

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD  
MINUTES OF BOARD MEETING – December 6, 2018**

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The Board meeting was called to order at approximately 9:45 a.m. on Thursday, December 6, 2018 by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman  
Robert McColgan  
James Dillard  
Karen Hodge-Kaestner

Also present were:

Daniel J. DiMatteo, Esq. Attorney for the Board  
Andrij Susla, Esq. Attorney for the Department  
Clifford Friedman, Senior Attorney  
Anthony Vomero, Environmental Health Director

Stuart Kaufman requested approval of the June 28, 2018 meeting minutes:  
Motion to approve the minutes by Ms. Kaestner; Second by James Dillard, all in favor, and none opposed.

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

Statement to Respondents read by Mr. Stuart Kaufman.

Hearing procedures read by Dan DiMatteo, Esq.

Andrij Susla proceeded with the scheduled cases.

**Safe Harbor Assisted Living Resort Case No.: 18-112 SAN**

Mr. Susla appeared on behalf of the Department; Israela Herskovitz appeared on behalf of the Respondent.

Mrs. Israela Herskovitz stated and spelled her name for the record and confirmed that she is the owner of the business.

Mr. Susla went over the previous order filed including the terms and called Mr. Nicolas Kellman to testify.

Mr. Kellman stated his name, position and duties at the Department for the record. Mr. Kellman testified that EHDB (Environmental Health Database) is used for record keeping. Mr. Kellman confirmed that a \$50.00 re-inspection fee, \$500.00 admin. fee & \$500.00 admin fine. are due totaling \$1,050.00.

Mr. Susla did not have any further questions.

Mr. Susla called Clifford Saieh to testify. Mr. Saieh stated his name, position and duties at the Department for the record. Mr. Saieh testified that he inspected the property approximately 10 times over the past several months including the last inspection on the morning of the hearing. Mr. Saieh provided the Board with the findings of his inspection, then advised the Board of other information and documents provided to him during the inspection, which included receipts from Florida Pest Control Center.

The documents were entered into evidence as Composite Exhibit C.

Board discussion.

Mr. Susla recommended that the violations be corrected by 1/30/2019, that there be bi-weekly monitoring by DOH inspector, that the Respondent mitigate the issue with the water temperature in the sink and that all fees are paid by a date determined by the Board.

Motion by Mr. McColgan to pay \$1,050.00 fine paid by the end of business; second by Mr. James Dillard amending the due date to December 7, 2019.

Motion by Ms. Karen Kaestner to include an additional \$500.00 civil penalty and 2x \$50.00 re-inspection fees totaling \$600.00 in addition to the \$1,050.00 already assessed.

Discussion between the Board- Mr. Kaufman passed his chair responsibilities to Ms. Kaestner and questioned the inspector regarding progress of the Respondent to clear up the issue.

Mr. McColgan second the motion by Ms. Kaestner. Mr. Dillard and Mr. Kaufman opposed.

The original motion by Mr. McColgan to pay \$1,050.00 fine paid by the end of business; second by Mr. James Dillard amending the due date to December 7, 2019, that the violations be corrected by 1/30/2019, that there be bi-weekly monitoring by DOH inspector, that the Respondent mitigate the water in the sink. All in favor, none opposed.

**Azalea 27, LLC**

**Case No.: 18-114 SAN**

Mr. Susla appeared on behalf of the Department; Steve Satz, Owner, appeared on behalf of the Respondent.

Mr. Susla entered into evidence composite exhibit "A" and advised the Board on the previous order.

Mr. Susla called Nicolas Kellman, who spelled and stated his name for the record followed by his position, title and duties for the Departments. Mr. Kellman testified that the civil penalty ordered was not paid.

Mr. Satz address the Board requesting mitigation of the fees and fines previously ordered. Mr. Satz also advised the Board of what occurred at the property and how the matter was rectified.

Mr. Susla called the inspector to testify. Mr. Christopher Cappiello stated and spelled his name for the record followed by his position, title and duties for the Department. Mr. Cappiello testified that he visited the property 11 times before the matter was rectified.

The Board agreed to amend the previous order and mitigate the \$500.00 administrative fine to \$100.00 and let the administrative fee of \$500.00 stand. The total amount due is \$600.00 by 12/20/2018. If the reduced amount is not paid by the due date, the full amount will revert to \$1,000.00.

Motion by Karen Kaestner; second by James Dillard, all in favor, none opposed.

**Sunpointe Springs Condominium Association, Inc. (Sunpointe Springs)**

**Case No.: 17-218 SP**

Mr. Susla appeared on behalf of the Department; Carlos Velazquez appeared on behalf of the Respondent.

Mr. Susla read a previous order stating that the fees and fines were deferred.

The Clerk of the Board, Alicia McRae advised that the matter had been ongoing. Further explaining that in June the Respondent was granted a 60 days continuance, therefore the Respondent did not need to appear at the August hearing. The September and October hearings were cancelled and therefore this is the first meeting for status.

Mr. Susla called Nicolas Kellman to testify to the amount due. He spelled and stated his name for the record followed by his position, title and duties for the Departments. Mr. Kellman advised that there were 2 outstanding invoices in the amount of \$50.00 each due.

Mr. Velazquez testified that all repairs to the pool are not complete.

Mr. Susla called the inspector Laura Ramirez to testify. Ms. Ramirez spelled and stated her name for the record followed by her position, title and duties for the Department. Ms. Ramirez confirmed that the inspection was satisfactory and that all previous violations were corrected when she inspected the property, but the pool signage stating the hours and bathing load was missing.

It was recommended that the reinspection fees in the amount of \$100.00 shall be paid no later than December 20, 2018 and that the pool signage stating times and bathing load stating the number be corrected no later than December 31, 2018 and that the Board retain jurisdiction for 90 days.

Motion by Ms. Karen Kaestner to accept counsel's recommendation, second by Mr. Dillard, all in favor, none opposed.

**Racquet Club Garden Apts. 6 & 7** **Case No.: 18-055 SP**

Mr. Susla appeared on behalf of the Department; Maria Padron appeared on behalf of the Respondent.

Mr. Susla read the previous order to the Board, which was entered as exhibit Composite "A".

Mr. Susla called Nicolas Kellman to testify to the amounts due. He spelled and stated his name for the record followed by his position, title and duties for the Department. Mr. Kellman confirmed that \$1,200.00 was outstanding, including the \$500.00 administrative fine and \$500.00 administrative fee and \$200.00 reinspection fees. Mr. Kellman also advised that the Board that there are multiple buildings and one of the buildings does not pay on time and therefore prevents timely payment of the fees.

Mr. Susla pointed out that there were attempts to make the payment for the permit fee on time, but the system does not accept partial payments.

Mr. Susla called Ms. Padron to testify. Ms. Padron testified that initially she was unaware of the issue because her building was sending in their portion of the payment. When Ms. Padron received the Board's order including the fees and fines, this prompted her to call in. It was suggested that her building pay the full amount and then collect the difference from the other building. Ms. Padron stated that is what she did to prevent being penalized. Ms. Padron also requested that the address be changed so that she can receive the invoices. She advised that she was requesting mitigation of the fees and/ or fines.

Mr. Susla outlined the fees and recommended that the Board take into consideration that attempts were made to satisfy the outstanding permit fees.

Mr. Dillard asked if this happened frequently and Mr. Kellman advised that it is.

Ms. Padron questioned the reinspection fees and Mr. Kellman responded.

Motion by Ms. Kaestner to waive the \$500.00 administrative fine and that the \$500.00 administrative fee stand as previously ordered to be paid by January 20, 2019 contingent upon the payment being made on time. The Board shall retain 90 days jurisdiction and status on January 31, 2019; second by Mr. Dillard, all in favor, none opposed.

**Roshini Investments, Inc. d/b/a Travelodge** **Case No.: 18-126 SP**

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

Mr. Susla entered an exhibit as Composite "A".

Mr. Susla called Nicolas Kellman to testify to the amounts due. He spelled and stated his name for the record followed by his position, title and duties for the Department. Mr. Kellman testified that the Respondent owes a permit fee of \$200.00, which was due by July 1, 2018 and to his knowledge had not made any attempts to pay the permit fee to date.

It was recommended that the Board find that the Department proved by the greater weight of the evidence that the Respondent violated Florida statutes, and Florida Administrative Codes as stated in the complaint. That an administrative fee of \$500.00 and an administrative fine of \$500.00 be imposed in addition to the permit fee of \$200.00 to be paid by January 29, 2019. The pool shall be closed immediately by the Department until all fees and fines are paid. The Board shall retain jurisdiction for 90 days and status on January 31, 2019.

Motion by Ms. Kaestner to accept counsel's recommendation having the due date for the fees and fines changed to January 23, 2019, second by Mr. Dillard, all in favor none opposed.

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

Mr. Susla outlined the fees due by the respondent entered an exhibit as Composite "A".

Mr. Susla called Nicolas Kellman to testify and to the amounts due. He spelled and stated his name for the record followed by his position, title and duties for the Department. Mr. Kellman testified that the outstanding amount due by July 1, 2018 was \$550.00 and to his knowledge had not made any attempts to pay the permit fee to date.

It was recommended that the Board find that the Department proved by the greater weight of the evidence that the Respondent violated Florida statutes, and Florida Administrative Codes as stated in the complaint. That an administrative fee of \$500.00 and an administrative fine of \$500.00 be imposed in addition to the permit fee of \$550.00 to be paid by January 23, 2019. The pool shall be closed immediately by the Department until all fees and fines are paid. The Board shall retain jurisdiction for 90 days and status on January 31, 2019.

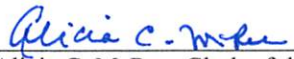
Motion by Ms. Kaestner to accept counsel's recommendation, second by Mr. McColgan, all in favor none opposed.

**Miramar High School Football Concession Stand**

Mr. Susla advised the Board that the matter is being heard as a status. Further advising that it was previously stipulated between parties that the Respondent would pay \$200.00. That a \$600.00 check was received and could not be applied to the balance because it is an overpayment. The Board was notified that Mr. Kellman reached out to the Respondent advising them of same and that no further action is needed by the Board.

The meeting was adjourned by Mr. Stuart Kaufman at 12:27 p.m.

PREPARED AND SUBMITTED BY:

  
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Alicia C. McRae, Clerk of the Board