

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

September 26, 2006

10:00 A.M. – 12:56 P.M.

<u>Board Members</u>	<u>Attendance</u>	1/2006 to 12/2006	
		<u>Present</u>	<u>Absent</u>
Howard Elfman (alternate)	A		
Pat Hale, Chair	P	8	1
Sarah Horn	A	7	2
Sam Mitchell	P	9	0
John Phillips	P	8	1
Rixon Rafter, Vice Chair	P	9	0
Myrnabelle Roche	P	7	2
Jan Sheppard (alternate)	P		
Doug White (alternate)	A		
Bobby Young	P	9	0
Bruce Jolly, Board Attorney	P		

Staff Present

Assistant City Attorney

Eve Bazer, Administrative Assistant II

Debra Maxey, Secretary, Code Enforcement Board

Farida Mohammed, Clerk, Code Enforcement Board

Robert Pignataro, Building Inspector

Robert Kisarewich, Fire Inspector

Mohammed Malik, Building Inspector

Thomas Clements, Fire Inspector

Wayne Strawn, Building Inspector

Ivett Spence-Brown, Fire Inspector

Jamie Opperee, Recording Secretary

Also Present:

CE04091130: Jennifer Ames; Gus Carbonell; Dominick Casale; Eric Carbonell

CE02091580: Jennifer Ames; John Wilkes; Dominick Casale

CE06071915: Trevor Michelin

CE06081621; 06081771: Edward Thorton

CE06081175: Kelly Manning, Angelo Castillo

CE04122271: Elvyn Rodriguez

CE06081701; 06081779: Chester Magaro

CE03042054: Michael Martell  
CE04061917: Thomas Landmeier  
CE05032069; 05090142: Michael Hirsch  
CE05091942: Esther Morino  
CE05121985: Eric Carbonell, Gus Carbonell  
CE05080787: Allan Kozich; Jerome Faber  
CE04032185: Kenneth Trent  
CE06081616: Amjad (Mike) Hamad  
CE06081626: Scott Berger  
CE03121170: Tom Andrews  
CE06081665; 06081622: Robert Toplas  
CE06071977: Joan Kuntz  
CE06040915: Douglas Dettman

Chair Hale called the meeting to order at 10:13 a.m., introduced the Board and explained the procedures for the hearing.

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

**Reference CE03042054**

Justin Spector

1111 Southwest 2<sup>nd</sup> Court

Massey Hearing

Ms. Mohammed announced that this case was first heard on 3/23/04 with compliance ordered by 5/22/04: 5 sections at \$100 per day per violation. The property was not in compliance and the City was requesting imposition of \$428,000 in fines and their continued accrual until the property was complied. The Assistant City Attorney confirmed that any vacation of a previous order would probably have no effect on the fine.

Mr. Michael Martell, contractor, said he was working with Inspector Pignataro to comply the issues. Mr. Martell said the previous owner had signed an affidavit at settlement stating there were no improvements to the property or violations on the property. The new owner found out soon after the sale that there were violations at the property and the previous owner had promised to correct the violations, but had not. Mr. Martell had hired an engineer and intended to start work as soon as permits were obtained.

Mr. Robert Pignataro, Building Inspector, explained that this was a rental unit, with a duplex in the front and two or three units in the back; he did not know the zoning for the property, but it was not homesteaded. Inspector Pignataro recommended imposing the total fine.

Mr. Martell said the current owner was suing the previous owner. The Assistant City Attorney stated there was a new foreclosure suit against the current owner, and the City wanted to lien

the property now to maintain some interest in it. She was unaware of the mortgage balance. Mr. Martell said the owner had no equity in the property, but wanted to do the right thing.

**Motion** made by Mr. Rafter, seconded by Ms. Roche, to find the owner had not complied with their order, to impose the \$428,000 fine and continue the fine accrual until the property was complied. In a roll call vote, Board approved 7 - 0.

**Reference CE06071977**

Banyan Air Service Inc.  
5310 Northwest 20<sup>th</sup> Terrace

NFPA 1 14.13.1.1: No emergency lighting;  
NFPA 101 13.3.1: Unprotected vertical  
opening; NFPA 101 8.3.3.1: Window glass not  
fire rated; NFPA 409 2.4.2: Flammable liquid  
storage; NFPA 409 2-1.2: Flammable structure;  
NFPA 704 1.2.1: Business not placarded

Ms. Mohammed announced that certified mail addressed to the regional director was accepted on 8/7/06.

Ms. Ivett Spence-Brown, Fire Inspector, testified she had a stipulated agreement with the owner to comply within 120 days or a fine of \$100 per day, per violation.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to accept the stipulated agreement that the violations be complied within 120 days, by 1/23/07 or a fine of \$100 per day, per violation. Board approved unanimously.

**Reference CE05080787**

Jungle Queen Inc.  
2470 Southwest 21st Street

Request for Extension

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 11/22/05; 28 sections at \$50 per day, per violation. On 1/24/06 the date was extended to 3/28/06; on 3/28/06 the date was extended to 9/26/06. The property was not in compliance.

Mr. Alan Kozich, architectural engineer, distributed a color-coded progress report to the Board and explained that the project was moving along. He noted that they were making some improvements that had not been cited. The boardwalk and dock were complete, and they were in the process of changing the storage sheds and sound wall. The owner had informed him that the wet fire suppression system had been installed and was code compliant, but Inspector Kisarewich had confirmed with Broward County that there was never a permit issued for the switch from dry to wet system. Mr. Kozich requested an additional 6 months to comply, since they still required some permits.

Mr. Robert Kisarewich, Fire Inspector, confirmed that Mr. Kozich had been working with the Fire Marshall, and stated he had no objection to a 6-month extension.

Mr. Wayne Strawn, Building Inspector, stated that he had no objection to a 6-month extension.

**Motion** made by Mr. Phillips, seconded by Mr. Young, to grant a 6-month extension to 3/26/07. Board unanimously approved.

Mr. Kozich agreed to provide the updated progress report in advance of their next meeting.

**Reference CE06040915**

Dettman Properties Inc.  
1001 Northwest 62nd Street

Request for Extension

Ms. Mohammed announced that this case was first heard on 5/23/06 to comply by 9/26/06: 3 sections at \$100 per day, per violation. The property was not complied.

Ms. Ivett Spence-Brown, Fire Inspector, said only Section 104.1.1 remained, and she had a stipulated agreement with the owner to comply by January 23, 2007 or a fine of \$100 per day.

Motion made by Mr. Phillips, seconded by Mr. Young, to accept the stipulated agreement. Board unanimously approved.

**Reference CE05032069**

Isco Properties LLC  
1291 Northwest 65<sup>th</sup> Place

Request for Abatement/Massey Hearing

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 1/24/06: 9 sections at \$25 per day, per violation. On 4/25/06 the date was extended to 6/27/06 and on 8/22/06 the case was continued to today's hearing at the request of the owner's attorney. The case was complied on 7/10/06 and the City was requesting imposition of \$22,950 in fines.

Mr. Michael Hirsch, the owner's attorney, explained that his client had been unable to do without the storage the illegally constructed mezzanine provided, so he had hired an engineer and permit researchers. His client had purchased the building with the mezzanine and did not know it was illegal until Inspector Spence-Brown had cited the property. His client had finally been forced to scale back operations at a great loss by removing the mezzanine. He asked the Board to abate the fine.

Ms. Ivett Spence-Brown, Fire Inspector, confirmed that the building in the following case was attached to this one. She informed the Board that the owner had tried, but had been unsuccessful in getting the permit. She stated that both properties were now complied.

Chair Hale admonished Mr. Hirsch for never appearing to request extensions. Mr. Phillips felt they should abate because of "a mistake by an attorney on a timing issue and in light of the cooperation and there's seven employees here." Mr. Young pointed out that there were administrative expenses. Mr. Mitchell noted that aside from the mezzanine issue, the other violations could have been complied in eight hours and at a cost of less than \$1,000. Mr. Hirsch said the owner's engineer had led him to believe that since the mezzanine was smaller than originally thought, they might be allowed to keep it.

**Motion** made by Mr. Phillips, seconded by Ms. Sheppard, to abate the fine. Motion failed 2 – 5 with Mr. Mitchell, Mr. Rafter, Ms. Roche, Mr. Young and Chair Hale opposed.

**Motion** made by Mr. Mitchell, seconded by Mr. Phillips, to impose a fine of \$1,000. Motion passed 6 – 1 with Chair Hale opposed.

**Reference CE05090142**

Isco Properties LLC  
1291 Northwest 65<sup>th</sup> Place #A

Request for Abatement/Massey Hearing

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 2/28/06: 8 sections at \$100 per day, per violation. On 8/22/06 the case was continued to today's hearing at the request of the owner's attorney. The case was complied as of 7/10/06 and the City was requesting imposition of \$104,800 in fines.

Ms. Ivett Spence-Brown, Fire Inspector, stated that there were problems with the computer input regarding this case. She thought the property was complied sooner than the computer indicated, probably in March. Mr. Phillips felt they should dismiss the case if the compliance date could not be proven. Mr. Jolly said Inspector Spence-Brown had testified to when she believed the property was complied, and the Board could judge whether to believe her testimony.

Inspector Spence-Brown noted that these were maintenance issues, not permit issues, so the dates could not be verified, but she had inspected the property several times since citing it and had found the violations still existed. Mr. Jolly pointed out that this was a Massey hearing; the Board had determined that violations existed at the January hearing. The issue today was the actual date of compliance.

**Motion** made by Mr. Rafter, seconded by Mr. Young, impose a fine of \$1,000. Board unanimously approved.

**Reference CE04091130**

Dom & John Development LLC  
1344 Northeast 4<sup>th</sup> Avenue

Massey Hearing/Request for Extension

Ms. Mohammed announced that this case was originally heard on 1/25/05 with compliance ordered by 7/24/05: 3 sections at \$50 per day, per violation. On 3/28/06 the date was extended to 5/23/06; on 5/23/06 the date was extended to 8/22/06. The property was not complied.

Mr. Gus Carbonell, representative of the owner, informed the Board that they had removed the sign installed by the tenant, and now they were addressing the ADA compliance issues. Permit applications had been submitted in May and Mr. Carbonell had checked on their status several times. Mr. Carbonell reported that the plans had finally been approved approximately two weeks ago. Due to this time delay, Mr. Carbonell stated that the owner now wanted to demolish the entire site and they were waiting for those permits. Mr. Carbonell requested another 60 days to get a demolition permit.

Mr. Mohammed Malik, Building Inspector, confirmed that the building was not occupied, so he had no objection to the additional time.

**Motion** made by Mr. Phillips, seconded by Ms. Sheppard, to grant a 60-day extension to 11/28/06 and to record the order. Board unanimously approved.

**Reference CE02091580**

Hammocks at Edgewood Developers Inc. Request for Extension  
2807 Southwest 15th Avenue

Ms. Mohammed announced that this case was originally heard on 5/25/04 with compliance ordered by 9/25/04 and 5/24/05: 22 sections at \$50 per day, per violation. On 10/26/04 the date was extended to 5/25/05; on 5/24/05 the date was extended to 6/28/05; on 6/28/05 the date was extended to 1/26/06; on 1/24/06 the date was extended to 2/28/06; on 2/28/06 the date was extended to 3/28/06; on 3/28/06 the date was extended to 4/25/06; on 4/25/06 the date was extended to 6/27/06; on 6/27/06 the date was extended to 9/26/06. The property was not complied.

Mr. John Wilkes, attorney for the owner, stated he had spoken with Inspector Strawn, who agreed there was only one issue remaining on the property: the office trailer, which Mr. Wilkes promised to remove within 30 days.

Mr. Wayne Strawn, Building Inspector, stated that he had no objection to another 30 days.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to grant a 30-day extension to 10/24/06. Board unanimously approved.

**Reference CE04061917**

Thomas Landmeier  
1128 Northeast 16<sup>th</sup> Street

Massey Hearing/Request for Extension

Ms. Mohammed announced that the case was first heard on 10/26/04 with compliance ordered by 4/24/05: 4 sections at \$50 per day, per violation. On 5/24/05 the date was extended to 8/23/05; on 2/28/06 the date was extended to 5/23/06; on 7/25/06 the date was extended to 9/26/06. The property was not complied.

Mr. Thomas Landmeier, owner, stated he had met with Inspector Malik regarding the permit issues and he was now waiting for the permit to be issued. He requested another 60 days to comply.

Mr. Mohammed Malik, Building Inspector, confirmed that he was working with the owner to get the property complied. The plans had been submitted to the City, rejected, and re-submitted, so they were still waiting for the permit to be issued. Inspector Malik had no objection to a 60-day extension.

**Motion** made by Mr. Young, seconded by Mr. Rafter, to grant a 60-day extension to 11/28/06. Board unanimously approved.

**Reference CE06081175**

Broward House Inc.  
417 Southeast 18<sup>th</sup> Court

FBC 105.1: Storm shutters installed without permits; FBC 1612.1.2: Inadequate construction

Ms. Mohammed announced that certified mail addressed to the owner and registered agent had both been accepted on 9/7/06.

Mr. Wayne Strawn, Building Inspector, stated that a storm shutter system had been installed without permits; Section 1612.1.2 was complied. He recommended ordering compliance with Section 105.1 within 60 days or a fine of \$50 per day.

Mr. Angelo Castillo, president and CEO of Broward House, explained that the gazebo had been on the property for many years and they were unaware that it was not permitted. They had already torn it down and were raising funds to install a new one. As to the hurricane shutters, Mr. Castillo said they could not determine when they had been installed, but they did not want to remove them because they were the only hurricane protection the building had. He feared if they removed them, their insurance would not cover hurricane damage to the building.

Mr. Castillo stated that Broward House received 80% of its funding through the federal government, which the City Attorney's Office would withhold until these issues were complied. Mr. Castillo requested that the Board dismiss the violations, and he would agree to apply for a permit and start fundraising for new shutters.

Inspector Strawn said he had not tested the thickness of the shutters, but he knew that the fasteners were not code-compliant. Once the fasteners were corrected, it would just be a permit

issue. Inspector Strawn felt that the proper fasteners could be found at the Habitat Store. He felt 60 days should be sufficient to resolve this.

The Assistant City Attorney explained that the City received federal funds to distribute to social service agencies, and the City believed that these agencies should be held to the same safety standards as all other private or public property in the City. She noted that the RFP process required that the social service agencies submit proof to the City of lack of code violations. She noted that the funding fiscal year began on October 1, 2006 and Broward House was "all set" for fiscal year 2006-2007.

**Motion** made by Mr. Mitchell to order compliance with Section 105.1 within 120 days, by 1/23/07. Motion died for lack of a second.

**Motion** made by Mr. Mitchell, seconded by Ms. Sheppard, to order compliance with Section 105.1 within 60 days, by 11/28/06 or a fine of \$50 per day. In a voice vote, Board approved with Mr. Rafter abstaining.

**Reference CE06071915**

Trevor Michelin  
3913 Davie Boulevard

NFPA 1 1.7.5.1: Unable to inspect property

Ms. Mohammed announced that certified mail addressed to the owner was accepted on 9/19/06 and certified mail addressed to the registered agent was accepted on 9/9/06.

Mr. Thomas Clements, Fire Inspector, informed the Board that he had a stipulated agreement with the owner to comply within 14 days or a fine of \$50 per day.

**Motion** made by Mr. Young, seconded by Ms. Sheppard, to accept the stipulated agreement and order compliance within 14 days, or a fine of \$50 per day would be imposed. Board unanimously approved.

**Reference CE06081616**

A&M Investments of America LLC  
3232 West Broward Boulevard

NFPA 1 1.7.5.1: Unable to inspect property

Ms. Mohammed announced that certified mail addressed to the owner and registered agent were accepted on 9/7/06.

Mr. Thomas Clements, Fire Inspector, informed the Board that he had a stipulated agreement with the owner to comply within 14 days or a fine of \$50 per day.

**Motion** made by Mr. Young, seconded by Ms. Sheppard, to accept the stipulated agreement and order compliance within 14 days, or a fine of \$50 per day would be imposed. Board unanimously approved.

**Reference CE06081622**

Emil & Ellen Gasperoni  
4800 Northwest 15<sup>th</sup> Avenue #B

FBC 104.1.1: Interior work without permits

Ms. Mohammed announced that certified mail addressed to the owner was accepted on 9/8/06 and certified mail addressed to the tenant was accepted on 9/11/06.

Ms. Ivett Spence-Brown, Fire Inspector, stated the violations existed as cited. She had noticed interior alterations being performed without a permit on December 16, 2005 and ordered the work to stop, but it had continued. As of her visit on September 25, 2006, the violations still existed. Inspector Spence-Brown recommended ordering compliance within 60 days or a fine of \$200 per day.

Mr. Robert Toplas, tenant in Suite B, explained that the offices had been destroyed by Hurricane Wilma and they had rebuilt them and taken over part of the Suite A warehouse as well. There was some confusion regarding this and another case, CE06081665, but Ms. Mohammed stated that CE06081665 had been withdrawn. Inspector Spence-Brown stated CE06081622 applied to Suites A and B, as the tenant had indicated.

Inspector Spence-Brown confirmed that a signed-off permit would comply the property. Mr. Toplas said they were in the process of having plans drawn and had hired a contractor.

**Motion** made by Mr. Young, seconded by Ms. Roche, to order compliance within 60 days, by 11/28/06 or a fine of \$200 per day would be imposed. Board unanimously approved.

**Reference 06081621**

Emil & Ellen Gasperoni  
4710 Northwest 15<sup>th</sup> Avenue

NFPA 1 4.5.8.1: Damaged electrical conduit;  
NFPA 101 7.9.2.2: Emergency light does not  
illuminate

Ms. Mohammed announced that certified mail addressed to the owner was accepted on 9/8/06 and certified mail addressed to the tenant was accepted on 9/11/06.

Ms. Ivett Spence-Brown, Fire Inspector, stated the emergency light did not operate; Section 1 4.5.8.1 was complied. She recommended ordering compliance with section 101 7.9.2.2 within 30 days or a fine of \$100 per day.

Mr. Ed Thornton, tenant, said he had already hired a contractor to obtain a permit and do the work. Inspector Spence-Brown felt the unit might just need a battery. If this was not the case, an electrician could simply replace the entire unit. Mr. Thornton felt it might take more time to fix.

**Motion** made by Mr. Rafter, seconded by Mr. Young, to order compliance with Section 101 7.9.2.2 within 30 days, by 10/24/06, or a fine of \$100 per day would be imposed. Board unanimously approved.

**Reference 06081771**

Emil & Ellen Gasperoni  
4710 Northwest 15th Avenue #C

NFPA 1 11.1.5: Extension cord used for permanent wiring; NFPA 101 7.1.10.2.1: Blocked emergency egress; NFPA 101 7.5.2.1: Improperly mounted smoke detector; NFPA 1 4.5.8.1: Second floor office has no emergency exit

Ms. Mohammed announced that certified mail addressed to the owner was accepted on 9/8/06 and certified mail addressed to the tenant was accepted on 9/11/06.

Ms. Ivett Spence-Brown, Fire Inspector, stated the second floor office did not have a legal exit. Sections 1 11.1.5, 101 7.1.10.2.1 and 101 7.5.2.1 were complied. She stated the property was first cited for this violation in 2004. The property was cited again in 2005 and 2006, but the owner had never applied for permit for a legal exit. Inspector Spence-Brown recommended ordering compliance with Section 1 4.5.8.1 within 60 days or a fine of \$200 per day.

Mr. Ed Thornton, tenant, said he had rented the property in this condition and had needed the space. He explained that he had thought they would move and not need to make the changes, but he had recently signed a new 5-year lease and hired a contractor to do the work.

**Motion** made by Mr. Rafter, seconded by Mr. Young, to order compliance within 60 days, by 11/28/06, or a fine of \$200 per day would be imposed. Board unanimously approved.

**Reference CE04122271**

Elvyn C Rodriguez & Virginia C Bostik      Request for Extension  
428 Southwest 24<sup>th</sup> Avenue

Ms. Mohammed announced that this case was first heard on 7/26/05 with compliance ordered by 10/25/05: 2 sections at \$25 per day, per violation. On 2/28/06 the date was extended to 5/23/06; on 7/25/06 the date was extended to 8/22/06. The property was not complied.

Mr. Elvyn Rodriguez, owner, had brought his fence permit application to present to the Board. He said the fence contractor he had hired had taken the deposit money and never done the work, so he now had a general contractor who would perform the work.

Mr. Ken Reardon, Building Inspector, stated he had no objection to an extension, noting that the fence could not just be torn down because there was a pool on the property. He recommended a 60 to 90-day extension.

**Motion** made by Mr. Young, seconded by Mr. Phillips, to grant a 60-day extension to 11/28/06. Board unanimously approved.

**Reference CE03121170**

Stephen Arciero  
3890 Davie Boulevard

Request for Extension

Ms. Mohammed announced that this case was originally heard on 7/26/05 with compliance ordered by 11/22/05: 5 sections at \$50 per day, per violation. On 2/28/06 the date was extended to 5/23/06; on 5/23/06 the date was extended to 9/26/06. The property was not complied.

Mr. Tom Andrews, manager, explained he had hired the contractor and was making progress, and requested a 90-day extension.

Mr. Wayne Strawn, Building Inspector, said there were several obstacles in this case. He explained that the contractor had obtained a permit to repair the air conditioning instead of a permit to install a new system. They now needed to obtain a permit to replace the system. Inspector Strawn recommended a 120-day extension.

**Motion** made by Mr. Young, seconded by Mr. Rafter, to grant a 120-day extension to 1/23/07. Board unanimously approved.

**Reference CE05091942**

Alberto & Esther Merino  
1355 Southwest 26th Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on 3/28/06 with compliance ordered by 6/27/06: 1 section at \$50 per day; the case was continued from 8/22/06 at the request of the owner's attorney. The property was not complied.

Tony Merino, the owner's son, explained that the contractor had done the work without a permit, telling Mr. Marino's family that it was a small section of roof and did not require a permit.

Mr. Ken Reardon, Building Inspector, testified that the contractor had a license number on his papers, but the City would check if this license number was valid when the application was submitted. Inspector Reardon recommended a 60-day extension.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to grant a 60-day extension to 11/28/06. Board unanimously approved.

**Reference CE05121985**

Lucy's Meat Market Corp.  
1708 Northwest 6<sup>th</sup> Street

Request for Extension

Ms. Mohammed announced that this case was first heard on 2/28/06 with compliance ordered by 7/25/06: 17 sections at \$50 per day, per violation. On 7/25/06 the date was extended to 8/22/06. The property was not complied.

Mr. Gus Carbonell, architect, explained that there were "extremely large" violations on the property and they had hired an engineering company and a structural engineer. Mr. Carbonell explained that they intended to do the work in two phases, and plans for phase one had been submitted two to three weeks ago. He stated the owner had removed the broken fence and rebuilt the dumpster enclosure. Mr. Carbonell requested 120 days to obtain the plans and permits for the balance of the job. Mr. Carbonell stated that the owner was taking out a loan to have the work done. Regarding the garbage violation, Mr. Carbonell said the tenant had added another trashcan outside and cleaned up every day, but the entire area was prone to garbage.

Mr. Wayne Strawn, Building Inspector, agreed with Mr. Carbonell's assessment of the violations, that this was a "monumental" job. Inspector Strawn presented recent photos of the property and said he wanted to see compliance in a short period of time regarding the garbage violations. Mr. Carbonell noted that the work would not be complete in 120 days, but he would return to give a progress report.

**Motion** made by Mr. Rafter, seconded by Mr. Phillips, to grant a 120-day extension to 1/23/07. Board unanimously approved.

**Reference CE06081701**

Sodder Inc.  
701 Northwest 57<sup>th</sup> Place

NFPA 10 6.3.1: Fire extinguisher maintenance;  
FBC 704.3.1: Required firewall

Ms. Mohammed announced that certified mail addressed to the owner was accepted [no date], and certified mail addressed to the registered agent was accepted on 9/11/06.

Ms. Ivett Spence-Brown, Fire Inspector, stated that there was no separation between the two tenants; Section 10 6.3.1 was complied. She recommended ordering compliance with Section FBC 704.3.1 within 120 days or a fine of \$100 per day.

**Motion** made by Mr. Rafter, seconded by Ms. Roche, to order compliance with Section 704.3.1 within 120 days, by 1/23/07 or a fine of \$100 per day. In a voice vote, Board unanimously approved.

**Reference CE06081779**

Sodder Inc.  
721 Northwest 57<sup>th</sup> Place

NFPA 1 1.7.6: Exposed wiring;  
NFPA 1 11.1.2: Circuit breaker panel not to code;  
NFPA 10 6.3.1: Fire extinguisher maintenance;  
NFPA 101 6.1.14.4.1: No tenant separation;  
NFPA 101 7.9.2.2: Emergency lights do not illuminate

Ms. Mohammed announced that certified mail addressed to the owner was accepted on 9/16/06, and certified mail addressed to the registered agent was accepted on 9/11/06.

Ms. Ivett Spence-Brown, Fire Inspector, stated that overhead lights had exposed wiring; there were voids in the circuit breaker panel; the fire extinguisher was due for annual service; there was no separation between tenants and the emergency lights did not illuminate. Inspector Spence-Brown recommended ordering compliance with Section 101 6.1.14.4.1 within 120 days or a fine of \$100 per day and with all other violations within 30 days or a fine of \$100 per day, per violation.

**Motion** made by Mr. Rafter, seconded by Ms. Sheppard, to order compliance with Section 101 6.1.14.4.1 within 120 days or a fine of \$100 per day and with all other violations within 30 days or a fine of \$100 per day, per violation. In a voice vote, Board unanimously approved.

**Reference CE04032185**

Ward Harris Properties Inc.  
2901 East Las Olas Boulevard

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/25/05 with compliance ordered by 4/25/05: 6 sections at \$100 per day, per violation. On 5/24/05 the date was extended to 7/26/05; on 7/26/05 the date was extended to 9/27/05; the date was extended from 9/27/05 to 1/24/06 due to hurricanes; on 1/24/06 the date was extended to 4/25/06; on 5/23/06 the date was extended to 7/25/06; on 7/25/06 the date was extended to 8/22/06; on 8/22/06 the date was extended to 9/26/06. The property was not complied.

Mr. Kenneth Trent, attorney for the owner, said all violations were complied except the signs. He requested another 30 days to "get some sort of remedy" from the sign company.

Mr. Robert Pignataro, Building Inspector, agreed that the signs were still present, and confirmed that they required permits but had none. He said he had informed Mr. Trent that his client must remove the signs.

Mr. Trent said his client had hired someone to apply for the permits on his behalf, but this person had never produced the permits, and his client was now suing this person and he must find someone else. Mr. Trent admitted it was very difficult to convince his client that the signs must be permitted or removed; his client was not following his advice on this matter. Mr. Rafter and Mr. Mitchell remarked that these violations had existed for eighteen months and Mr. Trent's client must simply remove the signs to comply.

**Motion** made by Mr. Mitchell, seconded by Mr. Young, to find the Board's order had not been complied with, impose the \$33,000 fine and continue fine accrual until the property was complied. In a roll call vote, motion failed 3 – 4 with Mr. Phillips, Ms. Roche, Ms. Sheppard and Chair Hale opposed.

**Motion** made by Mr. Phillips, seconded by Ms. Sheppard, to grant a 30-day extension. In a roll call vote, motion passed 5 – 2 with Mr. Mitchell and Mr. Young opposed.

The Board took a lunch break from 12:10 to 12:25.

**Reference CE06021206**

Phillip Bagicalluppi  
1406 Northwest 13th Avenue

FBC 105.1: Work without permits;  
FBC 105.2.11: Installations/alterations without  
permits; FBC 105.2.5: Alterations without permits;  
FBC 106.10.3.4: Expired permit

Ms. Mohammed announced that service was via posting on the property on 9/14/06 and at City Hall on 9/15/06.

Mr. Robert Pignataro, Building Inspector, stated that alterations had been made to the house without permits; wiring, plumbing, and other mechanical systems had been altered without permits; electrical fixtures and wiring had been altered without a permit and the permit for fence repair had expired. Inspector Pignataro presented photos of the property and recommended ordering compliance with all violations within 30 days or a fine of \$100 per day, per violation.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to order compliance with all violations within 30 days or a fine of \$100 per day, per violation. Board unanimously approved.

Mr. Phillips wanted to be sure the order was recorded.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to reconsider their previous order. Board unanimously approved.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to order compliance with all violations within 30 days or a fine of \$100 per day, per violation and to record the order. Board unanimously approved.

**Reference CE04032660**

Evor Badwah  
705 Southwest Riverside Drive

Request to Vacate Order of 3/22/05  
for Lack of Service

Ms. Mohammed announced that the City was requesting vacation of the Board's order dated 3/22/05 due to lack of service.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to vacate the Board's order dated 3/22/05. Board unanimously approved.

**Reference CE96080185**

Joseph Gabo & Jalina Meralien  
1336 Northeast 1<sup>st</sup> Avenue

Request to Vacate Order of 7/27/04  
for Lack of Service

Ms. Mohammed announced that the City was requesting vacation of the Board's order dated 7/27/04 due to lack of service.

**Motion** made by Mr. Phillips, seconded by Ms. Roche, to vacate the Board's order dated 7/27/04. Board unanimously approved.

**Reference CE97101491**

Joseph Gabo & Jalina Meralien  
1336 Northeast 1<sup>st</sup> Avenue

Request to Vacate Order of 7/27/04  
for Lack of Service

Ms. Mohammed announced that the City was requesting vacation of the Board's order dated 7/27/04 due to lack of service.

**Motion** made by Mr. Phillips, seconded by Mr. Rafter, to vacate the Board's order dated 7/27/04. Board unanimously approved.

**Approval of Meeting Minutes**

**Motion** made by Mr. Rafter, seconded by Mr. Mitchell, to approve the minutes of the August, 2006 meeting. Board unanimously approved.

Mr. Mitchell requested an update on the Super Duper Liquor Store located at 618 NW 9 Avenue for their next meeting.

**Cases Complied**

Ms. Mohammed announced that the below listed cases were complied. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE06071908	CE06071917	CE06071922	CE06081687
CE06081694	CE06081699	CE06081626	

**Cases Pending Service**

Ms. Mohammed announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE06011377	CE06040954	CE06071911	CE05031052
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**Cases Withdrawn**

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

CE06081665	CE06081666	CE04081702
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There being no further business to come before the Board, the meeting adjourned at 12:56 P.M.

  
CHAIRPERSON, CODE ENFORCEMENT BOARD

ATTEST:

  
CLERK, CODE ENFORCEMENT BOARD

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