

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – JANUARY 26, 2017**

The Board meeting was called to order at approximately 10:20 a.m. on Thursday, January 26, 2017, by Vice- Chair Lily Sayre.

The Clerk called roll and the following members were present:

Lily Sayre, Vice-Chair
Heather Nydick
Karen Hodge Kaestner
Myra Mazlin

The following members were not present:

Anthony Quackenbush
James Dillard
Stuart Kaufman

Also present were:

Patrice Eichen, Attorney for the Board
Paul Eichner, Attorney for the Department
Anthony Vomero, Petitioner Representative

Review of the minutes. Mrs. Kaestner points out that a correction is needed on third page under Vaquero Trails, where it states “The Board Motions”. It will be fixed. Motion for approve once correction is made by Mrs. Kaestner, and second by Ms.Mazlin.

Vice- Chair, Lily Sayre presents the statement of proceedings to the Respondents.

Ms. Eichen presents the Health and Sanitary Control Board Hearing procedures.

Alicia McRae swears in the witnesses.

Paul Eichner states that there are 2 Respondents present and that he would begin with those cases.

Golden View Condominium, Inc.

CASE NO.: 17-012-SAN

Paul Eichner, Esq. appeared on behalf of the Department; Brian Meanley, Esq. appeared on behalf of the Respondent.

Mr. Eichner called Deone Jones, the inspector that served the complaint on January 18, 2017. She confirmed that she served Michael Hoffman, a member of the Board.

Mr. Eichner called Daryl Garsik (previously sworn in), the inspector who issued the NOV against the Respondent. Ms. Garsik confirmed her place of employment and her position. Ms. Garsik confirmed that she went out to the property based on a complaint and the nature of the complaint, which was open sewage. Ms. Garsik confirmed the location of the property and that she went to the property on January 4, 2017. Ms. Garsik testified that open sewage was observed. Ms. Garsik described the property and what she observed. The sewage was next to the pool deck and next to the 8131 building, which is a violation of FL statute 386.041 (1) (a). Ms. Garsik confirmed that she took pictures of what she observed. That sewage was observed spilling out into a ditch about 7 feet long. There was no violation issued that day, but did speak to someone that advised that they switched property management companies.

On the 2nd visit, a notice of violation was issued. The pictures were taken on January 17, 2017. Ms. Garsik described the pictures that she took to the Board. They pictures were of a cleanout, which is another sanitary nuisance. Ms. Garsik described what a cleanout is. She advised that the cleanout cap was not on. There was pooled sewage underneath the cleanout. On January 17, 2017, Ms. Garsik explained that she gave 24 hours to come into compliance due to the severity of the issue.

Ms. Garsik advised that she visited the property again on January 25, 2017. She took pictures of the ditch and the sewage residue. All pictures were moved into evidence.

Mr. Meanley questioned Ms. Garsik about her findings when she inspected the property. He asked who she spoke to at the association. Daryl confirmed that she spoke Michael Hoffman.

Mr. Eichner called Ms. Deone Jones again to confirm that she served Mr. Michael Hoffman on January 5, 2017.

Mrs. Sayre questioned what is being done about the violation and who will be taking care of it.

Mr. Meanley explained that he was there on behalf of Golden View Condominium, that they are not contesting the allegations and that the association is aware of the consequences and the threat that is posed. He confirmed that the Association had recently and unexpectedly lost their management company and that some things were neglected. Mr. Meanley explained that Board members are not familiar with what should be done in situations like this. Also, the whole plumbing system is being replaced in the West building. He asked for additional time (1 week) to remedy the violation. He will advise the Board of the severity of the situation.

Ms. Mazlin asked if a week is granted, could fees be waived. Mr. Eichner answered yes.

Mr. Eichner recommended that the violations be abated by January 30, 2017. An administrative fee and fine were both imposed in the amount of \$500.00 each, due by February 17, 2017. The inspector was directed to inspect the property on a weekly basis beginning on January 30, 2017. An additional \$50.00 re-inspection fee will be applied for each re-inspection. An additional \$500.00 fine applies each time open sewage is observed.

That the board retain jurisdiction for ninety (90) days, that the matter be brought back for status on February 23, 2017 and that the matter be subject to additional fees and collections.

Ms. Mazlin moved to accept Mr. Eichner's recommendation. Ms. Nydick seconded and the motion was unanimously passed.

Ms. Kaestner opposed to the motion to accept the recommendation.

Carmen M. Lugo and Maria Ortiz

CASE NO.: 17-011 SAN

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

Mr. Eichner called Christina Edghill, (previously sworn in) an inspector with the Department stated her place of employment and her position. Ms. Edghill confirmed that she went out to the property located at 731 NE 57th Street, Oakland Park, Florida, Broward County on October 24, 2016 due to a complaint made on October 21, 2016 of a sanitary nuisance, which is a violation of FL Statute 36.041 and Broward County Code of Ordinance 1467(b)(6). Ms. Edghill described that the property is a single family home in that she visited 6 times total. Ms. Edghill testified that she observed standing water with mosquito larvae, which was abated. Also, she observed bags of garbage on the front and side of the property as well as

furniture, children's bins and debris. Ms. Edghill testified that the last visit to the property was on January 25, 2017 and that there was not much improvement to the condition of the property.

Ms. Edghill confirmed that she served the NOV on Ms. Ortiz on October 24, 2016 and the violations were to be abated by November 7, 2016. The pictures of the property were accepted into evidence.

It was confirmed that the POD was at the property the entire time, but not always visible in the pictures.

Ms. Ortiz was called to testify, (previously sworn in) she explained that she moved into the home when her mom passed away. Ms. Ortiz explained that she is doing improvements to the home and that is why things are outside. She explained that she does not have much money and therefore the process is slow. She states that she can use volunteers. The garbage bags and bins are not garbage, that there are clothes in the bags. She explained that the neighbor is upset with her and that is why complaints are being made.

Members questioned Ms. Ortiz about moving some of the things that are not garbage into the home.

Mr. Eichner recommended that the violations be abated by February 1, 2017. He also made suggested that Ms. Ortiz contact 211 for community service help. The administrative fee is waived, but an administrative fine in the amount of \$100.00 is due by February 28, 2017, that the board retain jurisdiction for ninety (90) days, that the matter be brought back for status on February 23, 2017 and that the subject to additional fees and collections.

Ms. Mazlin moved to accept Mr. Eichner's recommendation. Ms. Nydick seconded and the motion was unanimously passed.

Oriana at Lauderdale Lakes by the Sea (spa) **CASE NO: 16-047 SP**

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

Mr. Eichner fee was paid for the pool permit, after complaint with the opportunity to pay a stipulation fee in addition to permit fee. Did not pay stipulation fee or return the stip.

Mr. Eichner confirmed that pool permits run on a fiscal year schedule.

(Vice-Chair, Lily Sayre had to exit the meeting and Karen Hodge- Kaestner acting as Chair).

Christina Edghill, (previously sworn in) inspector for the Department confirmed that she served the Respondent, Oriana at Lauderdale Lakes by the Sea on November 14, 2016. Specifically she served Carrol Collins at the Association for Oriana at Lauderdale Lakes by the Sea. Ms. Edghill confirmed the location of the property and the statute that was violated.

Mr. Eichner called Nicolas Kellman (previously sworn in) stated his position with the Department and confirmed that the payment was paid for the permit, but the stipulation fee was not paid.

The board retains jurisdiction for ninety (90) days, that the matter be brought back for status on February 23, 2017 and that the subject to additional fees and collections.

Ms. Eichen brought to the attention of the Board that there was already an order entered December 6, 2016 to be paid by December 23, 2016. It was established that there were orders entered the month before and that the administrative fee was not paid on the spa. There is only 1 \$500.00 fee outstanding for this case owing. A letter will be sent letting the respondent know that they owe \$500.00.

Oriana at Lauderdale Lakes by the Sea **CASE NO: 16-048 SP**

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

Christina Edghill, (previously sworn in) inspector for the Department confirmed that she served the Respondent, Oriana at Lauderdale Lakes by the Sea on November 14, 2016. Specifically she served Carrol Collins at the Association for Oriana at Lauderdale Lakes by the Sea. Ms. Edghill confirmed the location of the property and the statute that was violated.

Vaquero Trails HOA, Inc.

CASE NO: 16-049 SP

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

Mr. Eichner explained that he was in touch with the property manager for this property.

Mr. Eichner recommended that the Board continue the matter until February 23, 2017 hearing.

Ms. Mazlin motioned to accept Mr. Eichner's recommendation to continue the matter until the next meeting scheduled February 23, 2017.

Ms. Nydick second and the motion was unanimously passed.

Siena HOA, Inc.

CASE NO: 16-052 SP

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

Mr. Eichner explained that \$250.00 pool permit fee was being held without being deposited because the stipulation did not include the \$200.00 fee.

Mr. Eichner recommended that the Board continue the matter until February 23, 2017 hearing.

Ms. Mazlin motioned to accept Mr. Eichner's recommendation to continue the matter until the next meeting scheduled February 23, 2017.

Ms. Nydick second and the motion was unanimously passed.

San Briana

CASE NO.: 16-053 SP

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

Mr. Eichner presented the Motion to accept stipulation. The pool permit and stipulation fee were both paid.

Ms. Mazlin motioned to accept Mr. Eichner's recommendation to accept the stipulation.

Ms. Nydick second and the motion was unanimously passed.

San Briana

CASE NO.: 16-054 SP

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

Mr. Eichner presented the Motion to accept stipulation. The pool permit and stipulation fee were both paid.

Ms. Mazlin motioned to accept Mr. Eichner's recommendation to accept the stipulation.

Ms. Nydick second and the motion was unanimously passed.

Portofino Pod 10

CASE NO.: 16-060 SP

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

Mr. Eichner presented before the Board that he was contacted by the Attorney that represents Portofino and that the wrong entity was served. In the interim, Portofino Pod 10 paid their past due permit fee.

Mr. Eichner recommended vacate the order entered in December 6, 2016 and dismiss the case.

Ms. Nydick motioned to accept Mr. Eichner's recommendation, Ms. Mazlin second, and the motion was unanimously passed.

Fairways at Heron Bay

CASE NO.: 16-070 SP

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

Mr. Eichner presented before the Board that payment was received prior to service of the complaint.

Mr. Eichner recommended Motion to dismiss.

Ms. Mazlin motioned to dismiss, Ms. Nydick second the motion and the motion was unanimously passed.

La Placida

CASE NO.: 16-071 SP

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

Mr. Eichner presented before the Board that the stipulation was received with the stipulation fee. There was still an outstanding issue relating to the anti-entrapment violation.

Mr. Eichner recommended that the Board accept the stipulation contingent upon the inspection. There needs to be proof that the anti-entrapment device is in working order.

Ms. Mazlin motioned to dismiss, Ms. Nydick second the motion and the motion was unanimously passed.

Areca Palms

CASE NO.: 16-072 SP

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

Mr. Eichner presented before the Board that the Respondent is in compliance. The stipulation was received and the stipulation fees were paid.

Mr. Eichner recommended that the Motion to accept stipulation be accepted.

Ms. Nydick motioned to accept, Ms. Mazlin second and the motion was unanimously passed.

Areca Palms

CASE NO.: 16-073 SP

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

Mr. Eichner presented before the Board that the Respondent is in compliance. The stipulation was received and the stipulation fees were paid.

Mr. Eichner recommended that the Motion to accept stipulation be accepted.

Ms. Nydick motioned to accept and Ms. Mazlin second and the motion was unanimously passed.

SW Coconut Creek Apartments

CASE NO.: 17-001 SP

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

Service was not perfected, therefore Mr. Eichner asked for a continuance.

Motion to continue by Ms. Mazlin, second by Ms. Nydick and the motion was unanimously passed.

Roshini Investments/ Travelodge

CASE NO.: 17-002 SP

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

Service was not perfected, therefore Mr. Eichner asked for a continuance.

Motion to continue by Ms. Mazlin, second by Ms. Nydick and the motion was unanimously passed.

Northland Del Oro

CASE NO.:17-004 SP

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

Mr. Eichner called Gayla Blake, inspector for the Department (previously sworn in), she confirmed that she served the Complaint on January 12, 2017 Angelina Juarez, employee at the leasing office. Ms. Blake confirmed that she is familiar with the complaint and that it was for an unpaid permit.

Mr. Kellman (previously sworn in) stated that payment was not received.

Mr. Eichner recommended that the violation be corrected by February 13, 2017. Permit and late fees be paid in addition to an administrative fee of \$500.00 and an administrative fee of \$100.00 due by February 13, 2017. The matter shall be set for status on February 23, 2017.

Motion to continue by Ms. Nydick, second by Ms. Mazlin and the motion was unanimously passed.

Villas at Coral Springs

CASE NO.: 17-006 SP

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

Mr. Eichner called Sabreena Isqual, inspector for the Department (previously sworn in), she confirmed that she served the Complaint. The permit fee had not been paid prior to the complaint being served.

Mr. Kellman (previously sworn in) stated that payment was not received. Mr. Kellman confirmed that he is the Accounts Receivable Supervisor.

Mr. Eichner recommended that the violation be corrected by February 13, 2017. Permit and late fees be paid in addition to an administrative fee of \$500.00 and an administrative fee of \$100.00 due by February 13, 2017. The matter shall be set for status on February 23, 2017.

Motion to continue by Ms. Mazlin, second by Ms. Nydick and the motion was unanimously passed.

Pompano Greens

CASE NO.: 17-007 SP

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

Mr. Eichner presented before the Board that communication had been made with the Respondent. The Respondent paid the pool permit fee and returned the stipulation agreement and the stipulation fee is pending.

