



Emergency Operations Center  
5399 N Dixie Highway, Suite 2  
Oakland Park, Florida 33334

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MINUTES  
SPECIAL MAGISTRATE MEETING  
FEBRUARY 23, 2021, 2:00 P.M.

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**A. CALL TO ORDER**

The regular meeting of the Special Magistrate of the City of Oakland Park, Florida was called to order at 2:10 P.M. in City Hall Chambers by Special Magistrate John Herin, Jr.

**Staff Present:**

Code Officers: Stephen Batista, Joe Diskin, Walter Fenton, Gene Hamilton, Chris Johnson, Rudy Neumann, Kevin Woodall

Laura Adams, Secretary

Charles Howard, Broward County Sheriff's Deputy

City Attorney Quentin Morgan – via ZOOM

Jay Quier, Zoning & Code Enforcement Administrator

Secretary Adams swore in the officers and described the meeting proceedings: If found in violation, violators are required to pay an administrative fee of \$150.00. Items may be heard out of order.

**B. MINUTES**

Minutes from the January 26, 2021 meeting were approved by Special Magistrate Herin.

**C. NEW CASES**

**1. SP21 013 - WITHDRAWN**

ADDRESS: 3451 NE 15 AVE

C.E. CASE: 192187

OWNER: HAMILTON HOLDINGS, LLC

OFFICER: STEPHEN BATISTA

SEC.8.7(A) STAGNANT WATER AND DENSE GROWTHS OF VEGETATION, ACCUMULATION OF REFUSE AND GRAFFITI.

Withdrawn by staff pending compliance.

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**2. SP21 014**

ADDRESS: 3701 NW 5 AVE OAKLAND PARK

C.E. CASE: 192188

OWNER: FIELDS, JASON A

OFFICER: CHRISTOPHER JOHNSON

SEC.24.64(A)(2)(H) RECREATIONAL VEHICLES-LOCATION, PARKING AND STORAGE

SEC.24.64(A)(2)(F) RECREATIONAL VEHICLES-NUMBER – **COMPLIED**

Officer Johnson presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated code, and ordered compliance on or before March 9, 2021 or a fine of \$100 per day thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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**3. SP21 015**

ADDRESS: 4119 NE 6 AVE OAKLAND PARK  
OWNER: PAPALAZAROU, NIKOLAOS

C.E. CASE: 192189  
OFFICER: CHRISTOPHER JOHNSON

SEC.24.65 Unlicensed vehicles  
SEC.24.79.1(E)(6) DUTY TO MAINTAIN PROPERTY-BLIGHT  
SEC.24.80(A)(6) Reduction of required parking unlawful.

Officer Johnson presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated codes, and ordered compliance on or before March 25, 2021 or a fine of \$150 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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**4. SP21 016R**

ADDRESS: 4051 NE 5 TER OAKLAND PARK  
OWNER: FISCHER ENTERPRISES LLC

C.E. CASE: 192190  
OFFICER: RUDOLPH NEUMANN

NFPA 43.1.2.1 SPRAYING, DIPPING, AND COATING USING FLAMMABLE MATERIALS, SPRAY BOOTH  
INSTALL, NO SPRAYING ALLOWED  
NFPA 43.1.1 SPRAY APPLICATION OF FLAMMABLE AND COMBUSTIBLE MATERIAL

Officer Neumann presented into evidence notices, photos, affidavits and certified mail information.

Secretary Adams swore in Charles Fischer, owner, to speak in defense of this item. He said they had served the tenant a cease and desist order to stop all spraying activities on January 13, 2021 and notified the tenant of eviction on 2/16/21. The tenant had signed the notice that they would vacate by March 1.

Mr. Quier noted that the business was already incurring a \$75 per day fine for operating without a business tax receipt.

Special Magistrate Herin found there was a violation of the stated codes and ordered compliance on or before April 9, 2021 or a fine of \$150 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

**5. SP21 017**

ADDRESS: 2901 W OAKLAND PARK BLVD OAKLAND PARK C.E. CASE: 192191  
OWNER: COUNTRY WIDE MORTGAGE OFFICER: RUDOLPH NEUMANN

NFPA 1 13.3.3.2 FIRE SPRINKLER SYSTEM SHALL BE MAINTAINED, TESTED, AND INSPECTED  
NFPA 1 13.1.2 PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE PROPER TESTING AND  
MAINTENANCE OF EQUIPMENT AND SYSTEMS

Officer Neumann presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated codes, and ordered compliance on or before March 9, 2021 or a fine of \$250 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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**6. SP21 018**

ADDRESS: 3075 W OAKLAND PARK BLVD OAKLAND PARK C.E. CASE: 192192  
OWNER: OAKLAND CENTER, LLC OFFICER: GORMAN HAMILTON

SEC.7.17 BUSINESS TAX RECEIPT REQUIRED.  
SEC.7.156 MASSAGE AND HEALTH SPA PERMIT

Officer Hamilton presented into evidence notices, photos, affidavits and certified mail information. He reported BSO had responded to the business regarding a sexual battery incident.

Officer Diskin stated the tenant knew what she needed to do to comply but had done nothing. He said it appeared the business was continuing.

Deputy Howard testified that the first violation for the massage parlor/prostitution was in October. The operator had admitted she was engaging in prostitution and the customer had died. The second incident occurred when a woman providing services had allegedly been raped on the premises. He said the business owner had not responded to any of his calls.

Secretary Adams swore in Joe Detini, property manager, to speak in defense of this item. He said the tenant had informed him that she had sublet the space. The owner wanted to evict the tenant and Mr. Detini had posted a three-day notice on the door on February 19.

Special Magistrate Herin found there was a violation of the stated codes, and ordered compliance on or before March 9, 2021 or a fine of \$150 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

**7. SP21 019**

ADDRESS: 1499 NE 33 ST OAKLAND PARK  
OWNER: GJM REAL ESTATE, LLC

C.E. CASE: 192193  
OFFICER: GORMAN HAMILTON

SEC.24.71(E) COMMUNITY RESIDENCES AND RECOVERY – LICENSE REQUIRED

Officer Hamilton presented into evidence notices, photos, affidavits and certified mail information. He said this case and SP21 020 were for the same owner.

Officer Diskin explained that this ordinance had been passed in February 2020 and owners had been notified and given time to comply. This issue for these two cases was the distance requirement between the community residences.

Special Magistrate Herin found there was a violation of the stated code, and ordered compliance on or before March 9, 2021 or a fine of \$175 per day thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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**8. SP21 020**

ADDRESS: 1515 NE 33 ST OAKLAND PARK  
OWNER: GJM INVESTMENTS LLC

C.E. CASE: 192194  
OFFICER: GORMAN HAMILTON

SEC.24.71(E) COMMUNITY RESIDENCES AND RECOVERY – LICENSE REQUIRED

Officer Hamilton presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated code, and ordered compliance on or before March 9, 2021 or a fine of \$175 per day thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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**9. SP21 021**

ADDRESS: 1850 NW 29 ST OAKLAND PARK  
BUSINESS OWNER: WARREN ENNIS

C.E. CASE: 192195  
OFFICER: WALTER FENTON

SEC.7.17 BUSINESS TAX RECEIPT REQUIRED.

Special Magistrate Herin dismissed this case because there was an old business case for this address and this violation.

**A. CERTIFICATIONS**

Zoning Administrator Jay Quier provided the staff presentations. Special Magistrate Herin certified the fines as listed:

**1. SP20 123**

ADDRESS: 4112 NW 13 AVE OAKLAND PARK  
OWNER: OGREN, NATHANIEL K & CATHY E

C.E. CASE: 192156  
OFFICER: WALTER FENTON

**SEC.5.3(A) Permits required**

SEC.24.79.1(D)(3) OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS - **COMPLIED 10/21/20**

SEC.24.79.1(E)(5)(E) ACCESSORY STRUCTURE MAINTENANCE - **COMPLIED 11/20/20**

SEC.8.7(A) STAGNANT WATER AND DENSE GROWTHS OF VEGETATION, ACCUMULATION OF REFUSE AND GRAFFITI. - **COMPLIED 10/20/20**

The original hearing was on 10/21/20 to be complied by 12/22/20. One violation, SEC.5.3(A), was not in compliance and was accruing a fine of \$150 per day, and fines totaled \$7,800. The administrative fee was \$150.

Mr. Quier stated the remaining violation was for a carport enclosed without permit. He had not seen a permit application.

Secretary Adams swore in Cathy Ogren, owner to speak in defense of this item. She said she had posted a notice on the door to try to remove the tenants but they would not leave. Special Magistrate Herin acknowledged the current moratorium on evictions in Florida.

Special Magistrate Herin granted a 60-day continuance to 4/25/21 and stopped the fines accruing.

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**2. SP20 127**

ADDRESS: 610 E COMMERCIAL BLVD OAKLAND PARK  
OWNER: CHARLES W WARNER JR REV TR

C.E. CASE: 192153  
OFFICER: STEPHEN BATISTA

SEC.8.7(A) STAGNANT WATER AND DENSE GROWTHS OF VEGETATION, ACCUMULATION OF REFUSE AND GRAFFITI. - **COMPLIED 12/04/2020**

The original hearing was on 10/21/20 to be complied 11/10/20. The property was in compliance and fines totaled \$5,100, plus the \$150 administrative fee.

Special Magistrate Herin certified the lien for \$5,100 plus the lien processing and administrative fees.

Lien certified: \$5,100 plus the lien processing and administrative fees.

**3. SP20 131**

ADDRESS: 2901 W OAKLAND PARK BLVD OAKLAND PARK C.E. CASE: 192158  
OWNER: COUNTRY WIDE MORTGAGE OFFICER: RUDOLPH NEUMANN

NFPA 101 12.3.5.2 - SPRINKLER SYSTEM - SHALL BE PROTECTED BY AN APPROVED SUPERVISED  
AUTOMATIC SPRINKLER SYSTEM  
NFPA 101 12.3.4.1.1 - FIRE ALARM - SHALL BE PROVIDED WITH AN APPROVED FIRE ALARM SYSTEM

The original hearing was on 10/21/20 to be complied by 11/10/20. The property remains out of compliance, the current fines total \$47,000 and the fines would continue to accrue at \$250 per day, per each of the two violations.

Special Magistrate Herin certified the fine at \$250 per day, per violation.

Lien certified \$47,000 plus the lien processing and administrative fees.

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**4. SP20 136**

ADDRESS: 4231 NE 13 AVE OAKLAND PARK C.E. CASE: 192162  
OWNER: THEODULE, GUY OFFICER: STEPHEN BATISTA

SEC.24.105 LANDSCAPE REGULATIONS  
SEC.8.7(A) STAGNANT WATER AND DENSE GROWTHS OF VEGETATION, ACCUMULATION OF  
REFUSE AND GRAFFITI.

The original hearing was on 12/15/20 to be complied by 1/1/21. The property remains out of compliance, the current fines total \$13,650 and the fines would continue to accrue at \$75 per day for SEC.24.105 and \$250 per day for SEC.8.7(A).

Special Magistrate Herin certified the fine at \$75 per day for SEC.24.105 and \$250 per day for SEC.8.7(A).

Lien certified \$13,650 plus the lien processing and administrative fees.

**B. OLD BUSINESS**

**1. SP20 143**

ADDRESS: 1850 NW 29 ST OAKLAND PARK C.E. CASE: 192169  
OWNER: 1840 FLORIDA PROPERTY LP OFFICER: WALTER FENTON

SEC.7.17 BUSINESS TAX RECEIPT REQUIRED. – THIS WILL MIRROR WHAT THE JUDGE IN THE BUSINESS  
OWNER'S CASE, SET FOR COMPLIANCE – 60 DAYS AND \$75/DAY/VIOLATION.

The property had been cited for a violation of SEC.1.8(8) on 10/17/20 for an uncorrectable violation when a block party was held without permits. At the 12/15/2020 hearing, the Special Magistrate had

found for the City that the violation had existed as cited and imposed a one-time fine of \$750 plus an administrative fee of \$150, to be paid within 30 days. These had been paid.

Officer Fenton state the property was still not in compliance, but the owner had paid the \$900 fine and administrative fee. The building code required them to do certain things to be eligible to hold block parties, but they had not done these.

City Attorney Morgan stated the criminal case against the property had been recently dismissed. He said Special Magistrate Herin could dismiss one of the cases related to the business tax receipt.

Mr. Quier said the City would prefer to keep this case active because there had already been a ruling.

Mark Douglas, attorney for the business owner, Mr. Ennis, said there had never been a code enforcement case against his client, just the criminal case. The code enforcement case had been against the property owner. On February 12, 2021, the City had cited Mr. Ennis for the Business Tax Receipt violation. Mr. Douglas stated Mr. Ennis had a County Business Tax Receipt and a license from the Florida Department of Agriculture and Consumer Services and had paid his fees to the City of Oakland Park. He stated his client could comply with the City's requirements but it would take time.

Special Magistrate Herin examined the file and recalled he had found the property owner to be in violation of SEC. 1.8(8) and imposed the one-time fine, and also in violation of SEC. 7.17 and allowed until 2/9/21 for the owner to obtain the necessary approvals or face a \$75 per day fine. He would therefore treat this as a request for additional time. City Attorney Morgan agreed.

Officer Diskin explained that the original case was from January 2020. The business had operated without working to comply all year in violation of City code. Mr. Douglas said Mr. Ennis had received the letter regarding the requirements, but it was the owner who must actually meet them. He stated the property owner and business owner were now working together.

Secretary Adams swore in Kenneth Howshan, property manager, to speak in defense of this item. He explained that the owner only became aware of the violation two months ago and he had already contracted an engineering company to address the zoning issue.

City Attorney Morgan did not favor allowing additional time, but if Special Magistrate Herin granted an extension, he requested the fine be increased.

Special Magistrate Herin granted an extension to March 9, 2021, during which time no fines would accrue and after that date, the fine of \$75 per day would resume. He asked staff to provide him a status report on March 9.

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2. **SP20 109**

ADDRESS: 4057 NE 5 TER OAKLAND PARK  
OWNER: FISCHER, CHARLES W

C.E. CASE: 192139  
OFFICER: CHRISTOPHER JOHNSON

SEC.23.1(A) Abandoned and/or inoperable property. – **COMPLIED** 2/18/2021  
SEC.24.65 Unlicensed vehicles – **COMPLIED** 2/18/2021  
SEC.24.80(A)(6) Reduction of required parking unlawful. – **COMPLIED** 2/18/2021  
SEC.7.17 BUSINESS TAX RECEIPT REQUIRED.

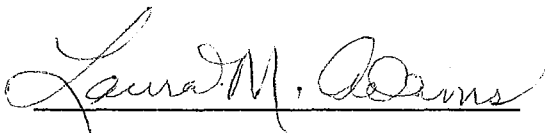
The original hearing was on 9/5/2020 to be complied by 12/15/2020 or a fine of \$75 per day, per violation. On 1/26/2021, the Special Magistrate had certified the fine and placed a lien on the property but it had not been recorded yet. The property was not in compliance, and fines had accrued to \$22,875.

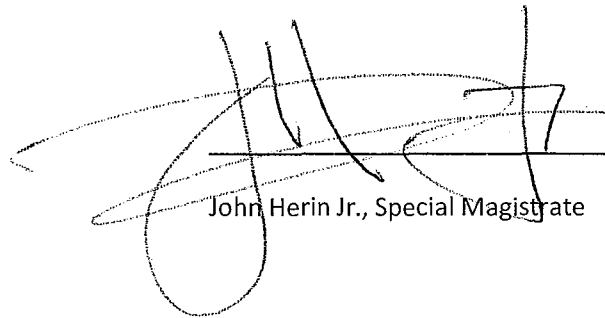
Mr. Quier said the property owner had informed him that he had not been notified of the violation and Mr. Quier confirmed there had been a change of address with Broward County Property Appraiser.

Charles Fischer, owner, stated he knew nothing about the business tax receipt issue.

Special Magistrate Herin vacated his previous order and waived the accrued fines for the violations that were in compliance. The fine for SEC.7.17 would continue to accrue at \$75 per day.

**ADJOURN:** There being no further business, the meeting was adjourned at: 4:23 PM.

  
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Laura Adams, Recording Secretary

  
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John Herin Jr., Special Magistrate