

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – April 27, 2017**

The Board meeting was called to order at approximately 9:35 a.m. on Thursday, April 27, 2017, by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman
Lily Sayre, Vice-Chair (9:37 a.m.)
Karen Hodge Kaestner
Myra Mazlin
James Dillard

The following members were not present:

Heather Nydick

Also present were:

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

Approval of Minutes for March 30, 2017.

The motion to approve was made by Ms. Karen Kaestner; seconded by Ms. Myra Mazlin.
All in favor, none opposed.

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

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

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

Paul Eichner stated that there were Respondents present and that he would begin with those cases.

Azalea Mobile Park, LLC d/b/a Azalea Trailer

CASE NO.: 17-022 SAN

Mr. Eichner appeared on behalf of the Department; Jordan Wagner, Esq. and Mr. Dominick Casale appeared on behalf of the Respondent Casale.

Mr. Eichner briefed the Board with the details of the case and advised that the Respondent is in compliance and Mr. Casale, who is the owner of the Mobile Home Park is present to explain his situation.

Mr. Casale who was previously sworn in, advised the Board of the issues that he has with the property and the tenants. Mr. Casale advised that he is having issues with dumping on the property, which the city will not help him with and that he has abated the sewage issue.

Mr. Eichner recommended that the Board extend the payment date to May 12, 2017 for the fines to be paid in the amount of \$1,000.00.

Motion by Ms. Myra Mazlin adopting Mr. Eichner's recommendation, second by Mrs. Karen Kaestner, all in favor, none opposed.

Mr. Jordan Wagner wanted to add the Bank's Attorney to the record. Mr. Eichner requested that he send the information in an e-mail and also clarified that the fine needs to be paid by the Respondent.

King's Row Apartments

CASE NO.: 17-016 SP

Mr. Eichner appeared on behalf of the Department; Moshe Cohen appeared on behalf of the Respondent.

Mr. Eichner briefed the Board on the case, the history and that there were fees and fines imposed in the amount of \$1,000.00, which is past due. He also advised that he had reached out to the Respondent with no response. He advised Mr. Cohen was present seeking to mitigate the fees and fines.

Mr. Moshe Cohen, (previously sworn) stated that he took ownership of the property in September of 2015 and that there was never an issue because the pools were closed. He advised that the previous management company did not take care of the issue, but once he realized that he owed money for the permits he mailed the check for the fees.

Mr. Kaufman asked Mr. Cohen when he was notified, Mr. Cohen answered three months prior. Mr. Kaufman stated to Mr. Cohen that he ignored the prior notices to appear and that once the fees are imposed they are not inclined to mitigate.

The Board Attorney, Patrice Eichen explained the rules that apply to the fees and fines. She made it clear that it is within the Board's discretion to amend the Order, fees or fines.

Mr. Eichner summarized that the Board requested to know the number of times the Respondent was noticed prior to the hearing. Mr. Eichner advised the Board of when Mr. Cohen was served and also any correspondence sent to him.

Mr. Cohen did not think that he needed to attend since he had mailed in the payment for the permit fees, which was late. Mr. Eichner added that the stipulation fees were not sent in either, which would have prevented Mr. Cohen from being subpoenaed.

A few comments and discussion between the Board Members and Mr. Dillard made a motion to amend. Mr. Kaufman further discussed the permits and service.

The Motion imposed the \$500.00 administrative fee and to mitigate the administrative fine to \$0.00 with a payment due date of May 12, 2017.

Motion by Ms. Mayra Mazlin, second by Ms. Lily Sayre, all in favor, Mr. Stuart Kaufman opposed.

King's Row Apartments

CASE NO.: 17-017 SP

Mr. Eichner appeared on behalf of the Department; Moshe Cohen appeared on behalf of the Respondent.

Mr. Eichner briefed the Board on the case, the history and that there were fees and fines imposed in the amount of \$1,000.00, which is past due. He also advised that he had reached out to the Respondent with no response. He advised Mr. Cohen was present seeking to mitigate the fees.

Mr. Moshe Cohen, (previously sworn) stated that he took ownership of the property in September of 2015 and that there was never an issue because the pools were closed. He advised that the management company did not take care of the issue, but once he realized that he owed money for the permits he mailed the check for the fees.

Mr. Kaufman asked Mr. Cohen when he was notified, Mr. Cohen answered three months prior. Mr. Kaufman stated to Mr. Cohen that he ignored the prior notices to appear and that once the fees are imposed they are not inclined to mitigate.

The Board Attorney, Patrice Eichen explained the rules that apply to the fees and fines. She made it clear that it is within the Board's discretion to amend the Order, fees or fines.

Mr. Eichner summarized that the Board requested to know the number of times the Respondent was noticed prior to the hearing. Mr. Eichner advised the Board of when Mr. Cohen was served and also any correspondence sent to him.

Mr. Cohen did not think that he needed to attend since he had mailed in the payment for the permit fees, which was late. Mr. Eichner added that the stipulation fees were not sent in either, which would have prevented Mr. Cohen from being subpoenaed.

A few comments and discussion between the Board Members and Mr. Dillard made a motion to amend. Mr. Kaufman adds more regarding the permits and service.

The Final Order is that a \$500.00 administrative fine and administrative fee in the amount of \$500.00 previously imposed and remains due and payable until the due date amended to May 12, 2017.

Motion by Ms. Mayra Mazlin, second by Ms. Lily Sayre, all in favor, Mr. Stuart Kaufman opposed.

Paul Suder **CASE NO.: 17-023-SAN**
Paul Eichner, Esq. appeared on behalf of the Department; Mr. Paul Suder appeared.

Mr. Suder was sworn in.

Mr. Eichner gave a brief summary of the case and confirmed that the property is in much better condition and that the violation is abated. Ms. Deone Jones, the inspector advised that the property is in compliance.

Mr. Eichner recommended that the case be dismissed. Mr. Anthony Vomero concurred.

Motion by Ms. Myra Mazlin, second by Mr. James Dillard, all in favor, none opposed.

Park-Cole Corp. **CASE NO.: 17-042 SAN**
Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of Respondent.

Mr. Eichner explained that the stipulation fee was paid.

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

Motion by Ms. Lily Sayre, second by Mr. James Dillard, all in favor, none opposed.

Golden Retreat At Coral Springs, Inc. **CASE NO.: 17-036 SAN**
Mr. Eichner appeared on behalf of the Department; No one appeared on behalf of Respondent.

Mr. Eichner explained that we were unable to perfect service.

Mr. Eichner recommended that the matter be continued until May 25, 2017.

The Board agreed.

2605 USA, LLC

CASE NO.: 17-041 SAN

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 the Respondent is in compliance and requested that the Board dismiss the case.

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

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 ordered in the amount of \$100.00. He went on to say that Code Enforcement and the City Attorney had been contacted. He proffered the items that were previously discussed to date regarding the case. He advised that the Subpoena was served on April 25, 2017, after 2 unsuccessful attempts requiring the Respondent's presence at the hearing. Additionally the property is in the same condition, including standing water, but no presence of larva.

Mr. Eichner called Christina Edghill (previously sworn in) Environmental Specialist that inspected the property stated the original complaint and confirmed that she observed standing water and dumped out what she could. It was added that there was no vermin or feces present.

The Board discussed what could be done from the HSCB/ public health standpoint and it was determined that mosquito control can be done.

The recommendation is that the Board retain jurisdiction for an additional ninety days and maintain the fines, fees and all that was in the prior order. Requested that Environment Health do their due diligence and have the property sprayed for mosquitos. That the Legal Department correspond with the City Attorney after consulting with the Health Department Director.

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

Beach Villas Condominium Association, Inc.

CASE NO.: 17-014 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. Mayra Mazlin 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 confirmed that the matter came before the Board on March 30, 2017 hearing. Mr. Eichner confirmed that the payment for the permit was not paid, nor was the administrative fees and fine in the amount of \$500.00 each was not paid. Mr. Eichner recommended jurisdiction run out and attempt to collect through collections.

Emerald Isles At Mobile Homes E

CASE NO.: 17-030 SAN

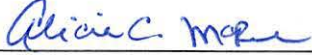
Mr. Eichner appeared on behalf of the Department; No one appeared on behalf of Respondent.

Mr. Eichner requested that the Board accept the Order adopting stipulation.

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

The meeting was adjourned by Chairman, Stuart Kaufman at 10:40 a.m.

PREPARED AND SUBMITTED BY: .



Alicia C. McRae, Clerk of the Board