

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD  
MINUTES OF BOARD MEETING – August 31, 2017**

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The Board meeting was called to order at approximately 9:35 a.m. on Thursday, August 31, 2017, by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman- Chairman  
Lily Sayre, Vice-Chair (arrived at 9:40 a.m.)  
Myra Mazlin  
Robert McColgan  
Brian McCully  
James Dillard  
Karen Hodge-Kaestner

Also present were: Patrice Eichen, Esq. Attorney for the Board  
Paul Eichner, Attorney for the Department  
Anthony Vomero, Environmental Administrator

Approval of Minutes for June 29, 2017- Motion by Ms. Karen Hodge Kaestner approving the minutes; second by Ms. Lily Sayre.

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

Chairman, Stuart Kaufman read the statement of proceedings to the Respondents.

Patrice Eichen, Esq. read the Health and Sanitary Control Board Hearing procedures.

Nicolas Kellman, AR Supervisor, was sworn in by the Clerk of the Board.

Paul Eichner proceeded with the scheduled cases.

**CCR Realty Investments, Inc. (Granada Hall) CASE NO.: 17-062 SAN**

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

Mr. Eichner presented to the Board that the Respondent was served and agreed to the stipulation.

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

Motion by Ms. Lily Sayre, second by Ms. Karen Hodge Kaestner, all in favor, none opposed.

**Lakeside Manor (South) CASE NO.: 17-081 SP**

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

Mr. Eichner briefed the Board that this is a pool located in Sunrise, Florida and is in violation under both the Florida Building Code and the Department of Health's jurisdiction. Mr. Eichner advised the Board that the property manager was present and had agreed to close the pool, drain the pool and repair the pool and lock the pool once it is drained. Mr. Eichner called Property Manager to testify.

Ms. Anduris Abreu identified herself as the property manager. She spelled her name for the record. Ms. Abreu agreed that the pool is in violation and agrees to the terms stated by Mr. Eichner, which were to close and drain the pool by the end of the following week, pay a Three Hundred Dollars (\$300.00) stipulation fee, which shall be paid within Thirty (30) days, maintain the water with proper levels of chemicals in the pool until drained. The closed pool sign will be maintained until the pool is drained and then the pool will be locked.

There were questions and conversation between the Board and the Respondent.

Motion by Ms. Myra Mazlin, second by Ms. Karen Hodge Kaestner, all in favor, none opposed.

**Gold Choice Production, Inc. (Gold Choice Ballroom)** **CASE NO.: 17-083 SAN**

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

Mr. Eichner called Ms. Sharon Bures to testify. Ms. Bures confirmed her place of employment and that she served the complaint at the business address to an employee named Mark.

There were questions and conversation between the Board members.

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor, who testified that there was no payment received for the permit fee or stipulation fee to date.

Mr. Eichner's recommendation is that they Board find that there is a violation and issue and order on the basis that notification was sent to the Respondent and there is a failure to make payment. That the Respondent is in violation of F.S. 381.0072, that a Five Hundred Dollars (\$500.00) administrative fee and a Five Hundred Dollars (\$500.00) administrative fine be imposed and due by September 26, 2017.

Motion by Ms. Karen Hodge Kaestner, second by Ms. Myra Mazlin, all in favor, none opposed.

**York Real Estate Ventures** **CASE NO.: 17-090 SAN**

Mr. Eichner appeared on behalf of the Department; Mr. Steven Altland appeared on behalf of the Respondent.

Mr. Eichner briefed the Board on the case, reminding the Board of the prior order. Nicolas Kellman confirmed that no payments were received to date. Ms. Daryl Garsik confirmed that the sanitary nuisance is abated.

There was some discussion amongst Board Members and Mr. Altland. There was a brief summary of the past events relating to the case.

Motion by Ms. Lily Sayre to mitigate the Five Hundred Dollars (\$500.00) administrative fine to \$0.00 and maintain the Five Hundred Dollars (\$500.00) administrative fee; seconded by Ms. Myra Mazlin.

Ms. Kaestner opposed stating that the fees should stand; Mr. McCully agreed on the basis that open sewage was present at some point in time. There was discussion on the motion and subsequently, all other members opposed (by show of hands). Motion failed.

Mr. Kaufman questioned what issues were ongoing and if Mr. Altland had been in violation since 2011.

Ms. Garsik clarified that the issue was open sewage, not how long Mr. Altland had to connect to city sewer.

By way of motion, the Board decided not to mitigate the previously imposed fines and fees in the amount of One Thousand Dollars (\$1,000.00), which shall be due on or before September 26, 2017.

No Mitigation

Motion by Ms. Karen Hodge Kaestner, second by Mr. James Dillard, all in favor, none opposed.

**Coral Flats** **CASE NO.: 17-101 SAN**

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

Motion by Ms. Karen Hodge Kaestner, second by Mr. James Dillard, all in favor, none opposed.

**Karen Corcoran, RN, DC, P.A. d/b/a Infinite Health and Wellness Center** **CASE NO.: 17-076 SAN**

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

Motion by Ms. Lily Sayre, second by Ms. Karen Hodge- Kaestner, all in favor, none opposed.

**American Medicine, Inc. (Asthma, Allergy Care Center of Florida)** **CASE NO.: 17-090 SAN**

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

Motion by Ms. Karen Hodge Kaestner, second by Mr. James Dillard, all in favor, none opposed.

**Brookdale Sunrise c/o Emeritus Corporation** **CASE NO.: 17-093 SAN**

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

Motion by Ms. Myra Mazlin, second by Ms. Lily Sayre, all in favor, none opposed.

**Wiley Street Pub, LLC** **CASE NO.: 17-092 SAN**

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

Mr. Eichner briefed the Board on the case and called Ms. Deone Jones, EH inspector. Ms. Jones verified that she is employed with DOH and testified that she served the complaint on Christie Zabrowski and the date of service.

The Board questioned how much the permit fee was and Mr. Eichner outlined the fees for the board.

Mr. Eichner called Mr. Kellman, AR Supervisor who confirmed that no payments had been received for the permit.

There was discussion on whether a subpoena should be issued to the Respondent.

The department proved by the greater weight of the evidence that the Respondent is in violation of the F.S. 381.0072(4)(a), Florida Administrative Code 64E-11.013(3)(b)(4) and Broward County Administrative Code 36.49(n). The amount due for the outstanding permit is \$580.00 due by September 15, 2017. The Board imposed an administrative fine of Five Hundred Dollars (\$500.00) and an administrative fee of Five Hundred Dollars (\$500.00) to be paid by September 15, 2017. The matter will be brought back for status at the next Board meeting scheduled for September 28, 2017. The Board retains jurisdiction for 90 days. Violation of this order may result in sanctions or additional fines. The Attorney for the Department of Health is ordered to produce a Subpoena for the representative(s) of Wiley Street Pub to appear at the next board meeting scheduled for September 28, 2017. Their presence is not required if the permit fee, administrative fee and administrative fine is paid by September 15, 2017. Mr. Kaufman requested that the re-inspection is done before the next meeting scheduled September 28, 2017.

Motion by Ms. Karen Hodge Kaestner, second by Mr. Brian McCully, all in favor, none opposed.

**Klub Kutter's Bar & Lounge, LLC.** **CASE NO.: 17-086 SAN**

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

Motion by Ms. Karen Hodge Kaestner, second by Mr. James Dillard, all in favor, none opposed.

**The Professional United** **CASE NO.: 17-085 SAN**

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

Mr. Eichner called Dusty Huff, (EH Specialist I) who confirmed that he served the complaint at the address for the business and the Respondent is still in violation of the Florida Statute 381.0072(4)(a) and Florida Administrative Code 64E-11.013(3)(b) and to his knowledge no payments were received to date.

Mr. Eichner then called Nicolas Kellman, AR Supervisor, who advised that there were no payments received to date.

Mr. Eichner recommended that the Board find that the Department proved by the greater weight of the evidence that the Respondent is in violation of the Florida Statute 381.0072(4) (a), Florida Administrative Code 64E-11.013(3) (b) and Broward County Administrative Code 36.49(n). The violations are to be corrected on or before September 21, 2017 by paying the outstanding permit fee in the amount of Two Hundred and Sixty-Five Dollars (\$265.00), the administrative fee of Five Hundred Dollars (\$500.00) and the administrative fine of Five Hundred Dollars (\$500.00). The Board shall retain jurisdiction for 90 days. Additional sanctions and fees may be imposed if the Respondent fails to comply.

Motion by Mr. Brian McCully, seconded by Ms. Karen Hodge- Kaestner, all in favor, none opposed.

**North Broward Christian School, Inc.** **CASE NO.: 17-074 SAN**

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

Mr. Eichner called Clifford Saeih, who confirmed that he served the Respondent, specifically, Jacqueline Gray. Mr. Saeih confirmed that the Respondent is in violation of Florida Statute 381.006 and the Florida Administrative Code 64E-12 and the Broward County Administrative Code 36.49(n) totaling One Hundred Twenty-Five Dollars (\$125.00) and that it has not been paid to his knowledge.

Mr. Saeih testified that he previously spoke to the owner, Mr. Green and he advised that he would take care of it.


Mr. Eichner called Mr. Nicolas Kellman, AR Supervisor. He confirmed that no payments were received to date.

Mr. Eichner recommended that the Board find that the Department proved by the greater weight of the evidence that the Respondent is in violation of the Florida Statute 381.0072(4) (a), Florida Administrative Code 64E-11.013(3) (b) and Broward County Administrative Code 36.49(n). The violations are to be corrected on or before September 21, 2017 by paying the outstanding permit fees in the amount of One Hundred Twenty-Five Dollars (\$125.00), the administrative fee of Five Hundred Dollars (\$500.00) and the administrative fine of Five Hundred Dollars (\$500.00) with the opportunity to mitigate the administrative fee and fine at the next hearing scheduled for September 28, 2017. The Board shall retain jurisdiction for 90 days. Additional sanctions and fees may be imposed if the Respondent fails to comply.

Motion by Ms. Karen Hodge-Kaestner, seconded by Ms. Myra Mazlin, all in favor, none opposed.

The meeting was adjourned by Mr. Stuart Kaufman, all in favor at 11:10 a.m.

PREPARED AND SUBMITTED BY:

  
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Alicia C. McRae, Clerk of the Board