

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD**

**MINUTES OF BOARD MEETING – February 26, 2015**

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The Board meeting was called to order at approximately 9:40 a.m. on Thursday, February 26, 2015, by Chair Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair  
Lily Sayre  
Dr. Mark Gendal  
Anthony Quackenbush, Esquire

Commissioner Bushnell participated via telephone conference.

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

The Environmental Health Unit scheduled an educational presentation at 9:30 am for the Board. All Respondents were noticed for 10:00 am. Due to the need for Dr. Gendal to leave at 10:30 am Mr. Eichner proceeded and presented the cases which stipulated to ensure that Board business would be concluded before the Board lost its quorum. The Board Attorney advised that while she was noticed to be present at 10:00 am, due to the issue with the quorum the Board could proceed hearing the stipulations. The Board attorney arrived at 9:45 am.

Mr. Kaufman made an announcement to the Board that one of the Board members, Robert McColgan, has been appointed to a new Board and based upon Mr. McColgan's representation under the Government in the Sunshine Law he cannot serve on two Boards at the same time. Mr. McColgan will serve on a planning Board for Broward County.

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.

All who were to testify were sworn in.

**BAYBERRY VILLAGE HOA**

**CASE NO: 14-093 SAN**

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

Mr. Eichner explained that Bayberry Village Homeowners' Association is a case of an unpaid pool permit. Mr. Eichner further explained that notices informing the HOA that the permit fee was due were sent from the Environmental Unit as well as from the legal office. Mr. Eichner explained that no response was received after the notices however, a response was received when the Complaint was served. Bayberry Village Homeowners' Association paid the permit fee and the stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation.

Dr. Gendal motioned to accept Mr. Eichner's recommendation. Mr. Kaufman Seconded and the motion was unanimously passed.

**POMPANO SUSTAINABLE DEVELOPMENT, LLC AKA HUNTER HOSPITALITY**  
**DBA TAILS TROPIC ISLAND GRILL** **CASE NO: 14-100 SAN**

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

Mr. Eichner explained to the Board that this case was an unpaid pool permit. Mr. Eichner further explained that since the complaint was filed, Tails Tropic Island Grill has paid the permit fee and the \$200 stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation.

Mr. Quackenbush motioned to accept Mr. Eichner's recommendation. Mr. Kaufman Seconded and the motion was unanimously passed.

**PILCO APARTMENTS** **CASE NO: 14-086 SAN**

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

Mr. Eichner explained this case as one that has been previously heard by the Board and an Order was entered on December 5, 2015 imposing a \$500 Administrative Fine a \$500 Administrative Fee. The Order also stated that the Department would retain jurisdiction for 90 days. Mr. Eichner father advised that Pilco Apartments still has not paid the outstanding permit fee and the pool was posted closed yesterday. Mr. Eichner explained that the inspector who visited the property yesterday was present if the Board should have any questions. Mr. Eichner explained that he was advised that at the time of the inspection yesterday the pool water was too low to allow for continuous skimming and there was debris in the bottom of the pool.

Mr. Kaufman requested Mr. Eichner to delay any further discussion on this matter to ensure Ms. Eichen was present.

Mr. Eichner agreed and proceeded to the next case.

**SAND DUNES APTS.**

**CASE NO: 14-066 SAN**

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

Mr. Eichner explained that this case is being presented for status. This case was before the Board last year and an Order was entered. Mr. Eichner further explained that the pool is in compliance and the fines and fees are still outstanding.

**SAWGRASS DENTAL CENTER**

**CASE NO: 15-002 SAN**

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

Mr. Eichner explained that Sawgrass Dental Center is a case in which the biomedical waste permit fee was due. Mr. Eichner advised that Sawgrass Dental Center received two notices informing them that the permit fee was due for the 2014-2015 biomedical waste permit year, from the Environmental Health Unit and as well as an additional letter from the legal office. Mr. Eichner further explained that Sawgrass Dental Center was served with a complaint and has since paid the permit fee as well as the \$200 stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation.

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

**INFINITE HEALTH AND WELLNESS CENTER**

**CASE NO: 15-005 SAN**

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

Mr. Eichner explained that this too is a case of an unpaid biomedical waste permit. Mr. Eichner explained that since the complaint was served Infinite Health and Wellness Center has paid the permit fee as well as the stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation

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

**LAS OLAS TATTOO CO.**

**CASE NO: 15-010 SAN**

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

Mr. Eichner described this case as one in which the biomedical waste permit fee had not been paid. Las Olas Tattoo Co. was sent the notices from the Environmental Health Unit as well as from the Legal office. No response was received. They were served with the complaint and have since paid for the biomedical waste permit as well as the \$200.00 stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation

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

**ORCHID SURF TATTOO AND TRADES , LLC** **CASE NO: 15-011 SAN**

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

Mr. Eichner described this case as the same as the last. Mr. Eichner further explained it is a case of an unpaid biomedical waste permit. They were served with a complaint and have paid the permit fee as well as the stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation.

Dr. Gendal motioned to accept Mr. Eichner's recommendation. Anthony Quackenbush Seconded and the motion was unanimously passed.

**TRUE LOVE TATTOO STUDIOS** **CASE NO: 15-012 SAN**

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

Mr. Eichner explained that this is another case of an unpaid biomedical waste permit. True Love Tattoo Studios was served with a complaint and they have since paid the permit fee as well as the stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation.

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

**CHEN MEDICAL AVENTURA HALLANDALE** **CASE NO: 15-014 SAN**

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

Mr. Eichner described this case as an unpaid biomedical waste permit. Chen Medical Aventura Hallandale was served with a complaint. Mr. Eichner further explained that they have since paid the permit and stipulation fees.

Mr. Eichner recommended that the Board accept the stipulation.

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

**BLACK DAGGER TATTOO CO. CASE NO: 15-025 SAN**

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

Mr. Eichner explained that this too is a case of unpaid biomedical waste permit. Black Dagger Tattoo Co. received notices to pay the permit fee from the Environmental Unit as well as a letter sent from the legal office. There was no response. A complaint was served and they have since paid the permit fee and the stipulation fee.

Mr. Eichner recommended that the Board accept the stipulation.

Mr. Quackenbush motioned to accept Mr. Eichner's recommendation. Dr. Gendal Seconded and the motion was unanimously passed.

**MAJESTIC MIDTOWN DBA MIDTOWN MANOR CASE NO: 14-105 SAN**

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

Mr. Eichner explained that this is not on the docket. It came to the attention of the legal office late in the day yesterday that it was a complaint that was filed but not heard by the Board since it was filed after the December hearing. Mr. Eichner further explained since the Board has jurisdiction, and the case had been filed he was presenting this case for information. Mr. Eichner further explained that since this complaint was filed Midtown Manor has come into compliance. Mr. Eichner further explained that this is a case of bedbug infestation in an adult living facility. In the complaint they were told to clean up specific areas and they have done so. The inspector initially involved and assigned to this matter is no longer employed by the Department. Mr. Eichner also explained to the Board that Midtown Manor has produced records indicating they are under contract with a pest control company.

At this point, Jennifer Mullins, an Environmental Health Inspector, interjected and attempted to provide the information she has regarding this facility and Mr. Kaufman requested she be sworn in. Ms. Mullins was sworn in and gave sworn testimony that the facility came to the attention of the Environmental Unit because it was called in as a sanitary nuisance complaint. Ms. Mullins further explained that the facility is in the

process of renovating. Ms. Mullins also explained that it is difficult for the administration of Midtown Manor to move the residents while the renovating.

**PILCO APARTMENTS**

**CASE NO: 14-086 SAN**

Mr. Eichner recalled this matter from earlier discussion and presented Pilco Apartments, with Ms. Eichen present. Mr. Eichner explained that Pilco Apts. was a case heard last year. Mr. Eichner explained that an inspector visited the property yesterday and closed the pool. Mr. Eichner explained that the inspector advised him that there was debris in the pool and the water level was too low to allow for continuous skimming. Mr. Eichner advised that the annual permit fee is still outstanding.

Mr. Eichner recommended that the Board retain jurisdiction, set this matter for hearing next month, and that no additional fines or fees be assessed.

**ETERNAL INK TATTOO SALON**

**CASE NO: 15-025 SAN**

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

Siobhan Townsend, Environmental Specialist II, Florida Department of Health-Broward gave sworn testimony that she has visited the location of Eternal Ink Tattoo Salon. Ms. Townsend explained that to date, Eternal Ink Tattoo Salon has not paid the required annual biomedical waste permit fee. Ms. Townsend further testified that pursuant to F.S. 381.0098 and F.A. C. Rule 16.011 require all biomedical waste facilities to renew their permit annually. Ms. Townsend affirmed that she served the complaint and notice of hearing at 12500 West State Road 84, Davie in Broward County, Florida on February 11, 2015 on an employee of the business that she considers the manager named Josh Tucker. Ms. Townsend further explained that she believes him to be the manager because when she visits the facility for inspection Mr. Tucker is the person who shows her around and ensures that any violations are corrected. Ms. Townsend further testified that she recalls the same circumstances as last year regarding the unpaid biomedical waste permit and the complaint being filed against this Respondent. Ms. Townsend explained that the last inspection done on this facility was done in August of 2014 and that the permit is what gives the Department the authority to conduct the inspection. Ms. Townsend explained the inspection process for a biomedical waste facility. Ms. Townsend also explained that a tattoo facility receives an inspection for biomedical waste as well as an inspection for the tattoo facility permit.

There was some discussion by the Board regarding companies using fictitious names in Florida Department of Corporate Records and how the Department issues the permit. There was also discussion regarding biomedical waste and the need for an inspection prior to permitting ensuring there are no conditions which pose a hazard to the public health and safety.

Mr. Eichner recommended that the Board find, based on the evidence presented and based on sworn testimony heard today, that Eternal Ink Tattoo Salon is in violation of F.S. 381.0098(4)(a) and F.A. C. Rule 64E-16.011(1) by not paying for and obtaining the annual biomedical waste permit from the Department, that the Respondent received notice to appear and did not appear. That there is a violation of F. S. and F.A.C. as filed in the complaint and that a \$500 Administrative Fine a \$500 Administrative Fee be imposed to be paid within 30 days of today's hearing, that the board retain jurisdiction, that the standard sanction language be included in the order, that if the fines and fees are not paid within 30 days this matter be forwarded to collection and that the matter be set for status next month. Further, that the complaint be entered into evidence and that the inspector conduct an inspection of the facility prior to the next hearing and report as to status and findings of inspection. Should there be a violation which could be hazardous to the public health and safety that the Board direct the Department to take appropriate action before next month's meeting in the way of seeking an injunction from the court.

Dr. Gendal motioned to accept Mr. Eichner's recommendation. Ms. Sayre Seconded and the motion was unanimously passed.

There was some discussion regarding language to be put in the letter to advise the businesses to pay the permit fee in a timely manner to avoid additional fees.

**FAT MERMAID TATTOO CO.**

**CASE NO: 15-013 SAN**

Siobhan Townsend, Environmental Specialist II, Florida Department of Health, gave sworn testimony that she visited and served a complaint and notice of hearing to Fat Mermaid Tattoo Co. (Return of Service Affidavit shown to Ms. Townsend and she confirmed that was her signature.) Ms. Townsend affirmed that Fat Mermaid Tattoo Co. has not paid for the biomedical waste permit as required by F.S. 381.0098(4)(a) and F.A. C. Rule 64E-16.011(1). Ms. Townsend explained to the Board that the permit allows for the inspection at which time the inspector checks the storage of biomedical waste, monthly pickup logs, and training and handling of biomedical waste.

Mr. Eichner recommended that the Board find, based on the evidence presented and based on sworn testimony heard today, that Eternal Ink Tattoo Salon is in violation of F.S. 381.0098(4)(a) and F.A. C. Rule 64E-16.011(1) by not paying for and obtaining the annual biomedical waste permit from the Department, that the Respondent received notice to appear and did not appear. That there is a violation of F. S. and F.A.C. as filed in the complaint. That a \$500 Administrative Fine a \$500 Administrative Fee be imposed to be paid within 30 days of today's hearing, that if the fines and fees are not paid within 30 days of this hearing that this matter be forwarded to collection, that the Board retain jurisdiction, that the standard sanction language be included in the order, that this matter be set for status, that the complaint be entered into evidence and that the inspector conduct an inspection prior to hearing and report as to status and findings of inspection. Should there be a violation which could be hazardous to the public health

and safety that the Board direct the Department to take appropriate action before next month's meeting to include filing an injunction with the courts.

Dr. Gendal motioned to accept Mr. Eichner's recommendation. Mr. Kaufman Seconded and the motion was passed unanimously.

Mr. Kaufman adjourned the meeting at 10:35 a.m.

PREPARED AND SUBMITTED BY:



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Lisa M. Castello, Clerk of the Board