

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – JANUARY 31, 2019**

The Board meeting was called to order at approximately 9:35 a.m. on Thursday, January 31, 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. and Maite Azcoitia, 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 Robert McColgan, all in favor, and none opposed.

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

Statement to Respondents read by Mr. Stuart Kaufman.

Hearing procedures read by the County Attorney

Clifford Friedman, Esq. proceeded with the scheduled cases.

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

Mr. Friedman appeared on behalf of the Department; Israela Herskovitz appeared on behalf of the Respondent.

Mr. Friedman called Clifford Saieh to testify.

Mr. Susla advised that the matter is being heard for status.

Mr. Friedman briefed the Board, advising that the matter was heard for emergency hearing on November 16, 2018 for bedbug infestation. At that time the Respondent was given additional time to make changes and implement their new pest control plan.

Mr. Saieh stated and spelled his name for the record, followed by his position, responsibilities and amount of time with the Department. He testified that the last inspections were conducted on January 4, 2019 and January 30, 2019 and noticed improvements such as new covers for the beds and minimal bed bugs visible. He advised that the Pest control company (Florida Pest Control was present during the inspection on January 30, 2019)

Mr. Dillard asked how bed bug infestation can be prevented in the future.

Mr. James Statton with Florida Pest Control responded by providing background regarding bedbugs, their lifespan and how to prevent them from spreading. He testified that his company goes out to perform monthly inspections and that the facility was provided with preventative protocol. The staff was also trained on how to inspect bedbugs.

Mr. Ronnie Herzkowitz (owner) advised the Board of changes made to prevent bed bugs. He testified how the protocols are being implemented by Florida Pest Control.

Mr. Susla recommended continuous inspections until the inspection results are satisfactory, for a status update on February 28, 2019, that the Board retain jurisdiction for 90 days, and that no additional fees and fines be imposed by the Board.

Board Discussion

Motion by Ms. Lily Sayre for inspections twice per month until a satisfactory inspection is reached, that there are no fees and fines imposed, second by Ms. Ronenia Jenkins.

Board Discussion

Ms. Lily Sayre amended her motion for once per month inspections until a satisfactory inspection is reached and that no additional fees or fines are imposed, second by Ms. Ronenia Jenkins; all in favor, none opposed.

Emerald Isles Condo Association, Inc. Case No.: 18-125 SAN

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

Geraldine Gabon was called to testify.

Ms. Geraldine Gabon stated and spelled her name for the record followed by her position, length of time employed with the Department and her responsibilities with the Department.

Mr. Friedman briefed the Board regarding the matter advising them of the violations in the complaint.

Mr. Friedman asked Ms. Gabon if the pool was closed. Ms. Gabon answered, "yes".

Mr. Kaufman asked Ms. Gabon if she had made any contact with the Manager. Ms. Gabon answered, "yes".

Mr. Friedman called Nicolas Kellman to testify.

Mr. Kellman stated and spelled his name for the record followed by his position, length of time employed with the Department and his responsibilities with the Department. Mr. Kellman advised the Board that the outstanding balance is \$1,000.00. The \$700.00 due in the complaint includes a \$125.00 permit fee, \$50.00 county fee, 10 x \$50.00 reinspection fees and a \$25.00 late fee which was due on July 1, 2018. Mr. Kellman stated that there was a payment received in the amount of \$1,500.00, which was applied to the previous years' permit fee.

Ms. Gabon advised previous violations caused reinspection fees and pool closure. Those violations are now abated although the pool remains closed for failure to pay the permit fee.

Mr. Friedman recommended that the Board find that the Department proved by the greater weight of the evidence that the Respondent violated F.S. 514.031(1)(4) and of the F.A.C. for non-payment of the permit. That the Respondent pay the outstanding permit fee in the amount of \$700.00, an administrative fee in the amount of \$500.00, an administrative fine in the amount of \$500.00 no later than February 15, 2019; that the pool remain closed until the fees and fines are paid, that the matter be heard for status on February 28, 2019. The Board will retain jurisdiction for 90 days.

Motion to accept counsel's recommendation by Ms. Lily Sayre, second by Mr. James Dillard; all in favor none opposed.

Septic Medic Case No.: 18-135 SAN

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

Mr. Friedman briefed the Board regarding the matter advising them of the violations in the complaint. Composite Exhibit "D" entered in as evidence.

Mr. Friedman called Craig English to testify.

Mr. Craig English stated and spelled his name for the record followed by his position, length of time employed with the Department and his responsibilities with the Department.

Mr. Friedman discussed the dates of correspondence sent to the owner of Septic Medic, Inc. with Mr. English, which was read out loud to the Board. They also discussed the dates that the correspondence was sent to the business and who received it. They moved on to the e-mails that were sent to the owner of Septic Medic, Inc. advising that the permit was delinquent. It was confirmed that the respondent's permit expired on September 30, 2018 and that it remained expired until November 29, 2018.

Board asked how long it takes to have the permit approved once renewed. Mr. English advised that there is no waiting period.

Mr. Friedman recommended that the Board find that the Department proved by the greater weight of the evidence that the Respondent violated F.A.C. rule 64E-6.010(1) & Broward County Code of Ordinance section 15-23(a)(3) for cleaning a septic tank without the necessary permit; that the Respondent pay an administrative fee in the amount of \$500.00, an administrative fine in the amount of \$500.00 no later than February 18, 2019; the matter will be heard for status on February 28, 2019 and that the Board retains jurisdiction for 90 days.

Motion to accept counsel's recommendation by Mr. James Dillard, second by Ms. Ronenia Jenkins; all in favor none opposed.

Sunpointe Springs Condominium Association, Inc. (Sunpointe Springs) **Case No.: 17-218 SP**
Mr. Friedman appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Friedman advised the Board that the Respondent is in compliance and called Laura Ramirez to testify to that.

Mr. Friedman proffered the Board of the previous order, violations and fines.

Laura Ramirez stated and spelled her name for the record followed by her position, length of time employed with the Department and his responsibilities with the Department.

Ms. Ramirez advised that inspected the facility on January 4, 2019 and all violations were corrected/abated.

Mr. Friedman called Nicolas Kellman to testify. Mr. Kellman stated and spelled her name for the record followed by his position, length of time employed with the Department and his responsibilities with the Department. Mr. Kellman confirmed that the \$100.00 ordered was paid.

No further action needed.

Racquet Club Garden Apts. 6 & 7 **Case No.: 18-055 SP**
Mr. Friedman appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Friedman advised the Board that the Respondent was in violation for failure to pay the pool permit.

Mr. Friedman proffered the Board of the previous order, violations and fines. He advised that the fees and fines of previously ordered in the amount of \$1,000.00 was mitigated to \$500.00.

Mr. Friedman called Nicolas Kellman to testify. Mr. Kellman stated and spelled her name for the record followed by his position, length of time employed with the Department and his responsibilities with the Department. Mr. Kellman confirmed that the \$500.00 ordered was paid prior to the due date.

No further action needed.

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

Mr. Friedman advised that the violation was for failure to pay the pool permit and reminded the Board of the December 6, 2018 Order that included an administrative fee of \$500.00 and an administrative fine of \$500.00 ordered in addition to the permit fee of \$200.00 to be paid by January 29, 2019. The pool was ordered to be closed immediately by the Department until all fees and fines are paid. The Board retained jurisdiction for 90 days status on January 31, 2019.

Mr. Friedman called Nicolas Kellman to testify to the amounts due. He spelled and stated his name for the record followed by his position, title and duties for the Department. Mr. Kellman testified that the fees and fines previously ordered were not paid.

Mr. Clifford Saieh was called to testify. He spelled and stated his name for the record followed by his position, title and duties for the Department. Mr. Saieh advised that he made contact and spoke to Ms. Patel at the property and explained that the pool permit is outstanding and why the pool was being closed.

Mr. Kellman verified that the outstanding amount as \$1,100.00.

Mr. Friedman recommended that the Board order the pool to remain closed until the fees and fines are satisfied in addition to a \$50.00 per day civil penalty for failure to comply with the order. The matter will be heard for status on February 28, 2019.

Motion by Ms. Jenkins to accept counsel's recommendation, second by Ms. Sayre, all in favor none opposed.

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

Mr. Friedman called Laura Ramirez to testify. She spelled and stated his name for the record followed by his position, title and duties for the Department. Mr. Ramirez confirmed that the pool is closed due to failure to renew the pool permit in addition to other violations.

A picture of the pool closed sign was entered into evidence.

Mr. Friedman proffered the Board of the Order issued on December 6, 2018.

Mr. Friedman called Mr. Kellman to testify and he verified the outstanding balance as \$1,100.00. A payment of \$550.00 was received that satisfied the permit fee and some re-inspection fees. Mr. Kellman also testified that the previously ordered fees and fines were still outstanding and that late payments are a re-occurring issue.

Ms. Ramirez advised that she has only contacted the Respondent via e-mail or mail.

Mr. Friedman recommended that the Board order the pool to remain closed until the fees and fines are satisfied in addition to a \$50.00 per day civil penalty for failure to comply with the order. Status on February 28, 2019.

Ms. Ronenia Jenkins suggested a \$100.00 per day civil penalty.

Board Discussion.

Motion by Ms. Ronenia Jenkins to impose a \$100.00 per day civil penalty and that the pool remains closed. Second by Ms. Lily Sayre, all in favor, none opposed. The Board shall retain jurisdiction for 90 days and status on February 28, 2019.

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

Mr. Friedman called Nicolas Kellman to testify to the amounts due. He spelled and stated his name for the record followed by his position, title and duties for the Department.

Mr. Friedman proffered the Board regarding the order issued December 6, 2018 included an administrative fee of 500.00 and an administrative fine of \$500.00. Mr. Friedman advised that Mr. Satz appeared at the hearing held on December 6, 2018 requesting mitigation of the fees and fines totaling \$1,000.00, which was granted, reducing the fine to \$600.00 (administrative fine reduced to \$100.00 and administrative fee remained at \$500.00.)

Mr. Kellman testified that the total of \$600.00 was received.

No further action is needed.

The meeting was adjourned by Mr. Stuart Kaufman at 11:05 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board