
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

September 10, 2019 Minutes

Attendees:

Robert J. Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Ms. Aimee Hampton, Senior Paralegal

Officer Steve Jessmer, Daytona Beach Police Department

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. John Stenson, Lead Code Inspector

Mr. Steve Alderman, Code Inspector

Mr. Michael Fitzgerald, Code Inspector

Mr. Daniel Garcia, Code Inspector

Mr. Mark A. Jones, Code Inspector

Mr. Jerome McCoy, Code Inspector

Mr. Charles Smarr, Audio/Video

Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by:  Special Magistrate

The meeting was called to order at 9:01 a.m.

Mr. Riggio explained the procedure of the meeting.

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

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following cases in compliance.

CASE # 15 - SMG 07-19-164 - Mt Carmel Homes Inc is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.10, 304.13, 304.13.1, 305.1, 305.3, 309.1, 309.4, 402.2, 402.3), at **372 N Lincoln St.** Violation(s) – Paint fading & peeling, exterior property - fascia missing pieces, damaged exterior decorative features, broken or missing overhang extensions, damaged soffit, damaged concrete stairs, damage to interior surfaces, holes, paint, non-working exterior lighting, pest infestation, broken glass in window, damaged playground structure, dirt & grime, trash & debris and damaged exterior doors. First Notified – 4/10/2019.

Compliance 9/9/2019

CASE # 19 - SMG 06-19-139 - Wayne Allen & Andra Lee McDowell is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8, 304.2 and 304.6), at **336 Morningside Ave.** Violation(s) – Faded and peeling paint, exterior wall, missing siding, peeling paint on fascia and soffit, junk vehicle with no tag and outside storage, trash and debris. First Notified – 2/7/2019.

Compliance 9/9/2019

CASE # 45 - SMG 09-19-205 - BMS Holdings 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 304.2, 304.3, 604.3.1), at **336 Fulton St.** Violation(s) – Abandoned Building, electrical hazard - missing cover plates and electric meter, paint fading and peeling, dirt and grime, damaged windows, damaged exterior walls, outside storage, trash and debris. First Notified – 5/20/2019.

Compliance 9/9/2019

Mr. Riggio called case #28.

CASE # 28 - SMG 09-19-217 - Gates of International Speedway Blvd., LLC is cited for failure to correct violations of The Land Development Code, NPFA 72 7.7.1.1; NFPA 101 9.6.1.3; 69A-46.041(1); NFPA 101 9.11.3.2; NFPA 101 7.10.1.2; NFPA 1 14.4; NFPA 101 7.9; NFPA 1 13.3.3.3, at **2200 W International Speedway Blvd.** Violation(s) – Fire alarm inspection, fire sprinkler inspection, fire sprinkler records maintenance, exits, means of egress reliability, emergency lighting, replace missing ceiling tiles. First Notified – 2/15/2019.

Mr. Koko Head, counsel for the respondents came forward. He stated they purchased the property last year.

Mr. Doyle Haynes and Mike Buntin came forward and were sworn in.

Mr. Head stated they had no knowledge of the violations until they received the certified letter. He stated the notices were going to the old owners and were not forwarded. He stated he spoke to Ms. Holden this morning and brought a representative from Dynafire which will address the issues. He stated they would like to push it off for 10 days and resolve the violations before the next meeting.

Mr. Jackson stated the City desires compliance in the next 10 days as it is an open business and these are fire safety issues. He stated they were notified back in February and has signed notices of certified mail from April and May.

Mr. Riggio asked who was notified in February.

Mr. Jackson stated by statute the name that is on the most recent tax roll is who notice was sent to.

Jamie Holden, Fire Inspector, came forward stated the original inspection was an engine inspection and they would notice the manager or employee. She stated she had been trying to speak with a manager for a few months.

Mr. Head stated they are the landlord and it is possible they could have left the notice with the tenant. He stated there is another partner, David Smith, who has been trying to address the issues. He stated they would like to resolve the issues within 10 days but needs to know which unit and learned from Ms. Holden this morning that it is the furniture store. He stated he would like Ms. Holden to do an inspection of the entire center.

Mr. Jackson stated if the property is brought into compliance the respondents will not need to return but if they are not, he will be asking at the next meeting for sanctions to start at the time compliance was ordered.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance within 10 days of the hearing or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day to a maximum of \$20,000.

CASE # 25 - 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. First Notified – 11/23/2018.

Respondent was not present.

Mr. Jackson stated Inspector Garcia spoke with Permits and License and they have permits about to be issued and would like to amend to the November cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to come into compliance by November 6, 2019 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day until the fine reaches a maximum amount of \$15,000 or is brought into compliance.

CASE # 26 - SMG 05-19-113 - Gold Label Holdings, LLC is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 704.1, 704.2, 302.7, 302.8, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 603.1, 605.1 and 607.1), at **550 N Ridgewood Ave.** Violation(s) – Damaged interior and exterior surfaces, windows, doors, missing screens, roof, soffit and fascia, exposed wires, damaged fence, no smoke detectors, missing knobs for stove and exhaust vent covers. First Notified – 4/2/2019.

Respondent was not present.

Mr. Jackson stated the order in this case was a split order, one that required permits be obtained and the other for establishing a compliance date. He stated permits are under review and it is not the fault of the respondent so they are requesting to continue to the October cutoff for the permits and then discuss the compliance date.

Inspector Garcia stated the respondent attended the last hearing but he has not heard from him since.

DISPOSITION: Mr. Riggio continued the case to the October 8, 2018 meeting for the determination of a compliance date and ordered the respondents to obtain the permits by October 2 or return to a subsequent meeting for consideration of a fine up to \$1000 per day until compliance is achieved.

CASE # 27 - 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.

Michelle Poore came forward and was sworn in. She stated the work was done prior to them purchasing the property and they are in process of obtaining the permits. She stated they needed a drawing.

Mr. Jackson stated there was a finding of non-compliance and they had decided to renovate the property and will need permits. He stated they are asking to amend to the next cutoff for compliance.

After conference with the inspection, Mr. Jackson stated they would like the permits obtained by next month but the property won't be in compliance until the permits are finalized and is requesting to return next month to determine a compliance date.

DISPOSITION: Mr. Riggio ordered the respondents to obtain permits by October 2, 2019 and return to the October 8, 2019 meeting for determination of a date of compliance.

CASE # 38 - SMG 09-19-203 - Bat Development 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, 304.3), at **640 Tanglewood St.** Violation(s) – Peeling paint and no house numbers. First Notified – 5/9/2019.

Respondent was not present.

Mr. Jackson stated Inspector Garcia is asking for a finding of non-compliance and next cutoff to bring the property into compliance.

Inspector Garcia agreed and stated had no contact with the respondent.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to the October 8, 2019 meeting for consideration of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or the property is brought in compliance.

CASE # 39 - SMG 09-19-202 - Segrave Apartments Casa LLC 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 302.7, 302.8), at **411 Arroyo Lane**. Violation(s) – Junk vehicle parked on grass and damaged fence. First Notified – 5/28/2019.

Respondent was not present.

Mr. Jackson stated the property remains in non-compliance, Inspector Garcia has had contact with the respondent and is asking for next cutoff to bring the property into compliance.

Inspector Garcia stated he spoke with the respondent yesterday and he is in the process of removing the car and fixing the fence.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to the October 8, 2019 meeting for consideration of a fine up to \$1000 per day until the fine reaches the amount of \$10,000 or the property is brought in compliance.

CASE # 40 - SMG 09-19-190 - Edethia L. Wright Revocable Trust, Trustee is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.2, 304.7, at **602 Cassin Ave**. Violation(s) – Peeling paint, rusted roof, junk vehicle, no permits for shed, outside storage. First Notified – 5/28/2019.

Henry Wright came forward and was sworn in. He stated they were trying to obtain a permit for demo within the next 30 days and would take the fence down completely. He stated there was no junk vehicle and that the vehicle was his dump truck which is registered.

Mr. Jackson stated the property is in non-compliance, Inspector Garcia has had communication with him and feels that he can be in compliance by next cutoff.

Mr. Wright agreed.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to the October 8, 2019 meeting for consideration of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or the property is brought in compliance.

CASE # 41 - SMG 09-19-195 - Elnora S Jackson Estate is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.8), at **532 N Keech St**. Violation(s) – Peeling paint, dirt and mildew, damaged shutters. First Notified – 4/23/2019.

Respondent was not present.

Mr. Jackson stated Inspector Garcia reports he hasn't had recent contact with the respondent but they had started the work and just not completed it. He stated the inspector believes they can be in compliance by the next cutoff.

Inspector Garcia stated he had been in contact with the respondent and then progress stopped and the violations remain.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to the October 8, 2019 meeting for consideration of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or the property is brought in compliance.

CASE # 42 - SMG 09-19-198 - Leslie J Tiffany is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **344 Pierce Ave.** Violation(s) – No building permit for deck. First Notified – 3/11/2019.

Respondent was not present.

Mr. Jackson stated the project is done and they are waiting for the permits to be finalized. He stated Inspector Garcia is asking for a finding of non-compliance and to amend to the next cutoff.

Inspector Garcia stated they need a final on the front porch deck.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to the subsequent meeting for consideration of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or the property is brought in compliance.

Mr. Riggio called the Lien Review.

SMG 06-19-110 – 517 Westmoreland - WMA Properties, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/4/2019. **Order Imposing Fine-Lien of \$100.00 dollars per day effective August 1, 2019. Compliance August 15, 2019. \$1,400.00 plus \$24.00 recording costs = \$1,424.00.**

Mr. Joe Crandall, part owner, came forward and was sworn in. He stated he would like the fine removed.

Mr. Jackson stated Inspector Jones reports they did not get notice but they were noticed in March. He stated they came into compliance on August 15. He stated Mr. Jones acknowledges after communication began they came into compliance within a few days and is asking to reduce the fine to the amount of \$500.

Inspector Jones stated the case started in February and they signed for the NOV on March 4 and it took to July before they came into compliance. He stated they are now in compliance.

Mr. Crandall stated he has a partner and the notices when to his office and got lost. He stated they then sent the Notices to the Property Manager and that he is a contractor and takes care of these things. He stated the day he found out, he got everything taken care of and that it

took 4 weeks to get the windows. He stated they have a Business Tax Receipt but did not know about the rental license and thought they were in compliance.

Mr. Riggio stated that Registered Agents should forward the information to those that can take care of it.

DISPOSITION: Mr. Riggio reduced the amount of the fine to \$500 payable within 30 days or fine reverts back to the original amount.

CASE # 1 - SMG 12-18-163 - GEA Seaside Investments Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.12, 304.6, 304.2, 304.14, 304.10, 304.4, 304.15, 304.13, 304.7, 305.3, 603.1, 604.3.2.1, 605.2, 704.2, 602.3 and 304.10), at **21 S Peninsula Dr.** Violation(s) – Damaged sidewalk, damaged steps and handrails, damaged exterior surfaces, exterior paint, missing screens, damaged porch and railings, structural supports, damaged exterior doors, broken/inoperable windows, damaged roof, damaged interior surfaces (flooring), inoperable appliances (stove), damaged electrical fixtures, inoperable outlets, lack of required smoke detectors, lack of operable heat source, and damaged balcony. First Notified – 10/12/2018.

Angela Hendry, counselor for GEA Seaside came forward. She stated the property sustained wind damage from the recent hurricane and is asking for additional time to make repairs. She stated most of the items have been fixed with the exception of the screens. She stated they hired a contractor and pulled a permit on the balcony and it passed inspection. She stated they replaced the railings and re-cemented the sidewalk.

Mr. Riggio asked if there was a tenant in the unit.

Ms. Hendry stated yes.

Mr. Jackson asked the respondent when the repairs were done.

Ms. Hendry stated she visited the property about a month ago and they were done but she did not know when they were done.

Mr. Jackson stated that the repairs are not in compliance until the property has been inspected.

Mr. Riggio stated he was troubled by the fact that this case has been going on for a year and there is a tenant in the property. He asked Inspector Stenson if he had been inside the property to determine compliance.

Inspector Stenson stated he has not been in the property.

Ms. Hendry stated the repairs were done. She stated they had an electrician work on the breaker and she was informed that the electricity does work.

Mr. Riggio asked if a permit was required to fix a breaker and get the property up to snuff.

Inspector Stenson stated he cited them for electrical hazards and he does not know if they work required a permit or if one was pulled.

Mr. Riggio stated that an apartment building is a commercial property and asked the inspector if this work would normally require a permit.

Inspector Stenson stated yes and that several violations require permits.

Mr. Riggio stated the inspector does not know if work was done with the required permits and that is part of the dialogue that should have happened in this case. He stated the respondent is asking the City to assume that things were done right and there is a tenant at risk. He stated the cutoff date has already passed and there are still some violations that he considers serious.

Ms. Hendry stated they did address some of the violations. She stated for the damaged roof, they had the roof replaced in 2017 and she spoke with the Inspector. She listed other work that had been done and stated they are just missing screens on the windows and are in the process of hiring a painter to paint the house.

Mr. Riggio pointed out some of the interior damage violations including lack of smoke detectors and an operable heat source and asked the inspector if he had any indication those had been repaired.

Mr. Stenson stated no.

Ms. Hendry stated she is willing to schedule an inspection this week on the interior. She stated they had an inspection scheduled and she had to cancel because of the hurricane.

Mr. Jackson stated there are a number of cases in a similar situation and the position of the City is the burden of proving compliance is the respondent's and she could have brought someone to testify. He stated the only way to know is through inspection and they do not want them to stop working on it. He stated the City is seeking for the fine to be imposed.

Ms. Hendry stated they are offering time stamped photos of the repairs.

Mr. Riggio asked if the pictures could be put on the screen but they could not.

Mr. Jackson stated they would like to make sure that the pictures shown are admitted into evidence. He stated it was more appropriate that the inspector see the work that was done.

Ms. Carol Navarro, Property Manager, was sworn in.

Mr. Riggio asked how many photos the respondent has.

Ms. Navarro stated she has 47.

Ms. Hendry stated they would be glad to forward the photos to Mr. Jackson after the hearing.

Mr. Riggio stated there are 2 ways to resolve the issue, put it off for another day and the other is a fine and a reconsideration if the respondent's claims can be substantiated. He stated there is a tenant and a compliance date and it has already been a year. He stated he will look at the pictures but he believes a fine is appropriate and that the respondent can come back once the property is in compliance and ask for a review.

Mr. Riggio asked if Inspector Stenson can do an inspection of the safety issues so that the tenant will be safe.

Mr. Jackson stated it will be a year for this case in a month and he doesn't know if the inspection would show the safety issues resolved and that the record will show that they were not supposed to have the property rented and they will come out and inspect as soon as it is in compliance.

Ms. Hendry stated the Magistrate could order a fine to be imposed starting on the next cutoff date so that she can schedule an inspection. She offered Ms. Navarro's statement regarding the electricity.

Mr. Riggio stated he is leaning toward mitigation of a fine to determine how quickly they can get the matter resolved. He stated if he was going to be there next month that he would be willing to reconsider whatever fine had amassed that month but he believes there will be another excuse next month.

Ms. Hendry stated they did not need incentive and the property is in Chapter 11 so they have limited funds.

Mr. Jackson stated the City believes it appropriate to order a fine in the case.

Ms. Hendry and Ms. Navarro showed Mr. Riggio, Mr. Jackson and Mr. Stenson pictures of the property while Ms. Navarro narrated with Mr. Jackson asking questions of the Assistant Property Manager regarding the work that was done and the standard it was performed. There was discussion regarding smoke detectors and their location in the property as well as the balcony and railing. There was additional discussion regarding a Rental Inspection passed in 2018 and Mr. Stenson pointed out the case did not happen until close to the end of the year.

Ms. Barnes asked the respondent if she would submit the pictures by email.

Ms. Hendry stated yes.

Mr. Jackson stated they could verify and validate if the Inspector had been called and inspected the photos that were taken yesterday.

Mr. Riggio stated that the burden falls with the respondent and she could have gotten the property inspected and there would not be any speculation now about what has been done or not done and reconsideration of a fine would be warranted. He asked if a fine had been previously levied on this property.

Ms. Barnes stated that the Order was not signed.

Mr. Jackson stated that the fine that was ordered was an auto-fine and that the Magistrate set it aside and allowed them an additional month to comply so we are back to the imposition of a fine.

DISPOSITION: Mr. Riggio ordered a fine in the amount of \$400 per day, effective September 10, 2010, be imposed until the fine reaches a maximum of \$15,000 or the property is brought into compliance. Reconsideration will be considered based on how expeditiously the property can be brought into compliance.

Mr. Jackson clarified that reconsideration would be in the form of a Lien Review and not a special reconsideration.

Mr. Riggio stated it would be reconsideration in the form of a Lien Review at a later time.

CASE # 2 - SMG 05-19-101 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.A; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.2, 302.3, 304.6, 304.7, 302.1, 304.14, 304.2, 304.9), at **231 N. Hollywood Ave.** Violation(s) – Trash and debris, landscape, exterior siding, window frames & doors, paint, roof, screens, parking and overhangs. First Notified – 1/22/2019.

Ms. Hendry stated that all violations have been resolved and they are just waiting for painting.

Mr. Jackson stated Inspector Alderman reports that all has been done but the paint. He stated the inspector met with the painter at the property and he told him that he was not going to do the job and it was not going to get done and is asking for \$200 per day to a maximum of \$15,000.

Inspector Alderman stated that is correct and that he met with a female and that she needed a waiver because her opinion was they are asking her to do work that is not up to standard. He stated he has had no contact since the last hearing.

Ms. Hendry stated evidence from a painter they had a falling out with should not be considered and they intend to enter in to a contract with another painter.

Mr. Jackson stated this property was supposed to be in compliance this month and it was September 5th that the Inspector had the interaction with painter who had not done any work yet.

Ms. Hendry stated they spent a day going over the terms and decided not to go forward and they are committed to bringing the property into compliance.

Mr. Riggio asked the respondent how hard can it be to retain a painting contractor.

Ms. Hendry stated they have limited funds and are trying to find someone to do all of the properties. She stated they have 7 cases before the Magistrate that need painting.

Mr. Riggio asked if there was a tenant and Ms. Hendry stated yes.

Mr. Riggio asked about the appearance of the adjacent properties.

Mr. Alderman stated this property is in the worst condition on the block.

Mr. Hendry disagreed and stated they are making progress. She stated they are requesting another month.

Mr. Jackson stated they are requesting the properties be brought into compliance for the other land owners and this has been since January 2019 and now we are here and respondent is saying they are trying to get a painter.

DISPOSITION: Mr. Riggio ordered a fine in the amount of \$100 per day, effective September 25, 2010, be imposed until the fine reaches a maximum of \$15,000 or the property is brought into compliance.

CASE # 3 - SMG 11-18-147 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.8, 305.3, 504.1 and 604.3.1), at **507 Phoenix Ave.** Violation(s) – Non-working hot side of bathroom sink, damaged interior surfaces, exterior damage, electrical hazard or missing parts. First Notified – 7/23/2018.

Ms. Hendry stated the issues have been addressed and the permit is finalized for the balcony.

Mr. Jackson stated it has been more than a year and Inspector Fitzgerald reports the property is still in non-compliance and is asking for a fine in the amount of \$200 to a maximum of \$15,000.

Ms. Hendry stated they retained an engineer and needed architectural drawings and they were held up. She stated because of the hurricane, they were delayed and hope to have it completed by the next cutoff.

Mr. Riggio asked Inspector Fitzgerald if the permit was finalized in July.

Inspector Fitzgerald stated the permit was issued in July and the work was completed a couple of days ago.

Mr. Riggio asked the respondent if she agrees she can have the property in compliance by the next cutoff.

Ms. Hendry stated she agreed, the property is vacant, and they are losing money.

Mr. Jackson stated he did not see that the effort was there to comply.

Mr. Riggio stated the respondent agreed to have the work done by the next cutoff and they have been progressing. He stated there appears to be no other outstanding issues to keep the property from being in compliance by the next hearing and he expected if they are not a heavy fine would be levied at that time.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or compliance is achieved.

CASE # 4 - SMG 01-19-11 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **507 Phoenix Ave.** Violation(s) – Construction without permits. First Notified – 9/11/2018.

Ms. Hendry asked that this case be resolved since they are complying with the issues and a permit was pulled.

Mr. Jackson stated that this case should run concurrent with the previous case. He stated this case arose after they performed work without a permit to comply with the previous case but it is not in compliance until the permit is finalized.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or compliance is achieved.

CASE # 5 - SMG 08-19-171 - GEA Investments Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **330 N Peninsula.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/8/2019.

Mr. Jackson stated Inspector Jones is asking that the respondent come into compliance by the next cutoff date.

Ms. Hendry stated she met with Mr. Jones and has a list of items that need to be resolved and they need 3 months to come into compliance because other property are taking up the time needed to work on this one.

Mr. Riggio asked if the property was being rented.

Ms. Hendry stated that it was but there is additional work to be done and they may have to pull permits on the windows.

Inspector Jones stated they had a rental license and inspected the property for 2 units and at the inspection on July 24, there is now 3 units in place and all 3 units are occupied and all 3 units have safety issues. He stated it needs to be corrected quickly because it is occupied and has GFCI violations.

Ms. Hendry stated they take the safety issues seriously but for paint, she doesn't think that will be done by the next cutoff.

Mr. Jackson stated they would like the respondents to be in compliance by the next cutoff.

Ms. Hendry stated they would have to pay \$100 for additional inspections.

Mr. Riggio stated he is concerned when he hears GFCI issues on an occupied property.

Mr. Jones stated they were in the bathrooms and there needs to be smoke alarms outside of the bedrooms.

Ms. Hendry stated they are willing to be in compliance regarding the safety issues at the next cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until the fine reaches the amount of \$15,000 or compliance is achieved.

Ms. Hendry requested that the Rental Inspection fee be waived for each additional inspection.

Mr. Riggio stated he did not have the authority to waive the fees.

Mr. Riggio called the Miscellaneous Business case.

SMG 04-19-91 - GEA Seaside Investments, Inc. 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 604.3, 304.15, 605.4, 605.2, 504.1, 309.1, 304.16, 304.13.2, 305.2, 304.13, 304.6, 304.4, 304.13.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **311 N Hollywood Av.** Violation(s) – Broken windows, all window frames need paint, windows fastened shut, rotted window sills/frames, windows do not close, bathroom GFCI, doors need weather strip, water heating wiring, termite infestation, basement hatchway rotted, lower wall falling away from window, hole through concrete wall, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/19/2018.

Mr. Jackson stated they would stipulate to continuing this case.

DISPOSITION: Mr. Riggio continued the current order of non-compliance and ordered the respondent to return to the October 10, 2019 meeting to address Respondent's Motion for Reconsideration.

CASE # 43 - SMG 09-19-189 - GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1928 Marilyn St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/13/2019.

Ms. Hendry stated she believes the property is in compliance and they are not required to provide a new dishwasher which was part of the violations.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Jerome McCoy. He stated the inspector reports the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Inspector McCoy stated the property failed inspection and there has been no re-inspection called for and presented the Magistrate with a copy of the inspection report.

Ms. Hendry stated they believe the property is in compliance.

Inspector McCoy stated the inspection was done 4/2/2019 and a report was given to the property manager. He stated the respondent is supposed to notify him once the violations are corrected and he will schedule a re-inspection.

Ms. Hendry stated screens are not required on a home that has central AC.

Inspector McCoy stated screens are required for rental properties. He stated if windows do not have screens, they need to have wind curtains which are placed on doors in places such as restaurants.

Mr. Riggio read a list of the violations on the Inspection Report and stated these details need to be worked out with the Inspector and not in this forum.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 6 - SMG 07-19-159 - Common Wealth Trust Services LLC TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **321 S Adams St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/1/2019.

Patricia Cross and Don Harkins, All Atlantic Realty property managers, came forward and were sworn in.

Ms. Barnes left the meeting at 11:20 a.m. with Aimee Hampton sitting in as Board Secretary.

Ms. Cross stated the violation letter was sent to Commonwealth Property Owner in May. She stated in Mid-May they submitted for the Business Tax License and the owners own two properties. She stated she believed the owners had applied for both licenses but had only applied for one. She stated they didn't need a Rental License as the property is a 6-plex and licensed by the state but the property is actually 2 3-plex properties. She stated they applied for the license within 7 days and it sat on someone's desk downstairs for 5 weeks. She stated the license was rejected for zoning issues and they have submitted a use request to the Zoning Department. She stated the City cannot process the BTR until the County makes the property one parcel which she sent application for in July. She stated she recently received a letter from Rose Askew with new papers.

Ms. Barnes returned at 11:22 a.m.

Mr. Jackson stated the way the parcels were set up proposed a problem in the way the Code is set up and requirement for BTR and Rental License. He stated it will be resolved when the County makes it one parcel. He stated the Code Enforcement Officer believes the property can be in compliance by the next cutoff.

Mr. Riggio asked Inspector McCoy if he had inspected the property.

Inspector McCoy stated there was no inspection done. He stated when he went for the inspection he discovered there were 2 parcels.

Mr. Jackson stated an inspection is not required if they are one parcel. He stated the State would issue a license and inspect the property.

Ms. Cross stated they had a state inspection in June and a state license was issued in July.

Mr. Riggio asked the respondents if they believe it can be done by October 2.

Ms. Cross stated she had done everything they asked her to do and was at the mercy of the County. She asked to dismiss the case.

There was further discussion on the need to combine the parcel to release the City requirements.

Mr. Riggio asked who would handle the issue at the County level.

Mr. Jackson stated he thought it was the Appraiser.

Ms. Cross stated she did not think they should be there at all and asked for the case to be dismissed. She stated the first time they appeared the Magistrate gave them additional time and then said he would make a determination. She stated the second time, they asked for an extension so Ms. Askew could do additional research. She stated they received a letter stating they are in non-compliance but she asserts they are not in non-compliance and just waiting for other agencies. She stated as soon as the parcels are combined, she will obtain her BTR.

Mr. Riggio stated he would rather keep the matter alive and then the matter can be dismissed when the County makes its ruling.

Mr. Jackson stated he did not have a problem with continuing the case until November and when it comes into compliance the case will go away.

DISPOSITION: Mr. Riggio continued the case to the November 12, 2019 meeting for the determination of a compliance date.

CASE # 7 - SMG 07-19-160 - Common Wealth Trust Services LLC TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **323 S Adams St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/1/2019.

Mr. Jackson stated this case is the same situation.

DISPOSITION: Mr. Riggio continued the case to the November 12, 2019 meeting for the determination of a compliance date.

Mr. Riggio called for a break at 11:26 a.m.

The meeting resumed at 11:45 a.m.

CASE # 10 - SMG 08-19-170 - Valerie A White 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.a, at **906 Lewis Dr.** Violation(s) – No permit, outside storage. First Notified – 7/1/2019.

Ms. Valerie White came forward and was sworn in. She stated the contractor applied for permits but they needed engineering plans.

Mr. Jackson stated the respondent needs the plans stamped by an engineer and the case is before you for a progress report with the condition that the respondent apply for permits by September 4. He stated the inspector is asking to amend to the next cutoff and waive the imposition of a fine as they are satisfied that the respondent has done what she can. He stated compliance is already set for October 2 cutoff.

DISPOSITION: Mr. Riggio waived the imposition of a fine. There was no further order as compliance is already set for October 2, 2019.

CASE # 30 - SMG 09-19-200 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **137 Congress Ave.** Violation(s) – Lack of required permits for demolition. First Notified – 7/3/2019.

Michelle Poore came forward and was already sworn in. She stated permits were applied for and engineering drawings were turned in on September 5.

Mr. Jackson stated at the time they were cited they were in non-compliance and are well on their way to compliance. He stated Inspector Stenson is requesting next cutoff for the property to be brought into compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 31 - SMG 09-19-208 - Home Consultants Group Limited is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 302.8); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **745 Iowa St.** Violation(s) – Outside storage, parking in front yard, dilapidated roof, junk vehicles, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/8/2019.

Zachary Jones came forward and was sworn in. He stated the property was purchased 13 years ago by a group and it was a scam and he is trying to get it back in his mom's name. He stated he did not receive a notice and did not received the notice until last week. He stated they removed the vehicle and have done some of the outside violations. He stated there is a second lot where he parks his dump truck and is putting in a new engine. He stated the other car he has not been driving because of insurance issues. He stated he did not understand about the dilapidated roof.

Mr. Riggio asked if his mother owns the house as there is a different name on the property appraiser's report.

Mr. Jones stated she does. He stated they were told they needed to go and get it transferred into the correct name and the corporation does not exist.

Mr. Jackson stated they are fine with Mr. Jones testimony. He stated Inspector Stenson is requesting a finding of non-compliance and is requesting the next cutoff for the property to be brought into compliance.

Mr. Riggio asked if he could get everything into compliance by next cutoff.

Mr. Jones stated he does not understand the roof violation.

Mr. Stenson stated it is for the fascia.

Mr. Jones stated he would get that taken care of.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day until the property reaches a maximum of \$15,000 or compliance is achieved.

CASE # 32 - SMG 09-19-207 - Kelly Mia Davari & Jill Lynn Gilleland 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 108.1.5, 304.1, 304.6, 304.7, 304.10), at **919 Tomoka Rd.** Violation(s) – Landscaping, unsafe structure, exterior of structure, exterior walls, damaged roof and damaged decks. First Notified – 7/15/2019.

Respondent was not present.

Mr. Jackson stated the inspector reports the property is in non-compliance and is asking for a finding of non-compliance and the next cutoff for the property to be brought in to compliance.

Mr. Stenson stated it is an abandoned building and has not been occupied in 15 years. He stated it is dilapidated and is overgrown.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 8 - SMG 08-19-177 - Earl C McCrary III is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i., Art. 9 Sec. 9.2.A; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1107 Lakewood Park Dr.** Violation(s) – Parking in front yard, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/25/2019.

Respondent was not present.

Mr. Jackson stated Inspector Stenson would like to amend to the next cutoff. He stated they added a contractor at the last minute.

Inspector Stenson stated there was a lack of parking and the respondents needed a rental inspection and both violations still exist. He stated the inspection was delayed by the storm and the respondent should be able to bring the property into compliance by the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 29 - SMG 09-19-212 - Inversiones Prieto Mendez LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.7, 304.13, 605.1), at **640 Orange Ave.** Violation(s) – Broken windows, crumbling exterior walls, dilapidated roof and garage, electrical fixtures broken. First Notified – 5/10/2019.

Respondent was not present.

Mr. Jackson stated they will withdraw the case and re-notice for the next hearing.

CASE # 9 - SMG 05-19-106 - JKM/ECM Properties, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. Chapter 78 Sec. 78-7(a) of the Code or Ordinances), at **951 Dr Mary M Bethune Blvd.** Violation(s) – Outside storage, lack of building permit, landscaping and refuse from construction work. First Notified – 8/14/2018 & 2/26/2019.

Respondent was not present.

Mr. Jackson stated Inspector Stenson believes the property can be in compliance by the next cutoff and is asking to amend the order to the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 18 - SMG 07-19-158 - Wal-Mart Stores East LP 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), at **949 Mason Ave.** Violation(s) – Damaged chain-link fence, vacant lot maintenance. First Notified – 4/16/2019.

Mr. Barry Larkins, subcontractor, came forward and was sworn in.

Mr. Jackson stated they are returning from the previous meeting and is the former location of Father Lopez. He stated the issue is the maintenance of the lot. He stated staff is asking to amend to the next cutoff.

Inspector Fitzgerald stated they have cleaned the fence area according to the first part of the order and their application for additional fencing is on hold a month. He stated they cannot touch the fence until the permit is issued.

Mr. Larkins stated the original order was to repair the damaged fence and it has been repaired.

Mr. Fitzgerald stated they are working on a permit for phase 2. He stated that when the fence is complete and closed in, they will put up 'No Trespassing' signs and a lockbox on the gate and police have the code and have done everything they could.

Mr. Larkins stated the property was ordered to be secure and they have done that. He discussed the things that had been done. He stated he wants and interpretation and for phase one to be put in compliance. He pointed to a dead tree stump and asked if it had to be removed.

Mr. Fitzgerald stated that can't be done until the permit is issued and they are able to finish the fence.

Mr. Jackson stated they are asking for next cutoff and not asking for any findings of non-compliance and the respondent should continue to work with the Code officer and police.

Mr. Larkins stated he needed clarification on the requirements for clear vision. He stated he is waiting for a price acceptance from Wal-Mart.

Mr. Jackson stated they would agree to a progress report next month and compliance by the November cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to submit a progress report for the October 8, 2019 meeting and bring the property into compliance by November 6, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 23 - 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, owner, and Mr. Kenneth Kelly came forward and were sworn in.

Mr. Dirsa stated they are working on the property until the hurricane and they had to board some windows and that stopped their work and took extra time.

Mr. Jackson stated Inspector Alderman reports nothing has been done since February and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Inspector Alderman stated he did an inspection yesterday and told the Magistrate the list of things he had given them had not been done and elaborated on each violation.

There was discussion between Mr. Alderman and the contractor on the condition of the property.

Mr. Alderman stated it used to be a bed & breakfast and the owners have attempted to obtain the National Historic Registry.

Mr. Dirsa stated they are attempting to obtain grants and asked if there were any recommendation regarding funding. There was discussion regarding people in the community who may help.

Mr. Jackson stated the property is on the historic registry.

Rose Askew, Planning Coordinator, came forward and was sworn in. She stated they should not be doing any work on the property until they go before the Historic Restoration Board to request relief and speak to Doug Gutierrez to get on the roster.

Mr. Jackson stated they are requesting to continue the case to the December meeting. He stated there is some concern with the railings and such.

Inspector Alderman expressed concern on the stairs to the top balcony and suggested they place approved barrier tape at the bottom of the steps.

Mr. Kelly stated the upstairs is not accessible to guests.

Mr. Riggio expressed his concern regarding ADA access with people in the house and stated that historic wood should be used on an historic property. He instructed the respondent to contact Mr. Gutierrez.

DISPOSITION: Mr. Riggio continued the current order of non-compliance and ordered the respondent to appear at the October 8, 2019 meeting for a progress report and the determination of a compliance date.

CASE # 34 - SMG 09-19-184 - Brooke Cleaners LLC 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. 4 Sec 4.S.1, at **133 E Main St.** Violation(s) – No permit for concrete wall breach, no permit for high pressure gas boiler repair, no permit for required fire doors, soffits falling off, cutting large doorway in wall, plywood doors. Stop Work order posted. First Notified – 6/3/2019.

Mr. John O'Hare, General Contractor came forward as was sworn in. He stated he is authorized to speak for Brooke Cleaners.

Mr. Riggio read the violations on the property.

Mr. O'Hare stated the violation occurred before they were retained and that engineering plans are in progress within 3 days.

Inspector Alderman stated that he met with the owner and contractor. He stated he met with Ken Nobel, Fire Inspector from the State. He stated the boiler has been removed from the gas system and it needs to be taken out of the building. He stated he has had uncertified plumbers call him regarding this process and they need someone that is certified to do it right away. He stated permits are needed and he is asking for a finding of non-compliance and next cutoff.

Mr. O'Hare stated the original scope of work did not include the boiler but he would take care of it and have it removed within 30 days.

Mr. Alderman stated he has stop work orders on the property but they are only for the work that has already been done. He stated Mr. O'Hare can proceed once the permits are issued.

Mr. O'Hare stated he is not allowed to continue with the stop work order and Mr. Alderman agreed to remove it on the boiler so the work can be done.

There was discussion as to who ordered the Stop Work Order and whether it can be removed since it was ordered by the State Fire Marshall.

Mr. Jackson stated they would work out those details.

Mr. Riggio asked if all other violations can be corrected by the next cutoff.

Mr. O'Hare stated he could not get them done in a month and would probably not even have the permit that quickly.

Mr. Jackson stated they would like a progress report at the November meeting and would like to see compliance by January.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered that the old boiler be removed by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved. It was further ordered that the respondent must return to the November 12, 2019 meeting for a progress report and the determination of a compliance date on all other matters.

CASE # 35 - SMG 09-19-215 - Edward G. Morissette 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 304.2), at **29 N Peninsula Dr.** Violation(s) – Protective treatment to entire structure, install window frames. First Notified – 4/16/2019.

Mr. Edward Morissette and Samantha Shultis came forward and were sworn in.

Mr. Morissette stated they are working with P & L and has tried to get a hold of the Code Officer since May 16. He stated he got the permit reinstated and they came and told him what to do. He stated the paint was not staying on the house and he was told not to order more paint. He stated in June he submitted the proper revisions because they are in a redevelopment area and he had to go through the Board. He stated they got the permit reinstated and described work that he had to get done according to the Building Inspector. He stated he has a renovation permit and has been working on the inside. He stated the notice was taped to his neighbor's door and that he is waiting for siders to do the work on the siding.

Mr. Jackson stated Inspector Alderman reports the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff to bring the property into compliance.

Mr. Morissette stated he would need additional time as he hurt himself and cannot do the work himself. He stated he is on a fixed income.

Inspector Alderman stated he was focusing on paint but the property has a south wall access.

Mr. Morissette stated he needs at least 90 days. He stated he received a settlement recently.

There was additional discussion regarding the work that he had to have done on the property and described the major projects that have to be completed from the Building Inspection.

Mr. Morissette stated his neighbor will not allow him or his workers on their property to get on the roof. He stated he had tried numerous times to reach the Code Inspector.

Mr. Alderman stated he received a call from the Building Inspector and was not aware of the other work going on at the property. He agreed 90 days would be reasonable.

Mr. Jackson stated the City would be fine with 90 days for compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by December 4, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 37 - SMG 09-19-213 - Titan Development Partners LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art 6 Sec. 6.12.D; Art 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13.6, 304.6, 304.2, 301.3, 302.7); City Code Ch. 26 Sec. 26-294, at **201 Seabreeze Blvd**. Violation(s) – Graffiti, broken windows, window frames, paint accessory structure, main structure, east structure, property maintenance, plywood over windows, A/C hole east structure, trash and debris in easement, plastic windows, failure to obtain Rental License (RTL). First Notified – 5/13/2019.

Jesus Suarez, managing member, and Gabriel Rerez came forward and were sworn in.

Mr. Suarez stated he has reached an agreement with the City.

Mr. Jackson stated non-compliance and next cutoff.

Mr. Suarez agreed.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 44 - SMG 09-19-209 - ING Investor Group, Inc. 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, 604.1, 604.3.2.1), at **877 Dr Mary McLeod Bethune Blvd (parcel #5238-36-08-0010)**. Violation(s) – Site appearance standards, exterior structure - roofs and drainage, electrical facilities - facilities required, electrical facilities - electrical equipment. First Notified – 2/22/2019.

Irvin White, owner, came forward and affirmed to tell the truth. Mr. White stated the case is the result of a lack on his part of calling the inspector out. He stated the inspector came and looked but it wasn't quite done with the security lights because the light bulbs were missing. He stated they placed 'No Trespassing' signs up.

Mr. Jackson stated Inspector McCoy reports the property is still in non-compliance and is requesting a finding of non-compliance and to amend to the next cutoff for compliance.

Mr. White agreed.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 48 - SMG 09-19-193 - Ella L. Sullivan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 604.3, 302.1, 302.3, 302.4, 304.2, 304.3, 304.13, 304.13.1, 304.13.2, 304.15, 504.3), at **439 N Lincoln St**. Violation(s) – No water, unmaintained lawn, overgrown grass, weeds growing over sidewalk, damaged chain link fence, dirt and grime, peeling paint, damaged screens, damaged doors and windows, broken

window panes, broken exterior light fixture on front porch, missing address numbers, damaged fascia board. First Notified – 5/21/2019.

Dr. Walter Fordham came forward and was sworn in. He stated he was not here to contest the violations but the descriptions were a concern. He stated that most of the violations had been corrected but health issues had prevented the previous contractor from finishing. He stated they need to obtain a new contractor due to additional health issues after he resumed work. He stated he expected the work to be done in July.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff to bring the property into compliance. He stated no water is an urgent concern for sanitary purposes.

Dr. Fordham stated there are tenants in the house and that the water had been turned on in his name. He stated the water was only off for 2 weeks.

Inspector Fitzgerald requested that the application for Rental License be applied for by the November cutoff.

Mr. Jackson stated that would not be appropriate.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by November 6, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 51 - SMG 09-19-191 - Patrick J & Paula J Strople 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, 304.2), at **709 Edwards St.** Violation(s) – Outside storage, trash and debris, vehicles parked in the front yard, trailer parked in the front yard, paint fading and peeling. First Notified – 4/2/2019.

Patrick and Paula Strople came forward and were sworn in.

Mr. Riggio asked the respondent how they respond to the violations on the property.

Mr. Strople stated he has had a problem and he has had health problems and the violations are being resolved or in the process of being resolved. He stated he has spoken to the Code officer.

Mrs. Strople stated she is 65 and the work that is getting done, she is doing. She stated they are having financial issues and in debt and are driving to Houston often for health care. She stated the trailer was removed and she is working on the outside. She stated she spoke to someone regarding the roof but the told her she needed to replace it and she is hoping they will be able to do it pro-bono. She stated because of the hurricane, the stuff was not delivered.

Mr. Jackson stated the Inspector is asking for a finding of non-compliance and the November cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by November 6, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$10,000 or until compliance is achieved.

CASE # 52 - SMG 09-19-185 - RDW Property Management Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.8.G; Ch. 78 Sec 78-112; Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 304.2, 304.13, 304.13.2, 304.14, 304.15), at **344 Ellsworth St.** Violation(s) – Outside storage, trash and debris, paint fading and peeling, rotten wood, dilapidated doors, broken windows, broken screens, unmaintained yard – overgrown weeds, grass growing over the sidewalk and damaged fencing. First Notified – 5/2/2019.

Robert Williams, owner, came forward and was sworn in. He stated he spoke with the Inspector and 95% of the violations had been corrected. He stated he should have spoken to the Code Officer earlier. He asked to amend to the next cutoff for compliance as he only has minor cosmetic issues left.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance. He stated the case began in May.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

Mr. Riggio announced that there was no one left in the Chamber and no other respondents are present for the rest of the cases.

CASE # 11 - SMG 08-19-169 - Charles W Mecklem and Amelia J. Mecklem as Trustee of the Amelia J. Mecklem Revocable Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **640 Madison Av.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/19/2019.

Mr. Jackson stated Inspector Jones reports the respondents are almost done and is requesting to amend to the next cutoff for compliance.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 12 - SMG 08-19-178 - Constantine Christoforakis is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **908 Derbyshire.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2019.

Mr. Jackson stated Inspector Jones inspected the property on August 21 and has given them 30 days to correct the violations. He stated they are requesting to amend to the next cutoff.

DISPOSITION: Mr. Riggio amended the previous order of non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 13 - SMG 08-19-174 - Investment Of Ankh LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **817 Lewis Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/29/2019.

Mr. Jackson stated Inspector Jones inspected the property on August 20 and has allowed the respondents until September 20th to come into compliance. He stated they are asking to amend to the next cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

Ms. Barnes announced Case #12 was announced as in compliance but it is not in compliance and needs to be heard.

CASE # 14 - SMG 08-19-173 - Real Potential Property Holdings LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **635 Tanglewood**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/4/2019.

Mr. Jackson stated Inspector Jones is still in non-compliance and is requesting compliance by the November 6 cutoff.

DISPOSITION: Mr. Riggio amended the previous order of non-compliance and ordered the respondent to bring the property into compliance by November 6, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 16 - SMG 08-19-175 - Pentecost Church of God Inc. 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, 302.7, 304.2, 304.3, 304.4, 304.7, 304.13, 304.13.2, 304.14, 304.15, 505.3, 505.4, 506.1, 601.2), at **450 Arthur St.** Violation(s) – Dilapidated house. First Notified – 6/3/2019.

Mr. Jackson stated the respondents are working with the City and Inspector Fitzgerald is requesting to amend to the November cutoff to obtain a contractor and the permits. He stated they would waive the established compliance date for demolition which will be done by the City.

DISPOSITION: Mr. Riggio amended the previous order of non-compliance and ordered the respondent to bring the property into compliance by November 6, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 17 - SMG 06-19-135 - Remco LLC/Wilgens Mesalien 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, 304.13 and 304.15), at **397 Jefferson St.** Violation(s) – Dilapidated, unoccupied structure, outside storage, trash and debris, landscaping, damaged shed, paint fading and peeling, exterior surfaces, broken windows and broken doors. First Notified – 10/26/2018.

Mr. Jackson stated the inspector is Mike Fitzgerald and he is requesting to amend to the next cutoff for compliance.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 20 - SMG 02-19-25 - 504 Main St LLC & 504 Main Street D. B. Inc. 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 108.1.5, 301.1, 304.1.1, 304.6, 304.7, 304.9, 304.10, 304.12, 304.13.1, 306.1.1, 308.1, 604.3), at **504 Main St.** Violation(s) – Structural Appearance Standards, dangerous stairs, roof leaks, unsafe masonry, exterior walls, roof and drainage, dangerous fire escape, broken windows, unsafe stairs and brick walls cracking, rubbish accumulation and electrical hazard. First Notified – 10/10/2018.

Mr. Jackson stated the respondents were here but had to go to a meeting.

Mr. Alderman stated he met with Sharif Granby and got a timeline. He stated the roof permit is in place and the engineering analysis is done and supposed to start the last week of this month. He stated the stairs will be Russia gauge within 30 days. He stated he is asking for 60 days for everything to be done.

Mr. Jackson stated they are requesting a November 6, 2019 compliance date.

Mr. Riggio stated he was more comfortable with setting a progress report for next month.

Mr. Jackson agreed to set up a progress report for the next meeting and include in the order that it will also include the determination of a compliance date.

Mr. Alderman stated he will make sure that Mr. Ganby removes the stairs within 2 weeks.

Mr. Jackson stated he is not able to do that.

Mr. Riggio stated he would not consider that.

DISPOSITION: Mr. Riggio amended the previous order of non-compliance and ordered the respondent to return to the October 8, 2019 meeting for a progress report and the determination of a compliance date.

CASE # 21 - SMG 08-19-179 - Anthony M Morrone 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, 308.1, 305.2, 304.13.1, 304.13, 304.10, 304.4, 304.3, 302.4 and 301.3), Art. 6 Sec. 6.19.A.4, at **315 Seaview Av.** Violation(s) – Exterior property maintenance, trash & debris, porch roof damage (permit needed), broken windows, interior ceiling fallen, protective treatment. First Notified – 1/8/2019.

Mr. Jackson stated Inspector Alderman has had no contact with the respondent and is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

DISPOSITION: Mr. Riggio ordered that a fine in the amount of \$200 per day, effective September 10, 2019, be imposed to reach a maximum of \$15,000 or until compliance is achieved.

CASE # 22 - SMG 06-19-142 - Elephant Group Hotel 7 Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art 6 Sec 6.8.F; Art. 6 Sec. 6.8.C; Art. 6 Sec. 6.8.D; Art. 3 Sec. 3.4.S.1, at **2401 N Atlantic Ave.** Violation(s) – Rotted illegal sign, sign maintenance, no permit for sign, no permit for fences, outside storage and property landscape. First Notified – 4/10/2019.

Mr. Jackson stated Inspector Alderman is requesting to amend to the next cutoff for compliance.

DISPOSITION: Mr. Riggio amended the previous order of non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved.

CASE # 24 - SMG 08-19-180 - Joseph Solyom is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2 H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.2), at **437 Manhattan Av.** Violation(s) – Damaged and rotted siding, continued parking on grass, protective treatment. First Notified – 1/31/2019.

Mr. Jackson stated Inspector Alderman has had no contact with the respondent since January and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

DISPOSITION: Mr. Riggio ordered that a fine in the amount of \$100 per day, effective September 10, 2019, be imposed until the fine reaches a maximum amount of \$15,000 or compliance is achieved.

CASE # 33 - SMG 09-19-188 - TSM Investments LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **187 Mendoza Cir.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/10/2019.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until the fine reaches a maximum of \$15,000 or compliance is achieved.

CASE # 36 - SMG 09-19-206 - Emma Robinson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.3, 304.6, 304.7, 304.10), at **312 Earl St.** Violation(s) – Electricity off, water off, stairway, exterior walls, premises identification, protective treatment, property sanitation. First Notified – 2/21/2019.

Mr. Jackson stated Inspector Alderman reports the property remains in non-compliance and is requesting a finding of non-compliance and next cutoff for the property to be brought into compliance.

Inspector Alderman stated the property has been a police issue and a code issue. He stated there is no water or electricity, the meter was removed and that it was cut off at the pole. He stated the daughter, who is technically the owner, has gotten it back and removed the condemned postings.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$15,000 or until compliance is achieved.

CASE # 46 - SMG 09-19-211 - BRCB Corp LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 308.1); Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.7.A, at **612 George W Engram Blvd.** Violation(s) – Overgrown lot, debris and garbage, lawn maintenance, potholes, damaged asphalt to parking surfaces, parking on the grass. First Notified – 6/10/2019.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Inspector Fitzgerald agreed and stated the respondents were parking on the grass in the front of the building, the property is overgrown, the property is not being maintained, there is damaged asphalt and he has had no contact with them.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$15,000 or until compliance is achieved.

CASE # 47 - SMG 09-19-216 - David D. Schaefer is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.14, 702.4, 704.2, 304.2, 304.6, 304.7, 304.13, 305.3, 604.3.1), at **& 444-440 Walnut St.** Violation(s) – SAFETY VIOLATIONS: Missing smoke detectors, bars over bedroom windows. VIOLATIONS: Damaged fascia board and soffit including rotten wood, missing window screens, paint fading and peeling, dirt and grime, leaking roof over kitchen area, damaged interior surfaces, exterior porch lights missing cover, electrical hazard. First Notified – 6/20/2019.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and is asking for a finding of non-compliance and that the property be brought into compliance by the next cutoff. He stated the safety issues include missing smoke detectors and bars over the bedroom windows and the inspector would like those issues resolved within 5 business days.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the life safety violations of missing smoke detectors and bars over the bedroom windows into compliance within the next 5 business days. It is further ordered the remainder^{dev} of the violations must be brought into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$15,000 or until compliance is achieved.

CASE # 49 - SMG 09-19-192 - Emmett Fountain is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.3), at **606 Washington St.** Violation(s) – Protective treatment, sanitation, premises identification, site appearance standards, structural appearance standards. First Notified – 5/6/2019.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance. He stated the inspector has had no contact with the respondent.

Inspector Fitzgerald stated the property has not been maintained and the grass is 24" high. He stated it was vacant, needs paint and the windows were broken.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day until the fine reaches a maximum amount of \$15,000 or the property is brought into compliance.

CASE # 50 - SMG 09-19-210 - Marc 2 LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.3), at **1065**

Hampton Rd. Violation(s) – Outside storage, paint fading and peeling, missing address numbers. First Notified – 5/8/2019.

Mr. Jackson stated Inspector Fitzgerald reports he has had contact with the respondent yesterday and that the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Inspector Fitzgerald read the violations into the record.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$15,000 or until compliance is achieved.

CASE # 53 - SMG 09-19-204 - Richard P. Vidulich & Patricia J. Wuesthoff is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 302.7, 304.2), at **1137 Bel Aire Dr.** Violation(s) – Damaged accessory structure roof, damaged fascia and soffit, paint fading, peeling and rust stained. First Notified – 6/17/2019.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Inspector Fitzgerald stated the paint is fading and peeling, the back of the building has issues and the building has a damaged roof and soffit.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$15,000 or until compliance is achieved.

CASE # 54 - SMG 09-19-186 - Shafaat & Carol M. Ahmed is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.3, 304.13, 308.1, 604.3.2), at **1121 Mason Ave.** Violation(s) – Outside storage, trash and debris, dead trees, overgrowth, lawn maintenance, broken window in door (boarded up), electrical wires exposed and missing address numbers. First Notified – 5/29/2019.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance. He stated the inspector has had no contact with the respondents.

Inspector Fitzgerald stated issues on non-compliance and that it was a commercial building on Mason and explained the violations using the pictures on the screen.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to bring the property into compliance by October 2, 2019 or be returned to a subsequent meeting

for consideration of the imposition of a fine up to \$1000 per day to a maximum of \$15,000 or until compliance is achieved.

The meeting was adjourned at 12:51 p.m.