

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – FEBRUARY 28, 2019**

The Board meeting was called to order at approximately 9:33 a.m. on Thursday, February 28, 2019 by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman
Lily Sayre, Vice Chairperson
James Dillard
Ronesia Jenkins
Robert McColgan

Also present were: Hulda Estama, Esq. County Attorneys for the Board
Andrij Susla, Esq. Attorney for the Department
Clifford Friedman, Attorney for the Department
Anthony Vomero, Environmental Health Director

Stuart Kaufman requested approval of the December 6, 2018 meeting minutes:
Motion to approve the minutes by Mr. James Dillard; Second by Ms. Ronenia Jenkins, all in favor, and none opposed.

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

Board Discussion: Andrij Susla, attorney for the Department requested that the Board provide clarification regarding a procedural matter relating to matters settled or resolved prior to the hearing. It was decided that the Board does not need to hear a case if an order is not entered and is settled prior to the hearing.

The Respondent arrived on behalf of 2501 Lincoln St., LLC and was sworn in by the clerk of the board.

Statement to Respondents read by Mr. Stuart Kaufman.

Hearing procedures read by the County Attorney

Andrij Susla, Esq. proceeded with the scheduled cases.

2501 Lincoln St., LLC Case No.: 19-001 SP

Mr. Susla appeared on behalf of the Department; Elias Nohra appeared on behalf of the Respondent.

Mr. Susla advised the Board that the matter was being heard for operating without a valid permit, which is a violation of 514.031 Florida Statute and 64E-9 Florida Administrative Code and advised that the permit fee was paid, but the stipulation fee remained outstanding. Mr. Susla then advised the board that the Respondent appeared requesting mitigation of the fee and called Mr. Nohra to testify.

Mr. Elias Nohra testified that correspondence was being sent to the wrong address.

Mr. Kaufman asked what the old address was

Mr. Nohra advised that the old address was to the previous property manager, then added that he had never been late and once notified about the delinquency he paid the permit fee right away.

Mr. Dillard asked the respondent how he was notified.

The respondent replied that he was served via process server.

Mr. Dillard asked if it is the responsibility of the business owner to notify the Department of changes to their information.

The Respondent answered “yes” and took responsibility for failing to notify the Department.

Ms. Sayre asked what address was listed on sunbiz.org for the business and Mr. Susla provided the address listed on the Sunbiz document. The Clerk of the Board, Alicia McRae confirmed that all correspondence was sent to the address provided on the Sunbiz document.

Motion by Lily Sayre to deny the respondent’s request for mitigation and that the fee of \$200.00 shall stand; second by James Dillard, all in favor, none opposed.

Board Discussion

Villa D’este Condominium, Inc. **Case No.: 19-002 SP**

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

Mr. Susla advised the Board that the matter was being heard for operating without a valid permit, which is a violation of 514.031 (1)(4) Florida Statute and 64E-9 Florida Administrative Code and advised that the permit fee and stipulation fee was paid prior to the hearing and therefore requested an order adopting stipulation.

Spring Lake-Northwood Homeowners Association, Inc. **Case No.: 19-005 SP**

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

Mr. Susla advised the Board that the matter was being heard for operating without a valid permit, which is a violation of 514.031 (1)(4) Florida Statute and 64E-9 Florida Administrative Code and advised that the permit fee was paid by the due date set forth in the stipulation agreement. Mr. Susla then advised the Board that no further action was needed as the Environmental Health Department waived the stipulation fee due to the HOA’s financial hardship. The Clerk of the Board then advised that the pool is drained and closed. The HOA plans to re-open the pool within the next 4- 6 months.

David Green **Case No.: 19-003 SAN**

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

Mr. Susla advised the Board that the matter was being heard for a sanitary nuisance of overgrown vegetation, which is a violation of 386.01 Florida Statute. Mr. Susla advised the board that the violation was abated prior to the hearing and the civil penalty of \$50.00 was paid.

Mr. Kaufman asked if the \$50.00 fee was for a re-inspection fee.

The Clerk of the Board advised that the civil penalty/stipulation fee for this type of complaint is usually set at \$300.00, but in this case the civil penalty was set at \$50.00 due to this being a private property. No further action needed from the Board.

Board Discussion

Safe Harbor Assisted Living Resort **Case No.: 18-112 SAN**

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

Mr. Susla advised the board that the violation related to infestation of bedbugs was abated and that no further action is needed from the board.

Board Discussion

Septic Medic, Inc. **Case No.: 18-135 SAN**

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

Mr. Susla advised the board that an order was entered at the January 31, 2019 hearing, which gave the Board jurisdiction over the matter for 90 days, that a \$500.00 administrative fee and \$500.00 administrative fine was imposed. Mr. Susla advised that the respondent did not comply with the order.

Mr. Dillard asked what options the board had.

Mr. Susla advised that daily fines could be imposed, or a subpoena could be issued.

Mr. Kaufman asked if anyone had any contact with the respondent.

Mr. English (Environmental Engineering Supervisor) advised that he spoke to the owner regarding a different matter and confirmed that the permit is current.

Mr. Kaufman suggested that a letter be sent to the respondent advising that their operating permit will not be issued until the administrative fee and fine totaling \$1,000.00 is paid.

Motion by Mr. Robert McColgan for a subpoena, second by Mr. James Dillard, all in favor, none opposed.

Cypress At Woodmont III **Case No.: 18-127 SP**

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

Mr. Susla advised the Board that the matter was being heard for status relating to the facility operating without a valid permit, which is a violation of 514.031(1)(4) Florida Statute and 64E-9 Florida Administrative Code and advised that the previous order issued on January 31, 2019 imposed a daily fine of \$100.00 for failure to satisfy the \$500.00 administrative fee and \$500.00 administrative fine ordered in December. Mr. Susla called Nicolas Kellman, AR Supervisor to testify.

Mr. Kellman stated and spelled his name for the record followed by his position, length of time with the department, and duties at the department. Mr. Kellman verified that \$3,900.00 was currently due, which included \$1,100.00 in past due fees.

Motion by Mr. James Dillard to subpoena the respondent, second by Ms. Lily Sayre, all in favor.

Roshini Investments d/b/a Travelodge **Case No.: 18-126 SAN**

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

Mr. Susla advised the Board that the matter was being heard for status relating to the facility operating without a valid permit, which is a violation of 514.031(1)(4) Florida Statute and 64E-9 Florida Administrative Code and advised that the previous order issued on January 31, 2019 imposed a \$50.00 per day fine for failure to satisfy the \$500.00 administrative fee and \$500.00 administrative fine ordered in December. Mr. Susla called Nicolas Kellman, AR Supervisor.

Mr. Kellman stated and spelled his name for the record followed by his position, length of time with the department, and duties at the department. Mr. Kellman verified the outstanding balance as \$2,500.00.

Mr. Kaufman asked if the pool was closed- It was confirmed closed.

Motion by Mr. James Dillard for a subpoena, second by Ms. Ronenia Jenkins, all in favor.

Emerald Isles Condo **Case No.: 18-125 SP**

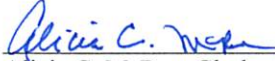
Mr. Susla appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Susla advised that the matter was being heard for status and called Nicolas Kellman to confirm that all fees were satisfied by the respondent.

Mr. Kellman stated and spelled his name for the record followed by his position, length of time with the department, duties at the department and confirmed that all fees were satisfied, and no further action is needed.

The meeting was adjourned by Mr. Stuart Kaufman at 110:43 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board