

BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD

MINUTES OF BOARD MEETING – April 30, 2015

The Board meeting was called to order at approximately 10:00 a.m. on Thursday, April 30, 2015, by Vice Chair Lily Sayre.

The Clerk called roll and the following members were present:

Lily Sayre, Vice Chair
Vice Mayor Bushnell
Karen Hodge Kaestner
Anthony Quackenbush, Esquire

Dr. Gendal and Stuart Kaufman were not present.

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

A workshop presentation on Food Hygiene was given by Juanita Marshall, Environmental Specialist, Florida Department of Health-Broward, to educate the Board on the criteria used by inspectors when they conduct an inspection of a facility, regulated by the Department of Health, that serves food began at 9:30 am before the meeting was convened.

The Statement to the Respondent and the Procedures of the Board were not read to the witnesses, as there was no one from the public in attendance.

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

All who were to testify were sworn in.

PILCO APTS.

CASE NO: 14-086 SP

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

Deone Jones, Environmental Specialist I, Florida Department of Health-Broward testified that she visited the property on April 28, 2015. On April 28, 2015 there were no outstanding violations with the exception of the unpaid pool permit.

Mr. Eichner explained that this case is being heard today for status only. Mr. Eichner further explained that prior to the last hearing the Respondent submitted a check for the permit fee. Mr. Eichner explained that at that time he requested the cashier's office not

negotiate the check until he could present the information to the Board at the March 26th hearing. (At the March 26th hearing the Board agreed to accept the payment for the permit and it was addressed in the Order dated March 30, 2015.)

Mr. Eichner explained that since then the permit fee has been accepted and the permit issued to the Respondent. Mr. Eichner further explained that he can seek an injunction but does not feel that it should be pursued because Florida Statute allows for a temporary injunction due to a condition being hazardous to the health of the public among other things. In this case it would be sought solely for monetary purposes since the pool is currently in compliance.

Mr. Eichner recommended that there is no further action taken on this case.

Eternal Ink Tattoo Salon

Case No: 15-015 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 testified that she visited Eternal Ink Tattoo Salon, 12500 West State Road 84, Davie as a result of an unpaid biomedical waste permit. Ms. Townsend explained that on March 25th she conducted an inspection for the biomedical waste and the tattooing permits. Ms. Townsend explained that after her inspection of the facility on March 25th she received an email from the owner requesting that she call him. Mr. Townsend explained that she did call the owner. Ms. Townsend further explained that during that conversation Adam explained to her that the building in which the tattoo salon is currently located is being torn down. Ms. Townsend testified that Adam further indicated that he does not want to pay for the permits in that it they are not transferable and he will then need to pay for the new permits when he reaches the new location. Mr. Townsend stated that she explained to Adam that he is and has been providing a service to the public without a permit issued by the department well into the permit year. She also advised Adam, that he was delinquent in paying for the tattooing permit and encouraged him to pay the permit fee prior to being sent to the legal office for enforcement.

Mr. Eichner presented an affidavit of service to Ms. Townsend and asked her if she had served the Complaint for the tattoo facility along with the notice of hearing. Ms. Townsend affirmed that she had served the documents and executed the affidavit. Ms. Townsend further testified that the permit fee for tattoo has not been paid as of today's hearing.

Mr. Eichner advised that there is nothing more to do on case number 15-015 SAN (biomedical waste permit) but recommended that the Board find that Eternal Ink Tattoo Salon 15-033 SAN (Tattooing permit) is in violation of Florida Statute, Section, 381.0075

as evidenced in the testimony heard today, that the Board retain jurisdiction for 90 days, that the matter be set for status next month, that the standard sanction language be used, that a \$500 Administrative Fine and a \$500 Administrative Fee be imposed with all fines and fees paid no later than May 15, 2015, and that no permit be issued in subsequent years until all financial obligations are met if that is a legal option. (Paul will look into not issuing the permit in subsequent years.)

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

DRUG TESTING SERVICE CENTER

CASE NO: 15-030 SAN

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

Mr. Eichner explained that this is a case of an unpaid biomedical waste permit. The Respondent was given the opportunity to enter into a stipulation by paying the permit fee and a civil penalty and they did so.

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

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

BLACK DAGGER TATTOO

CASE NO: 15-034 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 body piercing permit.

Ann Elliot, Environmental Specialist II, Florida Department of Health-Broward testified that she had the opportunity to visit the Black Dagger location at 236 North State Road 7, Margate at which time she served a Complaint for failure to pay and obtain a body piercing permit which is in violation of Florida Statute 381.0075. Ms. Elliott explained that she had visited the facility on April 20th and at that time issued an NOV for other violations (not the unpaid permit). Ms. Elliott further testified that the permit fee was outstanding as of the date of the hearing before the Board.

Mr. Eichner showed Ms. Elliott the executed affidavit. Ms. Elliott affirmed that she did serve the complaint and signed the affidavit.

Mr. Eichner recommended that the Board find that Black Dagger Tattoo is in violation of Florida Statute 381.0075 based on the testimony heard today, that they comply by paying for and obtaining the body piercing permit, that a \$500 Administrative Fine, and a \$500 Administrative Fee be imposed with all fines and fees due by May 15th, that the Board retain jurisdiction for 90 days, that the standard sanction language be used and that the matter be set for status for next month.

Vice Mayor Bushnell moved to accept Mr. Eichner's recommendation, Mr. Quackenbush Seconded and the motion was unanimously passed.

TWENTY FIFTH HOUR CORPORATION D/B/A PLANET BEACH PLANTATION
CASE NO: 15-024 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 permit for a tanning facility. Mr. Eichner further explained that Planet Beach has paid the permit fee and the civil penalty but the Respondent has not signed and returned the stipulation at this point.

Mr. Eichner recommended that the Board acknowledge that the permit fee and the civil penalty has been paid as satisfaction of this case.

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

Ms. Sayre adjourned the meeting at 10:30 a.m.

PREPARED AND SUBMITTED BY:



Lisa M. Castello, Clerk of the Board