

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – June 29, 2017**

The Board meeting was called to order at approximately 9:30 a.m. on Thursday, June 29, 2017, by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman
Brian McCully
Karen Hodge Kaestner
Lily Sayre, Vice-Chair (arrived at 9:40 a.m.)

The following members were not present:

Heather Nydick
James Dillard
Yvette Colbourne

Also present were:

Andrea Froome, Esq. appeared on behalf of Patrice Eichen, Attorney for the Board
Paul Eichner, Attorney for the Department
Anthony Vomero, Environmental Administrator

Approval of Minutes for May 25, 2017.

Motion by Ms. Karen Hodge Kaestner to amend the minutes to reflect the correct ruling on Case# 17-046 SAN. The minutes are approved once amended. Motion by Ms. Karen Kaestner; seconded by Mr. Brian McCully.

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

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

Ms. Andrea Foome, Esq. read the Health and Sanitary Control Board Hearing procedures.

Paul Eichner proceeded with the scheduled cases.

Fullness of Love ALF, Inc.

CASE NO.: 17-046 SAN

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

Mr. Eichner gave a brief summary of the case and advised the Board that the administrative fee of \$200.00 was paid and that the matter is closed.

Rainbow Place, Inc.

CASE NO.: 17-054 SAN

Mr. Eichner appeared on behalf of the Department; Keisha Walters appeared on behalf of the Respondent.

Mr. Eichner briefed the Board on the case and advised that the Respondent is requesting to mitigate the administrative fine of \$500.00 and the administrative fee of \$500.00. Ms. Walters was called to the stand to testify as to why the fees should be mitigated.

Ms. Walters gave testimony that Rainbow Place, Inc. is her mother's business and she is handling business matters for her mother who is sick. Ms. Walters testified that even though she was served with the complaint, she did not realize that there was a date associated with paying the stipulation fee and permit fee or that she needed to appear at the hearing.

There were questions and conversation between the Board and the Respondent. Mr. Stuart Kaufman passed the Chair position to Ms. Lily Sayre.

Motion by Mr. Stuart Kaufman to waive the administrative fine of \$500.00, let the administrative fee of \$500.00 stand and the fee shall be paid by Friday, July 7, 2017; second by Brian Mc Cully.

Comments regarding the matter by Ms. Karen Hodge Kaestner; 2 in favor, 2 opposed. The motion failed and the Order remains.

Mr. Kaufman explained that the Respondent has to pay the fine of \$1,000.00.

Mr. Eichner announced at a later point during the meeting that the Respondent, Rainbow Place, Inc. would like to ask the Board for reconsideration

**** This matter was brought back up later in the meeting for re-consideration and the following occurred:**

Motion to re-consider by Ms. Lily Sayre, second by Mr. Brian McCully, 3 in favor, 1 opposed (Ms. Karen Kaestner). The motion to reconsider passed.

Motion by Ms. Lily Sayre to vacate the previously imposed order and mitigate the fees to a \$500.00 administrative fee, second by Mr. Brian McCully; 3 in favor, 1 opposed (Ms. Karen Hodge Kaestner)

Alicia McRae, Clerk of the Board swore in witnesses that were not initially sworn in prior to further cases being called.

Prestige Manor of Coral Springs, Inc. CASE NO.: 17-056 SAN

Mr. Eichner appeared on behalf of the Department; Rohan Ganga-Singh appeared on behalf of the Respondent.

Mr. Eichner called Clifford Saeih, EH Inspector that served the complaint. Clifford Saeih testified that he served Helen Ganga, that the notice of violation was sent as well as an invoice and that the permit fee remained unpaid.

Mr. Eichner called the representative for the Respondent, who identified himself as Rohan Ganga-Singh.

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor, who testified that there was no payment received for the permit fee or stipulation fee as of today's hearing. Mr. Eichner stated he had no other testimony to present and asked Mr. Ganga-Singh to present his case.

Mr. Ganga-Singh stated that he called and attempted to resolve the matter prior to the hearing, but did not get an answer, nor did he leave a message. Mr. Ganga-Singh stated that he would like to resolve the matter.

Mr. Eichner briefed the Board regarding the case and recommended that the Board impose an administrative fine of \$200.00, and require the Respondent to pay the \$50.00 permit fee and \$25.00 late fee totaling \$75.00 to be paid by July 14, 2017 and that the Board retain jurisdiction for 90 days.

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

Florida High School for Accelerated Learning, Greater Ft. Lauderdale (Melrose High School)
CASE NO.: 17-063 SAN

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

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

The Christi Academy, Inc. **CASE NO.: 17-072 SAN**

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

Mr. Eichner advised the Board that the stipulation fee and permit fee were both paid and is recommending that the Board accept the Order adopting stipulation.

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

La Petite Leadership Academy, LLC. **CASE NO.: 17-076 SAN**

Mr. Eichner appeared on behalf of the Department; Raul M. Rodriguez appeared on behalf of the Respondent.

Mr. Eichner briefed the Board on the case and called the representatives up to testify. Mr. Eichner advised that one person could speak on behalf of the Respondent.

Mr. Raul M. Rodriguez was sworn in and testified as to how long they have been in business and that they have never been before the Board. He also testified that he mailed the check for the permit, but he is not sure what happened to the check. They have more than one location and all other permits were paid.

Mr. Eichner recommended that the outstanding permit and late fees be paid, that the Board impose an administrative fine of no more than \$200.00, to waive the administrative fee, to be paid by July 14, 2017 and that the Board retain jurisdiction over the matter for 90 days.

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

Mr. Rodriguez requested to waive the administrative fine.

Mr. Eichner explained the ruling that the Board made to Mr. Rodriguez.

There was discussion between Mr. Kaufman and the Respondent regarding a few issues. The Respondent asked for reconsideration since they were not late paying their other permit fees or any prior year permit fees. The Respondent suggested that an online payment system be implemented for convenience.

Motion for reconsideration by Ms. Lily Sayre, Second by Ms. Karen Hodge Kaestner; All in favor, none opposed.

Motion by Ms. Lily Sayre to waive the \$200.00 administrative fine, vacate the previous order and enter an order for the Respondent to pay the permit and late fee in the amount of \$125.00 to be paid by July 14, 2017, Second by Ms. Karen Hodge Kaestner; All in favor, none opposed.

York Real Estate Ventures, Inc.

CASE NO.: 17-090 SAN

Mr. Eichner appeared on behalf of the Department; Mr. Steven Altland appeared on behalf of the Respondent.

Mr. Eichner briefed the Board on the case.

Mr. Eichner called Mr. Altland to testify. Mr. Altland explained to the Board that the violation remains because he needed a permit from the city, which he had recently received. He stated that the hookup for the sewer was put on the wrong side of the property and he had to wait for it to be moved by the city before he could hook up to sewer. There was discussion between the Board and Mr. Altland.

Mr. Eichner recommended that the Board find that there is a violation of Florida Statute 386.041(1)(a) and Broward County Code of Ordinances 14-67 (b) (1), which the Respondent had admitted. Mr. Altland is to immediately abate the sanitary nuisance of open sewage, immediately hire a licensed contractor/ licensed pump service to clean up the open sewage and provide a receipt to the Health Department upon completion. The Respondent is required to properly abandon the septic tank (destroy it) upon converting to city sewer, and maintain the property. The maximum fine (\$500.00) and maximum fee (\$500.00) should also be imposed by the Board such that there is reason for Mr. Altland to clean and maintain the sanitary nuisance and violation. Ms. Daryl Garsik is directed to inspect the property on July 3, 2017 and once more prior to the next hearing on August 31, 2017.

Motion by Ms. Karen Hodge Kaestner accepting Mr. Eichner's recommendation; the Respondent is required to immediately abate the sanitary nuisance of open sewage, immediately hire a licensed contractor/ licensed pump service to clean up the open sewage and provide a receipt to the Health Department upon completion. The Respondent is required to properly abandon the septic tank (destroy it) upon converting to city sewer, and maintain the property. The Respondent shall pay an administrative fine of Five Hundred Dollars (\$500.00), an administrative fee of Five Hundred Dollars (\$500.00), with the opportunity to mitigate upon abatement of the sanitary nuisance and violation. Said penalties are to be paid to the Department by August 23, 2017. Ms. Daryl Garsik is directed to inspect the property on July 3, 2017 and once more prior to the next hearing on August 31, 2017. Second by Ms. Lily Sayre, all in favor, none opposed.

The meeting was adjourned by Lily Sayre, second by Brian McCully at 11:26 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board