

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – March 29, 2018**

The Board meeting was called to order at approximately 9:30 a.m. on Thursday, March 29, 2018, by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chairman
Myra Mazlin
Robert McColgan
Karen Hodge-Kaestner
Lily Sayre, Vice-Chair

Also present were: Scott Andron, Esq. appeared on behalf of Patrice Eichen, Esq. Attorney for the Board
Paul Eichner, Attorney for the Department
Anthony Vomero, Environmental Health Administrator

Stuart Kaufman requested approval of the January 25, 2018 meeting:

Motion to approve the minutes by Ms. Kaestner after a correction is made on page 3. Second by Lily Sayre, all in favor, none opposed.

Motion to approve February 25, 2018 minutes by Ms. Kaestner, second by Ms. Sayre all in favor, none opposed.

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

Paul Eichner proceeded with the scheduled cases.

Garden Apartments

CASE NO.: 18-021 SP

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

Mr. Eichner called inspector Clifford Saieh, Environmental Health Inspector. Mr. Saieh testified that he is familiar with the case and that he served an individual at an Attorney's office. Mr. Saieh stated the address and that the complaint is for an unpaid pool permit. Mr. Eichner asked Mr. Saieh to confirm the statutes and codes that support the violation, which are Florida Statute 514.031 and Florida Administrative Code 64E-9.015. Mr. Saieh testified to the dates all correspondence was sent to the Respondent, including the complaint, which Mr. Saieh served on Lucero Caro.

Mr. Eichner called Nicolas Kellman, AR Supervisor to testify. Mr. Kellman stated that he reviewed the file and advised that there were no payments made to satisfy the pool permit balance.

Mr. Kaufman suggested that the pools be closed when there is a failure to pay the permit.

Mr. Eichner recommended that the Board find that there is a violation of *Florida Statute 514.031* and *Florida Administrative Code 64E-9.015*, that the Board imposes an administrative fee of \$500.00, an administrative fine of \$500.00 in addition to the permit fee of \$175.00 to be paid by April 18, 2018. That the matter be brought back for status on April 26, 2018 and that the Board retain jurisdiction for 90 days.

Motion by Ms. Kastler to accepting Mr. Eichner's recommendation, second by Ms. Sayre, all in favor, none opposed.

Deerfield East Apartments (North)

CASE NO.: 18-029 SP

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

Mr. Eichner called Nazira Mejia- Nino, Environmental Health inspector to testify. Ms. Nino testified that she served the complaint to the property management company on February 16, 2018. She stated the location of the pool and the nature of the complaint is for an unpaid pool permit. Mr. Eichner asked Ms. Nino to confirm the F.S. and F.A.C. that were violated and the dates that correspondence was sent to the Respondent. Ms. Nino confirmed statutes and codes that support the violation as *Florida Statute 514.031* and *Florida Administrative Code 64E-9.015* and *Broward County Administrative Code 36.49(o) (2)*. Ms. Nino confirmed the dates that correspondence was sent to the respondent.

Mr. Eichner called Nicolas Kellman, AR Supervisor to testify. Mr. Kellman stated that he reviewed the file and advised that there were no payments made to satisfy the pool permit balance.

Mr. Eichner recommended that there is a violation of *Florida Statute 514.031* and *Florida Administrative Code 64E-9.015* and *Broward County Administrative Code 36.49(o)(2)*, that the Board impose an administrative fee of \$500.00, an administrative fine of \$500.00 in addition to the permit fee of \$325.00 to be paid by April 18, 2018. That the matter be brought back for status on April 26, 2018 and that the Board retain jurisdiction for 90 days.

Motion by Ms. Kaestner to accept Mr. Eichner's recommendation, second by Ms. Mazlin, all in favor, none opposed.

Foxcroft Homes HOA, Inc. (Waterview) **Case No.:18-030 SP**

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

Mr. Eichner advised that the Respondent paid the permit fee and stipulation fee. Mr. Eichner requested that the Board enter an Order accepting the stipulation agreement.

Motion to accept by Karen Kaestner, second by Myra Mazlin; all in favor, none opposed.

Emerald Isles at Mobile Homes E. **Case No.: 18-031 SAN**

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

Mr. Eichner advised that the Respondent paid the permit fee and stipulation fee. Mr. Eichner requested that the Board enter an Order accepting the stipulation agreement.

Motion to accept by Myra Mazlin, second by Karen Kaestner; all in favor, none opposed.

3 Layers Deep Piercing and Tattoo Gallery, Inc. **Case No.: 18-036 SAN**

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

Mr. Eichner advised that the Respondent paid the permit fee and stipulation fee. Mr. Eichner requested that the Board enter an Order accepting the stipulation agreement.

Motion to accept by Karen Kaestner, second by Myra Mazlin; all in favor, none opposed.

Mickey's Mobile Home Park **Case No.:18-039 SAN**

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

Mr. Eichner advised that the Respondent was served on March 14, 2018, which was the same day that the permit fee was paid, but the Respondent failed to pay the stipulation fee or return the stipulation agreement. Mr. Eichner suggested that the Board impose a fine and or fee equal to the stipulation fee that was due.

Mr. Eichner called Ms. Edghill to testify. Ms. Edghill testified that she served the complaint on March 14, 2018 to Raphael Ammar at 1:08 p.m. Mr. Eichner asked Ms. Edghill to state her position with the Department of Health.

Mr. Eichner called Mr. Kellman to testify. Mr. Kellman stated his position for the record and testified that the payment was made at 3:44 p.m.

Mr. Eichner then recommended that the Board waive the administrative fee and impose an administrative fine of \$200.00 in line with the stipulation fee due by April 18, 2018.

Motion by Ms. Karen Kaestner, second by Mr. Stuart Kaufman; all in favor, none opposed.

Twin Lakes Travel Park

Case No.: 18-041 SAN

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

Mr. Eichner advised that the permit fee and stipulation fee was paid. Mr. Eichner requested that the Board enter an Order accepting the stipulation agreement.

Motion to accept by Myra Mazlin, second by Karen Kaestner, all in favor, none opposed.

Investments at South Florida, LLC

Case No.: 18-044 SAN

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

Mr. Eichner advised that this complaint is for a pool violation. Mr. Eichner called Clifford Saieh to testify. Mr. Saieh advised that he had an opportunity to review the file. Mr. Saieh stated the address and location of the pool and provided a geographic location. Mr. Saieh stated that the pool is in a multi-family apartment building and that the pool serves residents of the complex. Mr. Saieh stated that the first visit was on February 6, 2017 with 11 subsequent inspections. The notice of violation (NOV) was issued on February 5, 2018, and sent certified mail to the Respondent. Mr. Eichner confirmed that the item was delivered by certified mail. The certified mail receipt was entered into evidence as Exhibit 1. Mr. Eichner asked Mr. Saieh to state the violations he cited. Mr. Saieh read the violations that were cited, which included *Florida Statute* sections 514.0315 and 514.021. Mr. Eichner went over the sections of the *Florida Administrative Code* in detail with Mr. Saieh. Mr. Saieh provided pictures to support his findings, which were entered into evidence as composite Exhibit 2.

Mr. Saieh confirmed that there is no onsite office and that the management company has changed frequently, which made service difficult. The NOV was mailed to the same address that he served the complaint, which was served March 13, 2018 at 3:45 p.m. at a residence. He served an individual named Vera, but she would not give her last name. He stated that he did explain the contents of the package. No further questions for Mr. Saieh.

Mr. Eichner called Alicia McRae to testify. Ms. McRae was sworn in by Mr. Eichner. Mr. Eichner asked if she mailed the notice of hearing and complaint by way of UPS to the property. She confirmed that the notice of hearing and complaint was delivered to 19220 NE 19th Place, Miami, Florida 33179 on March 15, 2018, which was confirmed delivered via e-mail from UPS.

There was discussion regarding pool closures and unsatisfactory pool status. Mr. McColgan made comments regarding the violations and issues pertaining to the pool.

Mr. Eichner asked if there was anyone from Investments at South Florida, LLC. No one answered. Mr. Eichner had no other questions of the witness. Recommend a motion that there is violation of the rules and statutes by allowing the conditions previously identified to exist. The violations are to be corrected by 4/18/2018, \$500.00 fee, \$500.00 fee to be paid by 4/18/2018, inspector to go and inspect prior to the next hearing on 4/19/2018. Set for status 4/26/2018 and retain jurisdiction for 90 days.

Motion to accept Mr. Eichner's recommendation, to impose the \$500.00 administrative fee, the \$500.00 administrative fine, add a \$50.00 re-inspection fee and keep the pool closed by Karen Kaestner, second by Lily Sayre, all in favor, none opposed.

Portofino Place LTD d/b/a Camden Portofino

Case No.: 18-013 SP

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

Mr. Eichner advised that the \$500.00 administrative fine and \$500.00 administrative fee were paid.

Portofino Place LTD d/b/a Camden Portofino

Case No.: 18-018 SP

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

Mr. Eichner advised that the \$500.00 administrative fine and \$500.00 administrative fee were paid.

Prestige Commons

Case No.: 18-006 SP

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

Status: There is no activity on the case. Mr. Eichner confirmed with the Clerk, Alicia McRae if this was the case with the car in the pool. Ms. McRae confirmed that it was. Mr. Eichner proffered that there was mitigation and that the fee was reduced to 0.00 and the fine of \$200.00 was increased up to \$300.00. Mr. Eichner stated that he would have the Clerk reach out to the Respondent regarding the fee and resend the Order.

Emerald Isles Condominium Association, Inc.

Case No.: 18-012 SP

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

Status: That an order was entered on February 25, 2018 and that was no activity.

Suzanne Plaza Owners' Association, Inc. (Pool)

Case No.: 18-028 SP

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

Status: That the respondent paid prior to the hearing, served 2/14/2018, paid only the permit fee on 2/19/2018. The Board entered an order to pay the pool permit fee including the \$500.00 administrative fee and fine. The Respondent could have entered into a stipulation because they were served before they remitted payment. Mr. Eichner requests to amend the order to reflect that the permit fee was received. Ms. Sayre asked why we did not know that the fee was received. Ms. Kaestner asked if the Respondent had an opportunity to appear, yes. The Board requested that the Order be re-sent.

Sunshine Garden Apartments

Case No.: 18-005 SP

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

Christina Edghill, EH Specialist, testified that Mr. Ovrutsky appeared at the last hearing.

Mr. Eichner proffered what occurred at the hearings in January and February, advised that Ms. Edghill had made contact with Mr. Ovrutsky and proof was provided regarding the progress made in correcting the violations.

Mr. Eichner reminded the Board that there was an Order issued at the January hearing including a \$500.00 administrative fee and \$500.00 administrative fine. The Board did not consider mitigation of the fees and fines at the February hearing until progress was made with the pool violations. Mr. Eichner asked if the Board wanted to consider amending the order since the violations were abated.

Motion by Ms. Karen Kaestner to amend the order to reduce the administrative fine of \$500.00 to \$0.00 and the \$500.00 administrative fee is to remain the same; Second by Ms. Lily Sayre, all in favor, none opposed.

The meeting was adjourned by Mr. Stuart Kaufman at 11:13 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board