

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – April 26, 2018**

The Board meeting was called to order at approximately 9:35 a.m. on Thursday, April 26, 2018, by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

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

Also present were: Maite Azcoitia, 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 March 29, 2018 meeting minutes:
Motion to approve the minutes by Ms. Kaestner; Second by Lily Sayre, all in favor, none opposed.

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

Paul Eichner proceeded with the scheduled cases.

Deerfield East Apartments (North) **Case No.: 18-044 SAN**
Mr. Eichner appeared on behalf of the Department; Dawn Campbell, property manager appeared on behalf of the Respondent.

Mr. Eichner briefed the Board regarding the matter. Mr. Eichner called Dawn Campbell to testify.

Ms. Campbell testified that all correspondence was sent to the correct address, that the person who accepted service was reprimanded for not advising the proper party when they were served. Ms. Campbell requested that the fees be waived.

Mr. Eichner pointed out that the legal notice was sent to the correct address as well as the Complaint. Only after the Order did the Respondent take action. Mr. Eichner advised that the matter was solely for a permit fee, not any substantive violations.

There was discussion regarding the matter regarding mitigation. Mr. Stuart Kaufman explained to the Respondent that because the correspondence was sent to the correct address, it is difficult to waive any fees.

Motion by Lily Sayre to let the Order stand, second by Karen Kaestner, all in favor, none opposed.

The Order stands.

Sunpointe Springs Condominium **Case No.: 18-041 SAN**
Mr. Eichner appeared on behalf of the Department; Carlos Vasquez, property manager appeared on behalf of the Respondent.

Mr. Eichner briefed the Board regarding the matter. Mr. Eichner called Mr. Vasquez to testify.

Mr. Vasquez testified that he is working diligently to get repairs done to the pool. He was under the impression that a contractor was going to move forward until the day before the hearing, which ultimately means that another company/bid needs to be contracted to do the repairs.

Mr. Eichner requested that the matter be set for status at the latest date within the 90 day window of jurisdiction. Ms. Sayre asked if the pool was empty.

Mr. Vasquez advised that the pool is full and is being maintained.

There was discussion regarding safety equipment at the pool in case someone got into the pool and needed help getting out. Mr. Eichner confirmed with Anthony Vomero that the safety equipment is not necessary under the circumstances, only that the water needs to be maintained with proper pH, etc.

Highland Park Village Condominium Association, Inc. **Case No.:18-062 SAN**

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

Mr. Eichner called Dave Briel, the property manager to come forward. Mr. Eichner he previously spoke to Mr. Briel and recapped what was agreed upon and that the violation is for lack of entry to the pool and that the inspector is not able to inspect the pool.

Mr. Eichner advised that the complaint was served and Mr. Briel is present with the key fob for the pool.

Mr. Eichner also advised after speaking to Mr. Briel that he is willing to remit the fee of \$300.00 to resolve the matter.

Mr. Eichner's recommendation that an administrative fine of \$300.00 be imposed and that the administrative fee be waived with the sum to be paid by May 8, 2018, retain jurisdiction for 90 days.

Mr. Briel advised that all the information provided by Mr. Eichner was true and correct.

Motion to accept Mr. Eichner's recommendation by Robert McColgan; second by Karen Kaestner; all in favor, none opposed.

Montessori Academy of Broward, Inc. **Case No.: 18-049 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 Lily Sayre; all in favor, none opposed.

Children in the Spirit, Inc. d/b/a Children in the Spirit Christian School **Case No.: 18-050 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 Lily Sayre, second by Karen Kaestner; all in favor, none opposed.

Refine Christian Learning Private School, Inc. **Case No.:18-052 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 Lily Sayre, second by Karen Kaestner; all in favor, none opposed.

Emerald Park Retirement Center **Case No.: 18-057 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 Karen Kaestner, second by Lily Sayre, all in favor, none opposed.

La Petite Leadership Academy, LLC d/b/a Kids in Action 2 **Case No.: 18-046 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 at 10:05 a.m. and paid the \$75.00 permit fee at 11:02 a.m., but not the stipulation fee of \$200.00.

Mr. Eichner called Marquena Boyd, Environmental Specialist II to testify. Ms. Boyd her name, employer, position and how long she's been employed for the record. She testified that she served the complaint.

Mr. Eichner called Nicolas Kellman, Accounts Receivable Supervisor to testify. Mr. Kellman advised that only the permit fee was paid online and the time it was paid.

Mr. Eichner advised that the permit fee was received, but the respondent failed to pay the stipulation fee of \$200.00 and recommended that the Board impose an administrative fine and fee.

Motion by Karen Kaestner to impose a \$500.00 administrative fee and \$200.00 administrative fine by May 18, 2018 and that the Board retain jurisdiction for 90 days. The matter shall be brought back for status at the next hearing; second by Lily Sayre, all in favor, none opposed.

North Broward Christian School, Inc. **Case No.: 18-047 SAN**
Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Eichner called Clifford Saieh, Environmental Specialist to testify. Mr. Saieh testified that he served the complaint to James Green on 4/11/2018 at 10:10 am. The nature of the permit was for non-payment of a group care/private school permit. Mr. Saieh confirmed the dates that correspondence was sent and verified that the correspondence was sent to the same address of 2141 NW 2nd Street, Pompano Beach, FL. Exhibits A,B,C were entered into evidence as Composite Exhibit I.

Mr. Eichner called Nicolas Kellman, Accounts Receivable Supervisor to testify. Mr. Kellman confirmed that no payments were received.

Mr. Kaufman asked if there was physical contact with anyone at the location. Mr. Saieh advised that he spoke to Mr. Green directly and advised him of the contents and to remit payment of the permit fees.

Mr. Eichner recommended that the Board enter an order imposing a \$500.00 administrative fine and a \$500.00 administrative fee and that the Respondent remit the permit fee no later than May 18, 2018 and that the Board retain jurisdiction for 90 days. The matter shall be brought back for status at the next hearing.

Motion to accept Mr. Eichner's recommendation by Karen Kaestner; second by Lily Sayre, all in favor, none opposed.

International Protective Services, Inc. d/b/a International School of Broward Charter **Case No.: 18-048 SAN**
Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Eichner briefed the Board that the stipulation fee was paid, but not the permit fee. That Geraldine Gabone served the Respondent. Mr. Eichner called Geraldine Gabon to testify. Ms. Gabon testified that she served the Complaint to Lauren Tracy on April 9, 2018. The nature of the complaint was for non-payment of a group care/private school permit. Ms. Gabon confirmed the dates that correspondence was sent to the Respondent and verified that the correspondence was sent to the same address that she served the complaint to. Ms. Gabon testified that there were no payments received to her knowledge.

Mr. Eichner called Nicolas Kellman to testify. Mr. Kellman stated his position and confirmed that the stipulation agreement was received with a \$200.00 fee. He stated that he could not apply the payment of \$200.00 to the permit fees due the amount being an insufficient to cover the fee.

Mr. Eichner recommended that the Board enter an order requiring the Respondent remit the permit fee, late fee and re-inspection fees no later than May 18, 2018 and that the Board retain jurisdiction for 90 days. The matter shall be brought back for status at the next hearing.

Motion to accept Mr. Eichner's recommendation, including a \$500.00 administrative fee by Lily Sayre; second by Karen Kaestner, all in favor, none opposed.

South Oaks Assisted Living Home, LLC **Case No.: 18-051 SAN**

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

Mr. Eichner called Christina Edghill to testify. Ms. Edghill testified that she served the complaint on April 9, 2018 to GERALYN CESAR and confirmed the address as 6141 SW 34th Street, Miramar, FL 33023. Ms. Edghill verified that the complaint was for failure to pay the group care permit fee in the amount of \$75.00, a violation of Broward County Administrative Code(s) 36.49j and 36.49n. Ms. Edghill confirmed the dates that correspondence was sent out and the addresses the correspondence was sent to. Ms. Edghill confirmed that the legal letter was mailed to the correct address, which is the same as where service was made. The Exhibits were entered into evidence as composite I.

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor. Mr. Kellman advised that the permit fee was paid on March 10, 2018, but not the stipulation fee was received.

There was discussion regarding the addresses that correspondence was sent to.

Mr. Eichner's recommendation for the Board to impose an administrative fee of \$500.00 and administrative fine of \$200.00 to be paid by May 18, 2018 and set for status at the next hearing and retain jurisdiction for 90 days.

Motion by Karen Kaestner to accept the attorney's recommendation, second by Lily Sayre, all in favor, none opposed.

Racquet Club Garden Apts, 6 & 7 **Case No.: 18-055 SP**

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

Mr. Eichner called Wayne James to testify. Mr. James stated his name, employer and position for the record. Mr. James advised that he served Nilsa Maisonet, Property Manager on April 11, 2018. Mr. Eichner established that the violation is for failure to pay the pool permit fee, which is a violation of *Florida Statute* 514.031(1)(4), *Florida Administrative Code* 64E-9.015 (1)(b)(1) and *Broward County Administrative Code* 36.49(o)(2), totaling \$325.00. Mr. James confirmed the dates that correspondence was sent to the Respondent. Mr. James advised that the permit fee had not been paid to his knowledge.

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor. Mr. Kellman advised that the permit fee was not paid.

Mr. Eichner recommended that the Board impose an administrative fine and administrative fee to be paid by May 18, 2018. That the matter be brought back for status at the next hearing and that the Board retain jurisdiction for 90 days.

There was some discussion from the Board.

Motion by Lily Sayre for the Respondent to correct the violation by paying the permit fee of \$325.00, an administrative fee of \$500.00 and an administrative fine of \$500.00 to be paid by May 18, 2018; second by Ms. Lily Sayre, all in favor, none opposed.

Lighthouse Inn North

Case No.: 18-056 SAN

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

Mr. Eichner called Thu Le to testify. Ms. Le stated her name, employer and position for the record, then advised that she served the complaint for failure to pay the food/hygiene permit fee. Ms. Le confirmed the address that she served the complaint to on April 11, 2018 to Sharon Floyd, located at 3208 NE 11th Street, Pompano Beach. Ms. Le confirmed that to be the same address where the business was located. She also confirmed that all correspondence was sent to the same address as where she served the complaint. Ms. Le confirmed that the Respondent was in violation of *Florida Statute* 381.0072(4)(a), the *Florida Administrative Code*, section 64E-11.013(3)(b)8 and, the *Broward County Administrative Code*, section(s) 36.49(1)(h)(1); 36.49(n); 36.49(l)(2), totaling \$410.00. To her knowledge the permit fee was not paid.

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor. Mr. Kellman advised that the permit fee was not paid.

Mr. Eichner recommended that the Board impose an administrative fee of \$500.00, an administrative fine, permit fees, late fees and re-inspection fees to be paid by May 18, 2018. That the matter be brought back for status at the next hearing and that the Board retain jurisdiction for 90 days.

Motion to accept Mr. Eichner's recommendation including a \$500.00 administrative fine by Ms. Karen Kaestner; second by Lily Sayre, all in favor, none opposed.

Kilar, Inc./ Beach Cigar and Hookah Lounge

Case No.:18-058 SP

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

Mr. Eichner called Clifford Saieh to testify. Mr. Saieh stated his name, employer and position for the record. Mr. Saieh advised that he served the complaint on Robert Tower on April 13, 2018 at 17 South Ft. Lauderdale Beach Blvd. Suite 200, which is the business address for failure to pay the food/hygiene permit, which is a violation of the *Florida Statute* 381.0072(4)(a), *Florida Administrative Code* 64E-11.013(3) and the 36.49(1)(h)(1) 36.49(c)(1)(c.), 36.49(n) for a total of two hundred and sixty-five dollars (\$265.00). Mr. Saieh confirmed the dates that the invoice, notice of violation and the legal letter was sent to the Respondent and the addresses they were sent. Mr. Saieh advised that no payment had been made to his knowledge.

Mr. Eichner called Nicolas Kellman, Accounts Receivables Supervisor. Mr. Kellman advised that the permit fee was paid on April 13, 2018, which was the same date of service, but that the stipulation agreement and fee was not received.

Mr. Eichner's recommendation to the Board was to impose an administrative fee \$500.00 and administrative fine of \$200.00 to be paid by May 18, 2018, that the matter be brought back for status at the next hearing and that the Board retain jurisdiction for 90 days.

Motion to accept by Ms. Karen Kaestner; second by Lily Sayre, all in favor, none opposed.

Imperial Towers North Condominium, Inc.

Case No.: 18-060 SAN

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

Mr. Eichner advised that the matter is dismissed due to the violations being resolved prior to the hearing. He advised that the stipulation fee was waived by staff.

Linda Vista Condominium Association, Inc.

Case No.: 18-061 SAN

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

Mr. Eichner advised the Board that the matter is resolved, that the Respondent is in compliance.

Mr. Eichner advised that the Respondent paid the stipulation fee of \$300.00. Mr. Eichner requested that the Board enter an Order accepting the stipulation agreement.

Motion to accept by Karen Kaestner, second by Lily Sayre; all in favor, none opposed.

Garden Apartments **Case No.: 18-021 SP**
Status: No action on the matter. The fees are still pending

Investments of South Florida, LLC **Case No.:18-044 SAN**
Status: No action on the matter. The fees are still pending

Prestige Commons **Case No.: 18-006 SP**
Status: Administrative fine of \$300.00 is still outstanding.

Emerald Isles Condominium **Case No.:18-012 SP**
Status: Permit fees, administrative fees and fines were paid.

Suzanne Plaza Owners' Association, Inc. **Case No.: 18-028 SP**
Status: the administrative fees and fines still pending.

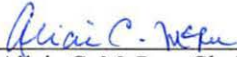
Sunshine Garden Apartments **Case No.:18-005 SP**
Status: the administrative fee of \$500.00 is still pending.

Mickey's Mobile Home Park **Case No.: 18-039 SAN**
Status: the administrative fine was paid.

Announcements: Anthony Vomero, Environmental Health Administrator explained to the Board that pools can be closed due to non-payment of permits. The Board can order that a pool be closed as soon as the next meeting. He advised that the signs are on order and should be available by the next meeting. Mr. Vomero also provided a list of violations that warrant a pool closure. The list outlined type A and type B violations.

The meeting was adjourned by Mr. Stuart Kaufman at 11:06 a.m.

PREPARED AND SUBMITTED BY:



Alicia C. McRae, Clerk of the Board