

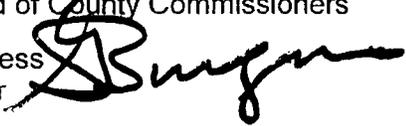
# Memorandum

MIAMI-DADE  
COUNTY

**Date:** December 7, 2010

**To:** Honorable Chairman Dennis C. Moss and  
Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager



**Subject:** Sunset Review of County Boards for 2010 – Nuisance Abatement Board

Agenda Item No.

1(F)1

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2010 Sunset Review of County Boards Report for the Nuisance Abatement Board. The Board approved the attached report at its meeting on January 6, 2010 and has recommended the continuation of its board.



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Alina T. Hudak  
Assistant County Manager

cmo22310



# Miami-Dade County Nuisance Abatement Board

Coordinator: Jack DiCarlo, Administrative Officer 3  
Miami-Dade Police Department (MDPD)  
Community and Intergovernmental Affairs Bureau (CIAB)  
Nuisance Abatement Unit (NAU)  
Telephone: (305) 596-3850 ext.280  
Assistant County Attorney: Shannon Summerset (305) 375-5488

## BIENNIAL (2008-2009) SUNSET REVIEW QUESTIONNAIRE MIAMI-DADE COUNTY BOARDS - 2010

### I. GENERAL INFORMATION

**1. Name of Board Reporting:**

The Miami-Dade County (MDC) Nuisance Abatement Board (NAB).

**2. Indicate number of board members, terms of office, and number of vacancies:**

Number of NAB members: 11

Number of NAB vacancies: 2

Number of NAB vacancies due to expired terms, but members are continuing to serve pending reappointment (as listed below): 3

The following list indicates board members and their appointing County Commissioner.

**Board Members**

Mia Battle  
Carlos Figueroa  
Regina M. Giles  
Roxanne Joffe  
Harold Lawton (serving pending reappointment)  
Walter Livingstone  
Pedro Mora (serving pending reappointment)  
Greg Samms, Chairperson (serving until replacement appointed)  
Dr. Maria Saunders  
Steve Sessler  
Lance Stelzer, Vice-Chairperson  
Vacancy  
Vacancy (Reverend Willie Starks Resigned June 1, 2009)

**Appointing Commissioners**

Carlos A. Gimenez  
Natacha Seijas  
Dennis C. Moss  
Joe A. Martinez  
Barbara A. Jordan  
Javier D. Souto  
Bruno A. Barreiro  
Audrey M. Edmonson  
Rebeca Sosa  
Sally A. Heyman  
Katy Sorenson  
Jose "Pepe" Diaz  
Dorrian D. Rolle

**3. Identify number of meetings and members' attendance (Attach records reflecting activity from January 1, 2008 through December 31, 2009): (Attachments #1a, 1b).**

	<u>2008</u>	<u>2009</u>
Number of Meetings Held:	6	7
Number of Meetings with Quorum	5	6
Number of Meetings postponed Prior to meeting because of the Inability to obtain a Quorum or Due to a limited agenda:	9	9

**4. What is the source of your funding?**

The funding source is the General Fund for support of salary, fringe benefits, court reporters, meeting security, and operating supplies. The funding source for the NAB and the NAU has been included in the MDPD CIAB Administrative Budget. Equipment, printing of brochures, initial costs, and miscellaneous operating costs have been funded by Law Enforcement Trust Fund (LETF) Grants. Currently, all NAU operating expenses are encumbered by MDPD General Funds, and may be offset by the imposition of costs on properties that are declared public nuisances.

**5. What date was the NAB Created?**

The NAB was created on May 19, 1992, pursuant to Ordinance No. 92-42, as amended. The NAB held its first organizational meeting and hearings on January 23 and in April 1993.

**6. A copy of the ordinance creating the NAB is attached (Attachment #2).**

**7. NAB's Mission Statement and Purpose:**

The NAB's mission is to provide enforcement of the NAO, which was enacted by the County Commission in May 1992 pursuant to provisions by Florida Statute 893.138. The NAO was enacted and the NAB was created to fulfill the following purposes: (1) to provide a tool for citizens, police officers, and employees of MDC to abate public nuisance activities on residential and business properties; (2) to help all interested parties to improve the quality of life at individual properties and in surrounding neighborhoods and ultimately to protect and safeguard the public health, safety, and welfare; and (3) to bridge a gap between code enforcement efforts and law enforcement efforts on properties where criminal activities are ongoing and the owners have not taken the appropriate and necessary steps to ensure compliance with the NAO and other applicable state and local laws. These steps include but are not limited to providing basic security measures such as lighting and fencing or failing to work with the police and take necessary measures to prevent criminal activity in and around the owner's property. Since the enactment of the NAO and the creation of the NAB, business and residential property owners have been successfully encouraged to take proactive preventive action on their properties, and to work with MDPD officers to prevent criminal activity within their neighborhoods.

The NAO requires property and business owners to eliminate public nuisances and provides the community with a tool to encourage owners to take responsibility for preventing recurring nuisance activities on their property in unincorporated MDC. The NAB and the NAO address recurring criminal/nuisance activity involving the following:

1. The unlawful sale, delivery, or possession of controlled substances/narcotics
2. Youth and street gang criminal activity
3. Prostitution or solicitation of prostitution
4. Lewd and lascivious activity
5. Illegal gambling
6. The illegal sale, possession, or consumption of alcoholic beverages
7. Other criminal activities that constitute a danger to the public health, safety, and welfare

The NAO provides that citizens, employees, and police officers may file complaints regarding the above activities and request the NAB to consider whether a property may be deemed a public nuisance that constitutes a danger to the public health, safety, and welfare. The NAU, as designated by the Director of MDPD, coordinates the investigations of the complaints and criminal activity through MDPD officers. Additionally, the NAU conducts crime analysis to determine if there are other properties/incidents that need to be considered. If there are 3 or more substantiated and documented complaints within a 12 month period and a pattern of recurring/ongoing criminal activity at a property, the NAU will send official notification to the property owner requiring the owner to respond immediately by telephone and in writing with a detailed plan of action within 14 days and to take immediate action to abate the nuisance activity. The NAU will review the abatement plan with the owner and, in conjunction with MDPD officers and other County officials, conduct a security survey of the property to determine if any additional suggestions/abatement steps need to be taken by the owner.

If the owner fails to respond and take sufficient steps to abate the nuisance, and/or there are additional incidents, the case will be heard by the NAB. The NAB may review the evidence and hear testimony from police officers, citizens/complainants, and the owners to determine if there is evidence to declare the premises a public nuisance and/or determine if the owners have taken sufficient steps to abate the nuisance activity.

If the NAB finds the premises to be a public nuisance, it may order immediate actions, including but not limited to recommendations of MDPD and County officials, to be taken by the owners to abate the nuisance activity. Orders typically may include the following:

1. Requiring the owner to take immediate action to abate the nuisance, i.e., security, lighting, fencing, cameras
2. Ordering the cessation of any activity that is conducive to the nuisance, i.e., failing to check identification for possible underage sale of alcoholic beverages
3. Ordering, in the event that owners do not comply with recommendations and abate the nuisance, that the property and/or business be closed and secured
4. Ordering that the property/business owners pay MDPD and County costs incurred
5. Ordering that the owners report to the NAB their progress in abating the nuisance for one year (jurisdiction over the premises)

The NAB often emphasizes that each case is handled based on its own merits and that the cooperative efforts of the property and business owners are critically important to the successful abatement of the nuisance activity. The NAB may temporarily or permanently accept the owners' abatement plans or may develop orders that are relevant to the property, its security, its owners, and the neighborhood and the successful abatement of the nuisance activity.

**8. Attach the NAB's standard operating procedures, if any:**

The NAB operates in conjunction with the NAO and the adopted "Conduct of Hearings" (**Attachment #3**) and "Chairperson Opening Statement" (**Attachment #4**) are attached.

**9. Attach a copy of the NAB's By-Laws, if any:**

While the NAB has not adopted formal By-Laws, it operates in conjunction with the NAO, the standard operating procedures listed in #8 above, the guidance delineated in the notification letters provided by the NAU to the owners, and the guidance of the NAB's Legal Advisor (Assistant County Attorney), and the NAU's Administrative Officer 3.

**10. Attach a copy of the NAB minutes approving the Sunset Review Questionnaire, including a vote of the membership:**

The NAB approved the report at its meeting on January 6, 2010, as reflected by the attached minutes of the January 6, 2010, meeting (**Attachment #5**).

**II. EVALUATION CRITERIA/PERFORMANCE MEASURES/ACCOMPLISHMENTS**

**1. Is the board serving the purpose for which it was created (Please provide detailed information)?**

Yes. In January 2010, the NAB will complete its seventeenth year of service to the citizens of MDC. The NAO and the NAB have given citizens, police officers, and MDC employees a tool and opportunity to identify public nuisance properties, file complaints, and be heard by the NAB, if the property/business owners do not take immediate responsibility and action to abate the nuisance activity. The penalties, including the imposition of costs and the decisive actions that the NAB has taken, have encouraged property and business owners to take responsibility for their properties, thereby reducing or eliminating the need for further law enforcement, NAU, and NAB actions.

Additional communications by law enforcement officers and NAU personnel with citizens and property/business owners, concerning suggestions for abatement and possible NAB sanctions, have also resulted in the abatement of nuisance activity, often prior to any formal required action by the NAB.

**2. Is the board serving current community needs (Please provide detailed information)?**

Yes. The NAB has been very receptive to citizen concerns and complaints. Several citizens, Miami-Dade County Commissioners and/or their assistants, MDPD officers, and law enforcement officers from other jurisdictions, have attended NAB meetings and presented evidence and/or testimony regarding public nuisance properties to the NAB.

The MDPD, CIAB, and NAU in conjunction with the NAB have created a web page (**Attachment #6**), published a brochure, a video training tape, created PowerPoint Presentations, and presented seminars to inform citizens, property and business owners, and law enforcement officers of the NAB, their opportunities to be heard, and the requirements of the NAO. Since August 2002, the NAU has presented approximately 75 COPS (Community

Oriented Police) seminars to more than 2,300 officers in MDPD Police and Investigative Services and new officers in the police academy classes.

**3. What are the board's major accomplishments?**

**A. During last 24 months, 2008 - 2009:** During this time period, the NAB met 13 times; attempted to schedule meetings another 20 times, declared 3 properties public nuisances; heard several status reports on properties they had previously declared public nuisances; heard evidence and ordered owners to pay costs totaling \$43,996 on 6 properties that had previously been declared a public nuisance; and heard evidence and received more than 50 status reports on 20 properties that they decided to elect not to declare the premises a public nuisance and defer NAB action because of substantial abatement actions and presented plans by the owners. While deferring action pursuant to the recommendations of the NAU or at the request of the owners, the NAB advised that they would reconsider the cases if additional incidents occurred or the owners failed to comply with the abatement action plans that they had proposed. Additionally, at least two houses that the NAB had declared nuisances or had considered action on were demolished by the Building Department's Unsafe Structure's Board, in conjunction with requests for review by the NAU.

Also during this time period, the NAU reviewed cases on more than 540 properties; opened files on more than 65 properties, closed files on 241 properties, and reviewed and utilized more than 450 incident reports involving these properties. The NAU currently has actions and notification letters pending further review on several properties.

**The following list highlights some of the cases considered by the NAB and MDPD's NAU during the time period from 2008 - 2009:**

a. The NAB declared the house at 3240 NW 82 Street a public nuisance in early 2007. Having assisted the owner's son with ordering the closing and boarding up of the house in November 2007, as his mother was in a nursing home out of state and died in January 2008, the NAB, NAU and MDPD continued to monitor the property. The son reported to the NAB in January 2008 that he has inherited the house and will work with the probate court to monitor and maintain the property, although he has limited resources. The NAB heard the matter of costs in and, in consideration of the son's agreement to close and secure the house, ordered reduced costs of \$3,000. The owner was ordered to continue to monitor the house and establish plans to maintain, restore, and reopen it, or keep it secured until sold or rented. As of December 2009, there have been no additional incidents and the nuisance activities have been abated. However, the owner has not maintained communications with the NAU and has not restored and maintained the house or paid the costs. The NAU and NAB will reestablish communications with the owner in 2010 and encourage him to rehabilitate the house for the quality of life in the community.

b. In April 2006, the NAB, after hearing evidence presented by the NAU and MDPD officers from the Airport District, Narcotics Bureau, Strategic and Specialized Investigations Bureau (VICE & organized crime), and the Intergovernmental Section from investigations over a five-year period, declared the "Centro Espanol" **Adult Entertainment/Strip Club at 3615 NW South River Drive** a public nuisance due to drugs, prostitution, lewd and lascivious activities, homicides, robberies, batteries, and other criminal activities. Additionally, it was found that the business owners failed to report more than \$1.5 million of cash found during the investigation as income and the owners and managers were eventually arrested for these criminal violations. After the Circuit Court ordered the business closed in 2006, ongoing efforts by the

MDPD Legal Bureau resulted in the following: \$1.5 million was forfeited to the County, the State, and the LETF; the premises was sold, per agreement with the County to a party who had no ties with the owners who had been arrested for the ongoing activities; the adult entertainment business has continued to remain closed; crime has been reduced considerably in this region of the MDPD Airport District. The NAB, pursuant to a stipulated agreement between the owners and the County, ordered in January 2008, that the owners pay costs of \$32,837.65. The money was paid in March 2008.

The NAB and MDPD recommended that, no matter what use the new owners intended for the club, the new owners present and review their plans for the use of the premises to MDPD, the NAB, and other necessary County entities to insure that they follow all laws and requirements and provide the necessary security arrangements for such a club so that there will be no recurrence of the nuisance activity. Although the new owners advised the Planning and Zoning Department that they are requesting to open a new Adult Entertainment Nightclub, the request has not been approved. The proposed use of the premises as a nightclub/restaurant may be permitted in the very near future.

c. The NAB and NAU continued to defer a hearing on a house and attached apartment at **NW 8 Avenue and 77 Street**. The owner met with the NAU and MDPD in 2007 and advised that they were going to evict both sets of tenants. It was observed that a foreclosure occurred and the property was vacated in 2008. The premises has remained free of police incidents through 2009.

d. The NAB and NAU, after considering evidence of ongoing drug activity and declaring the house at **2989 NW 43 Terrace** a public nuisance in August 2006 for the third time continued to monitor the Premises and hold meetings with the owner through 2009. The owner has been repeatedly advised to take actions to prevent any further activity or the NAB will have to consider the matter further and take stronger action. After it was declared a nuisance in 2006 and ordered closed for 30 days, the owner has been relatively successful in deterring the nuisance activity for two years. However, the actions are starting to recur in 2009. The NAB, in furtherance of the 2006 case, ordered the property owner in July 2009 to pay costs of \$2,000. The owner was reminded of the abatement actions that she should be continuing to take, including limiting visitors and tenants to only the family and not admit anybody who has had problems at the residence or with drug problems.

e. The NAB and NAU, after declaring the house at **SW 104 Avenue and 173 Terrace**, a public nuisance for the second time since 2000, continue to monitor the premises. The elderly owner appears to have complied with the NAB Order to limit visitors, especially those who have been involved in the criminal drug activity, and has been successfully able to maintain the house free of nuisance incidents through 2009. The NAB will continue to monitor the situation and consider the matter of costs in 2010. NAB found that the owner did not have control of the house, her relatives and more than 15 people at a time that she often allowed to sleep at the house were conducive to the drug activity, and the elderly owner was at risk for her safety.

f. In 2007, the NAB, upon the NAU's recommendation of the acceptance of an abatement plan, deferred a hearing at **a rental duplex at SW 189 Street and 113 Place**, pending any additional incidents or lack of compliance with their abatement plan. After reviewing new narcotics incidents in 2008 and 2009, the NAB was asked to reconsider their deferral and heard the matter on November 4, 2009. After hearing from the owner that he had evicted at least two responsible tenants and would be willing to evict another and prevent him from being on the property, the NAB deferred the matter further to allow the owner the opportunity to

initiate the eviction and take other necessary actions to prevent any further activity. The NAB also asked the police to continue to work proactively in the area to eliminate drug activities throughout this MDPD Hammocks District neighborhood. If there are any additional incidents or lack of compliance with their abatement plans, the NAB will be asked to consider the matter further in 2010.

g. The owner, upon recommendation of the NAB at a deferral in 2007, completed eviction of two sets of tenants at his house at **NW 19 Avenue and 82 Street** in 2008. The owner, who had illegally converted the house to a rental duplex, completed remodeling of the house in 2008, and agreed to do background checks on prospective tenants. No additional narcotic related incidents were reported through 2009.

h. The owner of a house at **NW 30 Avenue and 94 Street**, after receiving a notice of narcotics incidents from the NAU, advised that she had evicted the tenants, but the house had been foreclosed on shortly after the incidents. Although the new bank owners have not responded, there have been no additional incidents. The NAB deferred the matter on February 18, 2009, pending additional incidents, after reviewing the owner's actions.

i. After electing not to declare the house a nuisance in October 2007, the NAU and NAB continued to monitor the house at **NW 92 Street and 31 Avenue**. Through 2009, no additional narcotic incidents have been reported at the premises.

j. After the NAB and NAU accepted the owners' abatement plans at a restaurant bar at **NW 79 Street and 10 Avenue** there were no additional incidents and the case was closed in May 2009. There has been one additional incident (a sale of alcohol after licensed hours at 1:00 a.m.) and the premises will be monitored for additional incidents.

k. After the NAB accepted the owners' abatement plans at two different hearings in October 2007, there have been no additional narcotics incidents reported at the premises at **NW 30 Avenue and 66 Street** through 2009.

l. The house at **2116 NW 89 Terrace** that was declared a public nuisance on November 15, 2007, appears to have been foreclosed on during 2008. The owner did not appear at a NAB cost hearing and was assessed costs of \$2,709.94 on March 15, 2008. No additional incidents have been reported since October 2007 and it appears that the bank has fixed up the house and sold it.

m. Through 2009, the owners, a family trust, of a house at **1821 NW 69 Street**, and subsequently bank/mortgage foreclosure servicing companies had not responded to the NAU notification letter and order declaring the premises a Public Nuisance due to narcotics activity and vagrants occupying the open/vacant premises. Upon finding it to be an unsafe structure, the Unsafe Structure Board ordered the house to be demolished. The demolition was finalized in August 2009.

n. The owner of a house at **2360 NW 92 Street** after being notified by the NAU and NAB in December 2007, that his house had been declared a nuisance in his absence in November 2007, boarded up and secured the house in January 2008, after his 69-year-old brother and other possible tenants had vacated the house. The owner did not respond further and did not appear at the status report and cost hearing on January 17, 2008. The NAB ordered that the owner pay costs of \$2449.30, in January 2008. After repeated attempts to contact the owner failed, and the house had not been reoccupied, but was found not to be secured, a lien was placed on the property. No additional incidents have been reported and the brother was

recently arrested for warrants and narcotics activity at the premises.

**o.** The owners of a closed store at **NW 18 Avenue and 68 Street**, who had not previously responded, were located and appeared at a hearing on January 17, 2008. The owner advised that she had purchased the store through a Quit Claim Deed and \$1.00 from the old owners in December 2007. As there were difficulties found with the sale transaction and it appeared the old owners (who had not responded to the notification letter) were technically still the owners of the store, the NAB elected to defer the matter for 30 days and requested all parties to appear at another hearing in February 2008, to answer how they would abate all of the internal and external drug activity during 2007. Both parties appeared in March 2008, and advised that they had an attorney re-finalize the sale of the store to the new owner. The new owner advised at this and a subsequent hearing that she would do everything in her power to rehabilitate the store, open a new type of business (possibly a beauty salon), and take all actions to prevent any additional criminal activity. The NAB requested that the owner comply with all County and State licensing requirements for her proposed business and asked that she work with the police and the NAU to review any security matters before she reopens the business. Through 2009, there have been no additional narcotics incidents reported at the premises. Additionally, although it does not appear that the owner has reopened the business yet or obtained the necessary licenses, she has remodeled and improved the building from an external standpoint and appears to be preparing to reopen it. The NAU continues to monitor the premises and will assist the owner when she is ready to reopen.

**p.** It was found that additional narcotics incidents had occurred at the premises at **NW 10 Avenue and 79 Street**, since the NAU and NAB had accepted the owner's abatement plans in 2006 that included limiting and controlling visitors so that there would be no drug or alcohol violations in the yard. As it was determined that, while a few of the incidents occurred on the premises, there were many more that occurred on the adjacent street. As the owner continued to cooperate with the NAU and it was determined that the Building Department and Unsafe Structures Board, while trying to assist this disabled person with maintaining his home, would be demolishing three of the four structures on the premises and allow the remaining one to stand to be repaired for the owner's residence, the NAB hearing was further deferred. However, the owner was advised that any additional incidents would require a NAB hearing. Very few additional incidents with the exact address of the property have been reported, but we are continuing to monitor the situation. It appears that the owner is not paying taxes nor responding to Building violation notices regarding repairs without permits.

**q.** The son of the owner of **2981 NW 44 Street** appeared before the NAB on March 5, 2008. At this time the NAB deferred the matter to allow the owner the time to confer with an attorney and initiate eviction proceedings and to take other actions in furtherance of his abatement plan. After hearing from the NAU on May 29, 2008, that there were additional incidents and the owner had not finalized his eviction plans, the NAB declared the premises a Public Nuisance and ordered the owners to finalize the eviction, change all locks, secure the house and fence, and prepare it for new tenants. The owners were further ordered to conduct thorough background checks and comply with other recommendations by the MDPD and NAU. The owner has since kept the house closed for periods of time, moved in and evicted at least one new tenant (due to additional incidents, including a random shooting into the structure), and tried to find better tenants after keeping the house closed again. The owner was ordered on February 18, 2009, to pay costs of \$1,000, and has paid \$600 so far. The owner is continuing to work with the NAU and police and is monitoring his current tenants for any additional activities.

**r.** After receiving notice from the NAU, it was advised that the owners and their attorney met

in May 2008 with MDPD officers and the NAU at the multi-rental boarding house at **NW 17 Avenue and 69 Terrace**. The NAB was advised that the premises had been the site of narcotics sales activities as documented by the MDPD Narcotics Bureau, but the owners had agreed to take various actions to abate the nuisance and it was deferred by the NAB as recommended by the NAU. After another meeting in July 2008, the NAU further agreed, and the NAB confirmed that it would defer the matter pending any additional incidents or failure to comply with their abatement plans. It was learned in November 2008, that there had been an additional MDPD Narcotics Bureau search warrant and drug sales in August 2008 (approximately one week after the July meeting). After learning this, the owner was requested to appear before the NAB and explain why additional activities had occurred after the deferral. After postponements in 2009, due to quorums and a death in the owner's family, the NAB heard the matter in July 2009 and again in October 2009.

In July 2009, the NAB, after hearing from the MDPD officers and the owners, elected to provide the owners additional time to finalize their abatement actions, including possibly installing a new full-time manager to live at the rental premises. In October 2009, after additional presentations by the owner regarding better management control of the premises and arguments that they had successfully abated the nuisance since there had been no incidents since August and October 2008, the NAB elected to accept the owners' abatement plans and agreed that the premises would be monitored by the NAU for another 60 days, but that unless there were additional incidents, the NAB would take no further action. No additional incidents have been reported for the remainder of 2009 and the NAU will continue to work with the owners to insure that they are taking the actions as promised.

s. After the NAB deferred a hearing and accepted the owner's abatement plans in September 2007, it was learned in mid-2008 that another narcotics arrest occurred at the premises in January 2008. It was learned that the arrest involved a non-resident subject smoking a marijuana cigarette while sitting in a car in the driveway at NW 17 Avenue and 75 Street. Additionally, the owner reported to the NAU that he had evicted the parties previously responsible and that he was having it maintained by a live-in caretaker. The NAB elected not to hear the matter further, pending any additional incidents. Through 2009, no additional incidents have been reported.

t. The NAU reported that after notifying the owner of a rental house at **NW 24 Avenue and 91 Street** that was the site of narcotics activity, the owner had submitted an abatement plan and during a meeting with the NAU in September 2008, had notified the NAU that he had evicted all tenants (including one who was involved in drug activity at another house recently reviewed by the NAB in the neighborhood) and would clean and remodel the house and conduct background checks on any prospective tenants. The NAB agreed to defer the matter pending any additional incidents or lack of compliance with the owner's abatement plans. Through 2009, no additional narcotics incidents have been reported and it appears that the owner has sold the property to another company.

u. After reviewing more than 75 narcotics incidents at a rental quadruplex at **22300 SW 117 Avenue**, the owner was sent a notification letter and met with the NAU at the premises to discuss his abatement plans. The NAB was advised that the owner had submitted an abatement plan and was given more time in August 2008 to implement it, but had been told that the NAB would be requested to hear the matter if there are any additional incidents. After learning of two additional incidents in connection with one of the apartments, the NAU notified the owner that the NAB would be requested to review the matter at the October 16, 2008, meeting, but as he advised he could not attend, the NAB advised that it would hold the hearing at the next meeting in November 2008. During a hearing in November 2008,

Narcotics Bureau and Cutler Ridge detectives reported on their investigations and the owner advised that he heard enough that would persuade him to evict the remaining tenants and find new tenants. The NAB found the premises to be a Public Nuisance and agreed that the owner should evict all remaining tenants and work with the community to find new tenants. Additionally, the owner agreed to provide enhanced security and to work with the police to prevent any further activities. The owner reported that he was finally able to complete the eviction of one of the tenants in the remaining problem apartment in middle 2009. Since then, while there are scattered narcotics possession incidents, the activities have slowed down considerably on the premises. The owner has done background checks and installed some new tenants, but is continuing to work on the problems with MDPD and the NAU. The NAU is continuing to monitor the premises and a cost hearing will be held in January 2010.

v. The owner of a rental house at **NW 30 Avenue and 45 Street** appeared before the NAB in October 2008 and advised that she would evict all tenants and re-rent the property. However, the owner also advised that it may be difficult as one of the tenants may have difficulty finding other housing due to personal probationary problems. The NAB elected to defer the matter pending any additional incidents or lack of compliance by the owners with their abatement plans. The owner later appeared in 2009 for a status report and advised that the tenant could not find other housing and she elected to allow him to stay there. While only one specific Possession of Drug Paraphernalia incident could be tied to the house but not to the tenant, the NAB thanked the owner for her diligence and advised that unless there were additional incidents, it would take no further actions at this time. However the NAB advised the owner that the tenant should limit visitors and take actions to insure that no visitors or tenants would be involved in additional narcotics activities. Through 2009, there have been no additional narcotics incidents.

w. On February 18, 2009, the property and business owners of a restaurant at **Bird Road and 107 Avenue** appeared before the NAB after receiving notification of nuisance activity including gambling (gaming machines), illegal sale or consumption of alcoholic beverages, prostitution/solicitation of prostitution, and other activities conducive to the nuisance. MDPD officers and the NAU advised that they met with the owners at the premises and, after considering their abatement plans, asked them to present the plans to the NAB for their review as well as all information (from 2003 – 2008) regarding the matter. The NAB was advised that while narcotics activity was enhanced in the earlier years, it had substantially subsided since the property owner had evicted the old business tenants. The business and property owners appeared and advised the NAB that they would work together to insure that there would be no additional incidents. The owners advised of their abatement plans including: security would be enhanced in the parking lot and inside the business; there would be no sales of alcohol without food, or after 1:00 a.m.; there would be no video gaming/gambling machines; and the employees and customers would be monitored to insure that there would be no solicitation of customers for alcohol or other illicit activities. The NAB elected to accept the owners' abatement plans at that time and defer the hearing, but advised that if there are any additional incidents or lack of compliance with their abatement plans, the NAB would reconsider the matter. The NAB advised the owners that they need to take all necessary actions to insure that there be no recurrences of criminal activity. While the owners have communicated with the NAU about specific incident concerns, a couple of newly discovered incidents are being reviewed to determine if any additional actions need to be considered by the NAB in 2010.

x. The owners of a house at **NW 12 Avenue and 102 Street** appeared before the NAB in February 2009. The owner advised that the house is pending foreclosure, but they would work with MDPD and the NAU to secure the house and fix the fence around the yard. As

there had been several complaints regarding drug activities and vagrants sleeping in the vacant house, it was determined that the security measures would be a big help toward preventing the activities. The foreclosing bank was also notified, but it was advised that the owner was still responsible. Through 2009, the property is still in the name of the property owner, but there have been no additional incidents or complaints reported.

y. The owners of a house, located at **NW 25 Avenue and 87 Street**, appeared before the NAB on April 1, 2009. The house had previously been declared a public nuisance due to drug activity in April 2004 and it had been learned by the NAU that, while it had been maintained without incident for a couple of years, there had been a new narcotics investigation and search warrant with arrest of a family member at the house in October 2008. The adult children of the elderly owner appeared before the NAB and assured the NAB that they were also very concerned about the drug activity as the raid and drugs were found when their mother was in the hospital and the person who had been arrested claimed that he had just come into town to visit his sick grandmother and had no knowledge of the drugs or previous drug sales. It was advised that Mr. DiCarlo and MDPD officers had met with the entire family at the house and discussed the concerns about the newly discovered activities. It was also advised that one of the adult children had been having difficulty due to paralysis and the inability to speak after a stroke and he admitted to using cocaine, but was in need of physical and drug rehabilitation programs. The NAB elected to provide the family more time to implement their abatement plans and Mr. DiCarlo advised that special social workers would be contacted to evaluate the family. The owners appeared again before the NAB and after discussion, the NAB decided to defer the matter pending any additional incidents or lack of compliance with their abatement plan. Through 2009, no additional incidents have been reported and social workers have tried to help the adult family member with his rehabilitation needs.

z. The owner of a rental duplex at **266 Street and SW 138 Court** responded to a NAU notification letter and advised that he had evicted the tenants at the premises after the search warrant in December 2008 and would take actions, including conducting criminal background checks of prospective tenants, and other recommendations by the NAU to further prevent the nuisance activities. The NAB and the NAU deferred the hearing in April and May 2009, pending any additional incidents or lack of compliance by the owner with his abatement plans. New incidents in June 2009 were recently discovered and the NAB may be asked to reconsider the matter in January 2010.

aa. The owners of a shopping center, including a restaurant operating as a bar at **10759 - 71 SW 56 Street**, were notified of criminal nuisance activities and violations at the center and business and asked to appear before the NAB after meeting with the NAU. The owners and their attorneys appeared before the NAB on April 1, 2009, and advised that they would be taking actions to abate the nuisance activities including alcohol violations (serving alcohol without required meals), serving alcohol after 1:00 a.m., serving to juveniles, and solicitation of alcoholic beverages from customers by employees, as well as other criminal activities. The NAB deferred the matter and required that they report back in 30 days with a detailed written abatement plan.

After a few postponements and additional investigations and reports of incidents, the NAB heard the matter on August 26, 2009. After hearing concerns from many neighborhood citizens and Commissioner Souto's Chief of Staff, and after hearing from MDPD Kendall Crime Suppression Team detectives and reviewing reports from them and MDPD Strategic and Specialized Investigations Bureau (SSIB) detectives regarding incidents concerning the above activities and other activities including two homicides, aggravated batteries, and fights,

and hearing from the owners that the business owner was present during some of the activities and that a night manager and the business owner had been arrested a few times for the activities, the NAB declared the premises, including Lili's Cafeteria, a public nuisance.

The NAB ordered the owners to take actions to abate all of the alleged activities, to cease the sale of alcohol without food and to cease the sale of alcohol after 11:00 p.m., among other things. Additionally, the owners were ordered to meet with the NAU and MDPD officers and determine what other recommendations that they need to comply with.

While there have been few reported additional serious incidents, the business owners have still not presented written abatement plans nor met with the NAU, but a few NAB recent NAB meetings to discuss the matter have had to be postponed. The NAB will meet in January 2010, to review the matter with the owners.

**bb.** The owners of a rental house at NW 19 Avenue and 67 Street were notified of illegal narcotics activity as investigated by the MDPD Narcotics Bureau. The investigation resulted in the arrest and conviction of the two resident grandsons of the tenant who had been renting from the owner for several years. After meeting with MDPD officers and the NAU at the Premises, the owner was undecided about evicting the tenants and was asked to present her abatement plans to the NAB. The owner, after reviewing the matter with the NAB on July 15, 2009, advised that she would be evicting the tenants. The NAB elected to defer the matter to allow the owner to implement her abatement plans. The owner later advised that she had completed the eviction and would be conducting background checks on future prospective tenants after she completed cleaning and repairing the house. No additional incidents have been reported.

**cc.** The owner of a rental house SW 189 Street and 113 Place appeared before the NAB on August 26, 2009, and advised that he had talked to the tenants about the narcotics activity that they had been arrested for at the premises. He advised the NAB that he would consider eviction if there were any more incidents. After discussion with the NAB, the owner advised that he would evict the tenants as soon as possible. The NAB elected to defer the matter but advised if there were additional incidents or a failure to comply with his abatement plan, it would consider rehearing the matter and declaring the premises a public nuisance. The owner advised that he has obtained his tenant's agreement to vacate the premises as soon as the place she is moving to is ready. No additional incidents have been reported.

**B. Since established:**

The NAB, in conjunction with officers, supervisors, and officials from MDC and MDPD, the County Attorney's Office, the NAU, and property and business owners, have worked together to successfully abate several alleged public nuisances involving illegal narcotics, alcohol, prostitution, etc. during the past 16 years.

The NAU, in conjunction with MDPD officers and the NAB, has opened investigations on approximately 1,370 properties since the inception of the NAU in August 1992. Evidence has been accumulated to enable the NAU to send formal notification letters to owners of 235 of these properties, with notification letters pending further NAU and MDPD investigation on several other properties. Hearings have been convened or scheduled on 176 of these properties and the NAB has declared 69 of them public nuisances. MDPD investigators, including Narcotics Bureau personnel, have sent investigative and requests for abatement notification letters to the owners of more than 356 of these 1,370 properties, thereby possibly

resulting in the cooperation of the owners and abatement of the nuisance without requiring NAU notifications and NAB hearings. In total, 952 property files have been closed and 419 remain open for further investigation.

Properties investigated include drug houses and businesses, markets, adult book and video stores, adult entertainment businesses, apartment complexes, bars and liquor stores. A list of significant properties and how they were addressed by the NAB, MDPD, and the NAU, pursuant to the NAO is attached (**Attachment #7**).

**4. Is there any other board, either public or private, which would better serve the function of this board?**

No. Florida Statute Chapter 893.138 has established the ability for Counties and municipalities to take the initiative on abating nuisances by establishing Nuisance Abatement Boards and programs in their jurisdictions. Several jurisdictions in Florida and nationwide have created NABs to deal with public nuisance properties. The NAB and the NAU have worked in conjunction with personnel of the MDPD, Building and Neighborhood Compliance Department, Planning and Zoning Department, the Florida Department of Health, the Florida Department of Business and Professional Regulation, and the Florida Division of Alcoholic Beverages and Tobacco to resolve complaints and deal with nuisance properties. In addition, other non-MDPD law enforcement officials have cooperated with MDPD Investigators and presented evidence to the NAB. MDPD and other law enforcement agencies may utilize the NAO to file complaints with the NAB to assist them with their enforcement and investigative actions regarding public nuisance properties. Other jurisdictions have requested assistance and advice from the NAU and other County officials in their efforts to set up their nuisance abatement programs. In general, the NAB has encouraged property and business owners to take proactive crime preventive actions on their properties and businesses and reduced the necessity for more formal NAB action or state court actions and time.

**5. Should the ordinance creating the board be amended to better enable the board to serve the purpose for which it was created?**

Yes. The NAB, NAU, and the County Attorney's Office, as well as Police Legal Bureau attorneys, have formulated proposed amendments that will reflect recent changes in County and Florida State Statutes, as well as court decisions in local, state, and federal courts. The proposed amendments include changes in definitions, types of nuisance activity, jurisdictions, penalties, membership requirements, quorum requirements, enforcement options, fines, and costs.

The proposed amendments are being finalized for submission to the Board of County Commissioners. Several changes have been made to address Commissioner and County Manager concerns and are being submitted for consideration by the BCC in 2010.

**6. Should the board's membership requirements be modified?**

Yes. Proposed amendments have been developed and reviewed by the NAB, NAU, and the County Attorney's Office. The proposed membership requirements will allow persons who reside in MDC, rather than just unincorporated areas, to be members. Additionally, the retired law enforcement requirement has been adjusted to allow more flexibility for appointments, and the BCC may exercise residency waiver options, upon a two-thirds vote of the Board.

Amendments include quorum requirements that will assist with preventing the postponement of hearings due to the inability to obtain a quorum.

**7. What is the operating cost of the board, both direct and indirect (Report on FY 2008/09 and FY 2009/10)?**

The costs for fiscal year 2008 - 2009, including the operating costs of the NAU with little or no support personnel, were estimated at approximately \$156,720. The costs for fiscal year 2009 - 2010, including the operating costs of the NAU, assuming the vacancies are not filled, are projected at approximately \$156,720. This amount does not include MDPD investigative, administrative, and patrol costs of the nuisance properties. Additionally, it does not include all of the costs of the County Attorney's Office and other County entities that may be utilized. A detailed estimate of the costs is attached (**Attachment #8**).

**8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.**

Although formal measurements have not been adopted by the NAB, the NAB, MDPD, and County Commissioners are kept apprised of the status of all cases that have come before the NAB through minutes and regular NAU status reports.

Performance measures are a continual challenge for MDPD and the NAU, especially as the NAB evaluates and measures its success on each individual case that is brought before it. As expected, when the NAO was enacted by the County Commission in 1992, in most cases the NAB has not had to take formal action by declaring a premises a public nuisance because owners are often encouraged by the NAB to take actions to abate the nuisance. Oftentimes owners also only take the initiative to implement recommendations made by MDPD, CIAB, NAU, and NAB, and sometimes the courts, when compelled or threatened with a declaration by the NAB that the owner's property is a public nuisance and/or subsequent threats to take action against the property are made by the NAB to ensure compliance.

The NAU, through an internally managed database that assists with tracking property cases and individual incidents at the premises, monitors individual properties. MDPD crime analysis tools are utilized by the NAU and district/investigative entities to review the properties regularly and take enforcement action necessary. Properties that are found to have significant criminal activity after appearing before the NAB, upon a NAB declaration that the property is a public nuisance, or upon being granted a deferral by the NAB and/or NAU, are tracked and brought before the NAB for a hearing upon meeting the requirements of the NAO.

Of approximately 238 properties where notifications by the NAU to the owner have been made, most have no significant additional problems. However, other properties are repeat offenders and in at least three cases, such properties have been declared a public nuisance more than one time. Two of these properties are owned by elderly property owners, who have been to their detriment victimized by the drug-related activity on the property. As a result of these activities, the NAB repeatedly brought the property owners and their relatives before the NAB and the NAB has addressed the problems and lack of control by the owners and their relatives. As a direct result of the NAU, MDPD and the NAB's involvement, the criminal activity significantly diminished. With approximately ten properties that have appeared before the NAB and/or the NAU, we have observed significant decreases in criminal activity; however there have been periodic activity problems. They are constantly reviewed to determine if the

NAB should hear the case again. A small percentage of these properties have been sold, demolished through coordinated efforts with the Building Department Unsafe Structure Board, or the owners have taken significant actions to abate the nuisance. The NAU and IB continually coordinate and utilize all County resources, including the NAB, to find solutions to the ongoing problems and to stop them, often without the NAB's intervention.

The CIAB and NAU continually explore methods to determine if the crime statistics have decreased significantly as a direct or indirect result of NAB and NAU actions. However it has been a challenging effort and one that will require significant increases in resources, including additional computers and manpower to evaluate the ongoing statistics regarding criminal activity at each property and the surrounding community. Regular departmental, district, and central investigative entities' review of criminal statistics through the COMPSTAT program identify areas for MDPD to concentrate their enforcement actions and identify problematic properties.

MDPD, CIAB, and the NAU utilize weekly, monthly, and annual reporting opportunities, such as annual Departmental goals and vision reports, annual NAB reports such as this one, annual personnel and budget analysis, annual reports provided to the Mayor for presentation to the public, Bureau Commander "Active Strategy" reports, and executive and supervisory individual annual performance appraisals. Each of these evaluate the individual, entity, and departmental achievements in crime reduction goals and programs, including the NAU and Nuisance Abatement Program as a tool in the Department's continuing fight to reduce crime. These evaluations are shared with the NAB and governmental leaders, as needed, and utilized to coordinate departmental efforts and manpower in the most economical and efficient means possible.

Attachments (1-8) are listed below:

1. NAB Membership Attendance Records (1a for 2008, 1b for 2009)
2. Nuisance Abatement Ordinance (NAO) – Original/Current
3. NAB Conduct of Hearings
4. Chairperson Opening Statement
5. NAB Minutes January 6, 2010, meeting, including review and vote of the Annual Sunset Report.
6. NAU Web Page Design copy
7. Significant Cases Highlighted from 1993 – 2009
8. NAB and NAU Estimated Costs Summary

**MIAMI - DADE COUNTY NUISANCE ABATEMENT BOARD  
MEMBERSHIP ATTENDANCE RECORD  
JANUARY 2008 - DECEMBER 2008**

	01/17/08	03/05/08	04/23/08	05/29/08	10/16/08	11/12/08	
	Held	Held	No Quorum	Held	Held	Held	
Figueroa, Carlos	Absent	Present	Present	Absent	Absent	Present	
Giles, Regina M.	Present	Present	Absent	Present	Absent	Present	
Joffe, Roxanne	Absent	Present	Present	Absent	Absent	Present	
Lawton, Harold	Present	Present	Present	Present	Present	Present	
Mora, Pedro	Present	Absent	Absent	Present	Present	Present	
Samms, Gregory	Present	Absent	Absent	Present	Present	Present	
Sessler, Steve	Present	Present	Present	Present	Present	Present	
Starks, Rev. Willie	Absent	Absent	Absent	Absent	Absent	Absent	
Stelzer, Lance	Absent	Absent	Absent	Present	Present	Absent	
Vasquez, Jennifer	Present	Resigned 3/4/08	N/A	N/A	N/A	N/A	
Vacancy/Diaz	*	*	*	*	*	*	
Vacancy/Sosa	*	*	*	*	*	*	
Vacancy/Souto	*	*	*	*	*	*	
Total Members Present	6	5	4	6	5	7	
Total Members Appointed	10	9	9	9	9	9	
Percentage of Attendance	60.00%	55.56%	44.44%	66.67%	55.56%	77.78%	
							Attachment 1b

**MIAMI - DADE COUNTY NUISANCE ABATEMENT BOARD  
MEMBERSHIP ATTENDANCE RECORD  
JANUARY 2009 - DECEMBER 2009**

	02/18/09	04/01/09	05/13/09	07/15/09	08/26/09	10/15/09	11/04/09
	Held	Held	No Quorum	Held	Held	Held	Held
Battle, Mia	Present	Absent	Present	Present	Present	Present	Absent
Figueroa, Carlos	Absent	Present	Present	Present	Absent	Absent	Absent
Giles, Regina M.	Absent	Absent	Absent	Present	Present	Absent	Present
Joffe, Roxanne	Present	Absent	Absent	Present	Present	Present	Present
Lawton, Harold	Present	Present	Present	Present	Present	Present	Present
Livingstone, Walter	Present	Present	Absent	Present	Present	Present	Present
Mora, Pedro	Absent	Absent	Absent	Absent	Absent	Present	Present
Samms, Gregory	Present	Present	Present	Absent	Present	Present	Absent
Saunders, Dr. Maria E.	*	*	Present	Absent	Present	Present	Present
Sessler, Steve	Present	Absent	Present	Absent	Present	Present	Absent
Starks, Reverend Willie	Absent	Present	Absent	Resigned June 1, 2009		*	*
Stelzer, Lance	Present	Present	Absent	Absent	Present	Absent	Present
Vacancy/Diaz	*	*	*	*	*	*	*
Total Members Present	7	6	6	6	9	8	7
Total Members Appointed	11	11	12	11	11	11	11
Percentage of Attendance	63.64%	54.55%	50.00%	54.55%	81.82%	72.73%	63.64%

**Code of Miami-Dade County**

**ARTICLE XIII.A. NUISANCE ABATEMENT\***

**Sec. 2-98.4. Legislative findings and intent.**

This article [Ordinance No. 92-42] is enacted pursuant to the provisions of the Miami-Dade County Home Rule Charter and Florida Statute, Section 893.138, as it may be renumbered or amended from time to time, and shall be known and may be cited as the "Miami-Dade County Public *Nuisance Abatement* Ordinance."

The Board of County Commissioners of Miami-Dade County, hereby finds and declares that any places or premises which are used as the site of the unlawful sale or delivery of controlled substances, prostitution, youth and street gang activity, gambling, illegal sale or consumption of alcoholic beverages, or lewd or lascivious behavior, may be a public *nuisance* that adversely affects the public health, safety, morals, and welfare. This Board also finds that abating the public *nuisance* which results from said criminal activity is necessary to improve the quality of life of the residents of Miami-Dade County and that said *abatement* will safeguard the public health, safety, and welfare.

This article is hereby declared to be remedial and essential to the public interest and it is intended that this article be liberally construed to effect the purposes as stated above. The provisions of this article and the standards set forth herein shall be applicable only to the unincorporated areas of Miami-Dade County, Florida.

The provisions of this article shall be cumulative and supplemental to and not in derogation of any provision of the Florida Statutes, the Code of Miami-Dade County, or any other applicable law.

**Sec. 2-98.5. Definitions.**

For the purpose of this article the following definitions shall apply:

*Public nuisance*: Any place or premise which has been used on more than two (2) occasions within a twelve-month period:

- (1) As the site of the unlawful sale or delivery of controlled substances, or
- (2) By a youth and street gang for the purpose of conducting a pattern of youth and street gang activity, or
- (3) For prostitution, or solicitation of prostitution, or
- (4) For illegal gambling, or
- (5) For the illegal sale or consumption of alcoholic beverages, or
- (6) For lewd or lascivious behavior, or
- (7) Any premise or place declared to be a nuisance by Florida Statute, Section 823.05 or Section 823.10 as they may be renumbered or amended from time to time.

**Sec. 2-98.6. Operating procedure.**

Any employee, officer or resident of Miami-Dade County may file a complaint and request for prosecution with the Miami-Dade County Public *Nuisance Abatement* Board regarding the existence of a public *nuisance* located within Miami-Dade County. Said complaint shall be filed with the Director of the Miami-Dade Police Department, or his designee. Upon the filing of more than two (2) complaints on any particular place or premises, the Director or his designee shall mail written notice of such complaints by certified mail with return receipt to the owner of the place or premises complained of at the owner's address as shown in the Miami-

Dade County property tax collector's file. Said notice shall provide for the owner of the place or premises to contact the Director or his designee within fourteen (14) days of receipt of the notice. This time period shall be allowed for the purpose of allowing the owner to take such good faith measures as are appropriate to abate the *nuisance*. The Director or his designee may extend the fourteen (14) days to allow the owner to institute or continue actions to abate the *nuisance* provided the actions are reasonable. In the event the owner fails to respond to Notice of Complaint or fails to take reasonable action to abate the *nuisance*, the Director or his designee shall schedule a hearing on the complaint before the Miami-Dade County Public *Nuisance Abatement* Board, and written notice of said hearing shall be by certified mail with return receipt to the owner of the premises and the complainant at least ten (10) days prior to the scheduled hearing .

The aforesaid notice of hearing shall include :

- (a) A statement of the time, place and nature of the hearing ;
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held ;
- (c) A reference to the particular sections of the statutes and ordinances involved ;
- (d) A short and plain statement summarizing the incidents complained of.

### **Sec. 2-98.7. Public Nuisance Abatement Board .**

The Miami-Dade County Public *Nuisance Abatement* Board is hereby created and established. The Board shall consist of nine (9) members with one member appointed by each County Commissioner .

(a) *Qualification of members.* The composition and representative membership of the Board shall be as follows:

- (1) All members shall reside in the unincorporated areas of Miami-Dade County .
- (2) One (1) member shall be a law enforcement officer as defined in Florida Statutes, Section 943.10 who is retired or inactive and who is not employed by Miami-Dade County .
- (3) One (1) member shall be an attorney practicing law in Miami-Dade County and a members in good standing of the Florida Bar .
- (4) Eleven (11) members of the general public, who possess outstanding reputations for civic pride, integrity, responsibility and business or professional ability, with interest or experience in abating public nuisances .

(b) *Terms of office.* The initial appointments to the Board shall be as follows: Seven (7) members shall be appointed for the term of one year, six (6) members shall be appointed for the term of two (2) years. Thereafter all appointments shall be made for the term of two (2) years. No members shall serve more than three (3) consecutive terms or seven (7) years. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office. A member may be removed with or without cause by the affirmative vote of not less than a majority of the entire County Commission. Should any member of the Board fail to attend three (3) consecutive meetings without due cause, the chairperson shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been removed and the County Commission shall fill the vacancy by appointment.

(c) *Organization of the Board.* The members of the Board shall elect a chairperson and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. Members shall serve without compensation, but shall be entitled to be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission .

(d) *Meetings of the Board.* Meetings of the Board shall be held monthly, or more frequently if necessary, to hear and dispose of the pending complaints. Notice of the time and place of meetings shall be given to all complainants and owners of premises scheduled to be heard. Notice shall be given in writing at least ten (10) days prior to the hearing. Any aggrieved person may request a continuance of the hearing. The Board may grant a continuance of any hearing for good cause. The chairperson may call an emergency meeting of the Board, and meetings may also be called by written notice signed by three (3) members of the Board. The meetings of the Board shall be recorded and be transcribed at the expense of the party requesting the transcript. All meetings shall be in compliance with Florida's "Government in Sunshine Law" and Chapter 286.011, Florida Statute. No less than seven (7) members shall constitute a quorum. No less than six (6)

members voting affirmatively shall be required to declare any place or premises a public nuisance under this provision. The County Manager shall provide adequate and competent clerical and administrative personnel, and such technical or scientific personnel as may be reasonably required by the Board for the proper performance of its duties. The County Manager shall provide a regular meeting place for the Board. All records shall be public records as defined by Chapter 119.011, Florida Statutes.

(e) *Conduct of hearings*

(1) The Director of the Miami-Dade Police Department or his designee shall present cases before the Board. All parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the Board proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it. The Board may consider any evidence, including evidence of the general reputation of the place or premises. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Orders of the Board shall be based on competent and substantial evidence and must be based on a preponderance of the evidence.

(2) After considering all evidence, the Board may declare the place or premises to be a public nuisance as defined in this chapter and may enter an order prohibiting .

(i) The maintaining of the nuisance ;

(ii) The operating or maintaining of the place or premises; or

(iii) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance .

(3) An order entered under subsection (2) shall expire after one year or at such earlier time as stated in the order. The Board may retain jurisdiction to modify its orders prior to the expiration of said orders.

(4) The Board may bring a complaint under Section 60.05 of the Florida Statutes, seeking a permanent injunction against any public nuisance.

**Sec. 2-98.8. Costs .**

In the event that the Board declares a place or premises to be a nuisance and issues an order pursuant to Section 2-98.7(e)(2) above, the Board shall assess against the owner of the place or premises the costs which the County has incurred in the preparation, investigation, and presentation of the case. These costs shall be due and payable ten (10) days after the written order of the Board has been filed. A certified copy of an order imposing costs may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists or, if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one year from the filing of any such lien which remains unpaid, Miami-Dade County may foreclose or otherwise execute on the lien. Interest shall accrue on the unpaid costs at the legal rate of interest set forth in Section 55.03, Florida Statute as that may be amended from time to time .

**Sec. 2-98.9. Appeals .**

An aggrieved party may appeal a final order of the Miami-Dade County Public *Nuisance Abatement* Board to the Circuit Court of the Eleventh Judicial Circuit, Appeals Division. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board. An appeal shall be filed within thirty (30) days of the date of the written order appealed from .

**Sec. 2-98.10. Rights preserved .**

This article does not restrict the right of any person to proceed under Section 60.05 of the Florida Statutes, against any Public Nuisance .

Miami-Dade County  
Nuisance Abatement Board (NAB)

**Conduct of Hearings**

Chairperson's Opening Statements

- I. Identify case, property, property/business owner(s), nuisance categories.
- II. Stipulation between parties.
  - a. Motions by the Board.
  - b. Abatement plans hearing, as appropriate.
- III. Presentation of case by coordinator (Mr. Jack DiCarlo)
  - a. Opening informational statement
  - b. Initial Notification
  - c. Communications with property/business owner (s).
  - d. Hearing Notification information
  - e. Outline (Summary) of incidents to be presented.
- IV. Presentation of documents and statements through witness testimony or evidence.
  - a. Witness Direct examination
  - b. Cross examination by property/business owner(s) or legal representative.
  - c. Questions by Board to witness.
- V. Sworn statements by complainants who wish to be heard, to be followed by questions from coordinator, property/business owner(s) and the Board.
- VI. Sworn statements by impacted community citizens, to be followed by questions from coordinator, property/business owner(s), and the Board.
- VII. Property/business owners' presentation of their defense to be followed by questions of witnesses by the coordinator and the Board.
- VIII. Closing statements by the coordinator and the property/business owner(s).
- IX. Public executive discussion by the Board of the case.
- X. Board Motions
- XI. Board Vote on motions
- XII. Announcement of disposition and any necessary Board orders.
- XIII. Board Hearing on the Matter of Costs.

Miami-Dade County  
Nuisance Abatement Board (NAB) Hearing

**Chairperson Opening Statement**

The Miami-Dade County (MDC) Board of County Commissioners enacted the Nuisance Abatement Ordinance (NAO), #92-42, on or about June 1, 1992. The NAO was enacted to provide citizens, employees, and law enforcement officers of MDC a means for finding relief from various nuisance problems in their unincorporated neighborhoods. A place or premises could be considered a public nuisance when it is the site of three or more of the following types of complaints or offenses:

1. The Sale or Delivery of Controlled Substances.
2. Youth or Street Gang Criminal Activity.
3. Prostitution.
4. Lewd or Lascivious Activity.
5. Gambling
6. Illegal Sale or Consumption of Alcoholic Beverages.
7. Activities as defined by Florida Statutes 823.05 or 823.10.

The Miami-Dade Police Department (MDPD) has been charged with the responsibility of identifying the properties with three or more complaints/incidents regarding the above types of activity and investigating the public nuisance.

MDPD has established the Nuisance Abatement Unit (NAU) to coordinate the investigations of these properties, and to notify the property owners of the complaints against their properties and the responsibilities that the property/business owners have to abate the nuisance. The MDPD has asked that all complaints against the properties be filed by police report so that they can be documented and thoroughly investigated. The NAU will notify the property/business owners of the complaints after three or more are documented and allow them 14 days to effectively abate the nuisance. The Owner must take immediate responsibility to abate the nuisance activity by contacting the NAU coordinator as soon as receiving the letter and submitting a detailed plan of action and the steps being taken to abate the nuisance.

The NAU will present the matter to the Nuisance Abatement Board (NAB) in a public hearing, if any of the following occur:

1. The property/business owner fails to contact the NAU within 14 days of receipt of the Initial Notification Letter.
2. The nuisance is not abated as noted by the receipt of further complaints or nuisance related incident information within or after the 14-days notification period.
3. The property/business owner fails to take reasonable action to abate the nuisance activity within the 14-day notification period.

The Nuisance Abatement Unit and the Miami-Dade Police Department will present the case to the Board. This is an administrative hearing and any evidence, including that of the general reputation of the property may be heard by the Board. Formal rules of evidence will not apply, but fundamental due process will be observed and will govern the proceedings. Orders of the Board shall be based on competent and substantial evidence and must be based on a preponderance of the evidence.

The property business owners have the opportunity to be represented by counsel and to question all witnesses, review any evidence presented, and to present witnesses and evidence on their behalf. After both sides conclude their cases, the Board will be required to decide if the

place or premises does or does not constitute a public nuisance. If the place is considered a nuisance, the Board must decide what action must be taken by the owners to abate the nuisance. The board could order that the place or premises be closed and all activities cease on the premises, or they could order that a specific activity that is conducive to the nuisance be halted or steps be taken by the property/business owners to prevent the recurrence of the nuisance. If the board finds that the property is a public nuisance, then they would order that the property/business owner pay for the costs of the investigation within 10 days. If the Board's orders are not followed, a lien would be placed against the property or other assets of the owner(s) and the County could foreclose against the lien.

The Board will be counseled on all matters by the Assistant County Attorney. All matters presented here will be public and will be recorded. If any affected parties decide to appeal any decision of the Board, they must insure that a verbatim transcript be provided and the appeal must be filed with the Circuit court of the Eleventh Judicial Circuit, Appeals Division, within 30 days of the date of the written order appealed from.

All witnesses will be sworn in and the Nuisance Abatement Unit will present the witnesses and begin the presentation of the evidence. The property owner will have the opportunity to cross-examine the County's witnesses and this may be followed by questions from the Board. The property/business owner will then be provided the opportunity to present evidence and witnesses in his/her behalf. These witnesses may be cross-examined by Mr. DiCarlo and questioned by the Board as they see fit.

If there are any members of the community in the audience who wish to be heard because they have direct interest/knowledge in this matter and they have not been called as witnesses, they must register with Mr. DiCarlo and be allowed a few minutes to make a statement followed by questions by each side and the Board.

Each side will then be provided a few minutes to summarize their positions and the Board will deliberate in public session without any interruptions from the parties.

After a decision is made and if the Board has found that the Premises is a Public Nuisance, then the Board will allow both sides to make sides regarding recommendations for actions to be taken for abating the nuisance activity and the Board will decide the actions to be ordered for the owners to comply with.

After a place or premises has been declared a public nuisance, the matter of costs will be considered and decided by the Board.

In general, the Board will listen to one person at a time and will not accept any interruptions from a person who is not recognized to speak. If either side has an objection to any question or evidence, it will be allowed to be raised to the Board Chairperson and the reasons for the objection. The Board Chairperson or Vice Chairperson will consider the objection, consult with the County Attorney if necessary, and rule on the objection.

We are here to help the County, community, citizens, and property/business owners find solutions to these nuisances, and the Board will have to make the final decision that will ultimately help in the abatement of the nuisance in question.

Are there any questions about these proceedings?

Are there any stipulations between the property/business owner and the Miami-Dade Police Department?

Let us begin. Mr. DiCarlo, please present the Miami-Dade Police Department case.



# Miami-Dade County Nuisance Abatement Board (NAB)



Attachment #5

## Minutes

### Board Members

Mia Battle  
 Carlos Figueroa  
 Regina M. Giles  
 Roxanne Joffe  
 Harold Lawton  
 Walter Livingstone  
 Pedro Mora  
 Gregg Samms, Chairperson  
 Dr. Maria Saunders  
 Steve Sessler  
 Lance Stelzer, Vice-Chairperson  
 Vacancy  
 Vacancy (Reverend Willie Starks Resigned May 28, 2009)

### Appointing Commissioners

Carlos A. Gimenez  
 Natacha Seijas  
 Dennis C. Moss  
 Joe A. Martinez  
 Barbara A. Jordan  
 Javier D. Souto  
 Bruno A. Barreiro  
 Audrey M. Edmonson  
 Rebeca Sosa  
 Sally A. Heyman  
 Katy Sorenson  
 Jose "Pepe" Diaz  
 Dorrin D. Rolle

**Date of Meeting:** January 6, 2010 (Wednesday)

**Meeting Place:** The meeting was held in the Commission Chambers on the 2<sup>nd</sup> floor of the Miami-Dade Stephen P. Clark Government Center, 111 NW 1 Street

**Meeting Times:** The meeting, scheduled for 5:30 p.m., convened at 6:15 p.m. and was adjourned at 7:15 p.m.

## I. Attendance

**Members Present:** Mia Battle, Harold Lawton, Walter Livingstone, Greg Samms, Dr. Maria Saunders, Steve Sessler, and Lance Stelzer.

**Members Absent:** Regina Giles (Advised that she was unavailable due to other business), Carlos Figueroa (Advised that he was not available), Roxanne Joffe (Advised that she was unavailable due to another commitment); Pedro Mora (Advised in December that he had to be out of the country in January).

Assistant County Attorney (ACA) Brenda Kuhn Newman represented Shannon Summerset who was ill and served as advisor to the NAB.

## II. Minutes

The NAB reviewed and approved the Minutes of the November 4, 2009, meeting. The meetings scheduled for November 18, December 2, and December 9, 2009, were postponed due to limited agenda items, owners' requests for postponements, and/or the uncertainty in regards to quorums.

## III. Presentation on County Ethics

The presentation for the old and new members will be rescheduled for another meeting or the new members will be asked to attend other meetings scheduled by Mr. Robert Thompson, Commission on Ethics, for 2010.

## IV. Hearings/Status Reports/Costs

- A. RE: 10759 SW 56 Street, Lili's Cafe, a restaurant  
(Status Report and Cost Hearing after NAB declared the Premises a Public Nuisance at the August 26, 2009 hearing due to additional incidents and lack of full compliance with NAB, NAU, and MDPD recommendations; Deferred on June 3, July 8, and July 15, 2009, due to owners' requests and quorum requirements; Deferred on May 13, until May 27, 2009, pursuant to Owners' Attorneys requests; Hearing on owner's abatement plans and nuisance activities, deferred for 30 days until May 13, 2009, due to quorum issues, after hearing from the owners on April 1, 2009, new hearing after additional incidents; previously deferred after acceptance of abatement plan in December 2005)

Property Owners: The Pel Corporation  
Dr. Anthony Pellicane, Jr., President

Attorney: Mr. Jeff Cutler, Esquire

Business Owners: Lili's Cafeteria, Inc.  
DBA Lili's Cafe  
Ms. Liliana Barrera, President

Mr. Jose Barrera  
Attorney: Mr. Joseph Fernandez, Esquire

The NAB was advised that the business owner's attorney, Mr. Joseph Fernandez had informed Mr. DiCarlo that he would be out of town for the holidays until January 7, 2010, and therefore could not attend the meeting on January 6, 2010, but his office advised on January 6, 2010, that he would be out of town until after

the weekend and could not attend on January 7, 2010. Mr. DiCarlo advised the NAB that no formal abatement plan communications or meetings have been held with the business owners as promised by Mr. Fernandez in prior communications and in a conversation with him in December. The NAB was advised that the property owner's attorney advised that they will be reviewing their abatement plans with the business owner.

The NAB was advised that there have been only a few incidents since it was declared a nuisance in August 2009, and that MDPD is continuing to monitor it. The NAB was advised that it appears that the business is trying to comply with the Order not to sell alcohol after 11:00 p.m. by closing most of the time at or about 11:00 p.m.

The NAB was advised that the owners have been notified to attend the NAB meeting on January 20, 2010 to present their finalized abatement plans and intentions regarding the NAB Orders.

- B. RE: 11338 SW 189 Street, Single Family Rental House  
(Status Report on NAB Deferral of August 26, 2009; new hearing subject to deferral; Notification letter sent on August 10, 2009, due to Narcotics Bureau investigation and search warrant in April 2009, as well as other previous cases)  
Property Owner: Mr. Tage Singh

The NAB was advised that Mr. Singh has accepted the Board's recommendation to evict everybody concerned with drug activity from the premises and obtained an agreement with his tenant to voluntarily leave the premises as soon as their chosen place for a new rental was ready for habitation. Mr. Singh had further advised that the tenants had started packing all of their belongings in November and believes that his tenants are in the final stages of removing all of their possessions from the duplex unit and their moving out will be completed within the next week or two. Additionally, the NAB was informed that Mr. Singh will secure the premises until he has new tenants and will conduct formal criminal background checks on all prospective tenants.

The NAB was advised that there have been no additional narcotics incidents reported and that the property will be monitored by MDPD officers. The NAB agreed that they will reconsider the deferral and hold a hearing if there are any additional incidents.

- C. RE: 11370-72 SW 189 Street, Duplex Rental Property  
(Status Report on NAB Deferral, upon acceptance of abatement plans of the owner at the Hearing on November 4, 2009, after new incidents, including July 2009, since the NAB/NAU Deferral in August – October

2006; 2nd Hearing notification received by the Owner on October 3, 2009; Initial Notification Letter was sent on August 10, 2006; NAU meeting was held to review Owner's Abatement plan in August – September 2006);  
Property Owner: Mr. Robert B. Thompson

The NAB was advised that there have been no additional incidents reported and that the owner advised in December that he has asked the current tenant to vacate the premises, as recommended by the NAB at the November 4, 2009, meeting in which they accepted the owners' abatement plans, including agreement that all of the tenants would be evicted, and deferred the hearing pending any additional incidents or lack of compliance with the owner's abatement plans.

The NAB was advised that the owner indicated that he may still allow other relatives of the tenant (who has been arrested at the property and agreed to leave) to rent and occupy the unit. The Board was advised that there would be concerns that the current tenant, after leaving, would continue to frequent the premises with his friends and thereby resume the problematic activities.

The NAB agreed that they would reconsider the previous deferral and hold a hearing if there are any additional incidents and/or a lack of compliance with the owner's stated abatement plans.

D. RE: 22300 SW 117 Avenue, a rental quadriplex  
(Status Report, Cost Hearing; Postponed until July 8, 2009; declared a Nuisance on November 12, 2008; Owner's evictions of tenants are pending)  
Property Owners: Dr. Francisco Brizuela

The NAB was advised that the frequency of narcotics incidents at the premises has significantly been reduced since Dr. Brizuela completed the eviction of all of the problematic tenants in August. Mr. DiCarlo advised that a status report and cost hearing will be set for the next meeting.

E. RE: 10375 SW 173 Terrace, a single family home  
(Status Report and Costs; Declared a Nuisance in 2006 for the second time due to drug activities; NAB agreed to allow the owner to maintain the house with sons, but that nobody else should be living there, as the owner and her sons had been allowing many transient people to stay there.)  
Property Owner: Ms. Eddie Shedrick

Mr. DiCarlo advised that he had been happy with the belief that there had been very significantly reduced narcotics and other criminal incidents at the premises since it had been declared a nuisance in 2006, and had stopped to say hello to

Ms. Shedrick and to see how she was doing on January 5, 2010. However, he learned from a couple of concerned people who were helping Ms. Shedrick with her house and her health, that activities, including drug usage and problematic people visiting the house (after Ms. Shedrick retires and locks herself in her bedroom), are starting to recur much too regularly. The NAB, at Mr. DiCarlo's recommendation, requested that the owner and her adult relatives appear before the NAB for a status report, a hearing on costs, and to help them realize that these types of activities are detrimental to the property and the neighborhood and they must cease or the NAB could hold a hearing and order that actions be taken by the owners to prevent them, including closure.

Mr. DiCarlo advised that AMDPD Officers will monitor the Premises and he will contact the Community Action Agency counselor (who helped the family two years ago) to ask her to again evaluate the situation.

- F. 26620 – 22 SW 138 Court, a rental duplex  
(New Hearing/Status Report on NAB Deferral of May 2009, due to Owners' abatement plans and eviction of tenants; Additional Narcotics Bureau Search Warrant discovered in 2009.)  
Property Owners: Ms. Sandra Sosa Guerrero  
Mr. Alberto Guerrero

Mr. Alberto Guerrero appeared before the NAB and reported that he had advised Mr. DiCarlo in May 2009 that he had evicted four people from 26622 SW 138 Court after learning about the narcotics activity and search warrant by Narcotics Bureau and Detective R. Giordano in November 2008. Mr. DiCarlo reported that he found that there were other narcotics cases and a search warrant in July 2009, and that one of the subjects arrested and convicted for narcotics activity in November 2008, was also arrested in July 2009, and convicted in December 2009, for Possession of Illegal Narcotics with Intent to Sell.

Mr. DiCarlo advised that he also learned from Mr. Guerrero that a second subject who was arrested in November 2008, but had his case no actioned, was allowed to move back into 26620 SW 138 Court. It was also learned that at some time his brother was allowed to live in 26622 SW 138 Court and he had keys to both units. Mr. DiCarlo reported to the NAB that Mr. Guerrero had advised that in September 2009, when 26622 SW 138 Court was supposed to be vacant, he found a mattress on the floor in the apartment and knew that an unknown person or persons were sleeping there on an unauthorized basis. Mr. DiCarlo reported that Mr. Guerrero advised that he took the key from his tenant and changed the locks.

Detective R. Giordano testified that he was the lead detective and was present and observed the two sales of narcotics to a Confidential Informant and found a

large amount of illegal narcotics during the November 2008 search warrant. He advised that he arrested four subjects, including the current tenant of 26620 SW 138 Court. Additionally, Detective Giordano advised that he assisted in the arrest of one of the same subjects during the execution of a search warrant in July 2009, when another large amount of illegal narcotics, indicating sales activity, was found. The Detective advised that this place and the surrounding neighborhood has been known for large amounts of narcotics sales activities.

Mr. DiCarlo advised that he doesn't believe that the Mr. Guerrero has a needed understanding of the names and persons that may be living at or frequenting his duplex units and this lack of knowledge may be conducive to the nuisance activities. Additionally, Mr. DiCarlo advised that he reviewed an October 2009, MDPD incident report in which his tenant was allegedly involved in a disturbance or argument at a lounge in the area and he and four other people drove home to this property after the argument. It was reported that a subject followed them from the club and into the driveway of this property and fired a gun several times into the vehicle, fortunately without killing anybody.

The NAB after reviewing the evidence and based on the Owner's advice that he is trying to evict his only remaining tenant (who was present and involved either as an arrestee, or a victim in two of the three cases discussed with the NAB), elected to defer the hearing, but advised that any additional incidents will result in a hearing, a declaration that the premises is a nuisance, orders from the NAB, and the matter of costs. The NAB and Mr. DiCarlo also recommended that the owner conduct criminal background checks on any prospective tenants, change the locks, and fix and maintain all fences to secure the property from intruders. The NAB required that the owner report back to the NAB in 30 days to advise of the status of his eviction.

- G. 8791 NW 25 Avenue, a single family house  
(Status Report on NAB deferral of March 2009; previously declared a Nuisance in April 2004)  
Property Owners: Ms. Isabel Prophet

Mr. DiCarlo advised that there have been no additional incidents and that the Community Action Agency is still trying to arrange for help for one of the adult siblings who has physical problems and is unable to talk due to a stroke possibly resulting from drug use and is in need of rehabilitation efforts. The NAB was advised that the matter will continue to be deferred pending any additional incidents.

- H. 2989 NW 43 Terrace, a single family house  
(Status Report on house declared a nuisance in 2006 and declared a nuisance two previous times; Cost Order of \$2000 pending; \$1000

pending from 2005 Case and approximately \$300 + Interest from 1<sup>st</sup> Order in which \$2900 was paid)  
Property Owner: Ms. Charlie Mae Morris

The NAB was advised that there have been no additional narcotics incidents since February at this house that has been declared a nuisance three times since 2000. He advised that he has been communicating with the owner and her relatives who are living at the house and recommended that they continue to comply with the NAB's previous recommendations and that any additional narcotics incidents may result in another NAB hearing.

- I. 2121-23 NW 93 Street, a rental duplex  
(New Hearing deferral; Notification letter sent on December 26, 2009 due to narcotics activity from 2007 - 2009; Owner responded verbally on January 4, 2010;  
Property Owners: Mr. Jorge Garcia

The NAB was advised that the Owner responded to the warning and notification letter and advised that he had already evicted the responsible tenants and will submit an abatement plan and meet with Mr. DiCarlo to review the property.

- J. 10680 – 82 SW 172 Street, a rental duplex  
(New Hearing deferral; Notification letter sent on December 26, 2009 due to narcotics activity as investigated by Narcotics Bureau in July 2009; Owner responded with a written abatement plan and met with the NAU on January 6, 2010;  
Property Owners: Capital Homes Lending LLC  
BP Loans LLC  
Mr. Fernando Milanes, Manager & Member  
Ms. Collete Milanes, Manager & Member

Mr. DiCarlo advised that he and a Kendall District Sergeant met with the Owner at the Premises on January 5, 2010, after the Owner responded to the notification letter. Mr. Milanes advised the NAU that he had evicted the parties that he thought were responsible, but learned from Mr. DiCarlo that he had accidentally rented the duplex unit to a lady who was present during the execution of the narcotics search warrant and who had listed the arrestee (who was incarcerated in December 2009) as a co-renter. The NAB was advised that the property owner was assured by the tenant that there would be no more persons dealing drugs or drug use at the premises. The NAB was advised that Mr. DiCarlo provided the owner 30 more days to finalize his abatement plan, but believed that the owner was going to allow the tenant to stay, but warn her that eviction will occur if there are any more incidents.

- K.** 18910 -12 SW 113 Place, a rental duplex  
(New Hearing deferral; Notification letter sent on December 24, 2009 due to narcotics activity for several years; Owner responded verbally on January 4, 2010 and advised he will be submitting an abatement plan that includes the already completed eviction of tenants and installation of new tenants with background checks;  
Property Owners: Mr. Tage Singh

The NAB was advised that Mr. Singh had responded to the notification letter and advised that he has evicted several persons from the premises over the years and would continue to work with law enforcement officers to insure that there would be further activities. Additionally, he advised that he has contracted with the Department of Children and Families and currently has two adult foster children under lease and they will be warned about any drug activity. The NAB was advised that the owner will conduct background checks on any prospective tenants and will meet with Mr. DiCarlo to review the property in the next week. The NAB was advised that the matter will be deferred pending any additional incidents and the review of the owner's abatement plans and the property.

## **I. NAB Discussion/Adjournment**

Annual Report; 2010 Schedule

The NAB members reviewed the 2008 – 2009 Sunset Report, the proposed Nuisance Abatement Ordinance Amendments package, and the proposed 2010 schedule. The NAB voted unanimously to approve all documents and submit them, along with an accompanying memorandum from the NAB Chairperson to the County Manager and the Board of County Commissioners (BCC) for their review during the County's Sunset Review process and for their review and enactment of the proposed amendments. The NAB requested that the BCC fill any vacancies to assist with preventing quorum difficulties.

**Support, Mailing, and Contact Information for the NAB, MDPD NAU, and the County Attorney are as follows:**

**Miami-Dade Police Department  
 Community and Intergovernmental Affairs Bureau  
 Nuisance Abatement Unit**

Jack DiCarlo, Administrative Officer 3

**7617 S. W. 117 Avenue  
 Miami, Florida 33183**

**Telephone: 305-596-3850 Ext. 280  
 Fax: 305-273-8495  
 E-Mail: jdicarlo@mdpd.com**

**Shannon Summerset  
 Assistant County Attorney**

**NAB 2009 Meeting Schedule**

**Primary Date for Month**

**Alternate Date for Month**

January 7, 2009	Postponed – quorum & agenda	January 14	Postponed – quorum
February 4	Postponed – quorum	February 11	Postponed – quorum
February 18, 2009	Held - Added due to Postponements		
March 4	Postponed – agenda	March 11	Postponed – agenda
April 1	Held	April 8	Postponed - agenda
May 6	Postponed to May 13	May 13	Held - Anniversary
May 27 (for June)	Postponed - quorum & agenda	June 3	Postponed - quorum
July 8	Postponed – quorum & agenda	July 15	Held
August 26	Held	None	
September 2 & agenda	Postponed - agenda	September 9	Postponed – quorum
October 1	Postponed - quorum	October 15	Held
November 4	Held	November 18	3 <sup>rd</sup> Wednesday
December 2	1 <sup>st</sup> Wednesday	December 9	2 <sup>nd</sup> Wednesday

The alternate meeting dates for each month will be utilized in the event of quorum difficulties on the primary meeting dates, NAB Member preferences for alternate meeting dates, or in the event of a large amount of meeting business that may require an additional meeting.

**MIAMI-DADE POLICE DEPARTMENT  
Intergovernmental Bureau  
Nuisance Abatement Web Page**

Miami-Dade County enacted the Nuisance Abatement Ordinance (NAO), No. 92-42, requiring property and business owners to eliminate public nuisances. The NAO provides the community a tool to encourage owners to take responsibility for preventing recurring nuisance activities on their property in unincorporated Miami-Dade County.

**The NAO addresses recurring criminal/nuisance activity involving:**

1. The unlawful sale, delivery, or possession of controlled substances/narcotics
2. Youth and street gang criminal activity
3. Prostitution or solicitation of prostitution
4. Lewd and lascivious activity
5. Illegal gambling
6. The illegal sale, possession, or consumption of alcoholic beverages
7. Other criminal activities that are a danger to the public health, safety, and welfare

**What type of nuisance activities are NOT addressed by the NAO?**

Private nuisances that may involve neighbor disputes including: noise, barking dogs, loud music, code enforcement, and other non-criminal activity. While these and other activities may be a community problem, they are not addressed by the NAO, but may be addressed through other Miami-Dade Police Department (MDPD) or Miami-Dade County entities, including Team Metro and Building and Zoning.

**How can a complaint be made?**

The NAO allows anyone to file a police report/complaint with MDPD at 4-POLICE (305-476-5423). Although complaints may be made anonymously, to make a formal complaint, the attached Citizen's Complaint Affidavit may be completed and forwarded to the below address. All complaints must include the exact address of the alleged nuisance property and details about the activity and may be mailed to the

Miami-Dade Police Department  
Community and Intergovernmental Affairs Bureau  
Nuisance Abatement Unit  
7617 SW 117 Avenue  
Miami, Florida 33183

Complaints may also be forwarded by e-mail to: [jdicarlo@mdpd.com](mailto:jdicarlo@mdpd.com) or [ibinfo@mdpd.com](mailto:ibinfo@mdpd.com)

### **How are the complaints handled?**

MDPD officers investigate the complaints and criminal activity and provide reports to the Nuisance Abatement Unit (NAU). If there are three or more substantiated and documented complaints within a twelve-month period, and a pattern of recurring activity, the NAU will send official notification to the property owner requiring the owner to respond in writing with a plan of action within 14 days and to take immediate action to eliminate the nuisance activity.

### **Nuisance Abatement Board (NAB)**

If the owner fails to respond and take sufficient steps to abate the nuisance, and/or there are additional incidents, the case will be presented to the Miami-Dade County NAB that is appointed by the County Commissioners. The NAB will review the evidence and hear testimony from police officers, citizens, and the owners to determine if there is evidence to declare the premises a public nuisance and/or if the owners have taken sufficient steps to abate the nuisance.

### **Nuisance Abatement Board Orders**

If the Board finds the premises to be a Public Nuisance, the NAB may order immediate actions to be taken by the owners to abate the nuisance. Orders to owners may include:

1. Take immediate action to abate the nuisance, i.e., security, lights, fencing, cameras.
2. Stop any activity that is conducive to the nuisance, i.e., failing to check identification for possible underage sale of alcohol.
3. Order that the property and/or business be closed and secured.
4. Order that the property/business owners pay substantial MDPD and County costs.
5. Order that the owners report to the NAB their progress in abating the nuisance for one year.

### **For Additional Information or Questions**

Questions about the NAO or other information about this topic may be directed to the NAU at 305-596-3850, ext. 280, or by e-mail to [jdicarlo@mdpd.com](mailto:jdicarlo@mdpd.com).

**You can help make your community safer and crime free.**  
**Please call the police and report any criminal or suspicious activity.**  
**Call 911 if it is an emergency.**

[http://www.miamidade.gov/mdpd/BureausDivisions/IGB/nuisance\\_abatement.asp](http://www.miamidade.gov/mdpd/BureausDivisions/IGB/nuisance_abatement.asp)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Case No.	City	Agency	Case Title	Street Address	Type of Place	Last Recorded Incident	# of Recorded Incidents	Owner 1st Notify Date	Cost Request Amount	Costs Ordered	Costs Paid	Costs Due	Investigator/Case Officer	Property Rights							
10001	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Trailer Park	10001 (8601) W. FLAGLER STREET	Trailer Park/Multiple Units	3/29/2005	73	4/13/2005	0.00	0.00	0.00	0.00	5/16/2007	The NAB considered a large trailer park at Flagler Street and 100 Avenue that was the site of narcotics and other criminal activity. The NAB and the NAU deferred the hearing after the Property Owner advised that he would order the problem tenants, install security fencing around the perimeter, place a professional security guard at the entranceway seven days a week for 12 hours a night. The owner has also held crime watch meetings with the police and his tenants to provide for greater awareness and police notification of concerns. Two of three trailer tenants complied with all recommendations by police and the Trailer Park Owner. A third tenant was evicted. The property is being monitored by police for additional activity, but activities have been significantly reduced. The property has recently proceeded with closure of all of the trailers due to other inspections and safety concerns by County Building and other officials.							
10375 S. W. 173 TERR CASE #2-1	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Single Family Residence	10375 S. W. 173 TERR CASE #2-1	Single Family Residence	5/9/2006	10	7/27/2006	0.00	0.00	0.00	0.00		The NAB after considering evidence of ongoing drug activity, as investigated by Cutler Ridge and Narcotics Bureau officer since 2004, declared the premises, a house at SW 104 Avenue and 173 Terrace, a public nuisance for the second time since 2000. The NAB found that the owner did not have control of the house, her relatives and more than 15 people at a time that she often allowed to sleep at the house were conducive to the drug activity, and the elderly owner was at risk for her safety. The NAB initially ordered that the house be vacated, closed, and secured for the safety of the owner and the community, but agreed to reconsider that order if the owner presented a satisfactory abatement plan. The NAB reconsidered its order of closure at the next meeting provided that the owner complied with stated abatement actions including the following: clear and clean the yard of all overgrowth and junk and trash that will allow for the hiding of drugs; install additional security lighting; repair and erect additional security fencing; provide that MOPD officers arrest trespassers; void all borders and limit visitors to those with no criminal records. (Cont.)							
10375 S. W. 173 TERRACE #2-2	MIAMI	MIAMI-DADE POLICE DEPARTMENT	House/Single Family	10375 S. W. 173 TERRACE #2-2	House/Single Family	8/11/2005	43	12/28/2002	3344.76	3000.00	3340.84	340.84		(Continued from Call above) The house error in and attend drug rehabilitation counseling sessions. While there are still concerns, the owners have reduced the drug activity at the premises and are continuing to work with MOPD and the NAB to provide for the elimination of all criminal activity. In September 2007, the NAB heard from the owner that they have ordered the house of all drug-oriented persons, including a son whose access to the house was limited by the owner. The NAB is monitoring the house and will not allow any persons to sleep at the house other than the owner and her sons. The owner recently paid \$3,000 in costs from the first case. A final status report and cost hearing on the new case is pending on this property.							
10375 S. W. 173 TERR CASE #2-3	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Single Family Residence	10375 S. W. 173 TERR CASE #2-3	Single Family Residence	5/9/2006	10	7/27/2006	0.00	0.00	0.00	0.00		The NAB and NAU, after declaring the house at SW 104 Avenue and 173 Terrace, a public nuisance for the second time since 2000, continue to monitor the premises. The elderly owner appears to have complied with the NAB Order to limit visitors, especially those who have been involved in the criminal drug activity, and has been successfully able to maintain the house free of nuisance incidents thru 2009. The NAB will continue to monitor the situation and consider the matter of costs in 2010. NAB found that the owner did not have control of the house, her relatives and more than 15 people at a time that she often allowed to sleep at the house were conducive to the drug activity, and the elderly owner was at risk for her safety.							
10621-23 S. W. 180 STREET	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Duplex	10621-23 S. W. 180 STREET	Duplex	8/11/1999	19	9/9/1999	3158.12	3158.12	0.00	3158.12	4/30/1999	October 28, 1999 - Mr. Bouie appeared before the NAB, but did not respond until he appeared before the NAB. Officers from the Miami-Dade Police Department (MOPD) Narcotics Bureau and Cutler Ridge Station were present and prepared to testify, but Mr. Bouie stipulated that more than two (2) incidents summarized on the Incident Summary occurred on the property within six (6) months. The NAB declared the premises, a rental duplex, a public nuisance and placed the property under the jurisdiction of the NAB for one year. The NAB ordered that Mr. Bouie meet with Mr. DiCarlo and review Mr. Bouie's abatement plan that should include, but not be limited to the following NAB recommendations: fences be erected to delineate the different residences and the circular drive and prevent loitering; no loitering and trespassing signs be posted on the property; officers be provided written authority to warn and arrest trespassers; officers be provided with a list of all tenants on the premises; tenants be provided notice that nothing can be sold from the premises and that they may be subject to eviction if sales of various items including alcohol, candy, or illegal drugs continue; rules and regulations (Cont. on cell below)							
10621-23 S. W. 180 STREET	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Duplex	10621-23 S. W. 180 STREET	Duplex									(Continued from above cell) should be drawn up for all tenants; background checks, including credit, residential, landlord, and criminal be conducted on all prospective tenants; and provide a written action plan to abate the nuisance for the Board's consideration on December 2, 1999. After several meetings with the NAU and NAB, the problems were significantly reduced.							
10621-23 SW 184 ST	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Duplex	10621-23 SW 184 ST	Duplex	3/22/2007	4	3/27/2007	0.00	0.00	0.00	0.00		Upon complaints regarding drug activity to MOPD and Director Parker, the Narcotics Bureau and NAU conducted an investigation at a rental duplex at SW 184 Street and 107 Avenue. The investigation resulted in the arrest of three persons during two search warrants from December 2006 to the February 2007. The NAU and Team Metro notified the owner of the criminal activity and violations of the NAB and other code violations. The owner provided a satisfactory abatement action including: installed evidences against persons at this unit and five (5) other duplexes that she owned in the block; cleaned up all junk, trash, and junk vehicles in the yard; and rehabilitated the properties for new tenants that they conducted background checks on. The NAB deferred the hearing pending any additional incidents or lack of compliance with the abatement plans. No additional incidents have been reported.							
10625 S. W. 88 ST	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Bar/Lounge	10625 S. W. 88 ST	Bar/Lounge	7/9/1995	3	5/30/1993	5000.00	5000.00	5000.00	0.00		August 1993 - August 1994: A bar/lounge at 10625 S. W. 88 Street was found to be a public nuisance due to evidence involving the illegal sale and consumption of alcohol; several automatic assault weapons shootings resulting in serious injuries to several citizens; and other disturbances on the property. The NAB ordered the business closed pending the showing of adequate security measures. The business did not close and the County sought an injunction from a circuit court judge. The business presented a security plan to the judge, which included the posting of 8 - 10 armed security guards, and was allowed to remain open, but was advised that it would be closed if there were any additional serious incidents. No further serious incidents have been reported. Costs of \$5,000 were imposed and paid. The club ended up closing after the injured parties filed several successful lawsuits against the club and the property owners.							
10759 S. W. 56 STREET	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Restaurant	10759 S. W. 56 STREET	Restaurant	10/12/2006	14	10/13/2005	0.00	0.00	0.00	0.00		The owners of a restaurant at SW 56 Street and 107 Avenue have provided an abatement plan that includes: removal of video game machines being used for gambling; termination of employees who fail to comply with rules governing the sale and consumption of alcoholic beverages; fencing of the perimeter of the building. The NAU and the NAB deferred the matter pending additional incidents or lack of compliance with their abatement plan. Kendall District Officers and the NAU are continuing to monitor the premises as additional incidents have been observed.							
10759 S. W. 56 STREET	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Restaurant	10759 S. W. 56 STREET	Restaurant	10/20/2006	43	10/13/2005	0.00	0.00	0.00	0.00		The owners of a shopping center, including a restaurant operating as a bar at 10759 - 71 SW 56 Street, were notified of criminal nuisance activities and violations at the center, and business and asked to appear before the NAB after meeting with the NAU. The owners and their attorneys appeared before the NAB on April 1, 2009, and advised that they would be taking actions to abate the nuisance activities including alcohol violations (serving alcohol without required meals), serving alcohol after 1:00 a.m., serving to juveniles, and solicitation of alcoholic beverages from customers by employees, as well as other criminal activities. The NAB deferred the matter and required that they report back in 30 days with a detailed written abatement plan.							
10759 S. W. 56 STREET	MIAMI	MIAMI-DADE POLICE DEPARTMENT	Restaurant	10759 S. W. 56 STREET	Restaurant	10/20/2006	43	10/13/2005	0.00	0.00	0.00	0.00		After a few postponements and additional investigations and reports of incidents, the NAB heard the matter on August 26, 2009. After hearing concerns from many neighborhood citizens and Commissioner Soub's Staff, and after hearing from MOPD Kendall Crime Suppression Team detectives (Cont. from cell below)							

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S	C	O	U	E	F	G	H	I	J	K	
	Street Address	Type of Place	Last Recorded Incident	# of Recorded Incidents	Owner 1st Notify Date	Cost Request Amount	Costs Ordered	Costs Paid	Costs Due	Investigator Letter Date	Priority Notes
23	10759 S.W. 56 STREET	Restaurant	10/20/2008	43	10/13/2005	0.00	0.00	0.00	0.00	12/30/1994	(Cont. from cell above) and reviewing reports from them and MOPD Strategic and Specialized Investigation Bureau detectives regarding incidents concerning the above activities and other activities including two homicides, aggravated batteries, and fights, and hearing from the owners that the business owner was present during some of the activities and that a night manager and the business owner had been arrested a few times for the activities, the NAB declared the premises, including Lita's Cafeteria, a public nuisance. The NAB ordered the Owners to take actions to abate all of the alleged activities, to cease the sale of alcohol without food and to cease the sale of alcohol after 11:00 p.m., among other things. Additionally, the Owners were ordered to meet with the NAU and MOPD Officers and determine what other recommendations that they need to comply with. While there have been few reported additional serious incidents, the business owners have still not presented written abatement plans nor met with the NAU, but a few NAB recent NAB meetings to discuss the matter have had to be postponed. The NAB will meet in January 2010, to review the matter. The owner of a rental house SW 189 Street and 113 Place appeared before the NAB on August 26, 2009, and advised that he had talked to the tenants about the narcotics activity that they had been arrested for at the premises. He advised the NAB that he would consider evicting if there were any more incidents. After discussion with the NAB, the owner advised that he would evict the tenants as soon as possible. The NAB elected to defer the matter but advised if there were additional incidents or a failure to comply with his abatement plan, it would consider re-hearing the matter and declaring the premises a public nuisance. The owner advised that he has obtained his tenant's agreement to vacate the premises as soon as the police site is moving to its ready. No additional incidents have been reported.
24	11338 S.W. 189 ST	Single Family Residence	4/21/2009	9	6/17/2009	0.00	0.00	0.00	0.00	12/30/1994	April - September 1999: The NAB declared a duplex at 11300-52 S.W. 189 Street a public nuisance due to illegal narcotics activity. The owner agreed to take several steps to screen their tenants and provide better security for the property. After additional incidents the owner and her relatives were ordered to vacate the property and secure it for one month. After the month, the owner's relatives were allowed to move back in but were warned that any additional activities would result in further NAB actions. A partially ordered amount of costs was made, but they are still pending.
25	11341 S.W. 189 STREET	House	12/22/1994	7	10/31/1995	0.00	0.00	0.00	0.00	3/28/1999	A Strip Club at NW 27 Avenue and 119 Street was declared a public nuisance in 2003, due to considerable drug and other criminal activity. The owners were ordered to provide adequate security and maintain control of their patrons and employees. Criminal end nuisance activities diminished considerably and the premises was maintained in a much better manner throughout 2004. Costs of several thousand dollars were ordered.
26	11362-50 S.W. 189 STREET	Duplex	7/19/2002	21	4/12/1999	3978.44	3478.44	1100.00	2378.44		The NAB declared this adult book and video store, which was the site of lewd and lascivious activity 1982 - 1993, a public nuisance. The store agreed to close a large part of their hidden video booths. The owner paid costs of \$2,500 that were imposed by the NAB. A Strip Club at NW 27 Avenue and 119 Street was declared a public nuisance in 2003, due to considerable drug and other criminal activity. The owners were ordered to provide adequate security and maintain control of their patrons and employees. Criminal end nuisance activities diminished considerably and the premises was maintained in a much better manner throughout 2004. Costs of several thousand dollars were ordered.
27	11711 BISCAYNE BOULEVARD	Adult Book & Video Stores	4/13/1993	11	11/30/1992	2800.00	2800.00	2800.00	0.00		A market and gas station and SW 136 Avenue and 288 Street was the site of narcotics activity, robberies, and aggravated batteries. The owners were notified of the problems and agreed to take several actions including security fencing and lighting, and installation of additional security cameras. The NAB was asked to defer the hearing based on the successful actions taken by the owners to abate the nuisance. The activities have been considerably reduced, but the premises is still being monitored by MOPD Officer Ridge Dillner and the NAU. On October 30, 1997, the NAB heard a case involving the commercial property at 14516-14600 Lincoln Boulevard, the site of a grocery, a film market, and two vacant businesses. The premises was the site of illegal drug activity, illegal sale or consumption of alcoholic beverages, and other criminal activity. The NAB ordered the owner to temporarily close and secure the premises until they developed an acceptable abatement plan and were allowed to reopen after agreeing to provide a private security guard on the premises for 10 hours a day and take other actions to abate the nuisance. Parts of the shopping center did not reopen. The owners worked closely with police officers of the MOPD Kendall District. The NAB also ordered costs of \$3,500 and they were paid. The owners successfully abated the nuisance and the number of criminal incidents was reduced significantly. The shopping center was later sold and demolished.
28	13690 S.W. 209 STREET (MOODY)	Gas Station/Markets	4/27/2004	98	6/2/2004	0.00	0.00	0.00	0.00		A market and gas station and SW 136 Avenue and 288 Street was the site of narcotics activity, robberies, and aggravated batteries. The owners were notified of the problems and agreed to take several actions including security fencing and lighting, and installation of additional security cameras. The NAB was asked to defer the hearing based on the successful actions taken by the owners to abate the nuisance. The activities have been considerably reduced, but the premises is still being monitored by MOPD Officer Ridge Dillner and the NAU. On October 30, 1997, the NAB heard a case involving the commercial property at 14516-14600 Lincoln Boulevard, the site of a grocery, a film market, and two vacant businesses. The premises was the site of illegal drug activity, illegal sale or consumption of alcoholic beverages, and other criminal activity. The NAB ordered the owner to temporarily close and secure the premises until they developed an acceptable abatement plan and were allowed to reopen after agreeing to provide a private security guard on the premises for 10 hours a day and take other actions to abate the nuisance. Parts of the shopping center did not reopen. The owners worked closely with police officers of the MOPD Kendall District. The NAB also ordered costs of \$3,500 and they were paid. The owners successfully abated the nuisance and the number of criminal incidents was reduced significantly. The shopping center was later sold and demolished.
29	14518-600 LINCOLN BOULEVARD	Markets	8/24/2001	145	4/14/1997	4370.70	3500.00	3500.00	0.00		A market and gas station and SW 136 Avenue and 288 Street was the site of narcotics activity, robberies, and aggravated batteries. The owners were notified of the problems and agreed to take several actions including security fencing and lighting, and installation of additional security cameras. The NAB was asked to defer the hearing based on the successful actions taken by the owners to abate the nuisance. The activities have been considerably reduced, but the premises is still being monitored by MOPD Officer Ridge Dillner and the NAU. On October 30, 1997, the NAB heard a case involving the commercial property at 14516-14600 Lincoln Boulevard, the site of a grocery, a film market, and two vacant businesses. The premises was the site of illegal drug activity, illegal sale or consumption of alcoholic beverages, and other criminal activity. The NAB ordered the owner to temporarily close and secure the premises until they developed an acceptable abatement plan and were allowed to reopen after agreeing to provide a private security guard on the premises for 10 hours a day and take other actions to abate the nuisance. Parts of the shopping center did not reopen. The owners worked closely with police officers of the MOPD Kendall District. The NAB also ordered costs of \$3,500 and they were paid. The owners successfully abated the nuisance and the number of criminal incidents was reduced significantly. The shopping center was later sold and demolished.
30	14836 N.W. 7 AVE	Shopping Center	5/6/2005	16	5/12/2005	0.00	0.00	0.00	0.00		A shopping strip at NW 7 Avenue and 148 Street was the site of significant narcotics activity as uncovered by the MOPD Intra-suburban District Crime Suppression Team. The Owner advised that the tenant who was suspected to be involved in the activity agreed to vacate the premises. The property owner agreed to conduct background checks on future tenants and take further security steps with the building that housed other businesses. The NAU and the NAB deferred the hearing and no additional activity has been reported since May 2005.
31	15451-75 S.W. 208 STREET	Apartments/Entire Bldg Problem	2/16/2000	127	11/12/1999	11158.58	8500.00	5500.00	3000.00		February 2000 - February 2001: The NAB found this property, a six (6) building apartment complex, located at 15451-75 S.W. 208 Street, a public nuisance due to illegal narcotics and other criminal activity. The owners were ordered to take actions including: provide a security guard from 8:00 p.m. to 6:30 a.m. seven days a week; repair and maintain all fences, gates and maintain adequate security lighting; clean and fix the pool for the use of all residents or cover, close and secure it, repair and maintain all fences, gates and identification control gates at all entrances; maintain the premises free of all trash, debris, junk cars, broken windows, and broken doors; secure all doors and entrances of any apartment, office, or structure to prevent unauthorized access; conduct background checks on all future tenants and employees; and take action to evict any tenants who are involved in criminal activity on the premises. The owners complied with all NAB Orders including paying reduced costs of \$5,500. The criminal activity was drastically reduced for the next couple of years. The owners sold the property a few years later. In January 1996, the Appellate Court supported the NAB's findings regarding Messia Market, 16715 N.W. 22 Avenue, and Thys Liquors, 16710 N.W. 22 Avenue. It was reported that numerous arrests for narcotics violations and other illegal activities had occurred on both premises, as well as 1970 N.W. 22 Avenue. It was reported that approximately 100 arrests had occurred on both premises. The NAB ordered costs of \$5,000 and \$3,457 to be paid by the property owners. Messia Market immediately closed, but the owners appealed the costs. Thys Liquors was granted a stay of closure, upon appeal to Appellate Court. In January 1996, the Appellate Court supported the NAB's findings of public nuisance regarding Thys Liquors, but overturned the order of closure and removed the matter of penalties and costs back to the NAB for further study. The NAB, in conjunction with the court, subsequently ordered the premises for one year and the nuisance activity was abated. The owners paid \$2,000 in reduced costs. The property was later sold and the four stores were closed. January 1996 - May 1996: The NAB, in August 1994 and March 1995, convened hearings regarding Messia Market, 16715 N.W. 22 Avenue, and Thys Liquors, 16710 N.W. 22 Avenue. It was reported that numerous arrests for narcotics violations and other illegal activities had occurred on both premises, as well as 1970 N.W. 22 Avenue. It was reported that approximately 100 arrests had occurred on both premises. The NAB ordered costs of \$5,000 and \$3,457 to be paid by the property owners. Messia Market immediately closed, but the owners appealed the costs. Thys Liquors was granted a stay of closure, upon appeal to Appellate Court. In May 1996, the owners of the property at 16715 N.W. 22 Avenue agreed to pay costs of \$3,500 and drop their appeal of costs of \$6,090. The property has since been sold and there have been no additional reports of nuisance activity on the premises.
32	16710 N.W. 22 AVENUE	Liquor Store	7/26/1993	16	10/20/1993	3457.07	3457.07	2000.00	1457.07		February 2000 - February 2001: The NAB found this property, a six (6) building apartment complex, located at 15451-75 S.W. 208 Street, a public nuisance due to illegal narcotics and other criminal activity. The owners were ordered to take actions including: provide a security guard from 8:00 p.m. to 6:30 a.m. seven days a week; repair and maintain all fences, gates and maintain adequate security lighting; clean and fix the pool for the use of all residents or cover, close and secure it, repair and maintain all fences, gates and identification control gates at all entrances; maintain the premises free of all trash, debris, junk cars, broken windows, and broken doors; secure all doors and entrances of any apartment, office, or structure to prevent unauthorized access; conduct background checks on all future tenants and employees; and take action to evict any tenants who are involved in criminal activity on the premises. The owners complied with all NAB Orders including paying reduced costs of \$5,500. The criminal activity was drastically reduced for the next couple of years. The owners sold the property a few years later. In January 1996, the Appellate Court supported the NAB's findings regarding Messia Market, 16715 N.W. 22 Avenue, and Thys Liquors, 16710 N.W. 22 Avenue. It was reported that numerous arrests for narcotics violations and other illegal activities had occurred on both premises, as well as 1970 N.W. 22 Avenue. It was reported that approximately 100 arrests had occurred on both premises. The NAB ordered costs of \$5,000 and \$3,457 to be paid by the property owners. Messia Market immediately closed, but the owners appealed the costs. Thys Liquors was granted a stay of closure, upon appeal to Appellate Court. In January 1996, the Appellate Court supported the NAB's findings of public nuisance regarding Thys Liquors, but overturned the order of closure and removed the matter of penalties and costs back to the NAB for further study. The NAB, in conjunction with the court, subsequently ordered the premises for one year and the nuisance activity was abated. The owners paid \$2,000 in reduced costs. The property was later sold and the four stores were closed. January 1996 - May 1996: The NAB, in August 1994 and March 1995, convened hearings regarding Messia Market, 16715 N.W. 22 Avenue, and Thys Liquors, 16710 N.W. 22 Avenue. It was reported that numerous arrests for narcotics violations and other illegal activities had occurred on both premises, as well as 1970 N.W. 22 Avenue. It was reported that approximately 100 arrests had occurred on both premises. The NAB ordered costs of \$5,000 and \$3,457 to be paid by the property owners. Messia Market immediately closed, but the owners appealed the costs. Thys Liquors was granted a stay of closure, upon appeal to Appellate Court. In May 1996, the owners of the property at 16715 N.W. 22 Avenue agreed to pay costs of \$3,500 and drop their appeal of costs of \$6,090. The property has since been sold and there have been no additional reports of nuisance activity on the premises.
33	16715 N.W. 22 Avenue	Market	8/18/1993	46	4/8/1993	6090.66	6090.66	3500.00	2590.66		In January 1996, the Appellate Court supported the NAB's findings of public nuisance regarding Thys Liquors, but overturned the order of closure and removed the matter of penalties and costs back to the NAB for further study. The NAB, in conjunction with the court, subsequently ordered the premises for one year and the nuisance activity was abated. The owners paid \$2,000 in reduced costs. The property was later sold and the four stores were closed. January 1996 - May 1996: The NAB, in August 1994 and March 1995, convened hearings regarding Messia Market, 16715 N.W. 22 Avenue, and Thys Liquors, 16710 N.W. 22 Avenue. It was reported that numerous arrests for narcotics violations and other illegal activities had occurred on both premises, as well as 1970 N.W. 22 Avenue. It was reported that approximately 100 arrests had occurred on both premises. The NAB ordered costs of \$5,000 and \$3,457 to be paid by the property owners. Messia Market immediately closed, but the owners appealed the costs. Thys Liquors was granted a stay of closure, upon appeal to Appellate Court. In May 1996, the owners of the property at 16715 N.W. 22 Avenue agreed to pay costs of \$3,500 and drop their appeal of costs of \$6,090. The property has since been sold and there have been no additional reports of nuisance activity on the premises.
34											After receiving notice from the owner's daughter that the owners were refraining the mortgage so that they could qualify for a mortgage to provide handicapped equipment for the handicapped person who is suffering from a stroke or other ailment that does not allow her to move around the apartment. No incidents were reported.
35	17520 HOMESTEAD AVENUE	Single Family Residence	8/24/2002	49	10/14/1999	2503.16	1000.00	1000.00	0.00		A house at 17520 Homestead Avenue was declared a public nuisance by the NAB on October 28, 1999. The owners agreed to clean and secure the property and an adjacent vacant lot that they have partial ownership and control of. The owners installed No Trespassing signs, removed seats, and maintained the fence to prevent loitering, drug activity, and alcohol violations. The NAB ordered costs of \$1,000. The nuisance activities were reduced at this location but resumed again in 2002.
36	17520-00 HOMESTEAD AVENUE	Single Family Residence		0	10/3/2002	2404.36	1000.00	0.00	1000.00		The house was declared a nuisance for the second time in October 2002, due to narcotics activity, loitering, and alcohol problems. The owners were ordered to take abatement actions including controlling loitering in the yard and vacant lot by allowing only those relatives living at the house; authorize MOPD Officers to arrest Trespassers; disallow anybody from sitting in the yard, particularly at the fence lines where drugs were being sold to passers-by; prohibit alcohol consumption, particularly in the yard and the vacant lot; maintain the premises free of all junk and trash and junk vehicles; and repair and keep the fences secure at all times. After meeting with MOPD Officers and the NAU at the property, the owners managed to convince relatives and visitors that they must abide by the requirements of the NAB. Loitering and criminal incidents have been seriously curtailed at the property since the NAB hearing. The NAB deferred the matter of costs, but in December 2003, ordered that a reduced amount of costs totaling \$500 be paid. Costs have not been paid.
37	17520-00 HOMESTEAD AVENUE	Single Family Residence		0	10/3/2002	2404.36	1500.00	0.00	1500.00		The house was declared a nuisance for the second time in October 2002, due to narcotics activity, loitering, and alcohol problems. The owners were ordered to take abatement actions including controlling loitering in the yard and vacant lot by allowing only those relatives living at the house; authorize MOPD Officers to arrest Trespassers; disallow anybody from sitting in the yard, particularly at the fence lines where drugs were being sold to passers-by; prohibit alcohol consumption, particularly in the yard and the vacant lot; maintain the premises free of all junk and trash and junk vehicles; and repair and keep the fences secure at all times. After meeting with MOPD Officers and the NAU at the property, the owners managed to convince relatives and visitors that they must abide by the requirements of the NAB. Loitering and criminal incidents have been seriously curtailed at the property since the NAB hearing. The NAB deferred the matter of costs, but in December 2003, ordered that a reduced amount of costs totaling \$500 be paid. Costs have not been paid.

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ID	Street Address	Type of Place	Last Recorded Incident	# of Recorded Incidents	Owner 1st Name	Cost Requested Amount	Costs Requested	Costs Paid	Costs DUS	Investigator Letter Date	Property Notes
10	1775 N. W. 65 STREET	Single Family Residence	4/7/2004	57	10/30/2001	4321.48	4321.48	0.00	4321.48		November 14, 2001 - Due to more than 25 documented MDPD incident reports involving drugs and other criminal activity from 1992 thru 2001, the NAB declared the property a Public Nuisance and ordered that the owners take actions to abate all criminal activity and clean and clear the premises of all junk, trash, and visual impediments. The owner's son advised that all of this would be done, including the repair of all electrical problems identified by the Unsafe Structures Inspectors. After additional incidents the NAB ordered that visitors be limited and only two adult children of the owners live at the property. After additional incidents in August 2002, the property was ordered to be vacated and secured to prevent further activity. The owners were ordered to pay costs of \$4,321. The owners and others failed to abide by the NAB Orders and orders by the Unsafe Structures Board and activities continued in December 2002. In April 2003, the Unsafe Structures Board completed demolition of the property upon the owner's failure to bring the house up to safe standards. The vacant lot has been fenced off and few problems have occurred.
39	2130 N. W. 133 ST	House	4/19/1993	15	12/16/1992	9174.66	9174.66	9174.66	0.00		April 1993 - April 1994: A house at 2130 N. W. 133 Street was ordered closed and secured due to illegal narcotics activities dating back to 1985. Costs of \$9,300 were imposed. The owner secured the premises for one year and the incident ceased. However, after reopening the house, narcotic incidents resumed and another notification letter was provided to the owner in December 1996. The costs of \$9,300 were paid when the owner took out a 2nd mortgage.
40	2130 N. W. 133 STREET	House	4/16/1998	22	12/23/1996	8877.99	8877.99	825.32	2052.67		The house was declared a nuisance for the second time in 1997, but the owner did not maintain control of the house and incidents recurred. A court ordered injunction was sought and a County Court hearing with Mr. Shine was held on March 12, 1998. A Nuisance Abatement Board and Miami-Dade County Motion for Enforcement was granted. The Court found that Mr. Shine has violated prior Court and Nuisance Abatement Board Orders and found him in Contempt of Court. The Court allowed Mr. Shine until April 10, 1998, to vacate the premises, but ordered that he be subject to arrest for trespassing and subject to a Writ of Body Attachment for Contempt, if he fails to vacate the premises, or remains and/or returns there. Also any other parties who are found on the premises were subject to arrest for trespassing. This Court extended the jurisdiction of the Nuisance Abatement Board for one year after the compliance of Mr. Shine commenced. The house was vacated and secured. No further problems occurred, but the owner lost the house due to foreclosure of a mortgage.
41	22300 S. W. 116 AVENUE	Apartment/Entire Bldg Problem	11/19/2001	21	11/27/2000	5940.83	5940.83	0.00	5940.83	6/7/1999	December 2000 - October 2001: The NAB declared a quadplex house at 22300 S. W. 116 Avenue, a public nuisance due to illegal narcotics activity. The owner was ordered to take actions to abate the nuisance, obtain the proper permits and fix all electrical problems, and complete the fencing to prevent loitering and drug activity; review and install adequate exterior lighting; conduct background checks of all prospective tenants and provide copies of background checks to the NAB. The NAB ordered that costs of \$5,940.83 be assessed against the property and the owner. From March 2001 to October 2001, the NAB was advised that the owner has not completely complied, and a couple of other incidents were reported. Eventually, the owner complied with most of the recommendations and drug activities were significantly reduced for a time. The NAB declined to approve a requested reduction in costs. The costs have not been paid. MDPD and the NAU continue to monitor the premises.
42	22385 S. W. 115 COURT	Apartment/Entire Bldg Problem	7/11/2000	15	1/24/2000	7237.76	7237.76	0.00	7237.76	6/10/2000	February 2000 - October 2001: In July 2000, the NAB declared four unit complex at 22385 S. W. 115 Court, a public nuisance due to illegal narcotics activity and the failure of the owner to comply with previously stated abatement plans. The NAB ordered that the owner must take actions including ceasing the premises to be vacated, boarded up, and secured, until the owner appears at the next meeting with an acceptable plan to abate the nuisance, fence off the entire property to prevent trespassing, and post No Trespassing signs. Additionally, the NAB ordered that costs totaling \$7,237 be paid. After the owner failed to comply, a court order was obtained and the owner complied and secured the vacant property. The property was later lost by the owner in foreclosure. The nuisance activity at the premises was reduced significantly while it was vacant.
43	2352 N. W. 48 ST	Merches/Not 24 Hours	12/4/2004	111	5/9/2001	6841.25	5000.00	5000.00	0.00		May 2001 - Present: The NAB declared a property, which is a neighborhood market, at 2352 NW 48 Street, a public nuisance due to illegal narcotics and other criminal activity, including a nighttime drive-by shooting homicide in the parking lot resulting in one death and several injuries. The owner, in conjunction with the NAB, implemented several actions, including: posted a security guard from 8:00 p.m. to 4:30 a.m., seven days a week; installed fencing; and utilized video cameras for surveillance and prevention. The number of incidents at the premises were drastically reduced for the next couple of years. The owners paid NAB Ordered costs of \$5,000 and it was recommended that the security guard be maintained. The costs were paid. The security guard was maintained for a number of additional months and narcotic activity continues to remain reduced, but the premises is being monitored by Northside and the NAU.
44	2435 N. W. 54 STREET	Bar/Lounge	8/8/2002	4	10/12/2002	2480.90	1240.00	1240.00	0.00		October 2002 - Present: The NAB declared a private social club at 2435 NW 54 Street a public nuisance after hearing evidence of drug sales, usage, and cocaine table setups. The evidence included the recovery of almost 500 grams of cocaine in the club. The owners, who advised that they did not know of the drug activity being conducted by the members and visitors of the social club, advised that they would close the club, upon the recommendation of the NAB, until they could return with a plan in November 2002 to be acceptable to the NAB. Recommendations by the police and NAB included security guards, fencing, lighting, identification of club members being allowed access to the premises, and better management. The owners closed the club and reopened it as a new restaurant in July 2003 after complying with all recommendations by the NAU, MDPD Criminal Code enforcement investigations, Team Metro, the Florida Department of Health, and the Florida Department of Alcoholic Beverages and Tobacco. The owners paid NAB ordered costs of \$1,240. No additional narcotics incidents have been reported.
45											After the NAB elected not to conduct this 6 unit apartment complex a nuisance in 2007, during three different hearings, due to the owners' abatement actions, the owners have significantly reduced the number of illegal narcotics incidents. MDPD and the NAU are continuing to monitor.
46	2773-75 N. W. 57 ST	Duplex	1/9/2007	8	10/24/2006	0.00	0.00	0.00	0.00	7/28/2006	The NAB, after hearing from the NAU and the owner of a rental apartment complex containing eight units at NW 27 Avenue and 37 Street, elected to defer the hearing pending any additional incidents and compliance with an abatement plan that included: evict any responsible tenants; provide increased lighting and fencing security; conduct background checks on prospective tenants; meet with all tenants; and authorize MDPD officers to arrest trespassers. After two additional narcotics search warrants in February and June 2007, a NAB hearing to consider the matter was conducted. The owners advised that they had again evicted tenants and followed all of the recommendations of the NAU and Mr. Dicarlo. The NAB, after due consideration and recognition that they had really have tried to do everything possible to respond to the recommendations of the NAU, NAB, and officers, again elected not to declare the premises a public nuisance, but advised the owners that they would have their choice but to do so if there are any additional incidents or lack of compliance with the owners' abatement plan.
47	2970 N W 101 STREET	Single Family Residence	7/31/2004	30	9/3/2003	5577.98	6847.98	0.00	6847.98		September 2003 - Present: The NAB declared a house at 2970 NW 101 Street to be a public nuisance based on evidence of narcotic activity investigated by the MDPD-Narcotics Bureau. The owner, who advised that he is taking steps to control her own drug problem, was ordered to discontinue the practice of allowing "her kids" people to stay at the house, and to fence off the front yard. The owner failed to appear at a recent hearing and additional incidents were reported. The NAU contacted the owner and insisted that the owner follow the orders of the NAB and State the Nuisance. The owner appointed a representative who appeared before the NAB and advised the owner's representative caused 8 premises to be vacated, installed a fence, posted No Trespassing signs, and cleaned the yard. No additional incidents were reported for several months. Costs of \$6,847 were ordered but were not paid. It was learned in December 2004 that the owner lost the house through foreclosure.
48	2989 N. W. 43 TERRACE	Duplex	9/5/2005	49	8/26/2001	3738.90	2400.00	2900.00	-500.00		October 2001 - Present: Since the NAB declared a house at 2989 NW 43 Terrace a public nuisance in October 2001, the activity at the house has decreased, but not completely. The NAB has not closed 2002, but the owner has not taken the additional steps to abate the nuisance. Jurisdiction was lost in October 2002, but the house is still being monitored by MDPD and the NAU. Costs of \$2,400 were paid, but the house continued to have problems and was declared a nuisance two additional times.
49	2989 N. W. 43 TERRACE	Single Family Residence	8/6/2006	21	11/23/2005	0.00	0.00	0.00	0.00		The NAB, after reviewing evidence of ongoing drug activity since August 2005, declared the house at NW 30 Avenue and 43 Terrace a public nuisance for the third time since 2000. After considering the lack of MDPD abatement plans by the owners and the fact they occupied temporary effective abatement actions, the NAB ordered that the owners take abatement actions, including: evict any responsible tenants; meet with all tenants; and authorize MDPD officers to arrest trespassers. After presentation of a more complete abatement plan, allowed the owners to provide the abatement plan, the NAB, upon the recommendation of the NAU, MDPD, and officers, elected to defer the hearing pending any additional incidents and compliance with an abatement plan that included: evict any responsible tenants; provide increased lighting and fencing security; conduct background checks on prospective tenants; meet with all tenants; and authorize MDPD officers to arrest trespassers. After two additional narcotics search warrants in February and June 2007, a NAB hearing to consider the matter was conducted. The owners advised that they had again evicted tenants and followed all of the recommendations of the NAU and Mr. Dicarlo. The NAB, after due consideration and recognition that they had really have tried to do everything possible to respond to the recommendations of the NAU, NAB, and officers, again elected not to declare the premises a public nuisance, but advised the owners that they would have their choice but to do so if there are any additional incidents or lack of compliance with the owners' abatement plan.
50											Since the house has been allowed to reopen, there has been a significant reduction in criminal activity at the premises and the surrounding streets. The NAB will hear a final status report and consider the matter of costs in early 2008.

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ID	Street Address	Type of Place	Last Recorded Incident	# of Recorded Incidence	Owner 1st Notify Date	Cost Request Amount	Costs Ordered	Costs Paid	Costs Due	Investigator Letter	Date	Property Notes
10	801 - 811 N. W. 79 ST	Warehouse	8/19/2004	18	10/14/2004	0.00	0.00	0.00	0.00			A vacant commercial and residential building at NW 8 Avenue and 79 Street was the site of considerable drug and prostitution activity. The owners agreed to secure and vacate the building. The owners also agreed to repair and maintain the security of the fencing. Activities have been reduced considerably and the NAB deferred the matter. However, the owners did not maintain the security of the Premises and take other actions required by the Unsafe Structures Board. The building was demolished by Miami-Dade County on January 16, 2006.
54	8016 N. W. 10 AVENUE	Duplex	3/3/2000	10		3156.41	3156.41	0.00	3156.41	11/10/1999		June - August 2000: The NAB declared a house at 8016 N. W. 10 Avenue, a public nuisance due to illegal narcotics activity. The NAB ordered that the owner keep the premises secured and vacant until he addresses and corrects all the concerns. The owner did not follow the instructions of the MDC Unsafe Structures Board and the house was demolished.
55	901 N. W. 79 STREET	Single Family Residence	9/19/2000	34	8/17/2000	4424.20	4000.00	2500.00	1500.00			August 2000 - February 2001: The NAB, after reviewing evidence of drug activity, alcohol activity, and other illegal activity at the premises from 1996 to 2000, and abatement actions taken, declared the property at 901-905 N. W. 79 Street, which is the site of a residential rental structure and the One Stop Market, a public nuisance. The NAB ordered and the owners took actions including the following: Closed and secured the residential property until it was deemed acceptable for residential or business use; fenced off the residential lot and parking area; maintained the premises free of all junk, trash, litter, and debris; provided regular reports to the NAB of all calls to police and all actions being taken to abate the nuisance. The NAB ordered costs of \$4,000, but in 2001, after the premises remained crime free, agreed to reduce the costs to \$2,500. The costs were paid and the crime, especially narcotics activity, at the premises was significantly reduced for the next few years. The closed part of the property was remodeled and is currently housed by a medical clinic and no significant further problems have been reported.

COUNTY ADVISORY BOARD INFORMATION

BOARD NAME:

Nuisance Abatement Board

Attachment #8

**BOARD SUPPORT COST INFORMATION**

	FY09/10	FY08/09	
<b>DIRECT COSTS</b>			
	<b>AMOUNT (\$)</b>	<b>AMOUNT (\$)</b>	<b>ITEM</b>
	\$ 1,000.00	\$ 1,000.00	Copies, Certified Copies, Recording
	\$ 50.00	\$ 50.00	Parking
	\$ 400.00	\$ 400.00	Postage
	\$ 11,880.00	\$ 11,880.00	Other: Includes NAB Meeting facilities, security, witnesses, County Attorney staff, Technical Staff
	\$ 3,000.00	\$ 3,000.00	Other: Court Reporter
			Other:
	\$ 16,330.00	\$ 16,330.00	<b>TOTAL</b>

	FY09/10	FY08/09	
<b>INDIRECT COSTS</b>			
	<b>AMOUNT (\$)</b>	<b>AMOUNT (\$)</b>	<b>ITEM</b>
	\$ 130,390.00	\$ 130,390.00	Staff Support* (2)
	\$ 5,000.00	\$ 5,000.00	Other: NAU Equipment, Cars, Computers, etc.
	\$ 5,000.00	\$ 5,000.00	Other: MDPD Administrative
			Other:
	\$ 140,390.00	\$ 140,390.00	<b>TOTAL</b>

**TOTAL BOARD SUPPORT COST:** \$ 156,720.00 \$ 156,720.00  
(Add total Direct and Indirect Costs)

**Source of Funds:** General Fund, NAB Ordered Costs(1), Law Enforcement Trust Fi  
(i.e. General Fund, Interest Earning, Fines, etc.)

**(1) NAB Ordered Costs Information**

Cost Orders Requested	\$286,950			
Costs Ordered by NAB		\$223,921		
Costs Not Ordered by NAB	\$63,029			
Costs Reduced by settlement during appeals, or by NAB due to owners' abatement actions	\$19,828			
Net Costs Due	\$204,093			
Costs Paid by Owners		\$121,753		
Interest and Fees Collected		\$2,831		
Total Collected to date		\$124,584		
Net Pending Collection, Liens, Foreclosures, or deemed uncollectible			\$82,340	

**NOTE:** Costs are only ordered and collectible if the NAB declares a premises a public nuisance.

**(2) NOTES regarding NAU staff**

Salaries (including Fringe Benefits) include the below listed positions)

Administrative Officer 3 (AO3) (Jack DiCarlo) - Include in both fiscal years

Police Officer Worked from March 2008 thru August 2008 (Retired September 2008, but not filled since)

Administrative Officer 1 assists on meeting and some other days

Clerk 4 Position not filled since 2006

Position not filled after resignation