

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD  
MINUTES OF BOARD MEETING – March 30, 2017**

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The Board meeting was called to order at approximately 10:10 a.m. on Thursday, March 30, 2017, by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman  
Lily Sayre, Vice-Chair  
Karen Hodge Kaestner  
Myra Mazlin

The following members were not present:

James Dillard  
Heather Nydick

Also present were:

Patrice Eichen, Attorney for the Board  
Paul Eichner, Attorney for the Department  
Anthony Vomero, Environmental Administrator

Chairman, Stuart Kaufman presents the statement of proceedings to the Respondents.

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

Mr. Kaufman asked if we had lost any members of the Board. Paul stated that Mr. Anthony Quackenbush had been asked to step down. There was further discussion about the Board members being appointed and the process.

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

Approval of Minutes for February 23, 2017

The motion by Ms. Karen Kaestner; second by Ms. Lily Sayre

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

**Beach Villas Condominium Association, Inc.**

**CASE NO.: 17-014 SP**

Mr. Eichner appeared on behalf of the Department; James Dugan and David Moitoza appeared on behalf of Beach Villas Condominium, Inc.

Mr. Eichner gave a brief summary of the violation and stated that the \$300.00 had been paid, but not the fees ordered in the amount of \$750.00.

Mr. Eichner recommended that the administrative fee and fine be mitigated since the pool was in compliance at the time of the last hearing and the stipulation fee of \$300.00 was paid by Beach Villas.

The Board did not agree with the recommendation and questioned why the fees should be mitigated.

Mr. David Moitoza, a member of the Board for Beach Villas (previously sworn in) spoke on behalf of the Beach Villas. Mr. Moitoza confirmed that he is a member of the Board at Beach Villas.

Mr. Eichner asked when the payment was received in the amount of \$300.00. Mr. Kellman, (previously sworn in) advised that the check was received on March 6, 2017, without a stipulation agreement.

Chairman, Stuart Kaufman passed the Chairman duty over to the Vice Chair, Lily Sayre so that he could make a recommendation that the recommendation by Mr. Eichner that the Board accept the \$300.00 and motion to add \$50.00 for not handling the issue timely. Therefore, the total fee will be \$350.00.

There was no second to the motion died and Mr. Kaufman resumed as Chairman.

The Motion by Ms. Lily Sayre was to assess a \$500.00 administrative fee, which would be a difference of \$200.00. An amended order will go out stating that the \$250.00 fine is waived and that the \$500.00 fee is standing with a remaining balance of \$200.00 due by April 21, 2017.

Motion by Ms. Lily Sayre, second by Ms. Karen Kaestner, all in favor except Stuart Kaufman.

Mr. Dugan (Beach Villas Condominium, Inc.) stated that they try to keep the pool maintained and that they have a pool company that maintains the pool. Mr. Dugan that "this is not justice" that they were not properly served or invited to the last meeting.

Mr. Eichner read the ROSA and stated that Mr. David Moitoza was served on February 10, 2017 by Andrew Frongello, the inspector.

The matter was tabled until the inspector arrived. In the meantime, the definition of service was read by the Attorney of the Board, Ms. Patrice Eichen.

Mr. Frongello was called in to testify as to who he served the complaint on. Mr. Frongello was sworn in by the Clerk of the Board, Alicia McRae.

Mr. Andrew Frongello was questioned regarding who he served and if it was personal service. Mr. Frongello testified that he served Mr. Moitoza personally.

It was confirmed that Mr. Moitoza was properly served and the motion stands.

**Paul Suder**

**CASE NO.: 17-023-SAN**

Paul Eichner, Esq. appeared on behalf of the Department; Mr. Paul Suder appeared.

Mr. Eichner called Deone Jones, Environmental Specialist I (previously sworn in) to testify that she served Mr. Suder at the address located at 5722 Lincoln Street, Hollywood, FL 33021. Ms. Jones stated that she served the complaint on March 8, 2017 by leaving the complaint at the door.

She also stated the dates that she visited the property on December 22, 2016 and the condition of the property at that time. Ms. Jones also visited the property on January 13, 2017 and that there was slight improvement. On February 7, 2017 Ms. Jones visited the property and spoke to Mr. Suder advising that the matter would be sent to legal. The pictures taken on that date were entered into evidence. The last visit was February 27, 2017, in which there was some improvement.

Mr. Paul Suder testified that it was difficult for him to get the clean-up done timely due to his health issues.

The recommendation was to continue the matter until the next hearing date of April 27, 2017 and possibly dismiss the matter. The objective is to make sure that Mr. Suder is continuing to make progress in organizing the items on his property. It was explained to him that he will need to make sure that there is no harborage for breeding of rodents or mosquitos. The inspector is instructed to re-inspect the property prior to the next hearing. The fine or fee will be discussed at the next hearing.

Motion to continue by Ms. Myra Mazlin, second by Ms. Karen Kaestner 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.

Mr. Eichner explained that stipulation fees were paid and that the matter is closed.

Mr. Eichner recommended that the Order adopting stipulation be entered.

Motion by Ms. Karen Kaestner, second by Ms. Mayra Mazlin, all in favor, none opposed.

**The Villas at Coral Springs Condominium Association, Inc.** **CASE NO.: 17-006 SP**

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

Mr. Eichner explained that administrative fees were paid and that the matter is closed.

Mr. Eichner recommended that the Order adopting stipulation be entered.

**Maria Ortiz** **CASE NO.: 17-011 SAN**

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

Mr. Eichner briefed the Board of the case details and advised that everything remained the same. No fees were paid as instructed in the amount of \$100.00. Also, that the City of Oakland Park was contacted and that there are other fees and issues associated with the property. He offered to contact the City of Oakland Park to find out why they cannot enforce clean up.

Mr. Eichner called Christina Edghill (previously sworn in) Environmental Specialist that inspected the property. She advised that she visited the property prior to the hearing and that there was not much of a difference. The property seems to be in slightly worse condition than before.

Mr. Eichner recommended the matter be continued until the next hearing date of April 27, 2017.

Motion to suspend weekly inspections by Ms. Karen Kaestner, second by Ms. Lily Sayre, all in favor, none opposed.

**Golden View Condominium, Inc.** **CASE NO.: 17-012 SP**

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

Mr. Eichner briefed the Board on the case, explained that fees were paid and that the matter is closed.

**King's Row Apartments** **CASE NO.: 17-016 SP**

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

Mr. Eichner briefed the Board on the case and advised that the pool permit fees were paid in the amount of \$725.00, but the administrative fees and fines totaling \$1,000.00 were not paid.

Mr. Eichner recommended that the matter be continued until the next hearing of April 27, 2017 and asked if the Board would like to accept the \$725.00. No, the Respondent will need to be subpoenaed to appear at the next meeting on April 27, 2017.

Motion by Ms. Lily Sayre, Second by Ms. Myra Mazlin, all in favor, none opposed.

**King's Row Apartments** **CASE NO.: 17-017 SP**

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

Mr. Eichner briefed the Board on the case and advised that the pool permit fees were paid in the amount of \$725.00, but the administrative fees and fines totaling \$1,000.00 were not paid.

Mr. Eichner recommended that the matter be continued until the next hearing of April 27, 2017 and asked if the Board would like to accept the \$725.00. No, the Respondent will need to be subpoenaed to appear at the next meeting on April 27, 2017.

Motion by Ms. Lily Sayre, Second by Ms. Myra Mazlin, all in favor, none opposed.

**Hollywood Beach Condominium, Inc. (Hollywood Beach Resort-Wade)** **CASE NO.: 17-018 SP**

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

Mr. Eichner recommended that the Order adopting stipulation be entered.

Motion by Ms. Lily Sayre, Ms. Karen Kaestner second, all in favor, none opposed.

**Serenity Place IV** **CASE NO.: 17-020-SP**

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

Mr. Eichner recommended that the Order adopting stipulation be entered.

Motion by Ms. Karen Kaestner, Ms. Myra Mazlin second, all in favor, none opposed.

**Sunset Palms United, LLC.** **CASE NO.: 17-027-SP**

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

Mr. Eichner recommended that the Order adopting stipulation be entered.

Motion by Ms. Karen Kaestner, Myra Mazlin second, all in favor, none opposed.

**Linda Visa Condominium Association, Inc. (Linda Vista Condominium)** **CASE NO.: 17-026 SP**

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

Mr. Eichner recommended that the Order adopting stipulation be entered.

Motion by Ms. Myra Mazlin, Karen Kaestner second, all in favor, none opposed.

**Cool Cat Tattoo**

**CASE NO.: 17-025 SAN**

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

Mr. Eichner called Sioban Walker, Environmental Specialist III (previously sworn in). Ms. Walker testified that she served the complaint to an employee of the tattoo shop (Dan King).

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor (previously sworn in). Mr. Kellman testified that that there were no payments made on behalf of Cool Cat Tattoo.

Mr. Eichner recommended that the matter be continued until the next hearing date of April 27, 2017. An administrative fee and fine were both imposed by the Board in the amount of \$500.00 each (totaling \$1,000.00) due on or before April 14, 2017.

Motion by Ms. Myra Mazlin, Karen Kaestner second, all in favor, none opposed.

**Azalea Mobile Home Park, LLC d/b/a Azalea Trailer Colony**

**CASE NO.: 17-022 SAN**

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

Mr. Eichner called Zachary Orthen, Environment Specialist (previously sworn in). Mr. Orthen testified that he served the complaint to the resident, Maria Inorencia Ortega Aquillar, who is subleasing the trailer located at 2705 SW 6<sup>th</sup> Court, Fort Lauderdale, FL 33312.

Mr. Eichner called Daryl Garsik, Environment Specialist (previously sworn in). Ms. Garsik testified that she issued the notice of violation via certified mail, but it was never picked up by the Respondent. She also testified that the initial notice of violation was sent by a different inspector.

Mr. Eichner stated that the complaint should be amended to correct scrivener's error to include the first notice of violation.

Mr. Eichner recommended that the matter be continued until the next hearing date of April 27, 2017.

An administrative fee and fine were both imposed by the Board in the amount of \$500.00, both due on or before April 20, 2017. Another inspection should be done prior to the hearing scheduled April 27, 2017 and that the re-inspection fee of \$50.00 should also be paid on or before April 20, 2017.

Motion by Ms. Lily Sayre, Ms. Myra Mazlin second, all in favor, none opposed.

The meeting was adjourned by Chairman, Stuart Kaufman at 12:00 p.m.

PREPARED AND SUBMITTED BY:

  
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Alicia C. McRae, Clerk of the Board