

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – APRIL 25, 2019**

The Board meeting was called to order at approximately 9:35 a.m. on Thursday, April 25, 2019 by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman
James Dillard
Robert McColgan
Ronesia Jenkins
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

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

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

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

Stuart Kaufman requested approval of the February 28, 2019 meeting minutes:

Motion to approve the minutes by Ms. Ronenia Jenkins; Second by Mr. James Dillard, all in favor, and none opposed.

Clifford Friedman, Esq. proceeded with the scheduled cases.

Parc Village Condominium Association, Inc.

Case No.: 19-009 SAN

Mr. Friedman appeared on behalf of the Department; Diana Morgan appeared on behalf of the Respondent.

Mr. Friedman advised the Board that the matter was abated prior to the hearing and that the Department moves to dismiss the case. Mr. Friedman advised the Board that the Respondent was in violation of F.S. 386.01 & 386.041(1)(a) described as an untreated or improperly treated waste including an unsecured clean out cap, including toilet paper on the ground at 6474 N. State Road 7, Coconut Creek, Florida.

The property Manager stated her name for the record as Diana Morgan and advised that the correct unit address is 8124 NW 15th Manor for the unit owner.

Mr. Kaufman asked if there was a fee associated with the matter. Mr. Friedman stated that the Department would have been seeking a civil penalty of \$500.00 penalty and an administrative fine of \$500.00.

Motion by Mr. James Dillard to dismiss the case, second by Ms. Ronenia Jenkins, all in favor.

Fort Lauderdale Retirement Home

Case No.: 19-010 SAN

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

Mr. Friedman asked if there were any representatives present from the Fort Lauderdale Retirement Home and someone answered. Mr. Friedman called the inspector, Christina Edghill to testify. He asked her to state her name, position.

Christina, Environmental Health Specialist II.

Mr. Friedman advised the Board that the matter was being heard for infestation presence, which is a violation of 381.006 and Florida Statute and 64E-12(16) Florida Administrative Code.

Mr. Friedman advised that the NOV was served 4/3/2019 for violation #27- Infestation & Presence and as of the last inspection on 4/17/2019 there was no abatement. Mr. Friedman proceeded with the witness

Ms. Edghill stated and spelled her name for the record, stated where she works, her position and duties with the Department.

Mr. Friedman asked if she was trained on how to identify bedbugs. Ms. Edghill stated yes. Mr. Friedman asked what the training entailed. Ms. Edghill stated that there is a training and pamphlets provided to the inspectors.

Mr. Friedman asked how many times she inspected Fort Lauderdale Retirement Home. Ms. Edghill stated 2 times.

Composite Exhibit "A" was introduced, which included the information sent to the Department from Fort Lauderdale Retirement Home as well as pictures and other evidence of the Department.

Mr. Friedman asked when the initial inspection took place.

Ms. Edghill confirmed the initial inspection date 4/3/2019 and observed live and dead bedbugs in building 401, rooms 3,6,8,7,16,19,12,11. The results of the inspection were unsatisfactory and that a re-inspection was scheduled for 4/17/2019 where the same violations were observed. Ms. Edghill described in detail what was in the pictures taken, which constituted a violation. She confirmed that there were no patients present in the rooms during the inspection on 4/17/2019.

Mr. Friedman asked what a satisfactory inspection would look like for the Fort Lauderdale Retirement home.

Ms. Edghill stated for there to be no evidence of bedbugs; live or dead and no evidence of fecal or blood spots.

Mr. Friedman asked if the violation is a public safety risk.

Ms. Edghill stated that it is.

There were no further questions from Counsel for this witness.

Mr. Kaufman asked if there were patients present during the inspection, Ms. Edghill stated that people were present during the initial inspection and there was evidence of bedbugs in the rooms being occupied.

Ms. Jacqueline Heath stated and spelled her name for the record and stated her position. She stated that the facility tries to help the transient community. That they first contracted Punta Gorda pest control and invested 20k to get rid of the bedbugs. There was no resolution and therefore reached out to another company called Excel, which is currently contracted to treat the facility for bedbugs. They are following through with the treatment plan between visits from the pest control company, which will continue on a monthly basis after treatment.

Mr. Dillard asked how long it will take to abate the problem; Ms. Heath stated about a month.

The discussion continued with questions to Ms. Heath regarding the business, intervention and staff training.

The Department proved by the greater weight of the evidence that the respondent violated F.S. 381.006; F.A.C. 64E-12.006 and Broward County Ordinance 15-248. The respondent must abate the violation by 5/29/2019, the facility must implement and maintain a bedbug mitigation plan (documented in writing) for inspection by the Department of Health inspectors upon request, biweekly inspections must take place, residents shall not be in rooms or beds where bedbugs are observed, anti-bedbug mattress covers (bedbug puncture proof) shall be placed on client mattresses, heat treatments must be conducted on affected areas as appropriate, all cracks, crevices and entry points to wall voids need to be sealed shut, using high quality silicone-based sealant. It is recommended that wood baseboards be changed to commercial, fully sealed baseboards throughout the facility.

The matter will be set for status on May 30, 2019, that the Board retains jurisdiction for 90 days. Administrative fee of \$0.00, \$500.00 civil penalty to be paid by 5/31/2019.

Discussion

Motion by Ms. Karen accept counsel's recommendation administrative fine and consider mitigation contingent upon the re-inspection report.

Discussion

Second by Mr. James Dillard, all in favor.

Cypress At Woodmont III

Case No.: 18-127 SP

Mr. Friedman appeared on behalf of the Department; Maryann Principato appeared on behalf of the Respondent.

Mr. Friedman proffered that the matter was being heard for status relating to the facility operating without a valid permit, which is a violation of 514.031(1)(4) Florida Statute and 64E-9 Florida Administrative Code and advised that the previous order issued on January 31, 2019 imposed a daily fine of \$100.00 for failure to satisfy the \$500.00 administrative fee and \$500.00 administrative fine ordered in December. that the pool remain closed until all fees and fines are paid.

Maryann Principato stated her name for the record and advised that she is the property manager.

Mr. Friedman read the complaint for the Board, the Orders and advised that there was no compliance.

Mr. Nicolas Kellman, AR Supervisor was called to testify. He spelled and stated his name for the record, followed by his position and duties at the Department. Mr. Kellman confirmed that no funds have been received from the Respondent.

Board Discussion confirming that \$3,900.00 was due at the last meeting.

Ms. Maryann Pricipato advised that correspondence was not going to the correct addresses. She advised that she called and notified that she was unable to make it to the December hearing and that all of the violations stated were not out of compliance with the exception of the flowmeter, which was fixed within a week and the inspection was satisfactory. She requested mitigation due to the address issue.

Laura Ramirez, Environmental Health inspector stated and spelled her name for the record. There is no one on the premises and therefore mailed the NOV/correspondence to the addresses on file. Ms. Ramirez stated that the property management company is unclear.

Mr. Friedman added that the Sunbiz.org information stated that the information listed now is the same as what it was in August last year. He went over all addresses that correspondence was sent to. He also stated that the notices of hearings were served via process server, which an affidavit was provided to Department confirming same.

Ms. Principato stated that she is not disputing service, but the mailings.

The Board confirmed that the pool permit is paid, and the date payment was received.

Mr. Kellman verified the amount due in outstanding fees and fines to be \$8,550.00.

Motion by Ms. Karen Kaestner that the \$1,000.00 ordered in December stand, that the daily penalty of \$8,550.00 be reduced to \$2,550.00, totaling \$3,550.00 due 3 weeks from the hearing date. Second by Mr. James Dillard, all in favor.

Hawaiian Gardens Phase I (South)

Case No.: 19-008 SAN

Mr. Friedman appeared on behalf of the Department; Michael Emery appeared on behalf of the Respondent.

Mr. Friedman advised the board that the matter and read the violations stated in the complaint.

Mr. Emery was given an opportunity to speak regarding the matter. He stated his name for the Board, advised that he is a paralegal for (the firm) Steven B. Katz located in Lauderhill, Florida.

After board discussion, it was decided that the Department proved by the greater weight of the evidence that a violation does in fact exist and imposed an administrative fee of \$500.00, an administrative fee of \$500.00 to be paid by May 13, 2019 and that the matter be set for status at the next hearing scheduled for May 30, 2019. The Board also ordered immediate pool closure and bi-weekly inspections.

Motion by Ms. Karen Kaestner, second by Mr. James Dillard, 4:1 opposed (Mr. Robert McColgan).

Septic Medic, Inc. **Case No.: 18-135 SAN**

Mr. Friedman appeared on behalf of the Department; Andrew (Andy) Tolomeo appeared on behalf of the Respondent.

Mr. Friedman advised the board that an order was entered at the January 31, 2019 hearing, which gave the Board jurisdiction over the matter for 90 days, that a \$500.00 administrative fee and \$500.00 administrative fine was imposed, that the respondent did not comply with the order previously entered and that a subpoena was issued.

Mr. Tolomeo was given an opportunity to speak regarding the matter.

The Board decided that the fees totaling \$1,000.00 will stand.

Motion by Ms. Ronenia Jenkins, second by Ms. Karen Kaestner, all in favor.

Roshini Investments d/b/a Travelodge **Case No.: 18-126 SAN**

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

Mr. Friedman proffered the Board regarding the previous order entered and called Mr. Nicolas Kellman to verify the amount(s) due.

Mr. Kellman stated and spelled his name for the record followed by his position, length of time with the department, and duties at the department. Mr. Kellman verified that the balance accumulated up to \$2,500.00 and was paid by the Respondent.

No further action needed from the Board.

Beit Shamesh, LLC d/b/a Boca Tanning Club **Case No.: 19-007 SAN**

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

Mr. Friedman advised the Board that the permit fee and stipulation fee was paid prior to the hearing. Requested that the Board enter an order adopting stipulation.

Motion to adopt stipulation by Ms. Karen Kaestner, second by Ronenia Jenkins, all in favor

Lakeside Manor East **Case No.: 19-004 SAN**

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

Mr. Friedman advised the Board that the permit fee and stipulation fee was paid prior to the hearing. Requested that the Board enter an order adopting stipulation.

Motion to adopt stipulation by Mr. James Dillard, second by Ms. Ronenia Jenkins, all in favor.

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

Mr. Friedman advised that the permit fee was paid, but that the stipulation fee was pending and requested a continuance.

Motion for continuance by Mr. James Dillard, second by Ms. Ronenia Jenkins. All in favor.

The meeting was adjourned by Mr. Stuart Kaufman at 11:55 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board