

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – AUGUST 30, 2018**

The Board meeting was called to order at approximately 9:43 a.m. on Thursday, August 30, 2018 by Vice Chairperson, Lily Sayre.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman (appeared telephonically)
Lily Sayre, Vice-Chairperson
Robert McColgan
James Dillard
Karen Hodge-Kaestner

Also present were: Daniel J. DiMatteo, Esq. Attorney for the Board
Paul Eichner, Esq. Attorney for the Department
Anthony Vomero, Environmental Health Administrator

Lily Sayre requested approval of the June 30, 2018 meeting minutes:
Mr. Eichner advised that the minutes will be available at the next scheduled meeting.

Statement to Respondents read by Ms. Lily Sayre.

Hearing procedures read by Dan DiMatteo, Esq.

Alicia McRae, Clerk of the Board, swore in the witnesses.

Paul Eichner proceeded with the scheduled cases.

Miramar High School- Food Stadium Concession Stand Case No.: 18-080 SAN

Mr. Eichner appeared on behalf of the Department; Alexander Francois, Assistant Principal, appeared on behalf of the Respondent.

Mr. Eichner proffered the status of the matter.

Motion by Ms. Karen Kaestner for an administrative fine in the amount of \$200.00 due by September 21, 2018, second by Mr. James Dillard.

Windmill Lakes Condo (wading pool) Case No.:18-075 SAN

Windmill Lakes Condo Case No.:18-074 SAN

Mr. Eichner appeared on behalf of the Department; Danny Webber, appeared on behalf of the Respondent.

Motion by Ms. Karen Kaestner to close the pool, imposed a \$500.00 administrative fee and a \$500.00 administrative fine due by September 21, 2018, the matter is to be continued until the next hearing of September 27, 2018, and that the wading pool continue to be maintained; second by Robert McColgan, all in favor, none opposed.

Racquet Club 8,9 & 10 @ Bonaventure 5 Case No.: 18-063 SAN

Mr. Eichner appeared on behalf of the Department; Anthony Lester, Property Manager appeared on behalf of the Respondent.

Mr. Lester attended the hearing requesting mitigation of the administrative fees and fines.

Motion by Mr. James Dillard to reduce the administrative fine of \$500.00 to \$0.00 and the administrative fee of \$500.00 shall remain the same due by September 21, 2018. Second by Karen Kaestner, all in favor, none opposed.

International Bar, Inc.

Case No.: 18-077 SAN

Mr. Eichner appeared on behalf of the Department; Anthony Mendoza appeared on behalf of the Respondent.

Mr. Mendoza advised that he had had purchased the business and was unaware of permit fees.

Mr. Eichner recommended that the Board waive the 2 prior years of permit fees if the 2018-2019 permit fees are paid by September 21, 2018, the matter shall be brought back for status at the next hearing.

Mr. Mendoza stipulated to pay the permit fees for 18-19 in the amount of \$190.00 in addition to a \$300.00 administrative fine due by 9/21/2018. The 2 prior year permit fees are waived per EH. The matter will be brought back for status on 9/27/2018.

Motion by James Dillard to accept Mr. Eichner's recommendation, second by Ms. Karen Kaestner; all in favor, none opposed.

A&R Stix Lounge, Inc. d/b/a Stix Cigar Lounge

Case No.: 18-067 SAN

Mr. Eichner appeared on behalf of the Department; Harold Rudolph appeared for the Respondent.

Mr. Rudolph advised what the issues were with the business and requested mitigation.

Mr. Eichner recommended to waive the administrative fee of \$500.00 and the administrative fine was reduced from \$500.00 down to \$200.00 due by September 21, 2018. The matter will be brought back for status at the next hearing.

Motion by Karen Kaestner, second by James Dillard, all in favor all in favor. 1 opposed (Lily Sayre)

Azalea 27, LLC.

Case No.: 18-114 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Eichner called Christopher Cappiello, Environmental Engineering inspector. Mr. Cappiello advised that he visited the property, what he observed onsite and when the notices of violation were issued. Mr. Cappiello provided the pictures that he took when he visited the property, which were entered as exhibits 2 & 3.

Mr. Eichner recommended that the Board find that there is a violation..., that the violation of open sewage behind unit 2754 be abated no later than September 7, 2018. The inspector was directed to re-inspect the property on the week of September 10, 2018 to ensure that violation is abated. The Respondent shall remit an administrative fee of five hundred dollars (\$500.00) and an administrative fine of five hundred dollars (\$500.00) to the Department by September 21, 2018. The matter shall be brought back for status on September 27, 2018.

Motion to accept counsel's recommendation by Karen Kaestner, second by Robert McColgan, all in favor, none opposed.

William Demarchi, M.D.

Case No.: 18-104 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-16.00/ 64E-16.012 and Broward County Administrative Code, section 36.49 (g)(1) by operation without a valid permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Ms. Karen Kaestner, second by Mr. James Dillard, all in favor, none opposed.

Smile Dental Design, Inc.

Case No.: 18-095 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Respondent was in violation of F.S. 381.0098(4)(a); F.A.C. rule 64E-16.011(1)/ 64E-16.012(2) and Broward County Administrative Code 36.49(g)(1) for failure to remit payment for the biomedical waste permit. The

Respondent failed to return the stipulation agreement and stipulation fee. The permit fee was paid on July 24, 2019, 1 day after service was perfected. The Board granted a continuance UNTIL September 27, 2018 to allow the Respondent time to return the stipulation agreement and stipulation fee.

Motion by Ms. Karen Kaestner, second by Mr. James Dillard, all in favor, none opposed.

Sergio Aria, DDS, LLC

Case No.: 18-096 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-16.011/ 64E-16.012 and Broward County Administrative Code, section 36.49 (g)(1) by operation without a valid permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Mr. James Dillard second by Ms. Karen Kaestner, all in favor, none opposed.

Memorial Regional Hospital-Breast Cancer Center

Case No.: 18-109 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-16.011/ 64E-16.012 and Broward County Administrative Code, section 36.49 (g)(1) by operation without a valid permit. The Respondent's permit fee was received. The respondent mailed the stipulation fee and stipulation agreement and it was not received. An order granting continuance was entered. Status at the next hearing.

Motion by Ms. Karen Kaestner, second by Mr. James Dillard, all in favor, none opposed.

Dillard High School- Gymnasium Concession Stand

Case No.: 18-085 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-16.013 and Broward County Administrative Code, section 36.49 (i)/ (n)/ (l)(2)- operating without a valid food/ hygiene permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Mr. James Dillard second by Ms. Karen Kaestner, all in favor, none opposed.

Dental Cosmetic & Implant Institute, PLLC d/b/a Wilton Manors Dental

Case No.:18-091 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-16.011/ 64E-16.012 and Broward County Administrative Code, section 36.49 (g)(1) operating without a valid biomedical waste permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Mr. James Dillard second by Ms. Karen Kaestner, all in favor, none opposed.

Dr. William A. Forero, DMD, P.A

Case No.: 18-097 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-16.011/ 64E-16.012 and Broward County Administrative Code, section 36.49 (g)(1) operating without a valid biomedical waste permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Ms. Karen Kaestner, second by Mr. James Dillard, all in favor, none opposed.

Sanders Mobile Home Colony

Case No.: 18-106 SAN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 513.02(1); F.A.C. 64E-15 and Broward County Administrative Code, section 36.49 operating without a valid mobile home park permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Mr. James Dillard second by Ms. Karen Kaestner, all in favor, none opposed.

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

The Board was advised that the Respondent was in violation of F.S. 381; F.A.C. 64E-11 and Broward County Administrative Code 36.49 for operating without a valid food hygiene permit. The Respondent's permit fee was received in addition to the stipulation fee and stipulation agreement. Order adopting stipulation entered.

Motion by Mr. James Dillard second by Ms. Karen Kaestner, all in favor, none opposed.

The meeting was adjourned by Ms. Lily Sayre at 11:10 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board