

BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD

MINUTES OF BOARD MEETING – December 4, 2014

The Board meeting was called to order at approximately 9:36 a.m. on Thursday, December 4, 2014 by Chair Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair
Lily Sayre
Robert McColgan
Karen Hodge Kaestner
Anthony Quackenbush

Commissioner Bushnell and Dr. Gendal were not present.

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

Mr. Kaufman made an announcement to the Board that one of the Board members, Ronald Kaplan, had passed away suddenly while on vacation. Mr. Kaufman requested Mr. Eichner draft a letter to Mr. Kaplan's wife expressing the condolences of the Board.

The minutes of the September meeting along with the minutes of this meeting will be provided to the Board at the January 29, 2015 meeting.

The Statement to the Respondent and the Procedures of the Board were not read in that there were no witnesses or parties present other than the representatives of DOH-Broward.

A presentation of pools was given by Patricia Riley, Environmental Specialist, to educate the Board on the criteria used by the inspectors when they conduct a pool inspection to determine closures or unsatisfactory inspection reports.

SAND DUNES APARTMENTS

CASE NO: 14-066 SAN

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

Mr. Eichner explained that Sand Dunes Apartments was presented to the Board at the September meeting because the pools filtration system had been changed and the D.E. Separator that was reinstalled did not have the tank necessary. At the September meeting an Order had been issued finding that Sand Dunes Apartment was in violation

of Florida Administrative Code and a \$500.00 Administrative Fine, a \$500.00 Administrative Fee and a \$40.00 reinspection fee was imposed.

Jolie Dobson, Florida Department of Health-Broward, Environmental Specialist, gave sworn testimony that she received an email from the management at Sand Dunes Apartments that the D.E. Separator had been installed and they also sent pictures to confirm the installation. Ms. Dobson further testified that she went out to the location and the D.E. Separator had been correctly installed.

Mr. Eichner recommended the Board maintain the \$500 Administrative Fine, \$500 Administrative Fee, the \$40 reinspection fee, as in the Order dated September 26, 2014, that the Board retain jurisdiction for 90 days, that a date certain for payment be included and that this matter be set for status at the next meeting of the Board.

Mr. McColgan motioned to accept Mr. Eichner's recommendation and to set January 2, 2015 as the date for all fees and fines to be due to the Department.

Ms. Kaestner Seconded the motion and the motion passed unanimously.

BANYAN CLUB EAST, LLC.

CASE NO: 14-076 SP

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

Mr. Eichner explained that Banyan Club East is a new case for a pool permit. Banyan Club East has paid the permit fee, the stipulation fee and executed the stipulation.

Mr. Eichner recommended that the Board accept the Stipulation in this matter.

Ms. Sayer motioned to accept Mr. Eichner's recommendation.

Ms Kaester Seconded the motion and the motion was unanimously approved.

PILCO APARTMENTS

CASE NO: 14-086 SP

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

Mr. Eichner explained that this case is for a pool permit. Mr. Eichner further explained that this Respondent, Pilco Apartments, came before the Board mid year, they had been noticed and served for that hearing and they came into compliance. Mr. Eichner described the previous case as the man who owns property in Hollywood, Pilco Apartments, and frequently traveled to Tampa on business.

Jolie Dobson, Florida Department of Health-Broward, Environmental Specialist II, testified that she has worked for the Department for the past year. Ms. Dobson testified that she has been to the location at 2812 Filmore Street, Hollywood, and on October 30,

2014, personally served Hugo Pilco, owner. Ms. Dobson explained that each pool is inspected two times during any permit year. Ms. Dobson further explained that to date Pilco Apartments has not paid the 2014-2015 annual permit fee. Ms. Dobson also explained that Pilco Apartments has been given many opportunities to pay the permit fee including a final letter from the legal department warning them that a complaint would be filed if payment was not received.

Madelon Roth, Accounts Receivable Supervisor, Department of Health-Broward testified that she has held her position within the Department for the past 10 years and is considered the custodian of records for accounts receivable. Ms. Roth testified that she maintains the financial records via a computerized system. Ms. Roth explained that she queried the system today regarding the Respondent and there is still an outstanding amount due of \$125.00, for the annual pool permit fee.

Mr. Eichner presented Ms. Roth with a copy of a screen shot for Pilco Apartments account indicating nonpayment. This copy was passed around to all of the Board members to review. Mr. Eichner requested that this be entered into evidence as Exhibit "A".

Mr. Kaufman accepted the Exhibit into evidence as requested.

Mr. Eichner asked Ms. Dobson if Pilco Apartments is in violation of Section 541.031(1), Florida Statutes which states "It is unlawful for any person or public body to operate or continue to operate any public swimming pool without a valid permit from the department..." Ms. Dobson testified that Pilco Apartments is in violation of this statute.

Mr. Eichner recommended that the Board impose a \$500 Administrative Fine, a \$500 Administrative Fee, that the Board retain jurisdiction for 90 days, that the complaint and exhibit be entered into evidence, that the respondent is to obtain an annual permit from the Department, that this matter be set for status for the next Board meeting and that standard sanction language apply.

Ms. Sayre motioned to accept Mr. Eichner's recommendation and added that the Respondent should have paid for and obtained the permit and all fines and fees be paid to the Department by December 31, 2014.

Ms. Kaestner Seconded the motion and the motion was passed unanimously.

At this point there was some discussion regarding updating addresses for the permitting process. Mr. Kaufman suggested to Anthony Vomero, EH Director, that the pools that have not had any violations in the past year be allowed to pay for their permits for two years at a time. Mr. Vomero stated that the decision would have to be made by the legislature. Mr. Eichner added that he could pass the information along to the General Counsel's office in Tallahassee, who could then present it for consideration.

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

Mr. Eichner explained that Chalet East is a pool permit issue. Mr. Eichner further explained that Chalet East has paid the permit fee, the stipulation fee and executed the stipulation.

Mr. Eichner recommended that the Board accept stipulation in this matter.

Ms. Sayre motioned to accept Mr. Eichner's recommendation and Mr. Quackenbush Seconded. The motion was unanimously passed.

Mr. Kaufman adjourned the meeting at 10:43 am.

PREPARED AND SUBMITTED BY:



Lisa M. Castello, Clerk of the Board