

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD  
MINUTES OF BOARD MEETING – June 28, 2018**

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The Board meeting was called to order at approximately 9:40 a.m. on Thursday, June 28, 2018 by Chairman, Stuart Kaufman.

The Clerk called roll and the following members were present:

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

Also present were: Daniel J. DiMatteo, Esq. Attorney for the Board  
Paul Eichner, Esq. Attorney for the Department  
Sabreena Ali, Environmental Health Supervisor

Stuart Kaufman requested approval of the May 31, 2018 meeting minutes:  
Motion to approve the minutes by Ms. Kaestner; Second by James Dillard, all in favor, and none opposed.

Statement to Respondents read by Mr. Stuart Kaufman.

Hearing procedures read by Dan DiMatteo, Esq.

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

Paul Eichner proceeded with the scheduled cases.

**Sunpointe Springs Condominium** **Case No.: 17-218 SP**

Mr. Eichner appeared on behalf of the Department; Mr. Carlos Vasquez, Property Manager, appeared on behalf of the Respondent.

Mr. Eichner proffered the status of the matter.

Mr. Vasquez gave the status of the pool, advised that the work should begin within a week and should take about 2 weeks to complete.

Counsel's recommendation was to continue the matter and retain jurisdiction for 60 days. The matter shall be scheduled for September 27, 2018.

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

Mr. Eichner asked Mr. Vasquez to notify the legal office if the work is completed prior to August 30, 2018.

**Hideaway Pub, Inc.** **Case No.:18-078 SAN**

Mr. Eichner appeared on behalf of the Department; Ann Chuck, Owner, appeared on behalf of the Respondent.

Mr. Eichner advised that the matter is for a food hygiene permit and was before the Board the month before, that no one appeared on behalf of the respondent at that hearing, that the permit fee was received, but not the stipulation fee or stipulation agreement. Counsel also advised that the payment was made after service on the respondent and that a \$200.00 administrative fine was imposed by the Board.

Ms. Ann Chuck stated her name and confirmed that she is the owner of the business.

Mr. Kaufman asked Mr. Eichner questions regarding the notices and when payments were made. Mr. Eichner explained.

Ms. Chuck addressed the Board regarding the mishap with the addresses and stated that she was seeking mitigation.

Motion by Myra Mazlin to remove the fine of \$200.00 Lily Sayre seconded. Karen Kaestner and Robert McColgan opposed.

**\*\*Discussion\*\***

**Cumbala Sports Pub Bar, Inc. d/b/a Cumbala Sports Bar** **Case No.: 18-071 SAN**

Mr. Eichner appeared on behalf of the Department; Joanna Morales appeared on behalf of the Respondent.

The owner does not speak fluent English and her daughter appeared with her to translate.

Mr. Eichner advised that a \$500.00 administrative fee and a \$500.00 administrative fine was imposed along with the permit fee at the hearing held in April; and that the Respondent is seeking mitigation.

Nicolas Kellman confirmed that the permit fee of \$265.00 was paid on the May 26, 2018.

The Board asked questions of the Respondent including if the hours of operation are posted, what type of business it is and if the address is correct. The Respondent answered the questions and advised that the hours of operation are not posted, that the business is a sports bar that the address is correct.

The Respondent testified that the business has been in existence for 16 years and never had this problem because she usually gets a call from the inspector when it is time for an inspection or to pay for the permit.

Motion by Karen Kaestner to reduce the administrative fine of \$500.00 to \$200.00 and the administrative fee of \$500.00 shall remain the same. Second by Lily Sayre, all in favor, none opposed.

The motion was amended by Karen Kaestner to add due date of August 23, 2018- all in favor, none opposed.

**Circle One Condominium, Inc.** **Case No.: 18-087 SAN**

Mr. Eichner appeared on behalf of the Department; Honora Knapp (of Benchmark Properties) appeared on behalf of the Respondent.

Alicia McRae swore in additional witnesses.

Mr. Eichner updated the Board regarding the matter and called Mr. Cappiello, Environmental Engineering inspector to testify.

Mr. Cappiello stated his name for the record and stated that he visited the property 2 times since the last hearing and other inspectors went out on 2 other occasions. He stated that his last visit was on June 22, 2018 and that the property was inspected 1 time between June 22 and June 28 by Jordan Wilson, in which there were new violations. He testified that the issues before the board last month were abated.

Ms. Knapp stated that she needs an invoice in order to pay the \$200.00 administrative fine for billing purposes and was willing to make the payment at that time.

Ms. Knapp was advised that once the \$200 fine is paid the matter would be closed. Mr. Cappiello was instructed to send Ms. Knapp an e-mail advising same.

**Privilege Apartments a/k/a Garden Apartments** **Case No.:18-076 SAN**

**Garden Apartments** **Case No.: 18- 021 SP**

Mr. Eichner appeared on behalf of the Department; Tilquanda Pearsall appeared on behalf of the Respondent.

Mr. Eichner called Clifford Saieh and he stated his name for the record. He also stated that he inspected the pool prior to the hearing. He went on to state that violations have been abated.

Mr. Kellman advised that the payments to satisfy permit fees for permit 06-60-01338 were received on May 26-2018.

Ms. Pearsall testified that the new owners took over the property around April or May of 2017 and she took over the administrative duties for the facility around January- February of 2018. She confirmed the address as 3800 S. Ocean Drive to be correct.

Motion by Karen Kaestner that the administrative fees of \$500.00 for each case remain the same, to reduce the administrative fines for each case is reduced from \$500.00 to \$250.00 each, totaling \$1,500.00 due by August 23, 2018; Second by Ms. Sayre, all in favor, none opposed.

Motion amended by Karen Kaestner to include that if the fees are not paid by August 23, 2018 that the total will revert back to \$2,000.00; second by Myra Mazlin, all in favor, none opposed.

**Silver Palms United, LLC (Silver Palms Condominium)** **Case No.: 18-088 SAN**

Mr. Eichner appeared on behalf of the Department; Jasmine Valentine appeared on behalf of the Respondent.

Mr. Eichner proffered that the served June 11, 2018, permit fee paid June 14, 2018 and that they are seeking mitigation of the \$200.00 stipulation fee.

Ms. Valentine stated her name for the record and testified that the name of the Condominium is Silver Palms NL Condominium Association, Inc. She stated that her address is listed on the sunbiz.org information, not sure how the name got changed. The building has about 100 units total.

Mr. Eichner amended the name to Silver Palms NL Condominium Association, Inc.

Mr. Eichner recommended to waive the stipulation fee of \$200.00 and accept the permit fee due to the disconnect relating to the name and the address and other issues they were having.

Motion by Karen Kaestner to accept counsel's recommendation, second by James Dillard, all in favor, none opposed.

**Royal Creek, Inc. (Metropolia Tennis Club, LLC)** **Case No.: 17-213 SP**

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

Mr. Eichner recommended that the Board enter an order accepting the stipulation agreement.

Motion by Lily Sayre accepting counsel's recommendation, second by Myra Mazlin, all in favor, none opposed.

**LML Group, LLC d/b/a Tenth Level Tavern** **Case No.: 18-068 SAN**

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

Mr. Eichner advised the Board that the Respondent had been served, that the permit fee was paid 1 day after service and then recommended that the matter be continued until the next hearing date of August 30, 2018.

Motion by Karen Kaestner to accept counsel's recommendation, second by James Dillard, all in favor, none opposed.

**International Bar, Inc.** **Case No.: 18-077 SAN**

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

Mr. Eichner recommended a continuance due to incomplete service.

Motion to continue by Lily Sayre, second by Karen Kaestner, 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.

Status: Mr. Eichner advised the Board that the payment was not received to his knowledge.

Nicolas Kellman confirmed that the payment of \$1,000.00 due on June 21, 2018 was not received.

The amount due is now \$2,300.00 as a result of the Respondent failing to remit \$1,000.00 by the due date. The previous order indicated that if the mitigated amount was not paid by the due date, the fine and fee would revert back to the previously ordered amount.

**Racquet Club 8, 9, & 10 at Bonaventure 5** **Case No.: 18-063 SP**

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

Mr. Eichner advised the Board that there is an issue with the payments being made by the association because the buildings are responsible for specific percentages and they are not collecting or sending them in at the same time.

Nicolas Kellman confirmed that partial payments were received and could not be posted.

The pool needs to be closed if the payment is not received by June 30, 2018.

**Ru's Property, LLC** **Case No.: 18-064 SAN**

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

Status: Mr. Eichner advised the Board that an Order was entered and that nothing had been done since. No board action is needed.

**Happytizer Bar, LLC** **Case No.: 18-065 SAN**

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

Mr. Eichner recommended that the order entered May 31, 2018 be vacated because the person who applied for the permit was a prospective buyer of the business and the transaction was not completed. He also advised that the permit is closed and that the business is regulated by the DBPR.

Motion by Lily Sayre to accept the recommendation, second by Myra Mazlin, all in favor, none opposed.

**Centenario Nightclub, LLC** **Case No.: 18-066 SAN**

Mr. Eichner appeared on behalf of the Department; and advised that the matter is up for status.

Status: Previously before the Board, no payments received. No board action is needed.

**A&R Stix Lounge, Inc. d/b/a Stix Cigar Lounge** **Case No.: 18-067 SAN**

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

Mr. Eichner advised the Board that the permit fee was received and that the Respondent requested a continuance until the next hearing date. Mr. Eichner read the request for continuance received from the respondent. He also advised the Board that there were administrative fees and fines imposed at the hearing.

Motion to continue until August 30, 2018 by Karen Kaestner, Second by Lily Sayre, all in favor, none opposed.

**The Professional United, Inc.** **Case No.: 18-073 SAN**

Mr. Eichner appeared on behalf of the Department. No one appeared for the Respondent.

Status: Mr. Eichner advised that no fees were received and proffered that a subpoena was issued and that a process server was unsuccessful in serving it. Counsel's recommendation is to let the order stand including all outstanding fees and fines. After much board discussion, the Health Department is directed to mail a copy of the order to the city's business tax receipt office where the business is located

**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.

Status: Mr. Eichner advised the Board that the permit fee, administrative fine of \$500.00, and administrative fee of \$500.00 was not received as ordered. No board action needed.

**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.

Status: Mr. Eichner advised the Board that the permit fee, administrative fine of \$200.00, and administrative fee of \$500.00 was not received as ordered. No board action needed.

**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.

Status: Mr. Eichner advised the Board that this is an issue of the buildings having specific percentages and they are not collecting or sending them in at the same time. Partial payments cannot be posted. Alicia McRae is directed to reach out to the association and advise that the fees need to be collected and sent in all at the same time. The pool shall be closed if the payment is not received by June 30, 2018

**Lighthouse Healthcare Management North, LLC d/b/a Lighthouse Inn North, LLC** **Case No.: 18-056 SP**

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


Status: Mr. Eichner advised that the payment was received soon after the hearing and recommended that the Board enter an order vacating the previous order entered April 26, 2018.

Motion by Lily Sayre accepting council's recommendation, second by Karen Kaestner, all in favor, none opposed.

**The board attorney notified board members of Ms. Karen Kaestner's 8B status.**

The meeting was adjourned by Mr. Stuart Kaufman at 11:18 a.m.

PREPARED AND SUBMITTED BY:

  
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Alicia C. McRae, Clerk of the Board