

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – JUNE 27, 2019**

The Board meeting was called to order at approximately 9:30 a.m. on Thursday, June 27, 2019 by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman
Lily Sayre, Vice- Chairperson
Robert McColgan
Ronesia Jenkinsn
Karen Hodge-Kaestner

Also present were: Hulda Estama, Esq. County Attorneys for the Board
 Andrij Susla, Esq. Attorney for the Department
 Clifford Friedman, Attorney for the Department
 Anthony Vomero, Environmental Health Director

Statement to Respondents by the Chairman, Mr. Stuart Kaufman.

Hearing procedures by the County Attorney, Hulda Estama, Esq.

Stuart Kaufman requested approval of the meeting minutes: May 30, 2019.

Motion to postpone approval of the minutes by Ms. Karen Kaestner; all in favor

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

Andrij Susla, Esq. proceeded with the scheduled cases.

Holly Tree Patio Villas HOA, Inc. **Case No.: 19-112 SAN**

Mr. Susla appeared on behalf of the Department; Paul Shapiro of USA Management appeared on behalf of the Respondent.

Mr. Susla read the order issued from the previous meeting.

Mr. Shapiro appeared and stated his name and position for the record. Mr. Shapiro requested mitigation of the fees and fines.

Mr. Shapiro's request for mitigation was denied. All fees stand and shall be paid prior to the next hearing date of August 29, 2019.

Christina Edghill was sworn in.

Fort Lauderdale Retirement Home **Case No.: 19-010 SAN**

Mr. Susla appeared on behalf of the Department; Jacqueline Heath appeared on behalf of the Respondent.

Proffered that the Respondent was in violation of F.S. 381.006 and F.A.C. 64E-12.006, that an order was issued on May 30, 2019 requiring the facility to implement and maintain a corrective action plan.

Mr. Susla called Environmental Health Specialist II, Christina Edghill to testify. Ms. Edghill was sworn in, then identified herself for the record, stated her position and duties at the Department of Health (DOH). She went on to advise the Board that she last inspected the facility on June 26, 2019 that resulted in an unsatisfactory inspection due to the presence of bedbugs.

Counsel's recommendation is to postpone penalties until the next hearing, directs the inspector to conduct recurring inspections, retain jurisdiction for 90 days provide status at the next hearing.

Motion by Ms. Karen Kaestner to accept counsel's recommendation postponing fees and fines until the next hearing, for recurring inspections to be conducted, second by Ms. Ronenia Jenkins. All in favor none opposed.

Anthony C. Ramsey Sr.

Case No.: 19-114 SAN

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

Mr. Susla advised the Board that the Respondent was in violation of F.S. 386.01 and Broward County Administrative Code 14-67 for the accumulation of harborage conditions in the backyard area of the property... that create a sanitary nuisance providing harborage for vermin and pest, which transmit disease.

Mr. Susla called the inspector, Laura Ramirez to testify. Ms. Ramirez identified herself for the record, stated her position and duties at the Department of Health (DOH) and then explained what she observed during her inspection. Ms. Ramirez stated that her last inspection was Tuesday, and that there was no change to the conditions at the property. Pictures taken during the inspection were entered into evidence as DOH exhibit #1.

The Department has met its burden of proof as alleged in the complaint constituting a violation of the above stated laws.

Discussion between the Board and the inspector regarding jurisdiction.

Mr. Kaufman exited the meeting and Ms. Sayre took over.

Board Discussion

The respondent must immediately abate the sanitary nuisance, the inspector is directed to notify and collaborate with the appropriate agencies/ municipalities in an effort to abate the sanitary nuisance, a subpoena shall be issued, an administrative fee of \$500.00 and administrative fine of \$500.00 is due no later than August 9, 2019 and the Board shall retain jurisdiction for 90 days.

Motion by Ms. Karen Kaestner, second by Ms. Ronenia Jenkins. All in favor, none opposed.

Helbert Lopez,

Case No.: 19-115 SAN

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

Advised that the Respondent sent in the stipulation agreement and fee in the amount of \$300.00, failed to contact the inspector and obtain the construction permit.

The inspector Sharon Bures identified herself for the record, stated her position and duties at the Department of Health (DOH) and then explained what she observed during her inspection (that the drain field was illegally repaired). Pictures taken during the inspection were entered into evidence as DOH exhibit #1 and previous complaints were entered into evidence as DOH exhibit #2.

Board Discussion

Counsel's recommendation is to impose a \$500.00 fee and \$500.00 fine for improper repair of the drain field and reject the stipulation agreement because it included that the permit be obtained for the repair work.

The Board accepted Counsel's recommendation, for the Respondent to clean & sanitize the area, obtain the septic repair permit no later than July 8, 2019, the construction inspection must take place by July 15, 2019, the respondent needs to be in full compliance by July 22, 2019, an administrative fee of \$500.00 and administrative fine of \$500.00 is due no later than August 9, 2019. The matter shall be heard for status on August 29, 2019.

Motion by Ms. Karen Kaestner; second by Ms. Ronenia Jenkins. All in favor, none opposed.

Losa, Inc.

Case No.: 19-111 SAN

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

Mr. Susla proffered the Board on matters related to the case and the order issued at the previous meeting. The inspector, Sharon Bures identified herself for the record, stated her position and duties at the Department of Health (DOH) and then advised the Board that there was no sewage present at the last inspection and that the property is vacant. The matter was referred to the city's code enforcement. Periodic inspections recommended. No further action is needed at this time.

Parkway Mobile Home Court

Case No.: 19-012 SAN

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

Mr. Susla called Mr. Nicolas Kellman to testify. Mr. Kellman stated his name and position for the record and advised that \$1,772.00 is due and that no payments have been received to date.

Mr. Susla advised that there are 11 domiciles on the property and recommended daily fines up to \$500.00 and a civil penalty.

Board Discussion

Mr. Susla called Sabreena Ali to testify. She stated her name and position for the department and proceeded to advise the Board that the Department has not been able to reach the Respondent and also reached out to code enforcement regarding the issue of the Mobile home park operating without a permit.

The Board discussed issuing a subpoena.

Motion by Ms. Karen Kaestner for a daily fine in the amount of \$500.00 per day in addition to the administrative fee and fine totaling \$1,000.00; and the permit fees, reinspection fee and late fees in the amount of \$772.00. (total amount due to \$1,772.00). The Board ordered a subpoena for the respondent to appear at the next hearing. Status at the next hearing, second by Ms. Ronenia Jenkins.

The meeting was adjourned by Ms. Lily Sayre at 11:15 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board