

BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD

MINUTES OF BOARD MEETING – March 26, 2015

The Board meeting was called to order at approximately 10:00 a.m. on Thursday, March 26, 2015, by Chair Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair
Lily Sayre
Vice Mayor Bushnell
Karen Hodge Kaestner

Dr. Gendal and Mr. Quackenbush, Esquire were not present.

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

A presentation on Mobile Home Parks was given by Jenna Mullins, Environmental Specialist, Florida Department of Health-Broward, to educate the Board on the criteria used by inspectors when they conduct an inspection of a Mobile Home Park began at 9:30 am before the meeting was convened.

The Statement to the Respondent and the Procedures of the Board were read to the witness those in attendance from the public.

The minutes of the December 4, 2014 meeting were reviewed and a motion to approve the minutes was made by Ms. Sayre and Seconded by Ms. Kaestner and unanimously passed by all.

The minutes of the February 26, 2015 meeting were reviewed and a motion to approve the minutes was made by Vice Mayor Bushnell and Seconded by Ms. Sayre and unanimously passed by all.

All who were to testify were sworn in.

FAT MERMAID TATTOO CO.

CASE NO: 15-013 SAN

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

Mr. Eichner explained that Fat Mermaid Tattoo Co. was initially heard by the Board on February 26, 2015 and an Order was mailed along with a Notice of Hearing for today's hearing on March 4, 2015. Mr. Eichner further explained that this case is one where the

biomedical waste permit was due on October 1, 2014. The Department attempted to make contact with Mr. Pietila on numerous occasions including the Order of the Board from the February 26, 2015 hearing. In the February 26, 2015 Order, the Board ordered the permit fee be paid and imposed an Administrative Fine of \$500 and an Administrative Fee of \$500 to be paid by March 27, 2015. Payment to date has not been made. Mr. Eichner further advised the Board that he spoke to Mr. Pietila prior to the hearing and Mr. Pietila wishes to speak to the Board to mitigate the fines and fees imposed in the February Order.

Mr. Eichner advised the Board that he has no position as to the fines and fees; however, Mr. Eichner recommends that payment be made to pay for the biomedical waste permit.

Mr. Pietila testified that he is the owner of Fat Mermaid Tattoo Co. Mr. Pietila stated that he has 2 full time jobs in order to continue the operation of his business. Mr. Pietila further testified that he takes full responsibility for the unpaid permit fee and acknowledged that it was through his negligence that the permit fee did not get paid. Mr. Pietila affirmed that his employees did not provide all the documentation to him and until he received the notice for today's hearing was unaware of the case against the business. Mr. Pietila testified that he spends minimal time at shop and is usually goes there long enough to pay the bills.

Siobhan Townsend, Environmental Specialist II, Florida Department of Health-Broward, gave sworn testimony that she went to the establishment yesterday based on the request of the Board last month to visit the facility prior to the hearing. Ms. Townsend affirmed that Fat Mermaid Tattoo Co. is in compliance with the exception of not having a current biomedical waste permit.

There was some discussion regarding ways that Mr. Pietila could ensure that this permitting issue would not occur again.

Ms. Sayre motioned to eliminate the Administrative Fine of \$500 but maintain the Administrative Fee of \$500 plus the \$120 for the biomedical waste permit. Ms. Kastner Seconded.

Mr. Eichner recommended that the motion be amended to include the amount of \$620 be payable by April 9, 2015.

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

Eternal Ink Tattoo Salon

Case No: 15-015 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 heard last month. Mr. Eichner went on to explain that this is also a case of an unpaid biomedical waste permit. Mr. Eichner explained that the Order and Notice of Hearing were sent to the Respondent on March 4, 2015. Mr. Eichner explained that there has been no communication with the owner of Eternal Ink Tattoo Salon.

Siobhan Townsend, EH Specialist II, testified that she also went to this location yesterday based on the request of the Board. Ms. Townsend explained that while conducting the inspection yesterday discovered 2 violations, one of which was the unpaid biomedical waste permit. Ms. Townsend further testified that she has only met with the manager and does not know the owner.

Mr. Eichner recommended that the Board maintain jurisdiction for 90 days, set this matter for status at the next hearing on April 30, 2015, and send a copy of the Order and Notice of Hearing to the Registered Agent.

Ms. Kaestner motioned to accept Mr. Eichner's recommendation. Vice Mayor Bushnell 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 previously been heard by the Board and an Order was entered on December 5, 2014 imposing a \$500 Administrative Fine a \$500 Administrative Fee as well as requiring payment for the pool permit. Mr. Eichner explained that this case came before the Board on February 26, 2015 for status and the Order of December 5, 2014 was ratified. Mr. Eichner further advised that shortly after mailing the February 26, 2015, order and notice of hearing to the Respondent a check for the \$125 pool permit fee was received by the Department from Pilco Apartments. Mr. Eichner further explained that the check has not yet been negotiated because there would still be outstanding fines and fees as a result of the order. Mr. Eichner advised the Board that Deone Jones, Environmental Specialist, Florida Department of Health-Broward was present should any of the Board members have questions. Ms. Jones is the inspector who has most recently visited the property. Mr. Eichner explained to the Board that while Ms. Jones was out at the property she issued an NOV for other outstanding violations and gave a cure date of April 7, 2015.

Ms. Sayre motioned to accept the check for \$125 for the pool permit but put the permit on hold until all fines and fees are received. Vice Mayor Bushnell Seconded.

Ms. Kaestner requested to amend the motion to include retaining jurisdiction for 90 days, that all it be set for status hearing, and that the Respondent be noticed for next month's hearing.

Ms. Sayre motioned to agreed to Ms. Kaestner's amendment.

VIP AESTHETICS

CASE NO: 15-018 SAN

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

Mr. Eichner explained that this is a case of an unpaid biomedical waste permit. Mr. Eichner further explained that the Respondent was given the opportunity to enter into a stipulation and accepted.

Mr. Eichner recommended that the Board accept the Motion to Accept Stipulation.

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

MEDICAL PREP ACADEMY

CASE NO: 15-024 SAN

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

Mr. Eichner described this as an unpaid biomedical waste permit case. Mr. Eichner explained that the Respondent was given the opportunity to settle this case by entering into a stipulation, which they accepted. Medical Prep Academy paid the biomedical waste permit fee as well as the civil penalty of \$200 and signed the stipulation.

Mr. Eichner recommended that the Board accept the Motion to Accept Stipulation.

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

LOVE NAILS

CASE NO: 15-026 SAN

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

Mr. Eichner described this as an unpaid biomedical waste permit case. Mr. Eichner explained that the Respondent was given the opportunity to settle this case by entering into a stipulation, which they accepted. Love Nails paid the biomedical waste permit fee as well as the civil penalty of \$200 and signed the stipulation.

Mr. Eichner recommended that the Board accept the Motion to Accept Stipulation.

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

EDWIN H. HAMILTON MD, PA

CASE NO: 15-031 SAN

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

Mr. Eichner explained that this too is a case of an unpaid biomedical waste permit, however, this is for a triennial permit. Mr. Eichner explained that based on the amount of biomedical waste the Respondent produces allows him to be exempt from the annual permit fee. Mr. Eichner explained that this permit fee is only \$50. Mr. Eichner explained that the Respondent paid the permit fee and the civil penalty of \$200 and entered into a stipulation.

Mr. Eichner recommended that the Board accept the Motion to Accept Stipulation.

Ms. Kaestner motioned to accept Vice Mayor Bushnell Seconded and the motion was unanimously passed.

Mr. Kaufman adjourned the meeting at 10:41 a.m.

PREPARED AND SUBMITTED BY:



Lisa M. Castello, Clerk of the Board