

BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD

MINUTES OF BOARD MEETING – April 24, 2014

The Board meeting was called to order at approximately 9:32 a.m. on Thursday, April 24, 2014 by Chair Stuart Kaufman.

An educational presentation was given by Sabreena Iqbal, Environmental Health, Florida Department of Health, to educate the Board on the Bio hazardous Waste program. This presentation included information on Tattooing, Body piercing and Tanning facilities that are regulated by the Florida Department of Health. The meeting continued at approximately 10:03 am with the Board's regular agenda.

The Chair of the Board and the Board's Legal Counsel read the board procedures prior to the cases being called.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair
Lily Sayre
Commissioner Pamela Bushnell
Robert McColgan
Ronald Kaplan
Karen Hodge Kaestner
Dr. Mark Gendal

Anthony Quackenbush arrived shortly thereafter but prior to witnesses being sworn in.

Also present were: Patrice Eichen, Attorney for the Board
Paul Eichner, Attorney for the Department
Anthony Vomero, Petitioner Representative

The minutes of the March 27, 2014 meeting were reviewed and a motion to approve the minutes was made by Ms. Sayre and Seconded by Mr. McColgan and unanimously passed by all.

All who were to testify were sworn in.

PILCO INVESTMENTS/PILCO APTS. CASE NO: 14-059 SP

Mr. Eichner appeared on behalf of the Department; Hugo Pilco appeared on behalf of Respondent.

Mr. Eichner explained that he briefly spoke to Mr. Pilco prior to today's hearing and was informed by him that all of the outstanding items are now in compliance.

Jolie Dobson, Environmental Health Specialist II, has worked for the Florida Department of Health-Broward for the past 9 months. Ms. Dobson gave sworn testimony she first visited Pilco Apartments on January 13, 2014 as a routine inspections. (Pools are routinely inspected two times per year.) At that time, she found debris on the bottom of the pool, an inoperable flowrate meter, depth and "no diving" markers were missing, pool hours sign was missing the bathing load and hours of operation, no approved test kit, the water levels were found to be too low to allow for skimming, and no maintenance log available all of which are violations of the Florida Administrative Code. Since the January 13, 2014 inspection, Ms. Dobson testified that she has been out to this site five times for reinspections. Ms. Dobson also testified that she served Mr. Pilco with the Compliant dated April 4, 2014. Ms. Dobson explained that she was out to visit the property yesterday, April 23, 2014 at which time she found dirt on the pool floor, the "no diving" and depth markers were being worked on, the hours and bathing load on the pool safety rules sign still did not have the required information, the water level was too low to allow for skimming, no maintenance log was observed and Ms. Dobson explained that she was told the test kit was in Mr. Pilco's home.

Mr. Eichner showed Ms. Dobson photos of Pilco Apts. Ms. Dobson testified that she took the photos yesterday which were showing the flowmeter was operating; however, the water level was still too low to allow for skimming. Another of the photos showed sediment on the floor of the pool and the depth and "no diving" markers were being put in.

Mr. Eichner requested the photos be put in evidence. Mr. Kaufman approved.

Mr. Pilco explained that he takes care of the pool. Mr. Pilco also explained the he previously had a pool maintenance company but the cost became too much. Mr. Pilco testified that because of his occupation he travels to Tampa for 11 days every month. Before he leaves for his trip, the pool is in good condition. Mr. Pilco testified and presented pictures to Mr. Eichner to prove that the pool water level is such that the skimmer is working and that "no diving" markers and the pool depth markers are installed.

Mr. Eichner recommended an Administrative Fee of \$500 and an Administrative Fine of \$500 to be paid by May 21, 2014 and impose a \$40 reinspection fee for the next inspection to be done in the next 72 hours, the Board retain jurisdiction for 90 days, use standard sanction language, and set the matter for status at the next hearing.

Mr. McColgan accepted Mr. Eichner's recommendation and Mr. Kaplan Seconded.

Dr. Mark Gendal proposed a friendly amendment which would allow Mr. Pilco to provide a pool maintenance contract as proof that he has entered into a one year agreement with a pool maintenance company to care for the pool and the Board would waive the

\$500 Administrative Fine. If Mr. Pilco does not want to enter into a pool maintenance contract, he can pay the \$500 Administrative Fine.

Mr. McColgan and Mr. Kaplan accepted Dr. Gendal's amendment. A vote was taken and all were in favor.

BULLDOG TATTOO #2 **CASE NO. 14-045 SAN**

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

Mr. Eichner gave a brief synopsis of the case. This case was heard before the Board last month. Bulldog Tattoo has a location which is open during the day and the Bulldog Tattoo #2 location (which is located around the corner within walking distance) opens for business at midnight. The Board issued an Order dated April 1, 2014, in which the Board imposed a \$500 Administrative Fine and a \$500 Administrative Fee, was sent to Respondent along with a notice of hearing informing them of today's hearing. Mr. Eichner explained that the facility has been inspected but has not paid the permit fee.

The Board requested Mr. Eichner send a letter via certified mail to both of the Bulldog locations informing them that if Bulldog Tattoo #2 is providing tattooing services, a permit fee needs to be paid. If the permit fee is not paid by a date certain, the Department of Health will file for an injunction with the Broward County courts.

Mr. McColgan motioned to accept the request and Mr. Kaplan Seconded and the motion was passed unanimously.

VINTAGE WINE AND SPORTS BAR **CASE NO: 14-051 SAN**

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

Mr. Eichner explained that Vintage Wine and Sports Bar signed a Stipulation and has paid all outstanding permit fees with the exception of \$160 for a plan review. Mr. Eichner further explained that the owner of Vintage Wine and Sports Bar called and said they would pay the outstanding balance by April 25, 2014.

Mr. Eichner recommended to the Board that they accept the Motion to Adopt Stipulation provided Vintage Wine and Sports Bar pay the outstanding balance by April 25, 2014. If not paid by said date, they would be noticed to the next hearing.

Dr. Gendal motioned to accepted Mr. Eichner's recommendations and Ms. Kaestner Seconded, and the motion was passed unanimously.

PHILIP ANN MOTEL **CASE NO: 14-050 SP**

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

Mr. Eichner explained that the Attorney representing the owner of the Philip Ann Motel contacted him yesterday and requested a continuance. The Attorney explained to Mr. Eichner that his client purchased the Motel in November and he may not have received all of the correspondences, with the exception of the ones provided by the previous owner, who lives on the premises. Mr. Eichner further explained that he and the Attorney will enter into a Stipulation agreement after the outstanding violations are corrected. The outstanding violations are: chlorine and pH levels and no maintenance log. Mr. Eichner explained that he has agreed to allow the Attorney to have his client cure those violations no later than Monday, April 28, 2014 by noon and that a \$400 stipulation fee is to be paid.

Mr. Eichner has recommended the Board permit the continuance and allow the execution of the Stipulation to move forward. The executed Stipulation will be presented to the Board at the next meeting or the matter presented for hearing if the Stipulation is not fully executed.

Ms. Sayre motioned to accept Mr. Eichner's recommendation and Commissioner Bushnell Seconded. A vote was taken and the motion was unanimously passed.

Mr. Kaufman motioned to adjourn the meeting at 11:05 am.

PREPARED AND SUBMITTED BY:



Lisa M. Castello, Clerk of the Board