

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD**

**MINUTES OF BOARD MEETING – MAY 26, 2016**

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The Board meeting was called to order at approximately 9:30 a.m. on Thursday, May 26, 2016, by Chair Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair  
Lily Sayre  
Commissioner Pamela Bushnell  
Myra Mazlin  
Karen Hodge Kaestner  
James Dillard

Heather Nydick was not present.  
Anthony Quackenbush arrived during case 16-028 SAN

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

Mr. Kaufman welcomed the newest member of the Board, James Dillard.

Mr. Dillard briefly described his family life and his role in the community.

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

**KWIK STOP #129**

**CASE NO: 16-031 SAN**

Mr. Eichner appeared on behalf of the Department; DuVan Hoang appeared on behalf of Respondent.

Mr. Eichner explained that this case was resolved yesterday as the Respondent paid the stipulation fee and signed the stipulation agreement. Mr. Eichner explained that the genesis of this case was a complaint received by the Department that the Respondent did not allow access to its restroom facilities. The Respondent operates a convenience store which is required to allow the public access to the restroom facilities by Florida Statutes and the Florida Administrative Code. The Department went out several times and was denied access. Ultimately, the Respondent was served with a notice of violation and later a complaint. The Respondent opted to resolve the issue and pay the stipulation fee as opposed to appearing before the Board and subjecting itself to the potential fines and fees the Board has the authority to impose.

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

Ms. Kaestner motioned to accept the stipulation. Commissioner Bushnell seconded and the motion was unanimously accepted.

At this time, the Respondent, DuVan Hoang requested to make a statement. Mr. Hoang advised that when his restroom facilities are open to the public that people make a mess of the facilities. He stated the sometimes the public will take merchandise into the restroom and sometimes even smoke marijuana.

Mr. Eichner addressed the Board and Respondent and advised that the Department occasionally receives complaints regarding issues like this of not allowing public access to the restrooms. The Department would generally go out and investigate the complaint and educate the store owner of the Florida laws. However, in this case, the Respondent was resistant in accepting the information the Department provided to him regarding the law. Mr. Eichner further explained that he understands the Respondents position however, there is no remedy available in the Florida Administrative Code other than to allow access and there is no option to limit access to customers only.

Sharon Bures was sworn in.

**BRIDGES OF AMERICA (POMPANO TRANSITIONAL CENTER)**  
**CASE NO: 16-028 SAN**

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

Ms. Bures, who was previously sworn in, identified herself and explained that she has held her position with the Florida Department of Health-Broward for the past 8 months as a Health Inspector. Ms. Bures explained that she had the opportunity to visit the Pompano Transitional Center located at 5600 NW 9<sup>th</sup> Avenue in Fort Lauderdale. Ms. Bures explained that she visited the location for a routine inspection in January of 2016. Ms. Bures explained that the facility is one that is a work release center for the Sheriff's office. Bridges of America feeds the population of the Transitional Center as well as the population of a sister facility, Turning Point detention center. At the time of the January inspection, Ms. Bures explained that she cited the facility for numerous violations. Ms. Bures explained that she returned to the facility two weeks later to conduct a reinspection. At this point, not all of the violations were corrected. Ms. Bures allowed them additional time to come into compliance and returned to the facility again to conduct a reinspection. This time, Ms. Bures explained that the facility had corrected most of the violations with the exception of the temperature of the walk in cooler which was found to be above the allowed 41 degrees Fahrenheit as allowed by Florida law. Ms. Bures explained that her last visit to the facility was on May 24, 2016 in which the only outstanding violation was the walk in cooler that was not maintained at 41 degrees Fahrenheit.

Mr. Eichner presented an affidavit of service to Ms. Bures who identified it as served by her coworker, Kevin Kiffin.

Ms. Bures went on to explain that according to Florida law the walk in cooler needs to be maintained at a consistent temperature to avoid food borne illnesses. Ms. Bures further explained that she has sent the inspection reports to the Chef, Administrator and Assistant Administrator of the facility.

Mr. Eichner explained to the Board that the Department's legal office received a phone call yesterday from Patrick Christmas who identified himself as being from the Department of Corrections. Mr. Christmas was advised to have the Department of Correction's attorney contact the Department's legal office to further discuss this issue. Mr. Eichner explained that no phone call was received prior to this hearing.

Anthony Vomero, Environmental Health Administrator, explained to the Board that if the inspectors find the temperature not in accordance with Florida law the Department will issue a stop sale order which requires that the food held at the inappropriate temperature be thrown out.

At this point in time, Board member Anthony Quackenbush joined the meeting.

After some discussion concerning closing the facility and/or suspending or revoking its license due to its inability to properly store perishable food, issuing a Subpoena to the Administrator of the facility to appear at the next Board hearing, performing reinspections and issuing stop sale orders. Ms. Eichen also recommended to the Board that they could direct the Department to call the State Health Office to receive direction on how to proceed with this matter.

Mr. Eichner recommended that if the Board finds that the Department has proven its case and that the Respondent is in violation of Florida law, it should impose the Administrative Fine and the Administrative Fee, direct the Health Department inspector to conduct daily reinspections at random times of the day at a fee of \$75 dollars per reinspection and if the temperature is not at the appropriate temperature as per Florida law issue a stop sale order and observe the destruction of the food kept at the inappropriate temperature, that the Department issue a Subpoena to the administrator of the facility to appear before the Board at the next meeting, that the Department contact the state to see if the Department has the authority to revoke the facility license, that the Department of Corrections, the entity that is allowing Bridges of America (Pompano Transitional Center) to operate at the location, be contacted by the Health Department in order to gain assistance in achieving compliance in this matter, as well as the standard sanction language, retention of jurisdiction and to set the matter for status at the next meeting.

Ms. Sayre adopted Mr. Eichner's recommendation as a motion and included a \$500 Administrative Fine, a \$500 Administrative Fee and that the facility should be in

compliance by June 3, 2016. Commissioner Bushnell seconded and the motion was unanimously accepted.

Mr. Kaufman advised Ms. Bures to accurately document and take photos of the facility during the upcoming inspections.

At this time it was noted that the minutes of the Board hearing of February 25, 2016 were not previously approved. Ms. Kaestner pointed out the in the minutes of the previous hearing that in the case of Travelodge (15-078 SP) it states that Mr. Kaufman seconded a motion to vacate an order, which is not allowed under Parliamentary procedure. The minutes of the February 25, 2016 meeting will be reviewed and the issue will be presented at the next meeting of the Board.

Commissioner Bushnell motioned to Amend the Order to Vacate to reflect making the motion. Ms. Sayre seconded and the motion was unanimously passed to correct the error in Parliamentary procedure. (Note: action was not necessary because upon subsequent review of the recording of the meeting when the Travelodge matter was heard determined that the second was made by Ms. Kaestner and not the Chair).

**BRUCE BART TATTOOING**

**CASE NO: 16-021 SAN**

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

Mr. Eichner explained this as a case of an unpaid biomedical waste permit in which the Respondent paid permit fee and opted to sign the stipulation agreement.

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

Ms. Mazlin motioned to accept the stipulation. Mr. Quackenbush seconded and the motion was passed unanimously.

**ANTI-AGING AND WEIGHT LOSS PRODUCTS AND SERVICES, LLC D/B/A BODYOLOGY CENTER**

**CASE NO.: 16-022 SAN**

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

Mr. Eichner explained that this too is a case of an unpaid biomedical waste permit in which the Responded opted to sign the stipulation and pay the fee.

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

Mr. Sayre motioned to accept the stipulation. Commissioner Bushnell seconded and the motion was unanimously passed.

**OAKLAND PARK INN, INC**

**CASE NO: 16-024 SP**

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

Mr. Eichner explained this as a case of an unpaid pool permit. The Respondent has paid the stipulation fee and signed the stipulation.

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

Mr. Quackenbush motioned to accept the stipulation. Ms. Kaestner seconded and the motion was unanimously passed.

**COMPASSIONATE CARING HOME CARE, INC.**

**CASE NO: 16-024 SAN**

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

Mr. Eichner explained this as a case of an unpaid biomedical waste permit in which the Respondent paid the permit fee and the stipulation fee and enter into a stipulation agreement.

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

Mr. Quackenbush motioned to accept the stipulation. Ms. Kaestner seconded and the motion was unanimously passed.

**COZY CORNER**

**CASE NO: 16-027 SAN**

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

Mr. Eichner explained this as a case of an unpaid biomedical waste permit in which the Respondent paid the stipulation fee and entered into the stipulation agreement.

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

Ms. Sayre motioned to accept the stipulation. Ms. Mazlin seconded and the motion was unanimously passed.

**THE LEARNING CORNER EARLY CHILDHOOD CENTER II, INC.**

**CASE NO:**

**16-029 SAN**

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

Mr. Eichner explained that this is a case of an unpaid food hygiene permit. Mr. Eichner explained that the Respondent opted to enter into the stipulation agreement.

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

Commissioner Bushnell motioned to accept the stipulation. Ms. Kaestner seconded and the motion was unanimously passed.

**LAUDERDALE ISLES YACHT CLUB**

**CASE NO: 16-036 SAN**

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

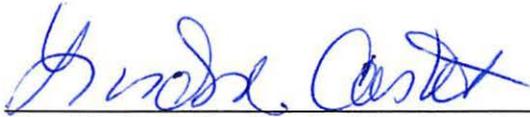
Mr. Eichner explained this as a case of a unpaid food hygiene permit in which the Respondent chose to enter into the stipulation agreement.

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

Ms. Kaestner motioned to accept the stipulation. Mr. Dillard seconded and the motion was passed unanimously.

Mr. Kaufman Adjourned the meeting at 10:50 am.

PREPARED AND SUBMITTED BY:

A handwritten signature in blue ink, appearing to read "Lisa M. Castello", written over a horizontal line.

Lisa M. Castello, Clerk of the Board