

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD**

**MINUTES OF BOARD MEETING – April 26, 2012**

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The Board meeting was called to order at approximately 9:35 a.m. on Thursday, April 26, 2012 by Chair Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair  
Lily Sayre, Vice Chair  
Commissioner Pamela Bushnell  
Robert McColgan  
Karen Kaestner  
Ronald Kaplan

The following member was absent:

Dr. Mark Gendal

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

Due to a malfunction in the digital recorder, no recording was made of these hearings.

Mr. Kaufman introduced and welcomed Ronald Kaplan to the Board.

A motion was made by Ms. Sayre to approve the February 23, 2012 minutes, which was seconded by Commissioner Bushnell and unanimously passed.

**CASE NO. 12-006 SP, LUNA DEVELOPMENTS GROUP, LLC, A/K/A LUNA.**

Mr. Eichner appeared on behalf of the Board; Sonia Cuevas, property manager for the subject property, appeared on behalf of the Respondent.

Mr. Eichner read the Complaint into the record, which involved Respondent's failure to renew a pool permit by July 1, 2011.

Matthew Bondi, Environmental Specialist, gave sworn testimony indicating that he had served the Complaint and Notice of Hearing on Sonia Cuevas, property manager for the subject Respondent, on April 20, 2012.

Ms. Cuevas gave sworn testimony in which she stated that renewal of the pool permit had lapsed due to the absences of those within her organization responsible for making such payment. She indicated that she had with her checks written to the Health Department in the amount of \$250 for the pool permit and \$300 for the amount the Department offered as a stipulation at the time the Complaint was issued. Ms. Cuevas asked that the Board allow these amounts to be accepted as a settlement to the matter.

Mr. Eichner explained the stipulation process to the Board and recommended that the Board accept the Stipulation and the checks rendered by the Respondent.

Ms. Sayre motioned that the Board adopt Mr. Eichner's recommendations, which was seconded by Commissioner Bushnell and passed without objection.

**CASE NO. 12-001 SAN, BRAD HERTZ**

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

Mr. Eichner presented a summary of the Board's February 23, 2012 Order relative to this matter.

Susan Greenberg, Clerk of the Board, advised the members that the Department had attempted to serve the Respondent with a subpoena to appear at this hearing through the use of a process server; however, said attempts were unsuccessful.

Jay Morgenstern, Supervisor for the Onsite Sewage Treatment Program, gave sworn testimony in which he indicated that he had been to the subject property on April 24, 2012 at which time he found the area behind the building was damp with what he assumed was wastewater. He stated that he had taken pictures of the property during this visit, which he described and were entered into evidence. He stated that the nuisance still existed at the site and the situation had not been abated. Mr. Morgenstern said that he had spoken with both Mr. Hertz and Mr. Hertz' son regarding this matter and who both appeared "flippant" in this regard. Mr. Morgenstern further indicated that pursuant to the Board's Order, he had contacted Code Enforcement regarding this case and was told by Dick Eaton of that office that the City was not permitted to go on private property. Mr. Eaton also told Mr. Morgenstern that since rooming at the property was not advertised, the Respondent was not in violation of the code applicable to hotels, rooming houses, etc. Mr. Morgenstern stated that the affected area of the property was not a high traffic area and that the health and safety risk was relatively low.

Mr. Eichner reminded the Board that this property was in foreclosure and stated that the latest entry with the Clerk of the Court indicated that as of April 12, 2012, new counsel was being sought by Mr. Hertz.

Mr. Kaufman suggested that the Department send a letter to the attorney representing the mortgage company and advise him/her of the condition of the property.

Mr. Eichner made the following recommendations:

1. That a \$50 fee be assessed for the re-inspection of April 24, 2012.
2. That the Department legal office contact the attorney for the mortgage company and forward to him/her copies of the Complaint and Orders.
3. That the Board order Respondent to come into compliance with the applicable laws.
4. That the Board retain 90 day jurisdiction
5. That the matter be set for a status at the next meeting of the Board.
6. That the order include standard sanction language.
7. That all previous orders remain in full force and effect.

A motion was made by Ms. Sayre to adopt Mr. Eichner's recommendations, which was seconded by Commissioner Bushnell and unanimously passed.

Ms. Sayre suggested that should there be no other matters before the Board for the scheduled May 31, 2012 hearings, that this matter be heard at the June hearing.

Mr. Morgenstern was asked to contact the applicable water company to ascertain whether the water bills are being paid for the subject property.

Ronald Kaplan advised the Board of his health-profession background.

A motion to adjourn the meeting was made, seconded and unanimously passed.

PREPARED AND SUBMITTED BY:

  
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Susan R. Greenberg, Clerk of the Board