

BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – AUGUST 29, 2019

The Board meeting was called to order at approximately 9:33 a.m. on Thursday, August 29, 2019 by Lily Sayre, Vice Chair.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair
Lily Sayre, Vice Chair
Karen Hodge-Kaestner, Member
Ronesia Jenkins, Member
Robert McColgan, Member

Also present were: Hulda Estama, Esq. - Attorney for the Board
 Alicia McRae – Clerk of the Board
 Andrij Susla, Esq. - Attorney for the Department
 Clifford Friedman, Esq. - Attorney for the Department
 Zachary Orthen - Environmental Health Assistant Administrator

Ms. McRae swore in the witnesses.

Ms. Sayre requested approval of the May 30, 2019 meeting minutes.

Motion to postpone approval of the minutes until the end by Ms. Hodge-Kaestner; all in favor.

Statement to Respondents read by Ms. Sayre.

Hearing procedures read by Ms. Estama.

Mr. Susla proceeded with the scheduled cases.

Helbert Lopez

Case No.: 19-115 SAN

Mr. Susla appeared on behalf of the Department; Helbert Lopez appeared.

Mr. Susla called Christopher Cappiello, Environmental Specialist III, to testify. Mr. Cappiello stated and spelled his name, position, and duties with the Department of Health (“DOH”) for the record. Mr. Cappiello confirmed that he had inspected the subject property, stated what he observed during the inspection, and what would be required from the respondent to come into compliance.

Mr. Susla called Nicolas Kellman, Accounts Receivable Manager, to testify. Mr. Kellman stated and spelled his name for the record followed by his position and duties with DOH. Mr. Kellman advised that Mr. Lopez has a \$1,000.00 outstanding balance as of August 8, 2019, by order of the Board.

Mr. Lopez was called to testify. He stated and spelled his name for the record. The correct spelling of his name is “Helbert”. Pictures taken by DOH were provided to Mr. Lopez. He confirmed that the pictures provided showed his property. He disclosed to the Board that he initially hired Septic Medic, Inc. to inspect the property. Septic Medic, Inc. informed Mr. Lopez that there was no septic issue, but there was a water leak. Mr. Lopez hired Mr. C. a plumbing company, which provided graphs of the water consumption. Respondent’s provided the graphs of water consumption as evidence, identified as Exhibit “A”.

Mr. Kaufman arrived.

The permit applied for on August 12, 2019 was denied due to an unpermitted repair on the septic system.

The Board decided that it is undetermined if the drain field was disturbed. A motion, initiated by the Board, to subpoena Septic Medic, Inc. was granted. Order entered.

Motion by Mr. McColgan that Respondent has 30 days to come into compliance. If the Respondent fails to do so by September 30, 2019, a daily fine will be imposed up to \$500.00. Motion fails.

Amendment by Ms. Hodge-Kaestner to consider waiving the \$500.00 fine if the Respondent comes into compliance and that the \$500.00 administrative fee remain. Motion fails.

Mr. Kaufman – Discussion.

Motion by Mr. Kaufman to table the matter, subpoena Septic Medic, Inc. to appear at the next meeting, and delay the imposition of any fees and fines until the next meeting. All in favor, 1 opposed.

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

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

Mr. Susla 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, identified herself for the record and stated her position and duties at DOH. Ms. Edghill advised the Board that she last inspected the facility on June 26, 2019. This inspection was unsatisfactory due to the presence of bedbugs.

Jacqueline Heath advised the Board that the facility will surrender its license as an Assisted Living facility effective November 1, 2019. No further action is needed from the Board.

Anthony C. Ramsey Sr. **Case No.: 19-114 SAN**

Mr. Susla appeared on behalf of DOH; 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 conditions in the backyard area of the property, whereby creating a sanitary nuisance. The conditions on Respondent's property provides harborage for vermin and pest, which transmit disease.

Mr. Susla called Mr. Kellman to testify. Mr. Kellman advised that the balance on Mr. Ramsey's account remains outstanding at \$1,000.00.

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

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

Mr. Orthen was called to testify, he advised that he filed a complaint with the Florida Fish and Wildlife regarding the birds present at the property. Per FWC, the birds are not illegal. He also filed a complaint with the North Lauderdale Fire Dept. regarding an imminent fire hazard. Mr. Orthen advised that North Lauderdale's Code Enforcement Dept. does not have jurisdiction to enforce due to the property being a private residence.

Mr. Raphael Santos from the North Lauderdale Code Enforcement Department was called to testify. Mr. Santos advised the Board of the history of the property and that the case was opened in 2014.

Counsel's recommendation is to file a motion in the 17th Circuit Court for an order to clean up the property and pay fees and fines ordered by the Board.

Discussion.

Motion by Stuart Kaufman to notify the City Attorney's office of the issue and try to reach a resolution.

Second by Karen Hodge-Kaestner, all in favor, none opposed.

Parkway Mobile Home Court

Case No.: 19-012 SAN

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

Mr. Susla called Mr. 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 yet been received. The fines imposed by the Board have accumulated to \$33,272.00.

Mr. Susla recommends going to court regarding the matter.

Mr. McColgan made a motion to accept counsel's recommendation, second by Ms. Sayre. All in favor.

Ms. McRae advised that the minutes from the Board's August 30, 2018 were not approved.

Ms. Hodge-Kaestner made a number of corrections to the August 30, 2018 minutes. Motion to approve amended minutes made by Ms. Hodge-Kaestner. Seconded by Ms. Jenkins. All in favor.

February 2019 meeting minutes amended to reflect corrections. Motion to approve amended minutes made by Ms. Hodge-Kaestner. Seconded by Ms. Jenkins. All in favor.

May 2019 meeting minutes amended reflect corrections. Motion to approve amended minutes made by Ms. Hodge-Kaestner. Seconded by Ms. Jenkins. All in favor.

June 2019 minutes are amended to correct various scrivener's errors prior to the next hearing date. Motion by Ms. Hodge-Kaestner to approve minutes once corrections are made. Seconded by Ms. Jenkins. All in favor.

Meeting adjourned by Ms. Sayre at 12:30 p.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board