

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD**

**MINUTES OF BOARD MEETING – January 28, 2016**

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The Board meeting was called to order at approximately 9:43 a.m. on Thursday, January 28, 2016, by Acting Chair Lily Sayre.

The Clerk called roll and the following members were present:

Lily Sayre, Acting Chair  
Vice Mayor Pamela Bushnell  
Karen Hodge Kaestner  
Myra Mazlin

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

The Statement to the Respondent and the Procedures of the Board were read to the witnesses and the parties present.

All who were to testify were sworn in.

**BRIDGEWATER PROPERTY INVESTMENTS, LLC                      Case No.: 16-001 SAN**

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

Mr. Eichner explained that the Department of Health filed a complaint against Bridgewater Property Investments, Inc. is a case of raw sewage which is found on the ground in front of the residence. A citation was issued and the matter was not resolved so a complaint was filed to be heard before the board.

Gina Diaz, DOH-Broward, Environmental Specialist, testified that she visited the residence at 1114 NW 111 Street, Plantation on December 29, 2015 and observed sewage on the ground coming from a clean out pipe in front of the house. The line was improperly capped having only a brick covering the opening. The property is owned by an LLC. Ms. Diaz stated that there is a tenant at the property who was able to provide the owner's name and phone number. Ms. Diaz explained that she contacted the owner and that he knew of the issue however, he represented that it was a shared plumbing line and he was not willing to repair the line. Ms. Diaz explained that the owner was notified of today's hearing when she initially served Paul Jerome, the tenant at the subject property, with a copy of the complaint and notice of hearing and that she posted the complaint and notice of hearing on the front door of the residence. The address listed in the Florida Division of Corporate Records indicates that the primary address for the LLC is at the subject residence in Plantation. No other addresses could be found for

this property owner. Ms. Diaz further explained that aside from the initial visit to the location she has visited the residence on December 31, 2015, January 26, 2016 and January 27, 2016. She explained that there was no change from when she initially visited the location on December 31, 2015. On January 26, 2016, at the request of the adjoining homeowner, the City of Plantation to come out and excavated the area where the sewage was on the ground. Ms. Diaz stated that when she arrived she observed the City of Plantation had dug a hole which exposed three different pipes. It was further explained that the green one was the city pipe which had been broken and had duct tape over the broken area. The other two pipes were a blue pipe (which belongs to Florida Power and Light) and a white one, which is the private line for the residence.

Mr. Eichner presented pictures to Ms. Diaz. Ms. Diaz confirmed that she took the photos at the residence and that they were photos of the location in the front of the residence where the sewage was found. Ms. Diaz confirmed that she took the photos.

Mr. Eichner requested the photos be passed around for the Board to review and that they then be entered in evidence at Composite Exhibit "A".

Ms. Sayre approved and the photos were entered into evidence.

Mr. Eichner presented Ms. Diaz with 5 photos taken by Jeff Jones, from the City of Plantation. Ms. Diaz explained that she was present when the photos were taken and that the photos showed the area in which Plantation had excavated and the three lines. (Green, blue and white).

Mr. Eichner again requested that these photos be passed around for the Board to review and that they be entered in evidence as Composite Exhibit "B".

Ms. Sayre approved and the photos were entered into evidence.

Ms. Diaz stated that the city line had duct tape on it covering the hole in the line and the FPL line was also damaged. Ms. Diaz further explained that the sewage was coming from the white pipe for the residence.

Mr. Eichner stated the he had spoken with Mr. Jones from the City of Plantation and at the direction of the Board, could call Mr. Jones for him to testify and to answer any further questions of the Board.

Mr. Eichner then telephonically contacted Jeffrey W. Jones, Utilities Maintenance Superintendent, City of Plantation who was sworn in. (Mr. Jones was placed on the speakerphone to provide further details of the case.) Mr. Jones testified that he was called out to the area on Monday (January 25, 2016). Mr. Jones explained that when he went to the residence there was sewage on the ground. The neighbor had advised him that she was not experiencing any plumbing issues. Mr. Jones further explained that while the crew was excavating they discovered that the city line, the FPL and the private line were all punctured. Mr. Jones stated that the city line was duct taped over. Mr.

Jones explained that the city cleaned the area, called FPL for them to check their line, and tightened the fitting on the resident's side. Mr. Jones explained that the city line being punctured was a contributing factor to the sewage on the ground but not the sole reason. Mr. Jones stated that he cannot be sure if the private line is completely repaired.

Mr. Eichner asked the Board if they had any further questions. When they did not the call was disconnected.

Mrs. Rizione, the tenant at the neighboring property, was previously sworn in and testified that she has no plumbing problems. Ms. Rizione explained that the owner of the subject property knew of the issue because he had a plumbing company come out and sent her the bill telling her that she needed to pay half. Ms. Rizione stated that she declined to pay because she was not having any plumbing issues.

Mr. Eichner recommended that the Board determine that there is a violation of Florida Statutes and Broward County Code of Ordinances; Order that a cap be put on the sewer line no later than February 1, 2016; that a \$500 Administrative Fee and a \$500 Administrative Fee be imposed and paid to the Department no later than February 19, 2106; that the owner apply lyme to any open sewage remaining on the property; that the Board direct the Health Department to go to the property located at 1111 NW 114 Avenue, Plantation to determine if there has been any corrective measures taken by the owner and to ensure there is no sewage on the ground; that the Board retain jurisdiction for 90 days; that the standard sanction language be used; and that the matter be set for the February 25, 2016 hearing or the next hearing of the Board.

Vice Mayor Bushnell motioned to accept Mr. Eichner's recommendation. Ms. Kaestner seconded and the Motion was passed unanimously.

**VILLA ALICIA**

**CASE NO: 16-001 SP**

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

Mr. Eichner presented this case as an unpaid pool permit. Mr. Eichner explained to the Board that the Environmental Unit sent out an invoice informing the Respondent that the fees were due. When payment was not made, a Notice of Violation was issued and sent to the Respondent. Mr. Eichner explained that one final letter was sent from the Legal office in an attempt to achieve compliance prior to filing the complaint. Mr. Eichner explained that the Environmental Inspector was able to contact the Respondent via email and found that he was out of the country. Mr. Eichner explained that the Respondent did send in a check for the permit fee but because it was not the full amount the cashier's office inadvertently sent it back to him.



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

Vice Mayor Bushnell motioned to accept Mr. Eichner's recommendation. Ms. Mazlin seconded and the motion was passed unanimously.

**NOUVELLE NATION, INC. D/B/A PROFESSIONAL HEALTH CARE GROUP CASE NO.:15-063 SAN**

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

Mr. Eichner presented the case as an unpaid group care permit. The Respondent has entered into a stipulation agreement with the Department. The Respondent has paid the permit fee and a civil pentaly of \$200.

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

Ms. Mazlin motioned to accept Mr. Eichner's recommendation. Vice Mayor Bushnell seconded and the motion was passed unanimously.

**SHERIDAN MANOR** **CASE NO.: 15-062 SAN**

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

Mr. Eichner presented this case as an unpaid permit for an Assisted Living Facility (ALF). Mr. Eichner explained that the Respondent has entered into a stipulation agreement with the Department. The Respondent has paid the permit fee and a \$200 civil penalty.

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

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

**RAINBOW PLACE, INC.** **CASE NO.: 15-061 SAN**

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

Mr. Eichner presented this as a case of an unpaid permit for an assisted living facility. Mr. Eichner advised the Board that the legal office previously sent an email with information regarding a stipulation with no response. On Tuesday, the legal office reached out again to remind the Respondent that the hearing was to be held today. Mr.

Eichner explained that the legal office received an email at 8:10 pm last night from the owner stating that she was out of the country and would return on Thursday afternoon and she would take care of the permit fee then.

Mr. Eichner recommended to the Board that this case be continued until February 25, 2016 or the next meeting of the Board and if the permit fee is paid before the next meeting the case will be dismissed.

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

Ms. Sayre adjourned the meeting at 11:15 a.m.

PREPARED AND SUBMITTED BY:



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Lisa M. Castello, Clerk of the Board