
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

David A. Vukelja, Special Magistrate

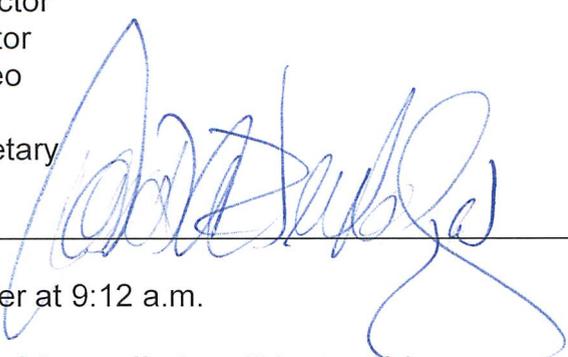
March 10, 2020 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Cortland Lampe, Daytona Beach Police Department
Mr. Denzil Sykes, Neighborhood Services Manager
Mr. John Stenson, Lead Code Inspector
Mr. Roosevelt Butler, Code Inspector
Mr. Lewis Chaff, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark A. Jones, Rental Inspector
Ms. Sara Kirk, Code Inspector
Mr. Jerome McCoy, Rental Inspector
Mr. Cliff Recanzone, Rental Inspector
Ms. LaWanda Tomengo, Code Inspector
Mr. David Woods, Code Inspector
Mr. Kevin Yates, Code Inspector
Mr. Charles Smarr, Audio/Video
Mr. Joe Graves, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by:  Special Magistrate

The meeting was called to order at 9:12 a.m.

Ms. Barnes swore in member of the staff who will be testifying.

Mr. Vukelja asked if there were any announcements.

Ms. Barnes announced the following cases.

CASE # 3 - SMG 02-20-36 - Villa Jardine LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 504.1, 305.3), at 123 Oak Tree Cir. Violation(s) – Damaged plumbing system and fixture, damaged interior surfaces. First Notified – 11/25/2019.

Compliance 3-6-2020

CASE # 6 - SMG 02-20-22 - MGB Real Estate Investment Corp is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at Lockhart St (Parcel # 5239-06-29-0200). Violation(s) – Trash and debris. First Notified – 8/16/2019.

Compliance 3-10-2020

CASE # 12 - SMG 02-20-33 - Azzie Lee Barron Estate is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 302.8); Art. 6 Sec 6.2.H.7.A, at 249 Jefferson St. Violation(s) – Junk vehicles, dead tree fell, parking in the grass in the front yard. First Notified – 7/24/2019.

Compliance 3-5-2020

CASE # 20 - SMG 03-20-40 - Warren & Ruth E. Trager is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13), at 323 Dr Mary M Bethune Blvd (327 Dr Mary M Bethune Blvd - Parcel # 5339-02-53-0015). Violation(s) – Boarded window. First Notified – 9/19/2019.

Compliance 3-6-2020

CASE # 36 - SMG 03-20-71 - Gokhan & Sema Dogan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at 918 W Millard Ct. Violation(s) – Damaged roof. First Notified – 1/14/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

Mr. Vukelja called the first case.

SMG 12-19-292 - ACL Realty, LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.1.1, 304.2, 304.3, 304.4, 304.6, 304.7, 304.13.1, 304.13.2, 304.15), at **832 Madison Ave.** Violation(s) – Abandoned building, dilapidated garage accessory structure, damaged exterior surfaces, damaged roof, paint fading and peeling, damaged windows and doors, no address numbers. First Notified – 9/16/2019. **Order Imposing Fine/Lien of \$200.00 per day, effective January 14, 2020. Property remains in non-compliance and fine is still accruing. The fine will reach the maximum amount of \$15,000.00 plus \$24 recording costs on March 29, 2020.**

Mr. Carlos Lira came forward and was sworn in.

Mr. Anthony Jackson, Assistant City Attorney, stated the following request is now a lien review as the property was brought into compliance yesterday. He stated the building was demolished.

Mr. Cliff Recanzone, Code Inspector, stated the City is willing to reduce the amount of the lien to \$2,500.

Mr. Vukelja asked when the structure was demolished.

Mr. Lira stated about 10 days ago.

Mr. Vukelja asked why the property was not in compliance on the 14th as was ordered.

Mr. Lira stated the City told them to demolish the garage and fix the property and they hired an architect. He stated the City later told them the entire structure had to be demolished.

Mr. Jackson stated they did not know at the time the City told them only to demo the garage that the main building was fire damaged.

DISPOSITION: Mr. Vukelja waived the fine and lien on the property.

CASE # 1 - SMG 05-19-104 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 319 San Juan Ave. Violation(s) – Working without permits. First Notified – 1/24/2019.

Mr. Jackson stated the respondents were in negotiations with the city to donate the property. He stated the City is waiting for a clear title and asked that the case be continued to April.

Mr. Lira stated he had no objection but wanted to clarify that he did no work on the property without permits as the violation states. He stated the work was done by the previous owner.

DISPOSITION: Mr. Vukelja continued the matter to the April 14, 2020 meeting.

CASE # 2 - SMG 04-19-96 - Christina T. Chau is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.1.A; Art. 3 Sec. 3.4.S.1, at 155 Michigan Ave. Violation(s) – No permits for renovations. First Notified – 11/23/2018.

Respondent was not present.

Mr. Jackson stated Inspector Garcia has been in contact with the fine and has been working and is almost done. He stated the respondent is waiting for a final from FPL and is asking to amend the order to the next cutoff.

Mr. Danny Garcia, Code Officer, stated the LLC respondent is also waiting for a smoke detector.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 4 - SMG 02-20-23 - 5T Wealth Partners LP is cited for failure to correct violations of The Land Development Code, Art. 6. Sec. 6.19.A.3, at 549 Park Dr. Violation(s) – Overgrown lot. First Notified – 12/4/2019.

Respondent was not present.

Mr. Jackson stated Inspector Kirk reports the property remains in non-compliance and has had no contact with the respondent. He stated the case is compliant driven and there have been a number of re-inspections. He stated the City is asking for a fine in the amount of \$100 per day to maximum of \$15,000.

Ms. Sara Kirk, Code Inspector stated they house was demolished in 2018. She stated she received the green card and knows that the respondents received notification of the case. She stated she is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$100 per day, commencing March 11, 2020, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 5 - SMG 02-20-21 - Crystal I LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec.6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 308.1), at Wallace St (Parcel # 5339-32-04-0150). Violation(s) – Fence and debris. First Notified – 10/23/2019.

Respondent was not present.

Mr. Jackson stated Inspector Kirk reports the property remains in non-compliance and she has had no contact with the respondent. He stated the case is compliant-driven and the City is asking for a fine in the amount \$50 per day to a maximum of \$15,000.

Ms. Kirk stated there was illegal dumping, issues with a fence and overgrowth inhibiting the sidewalk. She stated the green card was signed for.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$50 per day, commencing March 11, 2020, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 7 - SMG 02-20-37 - Quick Cash Offer LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 538 Loomis Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/10/2019.

Mr. Alex Quezada came forward and was sworn in.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance. He stated the respondent has applied for and been approved for the license and is asking to amend to the next cutoff. He stated the approval is for re-development.

Mr. Quezada stated Karen from the Midtown Redevelopment Board told him it would be done this week.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 8 - SMG 02-20-39 - TRSTE LLC TR 410 PLEASANT ST DTD 02-21-2019 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 410 Pleasant St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/1/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports he is in contact with the respondent and that he applied for his Rental License on February 27, 2020 and it is under review. He stated the City is requesting to amend to the next cutoff for compliance.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 9 - SMG 02-20-18 - Harmony I LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 1310 Milton. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/21/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports the respondent needs a survey to complete his application and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated the respondent has a problem with his driveway. He stated the case was opened in June of 2019 and the property was inspected in September.

Mr. Vukelja imposed a fine of \$100 per day, effective March 11, 2020, until compliance is achieved or the fine reaches a maximum of \$15,000.

CASE # 10 - SMG 02-20-24 - TIDI Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 415 N Halifax #102. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/18/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance, his license application was approved on February 21, 2020 and he just needs an inspection.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 34 - SMG 03-20-56 - Cenzo R E Developments, LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 604.3.1.1), at 1019 Libby Ave. Violation(s) – No permits for renovations, outside storage, damaged electrical fixtures. First Notified – 1/11/2020.

Elizabeth Mazella and John Zacoum came forward and were sworn in.

Mr. Vukelja asked the respondents if they agree that the violations existed at the time of the Notice.

Ms. Mazella stated yes.

Mr. Jackson stated the respondents have obtained permits and they just need inspections and finals and the inspector is asking for next cutoff to come into compliance.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 11 - SMG 02-20-30 - Mary Alice Lake is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.7, 308.1), at 1304 Moore St. Violation(s) – Outside storage, trash and debris, dilapidated roof, leaking, blue tarp, trailers parked in the front yard, exterior property in a non-sanitary condition, junk vehicles. First Notified – 7/15/2019.

Ms. Mary Alice Lake and Ms. Shanesha Willis, granddaughter, came forward and were sworn in.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and the respondent is getting assistance from the Council on Aging. He stated they are waiting for the appointment of an advocate.

Mr. Fitzgerald stated the advocate would take over responsibility on getting the work done.

Mr. Vukelja stated this sounds like a prolonged process and asked what the underlying issues were.

Mr. Fitzgerald stated there was water in the property that was caused by a hurricane.

Ms. Willis stated the respondent has a mortgage and they sent her a check to fix the home but the check is gone.

Mr. Jackson stated the respondent had a reverse mortgage.

Mr. Vukelja asked if the property was occupied.

Mr. Fitzgerald stated that it was not but he would like to make sure the exterior is maintained.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter. It was further ordered that the property not be occupied, rented, leased or used until compliance is achieved and the exterior of the building must be maintained to City Standards.

CASE # 13 - SMG 02-20-17 - Ellen Rosenfeld, as Trustee of the Virgil & Ellen Rosenfeld Family Trust is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.13.2, 305.3, 305.4, 305.6, 304.13, 304.1, 304.1.1, 304.2, 304.6, 304.7, 304.10), at 419 N Wild Olive Ave. Violation(s) – Driveway, damaged windows, porch landing (#6), doors screwed shut, door weather stripping, smoke detectors, door not closing, siding falling off, holes in walls, gutter drainage, roof flashing. First Notified – 10/7/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald has had no contact with the respondent and is asking for a fine in the amount of \$300 per day to a maximum of \$20,000. He stated the property is an apartment complex with walls separating from the building and the front building is occupied.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$500 per day, commencing March 11, 2020, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$20,000.

CASE # 14 - SMG 06-19-136 - Joseph Dirsa is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.13, 304.12, 304.10, 304.8, 304.7, 304.6, 304.4 and 304.2), at 1209 S Peninsula Dr. Violation(s) – Garage paint, trash and debris, window frames, rotted wood on porch, ADA access and upper deck, rotted railings, roof damage, support columns rotted and main structure paint. First Notified – 2/12/2019.

Mr. Joseph Dirsa and Mr. James Cook came forward and were sworn in.

Mr. Jackson stated the property is in bankruptcy, and foreclosure has been filed, but Inspector Fitzgerald has received no follow-up to know the current status. He stated the property is occupied in back and is asking for a fine in the amount of \$200 per day to a maximum of \$25,000.

Mr. Dirsa stated he has been working on it and has been painting. He stated the maintenance man left. He stated they have been selling items to bring in money. He stated once the foreclosure was filed the people living there stopped paying rent. He stated it is an historic home.

Mr. Vukelja asked if the home was on the historic registry.

Mr. Dirsa stated it has a sign on it.

Mr. Jackson stated the zoning department determined that it was not on the historic registry.

DISPOSITION: Mr. Vukelja continued the imposition of a fine to the April 14, 2020 meeting. It was further ordered that the front of the building shall not be occupied, rented, or utilized until compliance is achieved.

CASE # 15 - SMG 02-20-34 - Katie L Cooper is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A.; Art. 6 Sec. 6.19.A.4, at 907 Oak St. Violation(s) – Dirt, grime, rust on exterior wall and damaged fascia. First Notified – 7/12/2019.

Louise Cue came forward and was sworn in. Ms. Cue stated the respondent is in a nursing home and she did not have time to go and get her and bring her to the hearing. She stated she is confined to a wheelchair.

Mr. Jackson stated Inspector Fitzgerald would like to amend to the next cutoff.

Ms. Cue stated she is aware that the respondent has recently had some work done and that the church is helping her.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 16 - SMG 02-20-29 - Walter M Fordham III is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A IPMC 302.1, 304.2, 304.6, 304.7, 304.13, 304.13.1, 304.13.2, 304.15), at 842-840 Dr Mary M Bethune Blvd. Violation(s) – Exterior building paint fading and peeling, rotten wood. First Notified – 8/6/2019.

Dr. Walter M Fordham came forward and was sworn in.

Mr. Jackson stated the respondent has a permit and is working through the process. He stated Inspector Fitzgerald is asking to amend to the next cutoff for compliance.

Dr. Fordham agreed.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 17 - SMG 01-20-08 - Lena Wright etal, Tina Johnson, Keidra Ponder & Willie A Johnson Estate is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.7, 304.13.1), at 308 N Keech St. Violation(s) – Outside storage, trash and debris, faded and peeling paint, exterior wall damage, broken windows, fascia board rotten wood peeling paint, lawn maintenance, damaged fencing, damaged roof. First Notified – 7/10/2019.

Ms. Lena Wright came forward and was sworn in.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and there is a lot of work to do. He requested to amend the current order of non-compliance to the next cutoff for compliance. He stated the respondents were pulling together as a family to get the work done.

Ms. Wright agreed.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 18 - SMG 12-19-293 - Lovely Group Investments Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.6, 302.7, 302.8, 304.1, 304.1.1, 304.2, 304.6, 304.8, 304.9, 304.13, 304.13.1, 104.13.2, 304.15, 305.1.1, 305.3, 306.1, 306.1.1, 308.1, 308.3.1, 503.1, 506.3, 604.3, 604.3.1, 60, at 600 W Intl Speedway Blvd. Violation(s) – Commercial code violations damaged windows and doors, damaged driveways and parking - asphalt and concrete, outside storage, trash and debris, damaged landscaping, overgrown grass and weeds, paint fading and peeling including interior and exterior building and accessory structures, junk vehicles, exterior structure damage around the air conditioning in back, electrical hazards interior and exterior, bathroom door and missing lock, grease traps containment, grease build up all over the exterior of container. First Notified – 9/25/2019.

Mr. Thomas Huger came forward and was sworn in.

Mr. Jackson stated the property remains in non-compliance and Inspector Fitzgerald reports they are doing a lot of work. He stated the inspector believes they can be in compliance by May.

Mr. Fitzgerald stated the property is the Citgo on ISB.

Mr. Huger stated he would make every effort to be in compliance by the May cutoff.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by May 6, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 19 - SMG 11-19-271 - Land Baron IX LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7), at 200 S Segrave St. Violation(s) – Mildew on walls, roof damage, no permit for sign. First Notified – 8/12/2019.

Sean Thiel, GM of the building, came forward and was sworn in.

Mr. Jackson stated Inspector Clig reports the property is still in non-compliance and the permit is on hold waiting for the respondent to submit a site plan. He stated they are requesting to amend to the next cutoff for compliance.

Mr. Tom Clig, Code Inspector, stated that nothing has been done and he would like a fine in the amount of \$200 to a maximum of \$15,000.

Mr. Thiel stated they had made progress and that the building had been painted and not just pressure washed. He stated the mold and mildew had been removed but the inspector did not notice and told him it had to be painted. He stated the hole was fixed and the inspector told him he needed a permit to fix the hole. He stated he got with the Building Department and submitted a site plan for the entire property but they will not look at it until the code violations are fixed. He stated he applied for 2 permits – roof repair and sign. He stated they have hired Z Roofing to do the roofing and waterproofing. He stated the property can be in compliance by April 8.

Captain Scott Lee told the respondent the permits department cannot process the permits until the Code violations have been remedied.

Mr. Jackson stated he would like to see quick resolution to the case and not have it drag on since it has since August.

Mr. Thiel explained some of the construction that will be done as part of the master site plan.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 21 - SMG 03-20-41 - Warren & Ruth Trager is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at 331 Dr Mary M Bethune Blvd. Violation(s) – Failure to maintain roof in good repair. First Notified – 4/11/2018.

Respondent was not present.

Mr. Jackson stated the respondent has been working with the City and they are working out some situations. He stated the City is asking to have the matter continued until the next cutoff. He stated they are anticipating they will have these things remedied in short order and anticipate doing a stipulation and would like to continue to the next cutoff and they will get the information to the Magistrate.

Mr. Vukelja stated this is a new case and asked if they are looking to continue its entirety.

Mr. Jackson stated yes they would like to continue it in its entirety.

DISPOSITION: At the request of the City Attorney, Mr. Vukelja continued the case to the April 14, 2020 meeting.

Mr. Jackson corrected he would like a finding of non-compliance, have a conversation with the respondent and then continue to move forward toward compliance.

Mr. Vukelja asked if the respondents were here earlier.

Mr. Jackson stated they were here earlier.

Mr. Vukelja stated they talked to the City Attorney and asked him what they were led to believe was going to happen.

Mr. Jackson stated he should probably say continuance in a broad statement.

Mr. Vukelja stated he was going to leave it the way it is.

CASE # 22 - SMG 03-20-65 - Edythe P Fernando is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 302.8), at 530 Shady Pl. Violation(s) – Junk vehicles, weeds, overgrown lawn. First Notified – 12/31/2019.

Respondent was not present.

Mr. Jackson stated Inspector Clig reports nothing has changed, the property is in non-compliance and is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Clig stated this is one of two cases and he would like compliance by the next cutoff.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 23 - SMG 03-20-66 - Mark A Wood & Meghan D Danner is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at 829 Valencia Ave. Violation(s) – Rubbish and outside storage. First Notified – 12/9/2019.

Respondent was not present.

Mr. Clig stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated he spoke to the property owner and he anticipates building a home on the property.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 24 - SMG 03-20-70 - K & A Property Solutions LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.2, 304.15, 308.1), at 216 S Grandview Ave. Violation(s) – Change in the floorplan without permits, weeds, accessory structures protective treatment, doors, rubbish & garbage. First Notified – 10/3/2019.

Respondent was not present.

Mr. Recanzone stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated he spoke to the property owner and he received the green card back. He stated the respondent will attend the next hearing.

Mr. Vukelja asked if there was any conversation about bringing the property into compliance.

Mr. Recanzone stated until now he hasn't had any communication with the respondent since October and he is satisfied with the Notice.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 25 - SMG 03-20-61 - VAA Enterprises LLC is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 6.10.G; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3,304.6), at 955 Orange Ave. Violation(s) – Sign

maintenance or removal, appearance standards, commercial property maintenance, sidewalks and driveways, exterior walls. First Notified – 9/5/2019.

Respondent was not present.

Mr. Recanzone stated the property remains in non-compliance and he had contact with the respondent in the beginning. He stated they began working on the property and then stopped and said they were going to sell the property. He stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

The following two cases were heard together and ordered separately.

CASE #26 - SMG 03-20-52 - Charles Jr & Myra A Mooneyham is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 308.1), at 120 Pierce Ave. Violation(s) – Peeling paint. First Notified – 3/2/2019.

Respondent was not present for the next 2 cases.

Mr. Danny Garcia, Code Inspector, stated they are making progress on both properties and is requesting a finding of non-compliance and next cutoff to come into compliance. He stated they were about halfway done.

Mr. Vukelja asked if this was for both of them.

Mr. Garcia stated it was.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 27 - SMG 03-20-51 - Charles Mooneyham Jr. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at 124 Pierce Ave. Violation(s) – Peeling paint and unpainted soffits. First Notified – 3/9/2019.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Mr. Jones asked that cases # 28, #29, #30 and #31 be continued to the next hearing since there was no notification of correct service.

CASE # 28 - SMG 03-20-46 - 712 Grove Property LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 1170 S Palmetto Ave.

Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/6/2019.

CASE # 29 - SMG 03-20-67 - Albert Burton, III, Emma Lee Byrd, Sharon D Burton is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 241 Lockhart St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/19/2019.

CASE # 30 - SMG 03-20-59 - Benjamin T Martin is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 425 Lockhart St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/18/2019.

CASE # 31 - SMG 03-20-48 - Jacqueline Diana Bath Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 328 Michigan Ave. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/12/2019.

DISPOSITION: Based on the inspector's testimony, cases #28, 29, 30 and 31, Mr. Vukelja continued the cases to the April 8, 2020 meeting for consideration of compliance or non-compliance.

CASE # 32 - SMG 03-20-58 - Nathaen Blankenship is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 748 Owasso St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/7/2020.

Mr. Lee Greco, whose niece and son rent the house, came forward and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations existed at the time Notice was given.

Mr. Jackson stated the property was inspected recently and Inspector Jones expects them to be done by the next cutoff however they have not applied for the License.

Mr. Greco stated he applied for a fence permit.

Mr. Jones stated he has not applied for the Rental License yet.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 33 - SMG 03-20-69 - Anthony McLean is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7), at 406 Lockhart St. Violation(s) – Outside storage, peeling paint, damaged roof. First Notified – 1/10/2020.

Mr. Ray McLean, son of the respondent, came forward and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations exist as stated in the Notice of Violation.

Mr. McLean stated yes.

Mr. Jackson stated Inspector John Stenson reports the property remains in non-compliance, the inspector has had no contact until today and is asking for compliance by the next cutoff.

Mr. McLean stated he is ok with the April 8 cutoff. He stated his father is outside the country.

Mr. Vukelja reminded the respondent to stay in contact with the inspector.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 35 - SMG 03-20-53 - Beach Street Manors LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13, 304.15, 305.3, 305.4, 305.6, 309.1, 504.1, 602.2, 603.1, 605.1, 605.2, 704.2), at 622 N Beach St #1. Violation(s) – Outside storage, damaged roof, broken windows, exterior doors, interior surfaces, interior flooring, interior doors, infestation, plumbing fixtures, no heat, inoperable appliances, electrical equipment installation, inoperable receptacles, smoke detectors. First Notified – 12/17/2019.

Mr. Joe Sylvester came forward and was sworn in.

Mr. Vukelja asked the respondent if he agrees that the violations existed at the time of the Notice.

Mr. Sylvester stated yes.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance and the respondents are working on it. He stated the inspector believes the respondent can be in compliance by the next cutoff.

Mr. Sylvester stated all of work is done except 1 window which needs to be installed and will be done by April 8th.

Mr. Vukelja reminded the respondent to call for final inspection.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 37 - SMG 03-20-54 - Reginald T Copeland is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3), at 802 Derbyshire Rd. Violation(s) – Unmaintained landscaping, outside storage, parking in the yard, address numbers. First Notified – 1/11/2020.

Mr. Reginald Copeland came forward and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations existed or occurred as stated in the Notice of Violation.

Mr. Copeland state he was not certain what notices and violations they were alleging but can move forward if Mr. Stenson wants to state the violations that are there.

Mr. Vukelja read the violations aloud and asked the respondent if he had issues with those matters.

Mr. Copeland stated yes but he has concerns about the allegations. He stated the landscaping could be easily corrected and the pictures do not reflect the things that were done to correct the issue. He stated he is not sure what outside storage the inspector is making reference to and he needs him to make clear on that. He stated he believes the numbers on the property are a nominal thing. He stated the numbers were there and it is something easily rectified. He stated he thought the numbers were on the mailbox and understands they need to be on the door.

Mr. Vukelja stated it makes it easier for the Fire Department.

Mr. Copeland stated that makes sense.

Mr. Jackson stated Inspector Stenson reports that he believes the work can be done by the next cutoff.

Mr. Copeland stated the next cutoff is fine but he would like clarity as to what needs to be done.

Mr. Vukelja stated the respondent can get with Mr. Stenson after the ruling.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 38 - SMG 03-20-68 - Vanessa L Miller is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at 1033 Imperial Dr. Violation(s) – Lack of permits for driveway. First Notified – 12/30/2019.

Respondent was not present.

Mr. Stenson stated the property remains in non-compliance, the permits have been applied for and is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 39 - SMG 03-20-64 - Gerald T Titus, Jr. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 394 Golf. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/26/2019.

Ms. Barnes reminded the Magistrate that he had a letter from Mr. Titus.

Mr. Vukelja reviewed the letter and asked that it be made part of the record and a copy was placed in the case file.

Mr. Jones stated he spoke to the respondent yesterday and he had the framing inspection done on the 6th. He stated the respondent told him he would contact the Property Manager for re-inspection. He stated the respondent believes it can be in compliance by the next cutoff and is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 40 - SMG 03-20-60 - JNG Property Group LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 115 Baywood Dr. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/31/2019.

Respondent was not present.

Mr. Jones stated he spoke with the property owner and the property is currently vacant. He stated they applied for the Rental License on March 6th and he believes they can be in compliance by the next cutoff. He stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 41 - SMG 03-20-42 - Krisztian Koskar is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 615 Tanglewood. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/27/2018.

Ms. Erszabet Kroll, mother of the respondent came forward and was sworn in.

Mr. Jackson stated that on December 2018, the property was found in non-compliance and a fine was imposed on August 20, 2019. He stated the property came into compliance on December 9, 2019 when the property passed rental inspection. He stated the violations were that there were multiple units in a single-family zoned property. He stated in January 2020 the respondent came before the Magistrate and asked for the lien to be reduced, and it was reduced to \$6,500. He stated the respondent paid the fine on January 23, 2020. He stated they received a complaint that on January 16, 2020 there were again 2 tenants in the property and it was again divided into 2 units. He stated the inspector made a site visit on January 23 and found that the house had been split into 2 rentals again. He stated on February 5, 2020 the inspector spoke to both tenants at the residence. He stated on February 21, 2020 they received a call from Ms. Kroll asking why she received a Notice of Hearing. He stated that based on those circumstances it was determined the property had been occupied as a multi – unit for at least 30 days and the

City is asking for a fixed fine in the amount of \$500 per occurrence for approximately 30 days (January 23 – February 26) to a maximum fine of \$15,000.

Mr. Vukelja stated this case may be time consuming, he wanted to make sure the record is clear and give the respondent and inspector time to testify and asked if the remainder of the cases would be time consuming.

Mr. Jackson stated no.

Mr. Vukelja asked Ms. Kroll to have a seat and continued the agenda.

CASE # 42 - SMG 03-20-57 - MKVY Enterprises LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 609 Holmes. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/18/2019.

Respondent was not present.

Mr. Jones stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the property failed inspection of October 3. He stated the owner scheduled a re-inspection for yesterday and no one answered the door and the owner did not show up. He stated there was still a car parked in the front yard. He stated the property is occupied.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 43 - SMG 03-20-62 - BMS Holdings LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.1, 302.3, 302.4, 304.1.1, 304.2, 304.6, 304.7, 304.13.1, 304.13.2, 304.15, 308.1), at 821 George W Engram Blvd. Violation(s) – Abandoned unsecured building (open to transients), attractive nuisance, damaged roof, damaged windows, outside storage and trash, no yard maintenance, overgrown grass and noxious weeds, overgrowth onto city sidewalk, paint fading and peeling (including all exterior surfaces) and damaged plumbing. First Notified – 9/17/2019.

Respondent was not present.

Mr. Fitzgerald stated the property needed painting and that was done and he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated they still need to put up address numbers and windows need to be fixed and he expects it to be in compliance by next cutoff.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 44 - SMG 03-20-63 - BMS Holdings LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.1, 302.3, 304.2, 304.7), at 821 George W Engram Blvd (356 Garden St). Violation(s) –

Abandoned building, damaged roof, overgrown vegetation, grass and noxious weeds growing over into the City's right-of-way, outside storage, trash and debris. First Notified – 9/17/2019.

Respondent was not present.

Mr. Fitzgerald stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Vukelja read aloud the violations on the property.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 45 - SMG 03-20-55 - Plaza Spa Ocean Waters LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.2, 302.3), at N Atlantic Ave (Parcel # 5305-01-39-0051). Violation(s) – Commercial property maintenance, vacant land, grading and paving, driveway and parking. First Notified – 8/19/2019.

Mr. Kenneth Tucker and Mr. David Wohl, employees of the Management Company, came forward and were sworn in.

Mr. Vukelja asked the respondents if they agreed the violations existed or occurred as shown in the Notice of Violation and they agreed.

Mr. Vukelja asked the respondents how much time it would take to come into compliance. Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and he has had no contact with the respondent and is asking for next cutoff to come into compliance.

Mr. Tucker stated Mr. Fitzgerald was not their original inspector and that he had been trying to reach the inspector. He stated the previous inspector, Steve Alderman, told them they could remedy the situation with a fence but the fence permit was denied because of an easement situation. He stated the person originally handling with the Plaza was no longer employed there.

Mr. Jackson stated the City would like a progress report in 60 days.

Mr. Vukelja stated he would like a progress report in 30 days and did not want someone showing up at the next meeting not knowing the situation.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to appear at the April 14, 2020 meeting for a progress report and the determination of a compliance date.

CASE # 46 - SMG 03-20-50 - Willie Mae Lloyd is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.1, 302.3, 302.4, 304.2), at 420 George W Engram Blvd. Violation(s) – Commercial building maintenance - outside storage, trash and debris, fading and peeling paint, dirt and grime, and yard maintenance. First Notified – 5/16/2019.

Nephew of the respondent, Mr. Leroy Simmons, came forward and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations existed as shown in the Notice of Violation and he agreed.

Mr. Jackson stated the respondents are working on it and Inspector Fitzgerald is aware of a medical issue and is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Simmons stated that was not enough time to take care of the issues and he had mobility problems.

Mr. Vukelja asked if there were any life safety issue violations.

Mr. Jackson stated there were no life safety issues but the case was opened in May of 2019.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by May 6, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 47 - SMG 03-20-43 - GEM Enterprises Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.13.2), at **35-33 N Hollywood Ave.** Violation(s) – Faded and peeling paint, boarded up broken window and damaged siding. First Notified – 12/4/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and is requesting compliance by the next cutoff. He stated the inspector has had recent contact with the respondent.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 48 - SMG 03-20-47 - Normandy Center LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art 6 Sec. 6.19.A.4; Art 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.A; Art. 9 Sec. 9.1.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.2, 302.3, 302.4, 302.7, 302.8, 304.1, 304.2, 304.4, 304.7, 304.8, 304.13, 304.13.1, 304.13.2), at 934 W Int. Speedway Blvd. Violation(s) – Commercial maintenance code violations - damaged monument sign, dilapidated structure in rear of building, paint fading and peeling, damaged exterior walls and roof - including rotten wood, damaged window, damaged doors, damaged asphalt and concrete, commercial property and lot maintenance - appearance, overgrowth grass and weeds. First Notified – 9/12/2019.

Ms. Yan Hong came forward and was sworn in. Mr. Huger, previously sworn in, came forward.

Mr. Vukelja asked the respondent if she agreed the violations existed at the time Notice of Violation was given.

Ms. Hong agreed.

Mr. Jackson stated Inspector Fitzgerald reports the respondent is working on it. He stated she has hired a contractor who pulled out but they believe they can be done by the May cutoff. He stated the City is asking for a finding of Non-Compliance and the May cutoff to come into compliance.

Mr. Huger stated he was contacted to assist in the remedy of the violations on the property and he believes 60 days is adequate. He stated when they hire subcontractors, they will pull the permits and that he needs to hire a surveyor and have plans drawn up. He stated the property will be a commercial lease space.

Mr. Vukelja asked if there were pictures and Mr. Fitzgerald stated they could not locate them.

Mr. Jackson stated the City is expecting permits to be applied for by the next meeting and the work needs to be done by an approved, licensed contractor. He stated there is extensive work done by a prior contractor.

Ms. Hong stated she is looking at potential tenants.

Mr. Vukelja stated he is continuing the case to the April 14th meeting where he expects to see permits and surveys and they have a better idea of where they are headed and how long it will take.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and continued the matter to the April 14, 2020 meeting for a progress report and the determination of a compliance date. Ms. Hong stated she has been working on this since May of last year and spent \$30,000 and the contractor left. She stated she hired an additional contractor for the survey and that did not happen. She stated she is not sure she can get it done in 30 days.

Mr. Vukelja stated as long as he is seeing an effort, he will take it into consideration at the next meeting.

CASE # 49 - SMG 03-20-45 - Harvey Estates LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6), at 707 Harvey Ave. Violation(s) – Damaged cracks in stucco, paint fading and peeling, damaged or rotten wood. First Notified – 10/2/2019.

Mr. William Kogut, owner, came forward and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations existed at the time Notice of Violation was given.

Mr. Kogut stated was given notice on November 18 and has been in New York with a relative in an opioid crisis and didn't get in touch with the inspector until a couple of weeks ago.

Mr. Jackson stated Inspector Fitzgerald has been in contact with the respondent and believes they will be in compliance by the next cutoff.

Mr. Kogut stated it was tough finding a contractor and they are going through the permit process and he believes they will be ready in April. He stated it cost them \$7,000 to put up scaffolding because of the electrical lines. He stated his contractor was here but had to leave.

Mr. Fitzgerald pointed out the things that had been done and scaffolding that had been put up around the building.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

At 11:20 a.m. Mr. Vukelja recalled the case after being informed the respondent arrived late.

Mr. Lawrence Cobb came forward and was sworn in.

Mr. Jackson stated the respondent has done too little too late and the inspection had failed on September 9. He stated the respondent was told on February 24, 2020 that he needed a survey for the permit and the inspector is not satisfied with the effort.

Mr. Cobb stated it took him 60 days to evict the tenant because of the repeated parking problems and he was unsuccessful in finding a surveyor for many months. He stated he finally found one on February 7th and he had already framed out the driveway and it should be completed within two weeks. He stated he cannot pour the driveway until the permit is in place.

Mr. Jackson stated the case began in June 2019 and reminded the respondent that the work needed to have a final inspection by the Inspector.

Mr. Cobb stated he cannot do the work until he has a survey. He stated the surveyor indicated it would be 2 weeks from Myer Survey.

DISPOSITION: Mr. Vukelja vacated the fine and amended the current order of non-compliance and ordered the respondent to come into compliance by April 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

Mr. Vukelja recalled case # 41 at 615 Tanglewood.

Mr. Vukelja asked the respondent why they moved in more tenants than they were allowed.

Ms. Kroll stated they were low income persons. He stated she asked the tenant to move many times but he could not find a place. She stated it took him longer to move than she expected and that he has now moved out.

Mr. Vukelja asked the respondent if the tenant was paying rent. She stated he was not able to understand anything.

Mr. Vukelja asked the respondent if the tenant was paying rent.

Ms. Kroll stated yes, \$700.

Mr. Vukelja asked if the rent was for a room.

Ms. Kroll stated he lived there for years.

Mr. Vukelja asked if there were no tenants now.

Ms. Kroll stated she has one family living there now.

Mr. Vukelja asked if the property is now one single home with one single family and Ms. Kroll stated yes.

Mr. Jackson stated the City is requesting \$500 per occurrence for 30 days for a maximum fixed lien of \$15,000. He stated the property was altered and the doors padlocked. He stated everything was corrected and now the home is back in the same setup after the lien reduction. He stated the egregiousness, and almost unwillingness to abide by the rules, is the reason the City is asking for a substantial fine.

Mr. Vukelja asked if he heard the City Attorney say the respondent had paid a \$6,500 fine and when did it occur.

Mr. Jackson stated in January of this year.

Mr. Vukelja asked the respondent why, after paying the fine, did she turn around and do the same thing.

Ms. Kroll stated it was not the same thing and she allowed a mentally disabled person to live there and it took a while to get them out.

Mr. Vukelja asked when the last time the inspector was in the house.

Mr. Jones stated he was there January 23rd. He stated at that time, the respondent said she had one tenant out and only had a single family there. He stated there were two separate keyed locks placed on the property and he could not get into the other side. He stated he re-inspected the property in February and told the respondent it needed to be put back to a single family. He stated they discussed that the locks need to be removed. He stated on March 4 he re-inspected and it was back to a single family again and they had removed everything from the other side of the property and it was vacant.

Mr. Vukelja asked, from January 23 to February 26, what were they doing to indicate it was not a single family dwelling.

Mr. Jones stated he received a complaint on January 16th that there were 2 units and a license on only one unit. He stated he conducted a site visit on January 23 and talked to one tenant. He stated both tenants were there but they were separated by a door. He stated the tenant confirmed there were now 2 families living there. He stated no one came to the door on the other unit when he knocked. He stated he went back on February 5 but neither tenant would allow him in.

Mr. Vukelja asked if the tenants were there and they just would not let the inspector in.

Mr. Jones stated that is correct. He stated he received a call on February 24th name Ms. Struder and was told she needed to move. He stated he received a call a few days later from Ms. Kroll stating there is only one tenant living there. He stated the home is still separated down the middle by doors.

Captain Scott Lee stated the property was modified and lingered for a year. He stated the fine forced them to come into compliance and then they came back and asked for mercy, paid and recreated the original violation. He stated the house is in a state where the respondent can recreate the violation anytime and that is why they are asking for such a heavy fine and that it cannot continue.

Mr. Vukelja stated he can't understand, after paying \$6,500, the respondent can act as if it never happened.

Ms. Kroll stated they didn't do it intentionally and that she couldn't get them to move.

Mr. Vukelja told the respondent she could have called the Code people and let them know what was going on, she could have called the police, she could have done a lot of things except collect \$700 for rent each month.

Ms. Kroll stated she couldn't get them to understand and they cried. She stated she did not put the locks on and that they were done before and were seen by the inspector at the inspection. She stated she was not trying to rent as a multi-family and had done much construction to the property. She stated she followed all of the rules.

Captain Lee stated the respondent lead them to believe in December they were in compliance and only rented by one person.

Mr. Jones stated the tenant Howard had lost his kitchen and is not able to get to a kitchen. He pointed out in the photo a dump sink, microwave and hot pad that he was forced to use.

Ms. Kroll stated that was true and they had asked him to move but they couldn't find a place for \$600 or \$700 a month.

Mr. Vukelja stated the respondent was well aware of the prohibition, was previously fined and previously forewarned and using the family as a multi-family. He stated the fine was reduced by the Magistrate and that the respondent had paid the hefty fine but now they are back in the same circumstances. He stated the respondents violated the will-fine order and was using the property for multi-family living and accepts the City's testimony that it was being used as a multi-family residence from January 23 to February 26. He stated there is no excuse or extenuating circumstance for the respondent's behavior.

DISPOSITION: Mr. Vukelja ordered a fine in the amount of \$500 per day for 30 days of violation from January 23, 2020 to February 26, 2020, to a maximum of \$15,000 be imposed payable within 30 days of the hearing.

Ms. Kroll stated it wasn't about her and that she was unable to remove a mentally retarded person. She stated she had no heart to kick him out and can make more money renting it to one family.

Mr. Vukelja stated Ms. Kroll needs to speak to the attorney.

Mr. Vukelja asked if there was any Miscellaneous Business.

Captain Scott Lee stated there are 3 new inspectors and LaWanda Tomengo, Lewis Chaff and Roosevelt Butler introduced themselves.

The meeting was adjourned at 12:10 p.m.