversing with him. He added that the barge was gone and would not come back.

Ken Reardon stated that permits for dock repairs were drop-offs or walk thrus and they should be able to issue them in a couple of days.

Chair Gerald Jordan stated that they needed to keep the Homeowners Associations advised.

Tom Winburn, General Contractor, stated that they had gotten held up in zoning and would now have to prove that the properties were tied together.

Ken Shaken, tenant known as Mid-River Marine, and were maintaining the property.

Board unanimously approved the motion.

**Reference No. CE02070146 &  
CE02070147**

SODA LLC

1212 SE 1 Ave. & 1216 SE 1 Ave.

ULDR 47-34.2.D – Enclosed a carport and denied by BOA. FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.7 – Sign without permits.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that Bridgette was training and going to be a license inspector.

Bruce Jolly stated that this case had been continued from July 27, 2004.

Myrnabelle Roche entered the meeting at approximately 10:23 p.m.

Robert Pignataro explained they had entered into a Verbal Agreement for another continuance for 90 days. He explained that 47-34.2.D was removed from the violations.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City that the matter would be continued for 90 days. Board unanimously approved.

**Reference No. CE04080999**

James H. & Marta Batmasian  
281 SW 27 Ave.

NFPA 101 13.2.10 – Self-illuminated exit sign battery backup not provided. NFPA 101 13.2.9 – Emergency lighting not provided. NFPA 1 1-4.5 LP gas tank stored inside structure. NFPA 101 4.5.3.2 – Exit obstructed. NFPA 1 4-1.9.1 – Slide bolts on exit door. NFPA 10 4-4.1 – Fire extinguisher not serviced or tagged. NFPA 1 6-1.2 Blanks missing in electrical panel.

Eve Bazer announced that Certified Mail had been sent to James H. & Marta Batmasian and signed for on August 20, 2004, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and the violations as listed on the agenda. She stated that the annual was written on November 26, 2003, with additional reinspections on January 9, 2004 and February 12, 2004. She stated that as of September 27, 2004, the violations had not been corrected. She requested 30 days for compliance or a fine of \$100 per day, per violation would be imposed.

Oscar Soto, Property Manager, stated that the violations had been taken care of. He explained that the tenant had changed the locks on the door and the inspector could not get in for a re-inspection. He asked that 24 hours be supplied so he could get inside the property.

**Motion** made by Rixon Rafter and seconded by Bob Young to find in favor of the City and grant that compliance was to be reached by October 26, 2004, or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

**MEETING RECESSED AT 10:57 A.M.**

**MEETING RECONVENED AT 11:03 A.M.**

**Massey Hearing**

**Reference: CE99070234**

Michael Zuro  
515 Seabreeze Boulevard

Eve Bazer announced that the original case had been heard on February 22, 2000 for compliance ordered by June 27, 2000. There were 4 sections at \$50 per day. Total fines were \$146,300. She advised that the property was in compliance.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 9

Richard Coker, attorney representing the owner, explained that the tenant, Pro Dive, had not obtained permits and had moved out. He stated that they had written a letter to him, but he refused to participate in this hearing.

Mr. Coker continued stating that this was a Massey Hearing, and the Board was to determine the amount of the fine. In determining the fine, the Board was to consider various items. He proceeded to read from Chapter 162.09.2.B as follows: "In determining the amount of the fine, if any, the Enforcement Board shall consider the following factors: (1) the gravity of the violation; (2) any actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator. An Enforcement Board may reduce the fine imposed pursuant to the Section." He proceeded to explain the purpose of a Massey Hearing.

Chair Gerald Jordan stated that it was his impression that the purpose of a Massey Hearing was to determine if the property was in compliance or not.

Bruce Jolly stated that at the first hearing, the Board had determined a fine to be charged if the property was not in compliance on the date ordered. He explained the Massey Hearing was the second hearing whereby the Board determined if the property was in compliance and whether a fine should be imposed.

John Phillips stated that this was not binding in the Fourth District because there were no cases in Broward County, and none in the Supreme or Federal Court. He explained the Massey Hearing had been a 2<sup>nd</sup> DCA case which dealt with specific facts out of that specific code enforcement board, and they found that a second notice had not been sent to the aggrieved property owner. He admitted it was a good idea and an exercise in fairness. He felt this Board had always been fair in the past, and he did not agree that all liens were erroneous.

Mr. Coker stated that he did not say that the City's liens were erroneous.

John Phillips further stated that this was a stay of execution to let people come in and state that the Board should be fair due to their attempts towards compliance.

Mr. Coker continued stating that Pro Dive was an operational business at Bahia Mar in 1999. He stated that they then entered into a Lease Agreement with Michael Zuro, and switched to 515 Seabreeze which was R.J.'s Landing. He advised they had an occupational license. He proceeded to distribute a print-out from the City showing that Pro Dive had obtained an occupational license. He further stated that subsequent to that and possibly in connection with some building permit issues, zoning had looked at this and decided they had looked at the license erroneously because they needed a beach development permit since they were changing the use of the site from an office area to a dive center. He stated that when they moved in and began operating, by obtaining the occupational license, they were under the impression that everything was in order.

Mr. Coker stated that Pro Dive's mistake was that they made interior renovations without permits which was a violation of the City's Code, and a violation of the lease with Mr. Zuro. He proceeded to distribute some further information to the Board.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 10

Chair Gerald Jordan reiterated that the Board preferred receiving information prior to the scheduled meeting.

Mr. Coker explained that all the information had been taken from the City's files. He stated that this information showed attempts from everyone to comply with the Code after the initial mistakes had been made. He stated that he had also supplied a summary of events. He further stated that after the occupational license had been issued in 1999, they were cited and brought before this Board, who had issued an Order in accordance with 4 violations that had occurred. He explained they were to apply for after-the-fact building and electrical permits, occupational license, and remove all renovations previously made or obtain a beach development permit. He advised that the Order had stated that compliance had to be made by June 27, 2000. He stated that they had applied for a Conditional Use in June for the chartered boat services, and a letter was submitted, and the use was approved in 2001. He referred the Board to the back-up material and item #4 which was a letter from Ron Mastriana, attorney, in connection with DRC approval for all other renovations. He stated that they not only had to apply for a permit, but they also had to go through the entire DRC process.

Mr. Coker further stated that in the meantime, this Board had been made aware of the progress on this matter, and they had granted a series of Supplemental Orders extending the compliance date. He reiterated that there was a problem with the amount of the fines and the compliance dates. He stated that the fine had been calculated back to June 27, 2000, and the compliance date had been extended to October 21, 2002.

Myrnabelle Roche asked if possibly extensions had been granted and then lapsed, and fines had accrued, and then more time had lapsed.

Mr. Coker stated that in reviewing the file, he did not notice any lapses in time. He further stated that the compliance date he had determined from the City's file was October 21, 2002. He stated that a letter was received from Stephen Tilbrook dated November 5, 2002, indicating that applications for permits had been made, and they were going to move forward. He explained that Mr. Tilbrook had presented Pro Dive. He stated that one of the conditions placed by this Board on one of the extensions was with respect to electrical issues, which were not life safety issues. He explained that item #7 was a confirmation from the code enforcement officer, Robert Pignataro, indicating that 2 of the violations had been complied with.

John Phillips asked if there was a lawsuit against Pro Dive. Mr. Coker replied they were preparing such litigation. He stated one violation pertained to a breach of the lease, and the other would be the fine determined by this Board. John Phillips stated if they reduced the fine, would the lawsuit against Pro Dive go away. Mr. Coker stated that it would mitigate it to a point. Eventually, after working pretty steadily on the permits, Pro Dive had let them expire. Mr. Zuro then obtained the permit for the work and finished it. Afterwards, Pro Dive had moved out. He stated that the situation had not been portrayed in the Board's back-up properly. He stated that the file was replete with all the mitigation measures taken by Pro Dive and Mr. Zuro. He explained the fine had been set at \$50 per day, per violation, which had totaled 4 violations.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 11

Pat Hale reiterated that fines had run from October until February 4 and 18 for two violations. Mr. Coker stated that the other two violations had still been pending when Mr. Zuro retained the necessary permits and completed the work.

Mr. Coker reiterated that the fines had been wrongly calculated. Pat Hale clarified that there should be a fine for 3 months regarding 301.1(a) and (e) for about 90 days. Mr. Coker confirmed and stated that the other violations should be calculated from October 21, 2002 to July, 2004. He explained that the fines had been related to the operation because the building issues had been resolved.

Pat Hale asked if the City had the two permits which had been signed off. Mr. Coker confirmed. He reiterated that he believed the fine should be in the range of \$69,000 to \$70,000. He further stated that a fire inspection was due at the property this week.

Robert Pignataro, Building Inspector, stated that there were 3 different things taking place at the site. He explained there was a dive shop, the Tap Room Restaurant, and work being done by the owner. Now, he stated the restaurant was almost in compliance and needed the one-hour fire rated final, and the dive shop needed a final sign-off also because they had some ADA issues.

Chair Gerald Jordan asked what difference did it make if the dive shop was no longer at the site. Mr. Pignataro stated they still had to meet the ADA requirements, if they wanted to maintain the same level at the site, no matter who was the tenant.

Pat Hale asked if the Pro Dive issues would be presented as a separate case. Robert Pignataro stated that they had obtained the permit. Pat Hale clarified that the other tenants were a separate issue. Robert Pignataro confirmed.

John Phillips asked if a fine could be imposed on the tenant.

Bruce Jolly explained that they could fine the tenant even though it is not usually done, but it could be considered.

John Phillips stated he had thought that possibly the fine for Pro Dive could be \$79,000, and then possibly \$7900 for the property owner, so that a fair allocation would be made.

Myrnabelle Roche stated that it was too late for such a settlement because she believed that was not up to this Board at the time.

Mr. Coker believed that the fine was probably in the range of \$70,000. He stated that this Board should consider the efforts being made by everyone involved. He further explained that permits were not issued for over 2 years due to the parking matter.

John Phillips stated that the DRC approval had stated that there were parking issues involved, and they had to get 7 parking spaces from the City. He believed that would have caused a delay. Mr. Coker stated that he believed those spaces had been obtained. He stated they were asking the Board to recalculate the fine, and consider the mitigation efforts and reduce the fine to a fair and equitable amount.

Robert Pignataro stated that Pro Dive was in compliance.

Lindwell Bradley, Community Inspections Supervisor, asked if Mr. Coker felt the fines had been miscalculated. Mr. Coker confirmed and stated the fines had been based on a wrong compliance date. Mr. Bradley stated that he was having the calculations printed and he would review the situation.

**Motion** made by John Phillips that a fine be imposed of \$7,900 based on mitigating circumstances that would compensate the City for time expended on the case. He felt the owner had suffered and would be spending money on other legal issues involved.

Motion died for lack of a second.

John Phillips suggested that the City consider fining the tenants in the original notices.

Bruce Jolly stated that he was not suggesting that code charge the tenant because the easier enforcement tool was in fining the landlord.

Robert Pignataro stated that the dive shop was not the only tenant involved in this case, and he further stated that they were all 3 connected due to the fire-rating. Therefore, the Tap Room was close to the dive shop.

Mr. Coker stated that it was his impression everything had been signed off quite some time ago. Robert Pignataro stated that there were 2 one-hour fire rated permits for the Tap Room. The first was done in error and had been for a 4' x 6' wall between the dive shop tank area and the kitchen for the Tap Room. He stated that the other permit was for the fire rating of the ceiling which had not been signed off.

Mr. Bradwell asked if the hearing could continue and they would review the calculations and then come back later today before the Board with their results.

**Motion** made by Pat Hale and seconded Sara Horn to find in favor of the City granting that compliance be reached by November 23, 2004, or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded in accordance with the Stipulated Agreement. Also, that the unit affected by the removal of the stairway and not having a second means of egress should be brought into compliance within 30 days, or the unit was to be vacated.

**Reference: CE04052025**

KSG Western Ltd Partner  
4700 W. Prospect Rd. #101

NFPA 1 1-4.4 – Unable to gain access for inspection.

Eve Bazer announced that Certified Mail had been sent to KSG Western LTD Partner and signed for but no date was on the green card, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the Property and violations as listed on the agenda. She stated the problem with this case

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 13

was that she had been requesting permission to do the inspection since July 21, 2003. She announced that Certified Mail had not been accepted, and eventually she posted notice on the door of the structure. Then, they finally had decided to accept the mail. Since this had been such a problem, she was asking for 5 days for compliance or a fine of \$250 per day. She added that neighbors were complaining also because there were newspapers on the windows and no one knew what was taking place in the warehouse.

Chair Gerald Jordan stated that he had no objection to the amount of the fine, but he was concerned about the 5 days since they were not accepting paperwork. He suggested that possibly they be given another 30 days for compliance.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting that compliance be met within 15 days or a fine of \$250 per day would be imposed. Board unanimously approved.

**Reference: CE03071845**

Evelyn Antorcha  
811 NE 17 Ct.

FBC 104.1 – Work without permits

Eve Bazer announced that Certified Mail had been sent to Evelyn Antorcha which was unclaimed. First notice was dated July 22, 2004.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that they were asking for 90 days or a fine of \$50 per day be imposed.

**Motion** made by Rixon Rafter and seconded by Sara Horn to grant in favor of the City and that the property be brought into compliance within 90 days, or a fine of \$50 per day, would be imposed. Board unanimously approved.

**Reference: CE04031064**

Triumph Enterprises Inc.  
2615 NE 49 St.

FBC 1015.3 – Guardrail openings more than 4" apart. FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Triumph Enterprises, Inc. and signed for on July 6, 2004, signature illegible. Certified Mail was also sent to Atac Ustun, Registered Agent/Officer/Director of Triumph Enterprises, Inc. and signed for on July 6, 2004, signature illegible.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that FBC 1015.3 was in compliance. they were requesting 60 days or a fine of \$50 per day.

**Motion** made by Sara Horn and seconded by Pat Hale to find in favor of the City granting that compliance be reached within 60 days or a fine of \$50 per day would be imposed. Board unanimously agreed.

**Reference: CE04032174**

Berisnord & Elozw Seraphin  
& Odani Elize  
1309 NE 2 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Berisnorde & Elozw Seraphin and Exael & Odani Elize, no signature. Delivered July 17, 2004.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were requesting 60 days or a fine of \$50 per day would be imposed.

**Motion** made by Sara Horn and seconded by John Phillips to find in favor of the City and grant 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

**Reference: CE04081487**

Mary & Jonathan Hjelte  
1516 NE 17 Ave.

FBC 104.1 – Work without permits. FBC  
106.1 - Required Certificate of Occupancy.  
FBC 3401.6 – Structure/fixtures in disrepair.  
Sec. 9-281(b) Trash and/or inoperable  
vehicles on property.

Eve Bazer announced that Certified Mail had been sent to Richardo Monterio (new owner as of 8/18/04) and signed for on September 16, 2004 by S. Cunha.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the ownership had changed, and therefore, the old case had been withdrawn and a new case created. He stated that notice had been served on the new owner. He further explained that #5 of FBC 104.1 was in compliance, along with #2 of FBC 3401.6 and Sec. 9-281(b). He stated they were requesting 60 days or a fine of \$50 per day, per violation, would be imposed.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and grant 60 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

The Board then referred back to the following case from page 8:

**Reference: CE99070234**

Michael Zuro  
515 Seabreeze Boulevard

Lindwell Bradley stated that new calculations had been done on this case and the fines now total \$67,900. Mr. Coker stated that he agreed with the new figure.

Robert Pignataro advised that regarding the Pro Dive shop, all violations were in compliance.

Mr. Coker asked if the Board would consider lowering the amount of the fine.

**Motion** made by Rixon Rafter and seconded by Bob Young to find that the property was in compliance and the fine would be set at \$32,500.

John Phillips stated that he felt the fine should be further reduced due to the circumstances of the case.

Roll call showed: YEAS: Bob Young, Rixon Rafter, Pat Hale and Gerald Jordan. NAYS: Myrnabelle Roche, Sara Horn, and John Phillips. Motion passed 4-3.

John Phillips stated that he would have preferred that a fine of \$6,700 be set. Myrnabelle Roche stated that was too low, but possibly something in the middle of the two amounts would have been preferable.

**Reference: CE04010884**

Anna Jakob  
1174 SW 30 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that service had been via posting by Inspector Kenneth Reardon on September 14, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that they were requesting 60 days or a fine of \$50 per day would be imposed.

**Motion** made by Sara Horn and seconded by John Phillips to find in favor of the City and grant 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

**Reference: CE04070193**

Clarisse & Charles Conner  
1141 SW 31 St.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Clarisse & Charles Timothy Conner and signed for on August 20, 2004 by Timothy Connor. She stated that personal service had also been made to Clarisse Conner (owner) by Kenneth Reardon on August 26, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that they were requesting 60 days or a fine of \$50 per day would be imposed.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 16

**Motion** made by John Phillips and seconded by Pat Hale to find in favor of the City and grant 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

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December Meeting

Chair Gerald Jordan stated that he wanted to discuss the December meeting. Most members stated that they did not want to have a December meeting.

**Motion** made by Rixon Rafter and seconded by Pat Hale for the Code Enforcement Board not to hold a meeting in December, 2004. Board unanimously approved.

Special Meeting

Eve Bazer announced that there would be two special meetings and they were scheduled for October 29, 2004 and November 30, 2004 at 9:00 a.m.

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**MEETING RECESSED AT 12:10 P.M.**

**MEETING RECONVENED AT 1:02 P.M.**

Chair Gerald Jordan proceeded to introduce the Board.

**Note: All individuals wishing to speak on any of the cases on this afternoon's agenda were sworn in.**

**Reference: CE03080416**

Floval Oil Corp.

1075 W. Sunrise Blvd.

Old Business

Eve Bazer announced that this case had originally been heard on October 18, 2003 with compliance ordered by February 25, 2004. The date was extended on February 24, 2004 to August 24, 2004. Fines totaled \$27,200.

Hector Flores stated that he worked for the landlord, and they were requesting an extension of time. He stated that DOT was giving them an extension of time on a 10' dedication setback.

Wayne Strawn, Building Inspector, asked Mr. Flores if they were going before the DRC with this project. Mr. Flores replied that they had gone before the DRC, and then received notice that they had to go before the DOT regarding the setback. Wayne Strawn explained that they were going to redevelop the property. He stated that the remaining violations were in connection with a building that was to be demolished, and no life safety issues were involved. He stated that he had told Mr. Flores to address any

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 17

violation which had a visual impact on the community, such as the landscaping. Mr. Strawn stated that Mr. Flores had been unable to come to one meeting due to being ill and had documentation to prove it. He further stated they were making sincere efforts and suggested that 120 days be given for compliance.

**Motion** made by John Phillips and seconded by Rixon Rafter to grant until January 25, 2054 for the property to be brought into compliance. Board unanimously approved.

**Reference: CE04070632**

Marina Holding Inc.  
2700 SW 25 Ter.

Old Business

Eve Bazer announced that this case had originally been heard on August 24, 2004 with compliance ordered by September 28, 2004. There are no fines as of today.

Alan Kozich, Architectural Engineer, stated that he was representing the owner. He advised they were to report within 30 days regarding a plan of action for the project. He stated they had been inundated due to the hurricanes and had not been able to prepare the plan. He stated they were working on it, but requested that they receive a 30-day extension.

Kenneth Reardon, Building Inspector, stated that there were extensive violations and require a lot of coordination between the various disciplines. He advised that the City was not opposed to another 30-day extension for a plan to be prepared and presented to the City. He stated that if they returned next month without a plan, then they would object to a further extension.

**Motion** made by Bob Young and seconded by John Phillips to grant an extension of time until October 26, 2004. Board unanimously approved.

Thomas Clements, Fire Inspector, stated that the objective of the Fire Marshall's office was that since this project was extensive, they wanted to view the entire project and make sure they were budgeting their monies and working towards getting the life safety issues in compliance first.

Mr. Kozich replied that they wanted to finish the fire protection system first.

**Reference: CE02071478**

RE Acquisitions, Inc.  
1719 S. Andrews Ave.

Old Business

Eve Bazer announced that this case had originally been heard on May 27, 2003 with compliance ordered by November 27, 2004. On November 25, 2003 time was extended to March 24, 2004. On March 23, 2004 time was again extended to June 21, 2004. On June 22, 2004 time was extended to September 20, 2004. Fines total \$2,100.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 18

Alan Kozich, Architectural Engineer, stated that they had submitted for permits and were requesting a 30-day extension. He explained they had a problem with the asbestos. He further stated that this was a dry cleaning establishment.

**Motion** made by John Phillips and seconded by Myrnabelle Roche to grant a 30-day extension until October 26, 2004. Board unanimously approved.

**Reference: CE03051896**

Denman Limited LLC

5470 NW 10 Ter.

Old Business

Eve Bazer announced that this case had originally been heard on July 22, 2003 with compliance ordered by September 20, 2003. On October 28, 2003 the date was extended until January 26, 2004. On June 22, 2004, the date was again extended to September 20, 2004. On July 27, 2004 the date was extended to September 28, 2004. Fines total \$37,000.

Gigi Harrison, interested party, stated that she was to have been the purchaser of this building, but stated that the seller was unwilling to proceed with the closing. She reiterated that she was still ready to close. She remarked that the seller had not take care of the lis pendens on the property. Therefore, they did not have an insurable title.

Bruce Jolly stated that no action was required of this Board in connection with this case.

**Reference: CE02100142**

Weber Holdings LLC

3042 N. Federal Hwy

Old Business

Eve Bazer announced that this case had originally been heard on April 22, 2003 with compliance ordered by October 22, 2003. On October 28, 2003 the date was extended until January 27, 2004. On February 24, 2004 time was extended to May 24, 2004. On June 22, 2004 the date was then extended to August 21, 2004. Fines total \$29,100.

Don Zimmer stated that he was the architect for this project. He proceeded to show a copy of the CO.

**Motion** made by John Phillips to abate the fine in its entirety.

Jeff Lucas, Fire Inspector, stated that compliance was actually reached August 23, 2004, and therefore, about 30 days of fines could be subtracted off the amount due.

Rixon Rafter seconded the motion. Board unanimously approved the motion.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 19

**Reference: CE03072355**

George & Mary Sivore  
6795 NW 17 Ave.

Old Business

Eve Bazer announced that this case had originally been heard April 27, 2004 with compliance ordered by June 26, 2004. Fines total \$18,600.

Robert Symington, purchaser, stated that the notices had gone to the owner. He explained that they had hired a contractor and have a letter of intent so they could obtain the master permits. He asked if the Board could extend them another 90 days.

Wayne Strawn, Building Inspector, stated that the City was not opposed to an extension of time, but he did not want them to be granted more than 90 days. He explained that if the proposed purchase did not take place, then the property would not be in compliance.

**Motion** made by Rixon Rafter and seconded by Bob Young to grant an extension of time until January 25, 2005, and that the Order be recorded. Board unanimously approved.

**Reference: CE03080101**

Joy Duval  
3701 Davie Blvd.

Old Business

Eve Bazer announced that this case had originally been heard on January 27, 2004 with compliance ordered by May 26, 2004. On May 25, 2004 the date was extended until August 25, 2004. Fines total \$525.

Russell Chase, architect, stated that Jackie Duval was his client who was the mother of the deceased. He stated that she was presently out of town and they were having difficulty communicating. A contractor was hired and the work was done. He requested that the fines be abated.

Wayne Strawn, Building Inspector, stated that the City had no objection to an abatement of fines and the property was in compliance.

**Motion** made by Rixon Rafter and seconded by Bob Young to abate the fines in their entirety. Board unanimously approved.

**BOARD RECESSED AT 1:37 P.M.**

**BOARD RECONVENED AT 1:50 P.M.**

Chair Gerald Jordan proceeded to reintroduce the Board and staff present at today's meeting.

**All individuals wishing to speak at today's meeting were sworn in.**

**Massey Hearings**

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 20

**Reference: CE04031465**

Joseph & Charlotte Callejo  
3120 NW 65 Dr

Old Business

Eve Bazer announced that this case was originally heard on May 25, 2004 with compliance ordered by July 24, 2004. She explained there had been 3 sections in violation at \$25 per day. Fines totaled \$2,675. The property was now in compliance.

Charlotte Callejo stated that this was a single-family home and the property was now in compliance. She stated that the cases were not listed on the files as closed, but they had applied for the permits on July 8, 2004. She advised that the fines were a result of ignorance on their part regarding their remodeling.

Wayne Strawn, Building Inspector, stated that the property was in compliance. He stated that he had called their contractor so that he would pull the permits.

**Motion** made by Rixon Rafter and seconded by John Phillips to abate the fines in their entirety. Board unanimously approved.

**Reference: CE03101760**

Felcor Suites Ltd Prtnr  
555 NW 62 St.

Eve Bazer announced that this case had originally been heard on April 27, 2004 for compliance by August 25, 2004. There were 5 sections in violation at \$250 per day. Fines total \$37,500. She advised the property was not in compliance.

Carl Motes, attorney, stated that he had the architect, manager of the hotel, and the project manager with him today in case the Board had any questions. He stated that today he was requesting this Board to change the original Order in order to limit the scope of what was being ordered regarding the bathroom facilities in connection with roll-in showers. He asked for a 120-day extension for the project, along with an abatement of fines. He believed the fine also needed to be re-calculated.

Mr. Motes, stated that back in October, 2003, a person helping a handicapped person felt the showers were not in compliance with ADA requirements. At a hearing in April, there had been discussion regarding the scope of work to be done. He stated it was their understanding that they were to modify the bathrooms and the remaining rooms, plus to add 5 ADA accessible rooms to the hotel. He stated that an architect finished plans in June to address all the issues and about \$35,000 had been spent. The project was put out to bid and the bids came in at roughly \$450,000 for all the work to be done. He stated that he had listened to the tapes of the meeting, and he did not get the impression that all such work was being required. The hotel finally reduced the cost to about \$320,000, but they did not feel it was a very achievable project. He explained that the permit had not yet been issued, and therefore, no work had begun. He stated that Felcor felt they had no choice in the matter, and that the work had to be done.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 21

Myrnabelle Roche stated it was her understanding that according to Code, a certain number of rooms had to be ADA accessible. Mr. Motes stated that the Florida Code stated that such requirements did not apply to buildings built prior to the implementation of the ADA standards. He explained that the State and National Codes both provided that alterations to existing buildings, which had barriers, were to be done if the corrections were readily achievable without great cost.

Wayne Strawn, Building Inspector, stated that they had a meeting yesterday with all the hotel people involved, and Mr. Heller had decided that corrections only be made in the bathrooms which had been altered, and that number was two which dealt with the shower area. He stated that was addressed in Code Section 11-4.21, and 3401.6 allowed water to stay in the shower and make it unsafe. He explained they believed those two code sections to be valid. He stated they were going to withdraw the other 3 code sections because they dealt more with the guest rooms as a whole, which Mr. Heller was not requiring them to alter. He stated that he was not against a 120-day extension of time.

**Motion** made by Rixon Rafter and seconded by Pat Hale to grant a 120-day extension of time. Board unanimously approved.

Rixon Rafter stated that when the property was in compliance, an abatement of fines would be considered.

John Phillips asked if an amendment could be made to the motion reducing the fine by 40% since various sections of the Code had been amended. He suggested that they begin with a fine of \$18,000.

Myrnabelle Roche stated that recommendation could be considered down the road.

Board unanimously approved the motion as made.

**Reference: CE03071744**

CAL Associates  
2920 SW 4 Avenue

Eve Bazer announced that this case had originally been heard on February 24, 2004 with compliance ordered by May 24, 2004. She advised that one section of the Code had been in violation. Fines totaled \$3,250 and the property was not in compliance as of today's date.

Jack Packar, attorney for the owner, stated that the first notice they received about the property not being in compliance was on September 11<sup>th</sup> with the Notice of this Hearing. Prior to that they had not received any notices, nor had the tenant. He explained that originally there had been 4 sections of the Code in violation of which 3 dealt with a handicapped parking space, and the other section dealt with the occupational license. He explained that the handicap requirements had been dealt with, but the occupational license had been applied for by the tenant before the work was done, and therefore, no license had been issued. He stated that in speaking with the occupational license department, they had advised him that a bill had gone out in August, 2004. He stated the

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 22

tenant had paid a \$50 fee and had thought that was the fee for the license, and not an application fee. He pointed out that the address for the owner was incorrect. He stated they were requesting 10 days for the tenant to obtain their license, and also an abatement of fines. He stated that in putting the work out for bid, they had only received two responses. He stated they had spent an excess of \$10,000 for just the one parking space.

Eve Bazer stated that the notices had been sent to the address listed for tax purposes, and it was the responsibility of the owner to change the address.

Mohammed Malik, Building Inspector, stated that the property was not in compliance until they received the occupational license.

**Motion** made by Myrnabelle Roche and seconded by Rixon Rafter to grant a 30-day extension of time until October 26, 2004 for the property to come into compliance. Board unanimously approved.

Chair Gerald Jordan reiterated that the fine had been based on one violation out of four.

**Reference: CE03090082**

Israel & Milka Lopez  
1205 NW 1 Avenue

Eve Bazer announced that this case had originally been heard on January 27, 2004 with compliance ordered by March 27, 2004. She stated that one section of the code was in violation with a fine of \$25 per day. Fines totaled \$775. She advised that the property was in compliance.

Israel Lopez, owner, stated that this was a rental property. He asked if the Board could grant him an extension of time and abate the fines. He stated that he had not been aware of the fines and had been under the impression that everything was taken care of.

Wayne Strawn, Building Inspector, stated that he did not object to an abatement of fines.

**Motion** made by John Phillips and seconded by Sara Horn to abate the fines in their entirety. Board unanimously approved.

**Reference: CE04020375**

Laurence Diskin, TR  
1111 SW 21 Ave.

Eve Bazer announced that this case had originally been heard on Mach 23, 2004 with compliance ordered by June 21, 2004. She advised that one section of the Code had been in violation at a fine of \$100 per day. Fines totaled \$2,900. She stated that the property was in compliance.

Robert Mazel, Property Manager, stated that this was a warehouse, and they had 7 violations. The tenant had brought the property into compliance, but he had

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 23

misunderstood what the code officer had required. He stated that since it was only a misunderstanding, he stated he was requesting an abatement of fines.

Kenneth Reardon, Building Inspector, stated that he felt the tenants had not "stepped up to the plate," and therefore, he did not object to an abatement of fines.

**Motion** made by Rixon Rafter and seconded by John Phillips to abate the fines in their entirety. Board unanimously approved.

**Reference: CE04020515**

Yaman LLC  
300 W. Sunrise Blvd. #01

Eve Bazer announced that this case had originally been heard on June 22, 2004 with compliance ordered by August 21, 2004. She advised that one section of the Code had been in violation with a fine of \$75 per day. Fines totaled \$2,775. She advised that the property was still not in compliance.

Wayne Strawn, Building Inspector, stated that the property was in compliance.

Waddah Allaf, owner, stated that the property was a strip plaza. He explained that the tenant had left a portion of the partitioned wall due to a misunderstanding, but then had removed the remaining portion.

Wayne Strawn further stated that the fine was probably less since he had reported that the property had been in compliance about 10 days ago. He advised that he had no objection to an abatement of fines.

**Motion** made by John Phillips and seconded by Rixon Rafter that the fines be abated in their entirety. Board unanimously approved.

**Reference: CE01120943**

Michel & Yolaine Jeannot  
1553 W. Sunrise Blvd.

Eve Bazer announced that this case was originally heard on January 22, 2004 with compliance ordered by February 22, 2004. She advised that 7 sections of the Code had been in violation with a fine at \$25 per day. Fines now totaled \$142,025. She further stated that one section of the Code was in compliance.

Mr. Jeannot, owner, stated that there were 3 stores at this site which needed more parking. He stated that he had hired a contractor and architect. He advised that he had been in the hospital.

Marcello Penso, architect, stated that he had been hired about 10 days ago. He explained that they had to get an updated survey, and advised that the building had to be partially demolished in order to accommodate the additional parking which was required. He stated that plans would be drawn and the owner wanted to divide the

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 24

building for 3 different tenants. He explained that the building was presently a warehouse. He stated that the required parking was one space for every 250 sq. ft., and the owner presently had 9 spaces.

Mr. Jeannot added that drainage work also had to be done at the site.

Chair Gerald Jordan asked if 30 days would be sufficient to submit the plans to the City. Mr. Penso confirmed.

Robert Pignataro, Building Inspector, stated that this was a case from 2001. He stated that he did not object to a 30-day extension. He advised that section 105.1(a) was in compliance as of February 28, 2004.

Bruce Jolly reiterated that today the Board needed to decide whether this property was in compliance or not, and why not.

**Motion** made by Myrnabell Roche and seconded by Rixon Rafter to grant a continuance until November 23, 2004. Board unanimously approved.

Chair Gerald Jordan reiterated that fines would continue running.

**Reference: CE99110812**

Kevin Smith  
1222 NW 07 Ave.

Eve Bazer announced that this case was originally heard on January 25, 2000 with compliance ordered by \_\_\_\_\_. She stated that 7 sections of the Code had been in violation at a fine of \$25 per day. Total fines were \$45,325. She advised the property was in compliance.

Rod Feiner, attorney, stated they were requesting a 30-day continuance. He believed that the property was not in compliance. He stated that his client was an insurance adjuster and due to the hurricanes he had been in Punta Gorda. He explained that at 2:30 p.m. yesterday, he had been retained to deal with this matter. He stated that he wanted the 30 days to review the matter, and then appear before the Board and make a recommendation. He stated that there were collateral issues and criminal actions involved.

Rixon Rafter asked if Mr. Feiner had been sworn in. Mr. Feiner stated he was an attorney, but would be glad to be sworn in. John Phillips stated that he believed attorneys should not be sworn in. Eve Bazer advised that she would check into the matter with the City Attorney.

Robert Pignataro, Building Inspector, stated that he had no objection to the extension of time. He advised the property was not in compliance.

**Motion** made by Rixon Rafter and seconded by Pat Hale to approve a 30-day extension of time. Board unanimously approved.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 25

Chair Gerald Jordan suggested that they investigate the case and check whether the property was in compliance or not.

**Reference: CE04041274**

Vitality Distributors  
5600 NW 112 Ave, #306

Eve Bazer stated that this case was originally heard on May 24, 2004 with compliance ordered by July 24, 2004. She stated that one section of the code had been in violation with a fine of \$200 per day. Total fines were \$600. She assumed the property was in compliance.

Donald Scarborough stated that he was the tenant, and advised that the property was in compliance. He stated that in the past he had some difficulty with an architect. He advised that they had missed the compliance date by only 3 days.

Ivett Spence-Brown, Fire Inspector, stated that she did not object to an abatement of fines.

**Motion** made by John Phillips and seconded by Rixon Rafter to abate the fines. Board unanimously approved.

**Reference: CE00050662**

Munaz Enterprises Inc.  
201 NW 06 St.

Eve Bazer announced that this case had originally been heard on October 24, 2000 with compliance ordered by March 27, 2001. She stated that there had been 6 sections of the Code in violation with a fine of \$100 per day. Fines totaled \$544,800. She stated that 2 sections of the Code were not in compliance.

Wayne Strawn, Building Inspector, stated that the property was not in compliance by the date of the Board's Order. He reiterated that only 1 section of the Code was not presently in compliance. He asked that the Board impose a fine. He advised that Section 9-304(b) was not in compliance.

Seril Grossfeld, attorney, stated that a large family owned this property and it had been acquired from the US Marshall and had been in terrible condition. The family attempted to bring the property into compliance. She advised that the brother who had been taking care of the property had been deported and had caused a lot of problems. The brothers were attempting to bring the property into compliance, but they also owned other businesses in various parts of the County. She stated that they also had a matter before the Special Master, and the property was also in foreclosure. She stated that the property was a convenience store with a vacant lot next door. She explained there were drainage problems in the parking lot which were expensive to repair. She advised that they needed to hire an architect or contractor. She advised they were requesting a 30-day extension of time.

Myrnabelle Roche asked if both properties were in foreclosure. Ms. Grossfeld replied that they had been bought together, but they had two separate folio numbers.

Kenneth Reardon, Building Inspector, stated that the properties had not been in compliance and a lien was filed on July 30, 2001. He stated the City was asking the Board to impose an Order of Non-Compliance.

John Phillips stated that they were not going to be able to refinance the property as long as foreclosure proceedings were taking place. He stated that the City should be part of that foreclosure.

Ms. Grossfeld stated that an appraisal had been done and they had an investor who was willing to lend them money. She stated they needed to refinance in order to receive the monies to correct the violations.

**Motion** made by Myrnabelle Roche and seconded by Rixon Rafter to find that the original Order was not complied with by the date set in the Order, and therefore, a fine in the amount of \$544,800 be imposed.

Ms. Grossfeld advised that the two properties together appraised out at \$360,000, and they would not be able to obtain any refinancing over that amount. She reiterated that the owners were willing to correct the violations.

Bob Young stated that the drainage would be a big problem and would involve landscaping to be done also.

John Phillips asked if the fine could be reduced.

Bruce Jolly stated that it was up to the City. He stated that the Order would be recorded.

Board approved the motion, except for John Phillips who opposed.

**Reference: CE02011873**

Munaz Enterprises Inc.  
223 NW 6 Street

Eve Bazer announced that this case had originally been heard on April 23, 2002 with compliance ordered by May 23, 2002. She stated that 4 sections of the Code had been in violation with a fine of \$50 per day. Fines total \$171,600. She stated that the property was still not in compliance.

Robert Pignataro, Building Inspector, confirmed that the property was not in compliance. He asked for the Board to impose the fine. He added that section FBC 104.2.5 was in compliance.

Pat Hale asked why this had been continued from last month. Chair Gerald Jordan reiterated that time had run out last month.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 27

Seril Grossfeld, attorney, stated that the item had been continued because they were trying to find out the situation.

Lindwell Bradley, Community Inspectors Supervisor, stated that this had been continued because they had met with Maurice Murray and the Special Master in order to see what actually had to be done. He explained that the Special Master had continued the case in order to see what this Board was going to do, and then it was going back to the Special Master in 30 days.

Robert Pignataro stated that there had also been a meeting at the site in an attempt to see what work had to be done.

Ms. Grossfeld stated that the original amount of the first mortgage had been approximately \$55,000, and no taxes had been paid. She stated there was about \$90,000 due on the property, and the second mortgage had been paid off.

Pat Hale asked if there were any monies available in the funds for Sistrunk Boulevard.

Bob Young replied that there were monies available in the CRA, but since this involved a lien that could create a problem.

**Motion** made by Rixon Rafter and seconded by Myrnabelle Roche to find that the original Order was not complied with by the date set in the Order, and therefore, a fine in the amount of \$171,600 be imposed. Board unanimously approved.

**Reference: CE97110669**

Juan Marulanda  
2231 SW 14 St.

Eve Bazer announced that this case had originally been heard on July 28, 1998 with compliance ordered by May 24, 2000. She stated that one section of the Code had been in violation with a fine of \$25 per day. Fines total \$38,800. She advised that the property was in compliance.

Kenneth Reardon, Building Inspector, stated that the property had not been in compliance by the date ordered by the Board, but it was in compliance as of this time. He asked the Board to impose a fine.

Juan Marulanda, owner, stated that he had put a lot of effort, time and money in order to bring the property into compliance. He stated further that he had the wrong people doing the work and the situation had dragged out. He advised that he had hired Steve Fedora for the work.

Kenneth Reardon stated that the owner had ignored the date for compliance ordered by the Board. He explained that this had gone to criminal court, and some of the last violations that had been complied with had taken place in August, 2004.

Mr. Marulanda explained that he had tried to comply.

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 28

**Motion** made by Bob Young and seconded by Myrnabelle Roche to find that the original Order was not complied with by the date set in the Order, and therefore, a fine in the amount of \$3,800 be imposed. Board unanimously approved.

**Reference: CE99080132**

Andree Etienne &  
Lefort Petit-Frere  
544 NE 14 Pla

Eve Bazer announced that this case had originally been heard on October 26, 1999 and compliance was ordered by January 25, 2000. She stated that 2 sections of the Code had been in violation at a fine of \$50 per day. Fines total \$98,000. She advised that the property was in compliance.

Andree Etienne, owner, stated that her attorney had not showed up today, and therefore, she wanted this case to continue for 30 days. She advised that this was her residence.

**Motion** made by Rixon Rafter and seconded by Pat Hale that this case be continued for 30 days until October 26, 2004. Board unanimously approved.

**Reference: CE01100650**

S&L Management Inc.  
6500 NW 9 Ave.

Eve Bazer announced that this case had originally been heard on June 25, 2002 with compliance ordered by September 23, 2002. She stated that 16 sections of the Code had been in violation at a fine of \$50 per day. Fines total \$461,200. She advised that 4 sections of the Code were not in compliance as of this time.

Joseph Sorota, owner, stated that this had always been a warehouse.

Phil Fryberg stated they were interested in buying this property about 9 months ago, but in have the title search done, they had discovered this fine. He felt the owner had let things go. Therefore, due to the enormity of the fine, they had decided not to purchase the property. He stated that Mr. Sorota had stated that he hired a contractor for the amount of \$27,000 to pull the permit, but had fled with the money. He stated that Mr. Sorota should press charges. He stated that except for 4 small items, the property was in compliance.

Robert Pignataro, Building Inspector, stated that he had re-inspected the property and some blanks were missing from the panel, and they were to be replaced. He explained that they needed a permit for the accessible handicap. He stated they had a permit for the free-standing sign for the tenant on the other sign of the building, but the owner had been cited for the sign on his part of the warehouse which had never been permitted. He asked the Board to impose the fine.

Mr. Sorota stated that he had appeared before the Special Master about 2 years ago, and he had been informed of the violations which had existed before he purchased the

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 29

property. He explained that he had until September, 2002, to obtain the necessary permits and to hire a contractor. He stated he had done so but the contractor had taken \$27,000 from him.

**Motion** made by John Phillips and seconded by Bob Young to continue this matter until November 23, 2004. Board unanimously approved.

Mr. Fryberg stated that he was not coming back before this Board because there was to be a re-inspection of the job.

**Reference: CE04020156**

Thomas & Martha Kelaher  
1524 SW 5 Pl.

Eve Bazer announced that this case had originally been heard on April 27, 2004 with compliance ordered by June 26, 2004. She advised that two sections of the code had been in violation at a fine of \$100 per day. Fines total \$18,600. She stated that the property was not in compliance.

Thomas Kelaher, owner, stated that this was a four-plex in Riverside Park. He explained that he had been before the Board in April and he had requested a 60-day extension. He stated that he had missed a hearing that he had not been aware of, and still had not received the permits. He explained that he had purchased the building in January which had been a distressed property. He stated he began doing repairs. He explained that he was replacing windows and doors also. He continued stating that he was requesting an extension of time, and an abatement of fines.

Kenneth Reardon, Building Inspector, stated that Section FBC 104.1 and FBC 104.2.4 were still in violation. He stated that doing illegal work without a permit which was deemed unsafe was not doing a good deed and they were not doing the City any favors. He explained the property was not in compliance by the date of this Board's Order, and still was not in compliance. Therefore, they were requesting that the Board impose the fine.

Rixon Rafter asked if the City would agree to a 30-day continuance. Kenneth Reardon replied he would not agree to a continuance, and reiterated that the property was not in compliance. He explained they wanted the fine imposed. He stated that Mr. Kelaher had applied for the permits and the plans had not been approved.

**Motion** made by John Phillips and seconded by Rixon Rafter to approve a 30-day continuance until October 26, 2004. Roll call showed: YEAS: Myrnabelle Roche, Rixon Rafter, John Phillips and Gerald Jordan. NAYS: Pat Hale, Sara Horn and Bob Young. Motion carried 4-3.

**Reference: CE04011560**

Abner Choto  
1609 NW 7 Ct.

Eve Bazer announced that this case had originally been heard on June 22, 2004 with compliance ordered by August 21, 2004. She stated that one section of the Code had been in violation with a fine at \$50 per day. She announced that fines totaled \$200. She stated that the property was in compliance.

Wayne Strawn, Building Inspector, stated that he had spoken with the owner who had been 4 days late in coming into compliance. He told him to come in and request the abatement which the City would not oppose. He felt it was crazy for the City to spend the money to lien this property.

**Motion** made by Rixon Rafter and seconded by John Phillips to abate the fine in its entirety. Board unanimously approved.

John Phillips left the meeting at approximately 3:55 p.m.

Eve Bazer continued with the cases presented for the imposition of fines as follows:

CE03111536 (\$16,400)	CE04020614 (\$11,100)
CE99042223 (\$46,600)	CE01060810 (\$50,500)
CE98070059 (\$40,460)	CE99060106 (\$40,800)
CE9005095 (\$491,600)	CE9211382 (\$42,250)
CE99020870 (\$155,400)	CE9119039 (\$114,300)

Pat Hale stated that she believed some of the people did not understand how the process worked.

Rixon Rafter stated that in regard to CE9005095, he was uncomfortable voting on this case without receiving more background information. Eve Bazer explained that the City advised the individuals.

Bob Young stated that he was concerned about CE9119039.

**Motion** made by Myrnabelle Roche and seconded by Rixon Rafter to grant a 30-day continuance until October 26, 2004 regarding Case No. CE9119039. Board unanimously approved.

Eve Bazer continued to read into the record the cases presented for the imposition of fines as follows:

CE03100977 (\$31,000)  
CE04030301 (\$3,500)

CE01100240 (\$3,250)  
CE97010186 (\$130,800)

**Motion** made by Rixon Rafter and seconded by Pat Hale to impose the fines as read above. Board unanimously approved.

Eve Bazer announced that she wanted to read into the record Orders of Compliance in regard to the following cases:

CE01082225  
CE93111438  
CE04020156

CE03100829  
CE03071837

**Cases Complied**

Eve Bazer announced that the following cases were in compliance:

CE04080886  
CE04080899  
CE04080927  
CE04080940  
CE04080992  
CE03120787  
CE04031771

CE04080889  
CE04080914  
CE04080932  
CE04080983  
CE03081538  
CE04011819  
CE04041166

**Cases with No Service**

Eve Bazer stated that the following cases had no service:

CE03101523

**Cases Withdrawn**

Eve Bazer stated that the following case had been withdrawn:

CE9116926  
CE04090094  
CE04090104  
CE04090117  
CE03051074  
CE02081201  
CE04041618

CE9202606  
CE04090095  
CE04090112  
CE04090121  
CE01090290  
CE03111124  
CE04030144

**Case With No Respondent**

Eve Bazer stated that the following case had no respondent:

CE03042172

CODE ENFORCEMENT BOARD MEETING

SEPTEMBER 28, 2004

PAGE 32

**Motion** made by Rixon Rafter and seconded by Pat Hale to adjourn the meeting. Board unanimously approved.

There being no further business to come before the Board, the meeting was adjourned at 4:05 p.m.

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Chairman, Code Enforcement Board

ATTEST:

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Margaret A. D'Alessio,  
Recording Secretary

NOTE: The agenda associated with this meeting is incorporated into this record by reference.