NO. LTC #311-2010

LETTER TO COMMISSIO

CLERK'S OFFICE

Mayor Matti Herrera Bower and Members of the City Commission

FROM:

TO:

Jorge M. Gonzalez, City Manager

DATE:

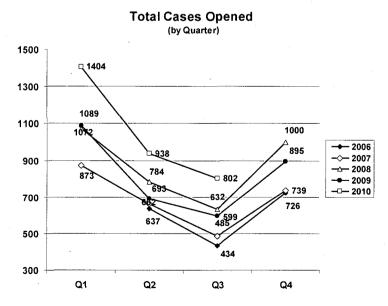
November 22, 2010

SUBJECT: Noise Report: July - September 2010 (Quarter 3-10)

This Letter to Commission provides the July through September 2010 (Q3-10) quarterly report on the implementation of the City's Noise Ordinance, as amended in July 2008, and as required pursuant to the Administrative Guidelines adopted via resolution. The data for noise reports is aggregated by calendar year quarters, and includes all of the information required per the Administrative Guidelines approved on October 7, 2008.

### I. Summary

For the reporting period of July 1, 2010 to September 30, 2010, the Division opened a total of 802 noise cases. Nine (9) of the cases were voided. Of the 793 cases with dispositions, 35 of those calls were canceled by the complainant; as such, their disposition is "canceled." Since those 35 cases had a disposition of "canceled." that leaves 758 cases where the disposition was either valid/non-valid. The following chart demonstrates the current trends of cases opened, by quarter, since the noise ordinance was approved (total number of cases opened reflects the nine (9) cases subsequently voided). As you will note, Q3-10 had more cases opened (802) than in the same guarter in 2009 (599). and has the highest number of cases opened for a third quarter since 2006 when noise reporting began.



The detail data as required per the Administrative Guidelines is presented in table form in **Attachment** A for commercial cases, and in Attachment B for all cases. Additional data has also been included to provide further information in some areas, as has been requested.

### II. Commercial vs. Residential and Other Cases

For purposes of this report, residential cases are those cases of noise occurring in a single-family home, condo or apartment and commercial cases are those occurring in a hotel, bar, restaurant, retail, condo/hotel, or club. "Other" cases are those that do not fall into one of those categories, such as public parks, public right of ways, or waterways. *The majority of noise cases continue to be in residential areas.* The total number of noise cases opened in residential areas this quarter was 547, or 72.2%, of the 758 valid/non-valid noise cases opened.

BREAKDOWN	OF TOTAL (VALID and	d NON-VALID) CASES
		% OF TOTAL CASES
RESIDENTIAL	547	72.2%
COMMERCIAL	139	18.3%
OTHER :	72	9.5%
TOTAL	758	

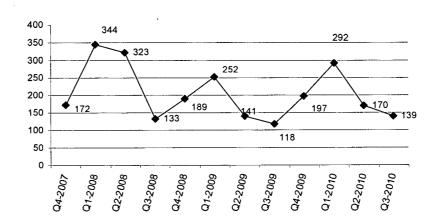
Though the majority of the cases are for residential noise complaints, historically, commercial noise has been the main concern and was the impetus for revisions to the noise ordinance.

### III. Commercial Cases

Comparable data for commercial cases is available back to and including Q4-07 and is utilized in this report. Prior to October 2007, the classification of cases as commercial versus residential was not consistent enough to provide comparables. For example, prior to October 2007, cases were grouped as commercial or residential, with no sub-categories. In spot reviews of case files, it was noted that in some cases for apartments were listed as commercial instead of residential. Since October 2007, the same criteria for commercial cases have been utilized, providing us with a good indication of trends relating to commercial noise complaints.

In Q3-10, commercial cases accounted for 139 of the 758 cases opened (18.3% of all noise cases opened). Complaints were received for 135 of those commercial noise cases and four (4) cases were opened as a result of officers (Code Compliance or Police) witnessing a violation while on patrol. As noted in the chart below, during the same quarter last year (Q3-09), there were 118 commercial noise cases, while for the last quarter (Q2-10) there were 170 commercial noise cases.

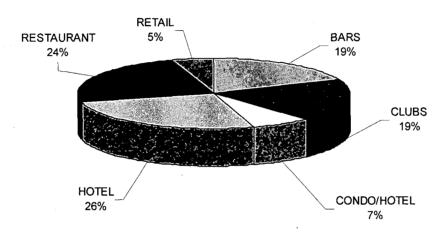
Commercial Cases Opened by Quarter (Since Q4/07)



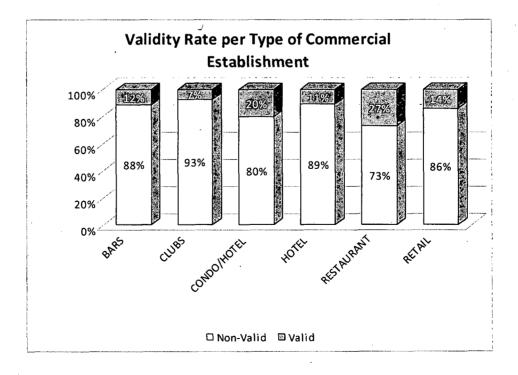
### Cases by Establishment Type:

Of commercial establishments, hotels had the most noise cases opened, with 25.9% of all commercial cases opened (36 of 139); four (4) of those 36 hotel cases were deemed valid (11.1%). The second highest number of commercial cases opened was for restaurants, with 23.7 % of all commercial cases opened (33 of 139); nine (9) of those restaurant cases were deemed valid (27.3%). The following chart demonstrates the breakdown between establishment types.

### Commercial Cases (Q3-2010) By Establishment Type



The chart below reflects the validity rate per commercial establishment type.

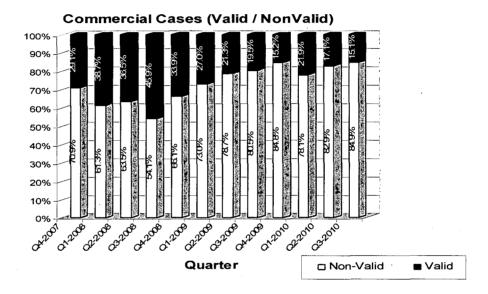


### Cases by Noise Type:

Loud Music remains the primary reason for noise calls; with 82.2% of ALL noise cases opened as a result of loud music complaints; that number is higher, 92.8%, for commercial only noise cases.

### Case Validity Rates:

Of the 139 commercial cases, 21 (15.1%) of those were deemed valid and 118 (84.9%) were closed as non-valid, as compared to 11.5% valid for residential cases and 12.5% for noise cases overall. A non-valid case disposition is not intended to demonstrate that noise did not occur, only that noise meeting the standard of the ordinance, and thus a valid violation, was not occurring and could not be witnessed by the Code Compliance Officer (or Police Officer) as would be necessary for a violation to be issued. Of the 21 valid cases, four (4) resulted in verbal warnings, 12 of the cases resulted in a written warning and five (5) were violations that carry fines. The chart below depicts the validity rates for commercial cases since Q4-07.



As requested by the stakeholders, a chart depicting "reasons why non-valid" has been added to the report. These reasons have been used by Code Compliance Officers to explain why the non-valid disposition was concluded. This chart no longer includes cancelled cases, as that has been added as a separate disposition, along with valid and non-valid. This chart depicting commercial cases is attached as **Attachment C.** 

### IV. Time to arrive

Data on "time to arrive" is compiled to assist in determining whether the time between the receipt of a complaint by dispatch and the arrival of a Code Compliance Officer may affect the percentage of cases closed as non-valid.

The numbers below are for commercial cases and reflect that the time of arrival was longer for cases deemed "valid". Going back to Q1-09, when this data was first recorded, this occurred in only one (1) other quarter (Q3-09). During Q3-10, the time from when a call was received by dispatch to the time the Code Compliance Officer arrived at the location of the complaint for a commercial case averaged 0:23:07 for valid cases, 0:19:47 for cases deemed non-valid.

Dispatch until C	m Call Received by Code Compliance 's Arrival
Valid	Non-Valid
0:23:07	0:19:47

### V. Major Event Periods / Special Events/Special Circumstances

There were no major events during this reporting period to make any impact on noise complaints.

### VI. Anonymous vs. Known-complainant(s)

The report captures whether or not a complainant was anonymous or identified themselves. However, we have found that even on occasions where the complainant is anonymous when the call is made to the dispatcher, the complainant may speak with the Code Compliance Officer on site. Of the 139 commercial cases opened, there were 89 anonymous complaints, one (1) anonymous complaint with contact made on site, 44 cases with contact information provided and four (4) cases initiated by the officer while on patrol. The anonymous complaints represent 64% of total commercial complaints and represent 65.3% of all commercial non-valid complaints.

### VII. Time/date of violation

As noted in the attachment, more commercial cases were opened for noise occurring from 11p to 7a (51.8% of all commercial valid/non-valid cases), than from 7a to 11p (48.2%). The highest percentages of commercial cases were opened on Saturdays (23.7%) and on both Wednesdays and Sundays (19.4% each) in the quarter.

		Totals	7a - 11p	11p - 7a
Commonatain	Valid	21	11	10
Commercial	Non-Valid	118	56	62

### VIII. Appeals

One (1) appeal was filed for violations issued during this reporting period. This one case was commercial. The current status is reflected in **Attachment D**, along with updates that occurred this quarter on appeals filed previously.

### RECOMMENDATIONS/ISSUES/CONCLUSION:

The quarter reflects the highest number of noise cases opened for a third quarter since the adoption of the new noise ordinance. As in previous quarters, residential noise cases continue to represent the largest percentage of cases opened.

The percentage of valid/non-valid varies between residential and commercial cases, with a higher percentage of valid case dispositions for commercial cases.

### **ATTACHMENTS**

JMG/HMF/CWC/KT/gt

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## COMMERCIAL NOISE CASES Noise Data 07/01/2010 - 09/30/2010 (Q3-2010)

# Total Number of Noise Complaint Calls Received

Total Cases	Less Code or	Complaint Calls
(Valid and Non-valid only)	PD Initiated	Received
139	4	135

### Disposition of All Noise Cases

	Type	#	%
	Valid Cases	21	15.1%
	Non-valid Cases	118	84.9%
Total Valid an	otal Valid and Non-Valid Cases =	139	

	19.0%	57.1%	23.8%	
akdown	4	12	5	21
Valid Violation Breakdown	Verbal	Written Warning	Violation	Total Valid Cases

Noise Cases by Type of Establishment	pe of Esta	blishment				
-		% of Commercial				
Location Type	Totals	Cases	× ×	Valid	Non	Non-Valid
		(Valid/Non-Valid)				
BAR	56	%Z'81	3	11.5%	23	88.5%
CLUBS	27	19.4%	2	7.4%	52	95.6%
CONDO-HOTEL	10	7.2%	7	20.0%	8	%0.08
RESTAURANT	33	23.7%	6	27.3%	24	72.7%
RETAIL	7	2.0%	1	14.3%	9	85.7%
HOTEL	36	25.9%	4	11.1%	32	88.9%
Total	139		21	15.1%	118	84.9%

Noise Cases by Noise Type	oise Type					
		% of Commercial				
Noise Type	Totals	Cases	Valid	<u>p</u>	Non	Non-valid
•		(Valid/Non-Valid)				
TOND WINSIC	129	92.8%	. 19	14.7%	110	85.3%
LIVE ENTERTAINMENT	0		0		0	
BARKING DOG	0	1	0	-	0	-
CROWD NOISE	0	•	0	-	0	
CONSTRUCTION	10	7.2%	2	20.0%	8	80.08
OTHER	0	• .	0	-	0	•
HONKING CARS	0	•	0	1	0	ı
Totals	139		21	15.1%	118	84.9%

Time of Day / Day of Week of Call TOTAL VALID AND NON-VALID CASES

	Total	7a - 11p		7	11p - 7a	Percentage of total that occurred on that day of
	,			(of the folic	(of the following morning)	week
Monday	2	1	20.0%	1	%0'09	1.4%
Tuesday	11	3	27.3%	8	72.7%	7.9%
Wednesday	21	2	33.3%	14	%2'99	15.1%
Thursday	. 27	13	48.1%	14	51.9%	. 19.4%
Friday	18	9	33.3%	12	%2'99	12.9%
Saturday	. 33	15	45.5%	18	54.5%	23.7%
Sunday	27	22	81.5%	2	18.5%	19.4%
Totals	139	. 29	48.2%	72	51.8%	

VALID

		Total	7a -	7a - 11p	116	11p - 7a
					(of the follow	ving morning)
Monday	1	4.8%	1	100.0%	0	1
Tuesday	0	-	0	•	0	
Wednesday	2	9.5%	1	50.0%	1	20.0%
Thursday	9	23.8%	1	20.0%	4	80.08
Friday	1	4.8%	0		1	100.0%
Saturday	3	14.3%	2	%2'99	1	33.3%
Sunday	6	42.9%	9	66.7%	3	33.3%
Totals	21	15.1%	11	52.4%	10	47.6%

NON-VALID

		Total	7a -	7a - 11p	11,	) - 7a
					(of the follov	(of the following morning)
Monday	1	0.8%	0	-	1	100.0%
Tuesday	11	9.3%	3	27.3%	8	72.7%
Wednesday	19	16.1%	9	31.6%	13	68.4%
Thursday	22	18.6%	12	54.5%	10	45.5%
Friday	17	14.4%	9	35.3%	11	64.7%
Saturday	30	25.4%	13	43.3%	17	26.7%
Sunday	18	15.3%	16	88.9%	2	11.1%
Totals	118	84.9%	99	47.5%	62	52.5%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants	Is with Iden	itified Complain	nants an	d with A	Anonymou	s Complaın	ants
	Tot	Total Cases	Valid	Valid Cases	Non-val	Non-valid Cases	
Total Complaints	139		21	15.1%	118	84.9%	
Anonymous Complainant	89	64.0%	12	13.5%	77	86.5%	
Anonymous with Contact							
made	_	0.7%	0	,	1	100.0%	
Contact Information							
Provided	44	31.7%	9	13.6%	38	86.4%	
Not Noted	-	%0.0	0	1	1	1	
Internal	7	%6 C	3	75.0%	l l	25.0%	

Disposition of All Noise

### Noise Data 07/01/2010 - 09/30/2010 (Q3-2010) ALL CASES

# Total Number of Noise Complaint Cases Opened/Calls Received

			1			
35	788	ທ		793	6	802
Calls**	Received	Initiated		communication man and	Less voiced cases	Opened
Canceled	Complaint Calls	Code or PD		Total with Disagnations	**************************************	Total Cases

\*Voided cases are cases that were entered in error, duplicates, etc.
\*\*Canceled calls are cases canceled by the complainant prior to a Code Officer's arrival

35 758 95 663 61

Total - Cases w/dispositions =

Type

697

Total Valid and Non-Valid Cases Handled by Code

Compliance =

Less Cases Handled by PD Valid Cases Non-valid Cases

## Valid Violation Breakdown

Verbal	9	6.3%
Written Warning	74	77.9%
Violation	15	15.8%
Total Valid	50	
Cases	99	

### Number of Cases Percentage of Cases 12.5% Number of Cases Percentage of All Cases (Valid & Non-Valid) Residential 547 72.2% Commercial 139 18.3% Other 72 9.5% Residential = Apt, Condo, Single Family Commercial = Bar, Club, Hotel-Condo, Restaurant, Retail, Constr-Com Other = Gyms, Bandshell, Beach, Public Property, etc.. Cases Noise Cases by Type of Establishment Number of Cases (Valid & Non-Valid)

Percentage of Cases

88.5% 84.9% 84.7% 87.5%

66 F 1 84 F 1 69 F 1 69

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APT         Number of Cases         Percentage of All Cases         Number of Cases         Percentage of All Cases         Percentage of Cases         Percentage of Cases         Percentage of Cases         Percentage of Cases         Case		Total	Total Cases	Valid Cases	ases	Non-Vali	Non-Valid Cases
(Valid & Non-Valid)         (Valid & Non-Valid)         (Valid & Non-Valid)         Gases         Cases         Cases           33         4.7%         33         9.8%         305           38         3.4%         3         11.5%         23           35         27         3.6%         2         7.4%         25           DO         136         17.9%         15         2.0.5%         8           E         73         9.6%         15         20.5%         58           FR         72         9.5%         11         15.3%         61           AlL         7         0.9%         1         14.3%         6           AlL         33         4.4%         9         27.3%         24           AlL         36         4.7%         4.7%         63           Fotals         75         9.6%         1         11.1%         32           FIL         36         4.7%         9         12.5%         66           FIL         36         4.7%         4.7%         63         63		Number of Cases	Percentage of All Cases	Number of Cases	Percentage of	Number of	Percentage of
(Valid & Non-Valid)         (Valid & Non-Valid)         (Valid & Non-Valid)         33         9.8%         305           3.8         44.6%         33         11.5%         23           3.6         3.4%         3         11.5%         25           DO         136         17.3%         2         7.4%         25           DO         136         17.3%         15         11.0%         121           E         73         9.6%         15         20.0%         8           FAN         72         9.5%         11         15.3%         61           FAL         7         0.9%         1         14.3%         24           All         33         4.4%         9         27.3%         24           All         36         4.7%         4         11.1%         32           Actal         7         0.9%         1         11.3%         6           Actal         7         4.7%         4         11.1%         63					Cases	Cases	Cases
338         44.6%         33         9.6%         305           36         26         3.4%         3         11.5%         23           35         27         3.6%         2         7.4%         25           DO-HOTEL         136         17.9%         15         11.0%         121           ER         73         9.6%         15         20.6%         8         8           FR         72         9.5%         11         15.3%         61         8           IALINANT         33         4.4%         9         7.3%         6         8           ALL         7         0.9%         1         14.3%         6         8           ALL         7         0.9%         4         11.1%         32         8           FIL         36         4.7%         4         11.1%         663         8		(Valid & Non-Valid)	(Valid & Non-Valid)				
SS         26         3.4%         3         11.5%         23           DS         27         3.6%         2         7.4%         25           DO-HOTEL         136         17.9%         15         11.0%         121           ER         73         9.6%         15         20.0%         8         8           FALISANT         72         9.5%         11         15.3%         61         8           AIL         7         0.9%         1         14.3%         6         8           AIL         7         0.9%         1         14.3%         6         8           AIL         37         4.4%         4         11.1%         32         8           AIL         7         0.9%         1         14.3%         6         8           AIL         7         4         4         11.1%         6         8	APT	338	44.6%	33	%8.6	305	90.2%
27         3.6%         2         7.4%         25           136         17.9%         15         11.0%         121           1         1.3%         2         20.0%         8           7         9.6%         15         20.5%         58           7         9.5%         11         15.3%         61           8         33         4.4%         9         27.3%         24           1         7         0.9%         1         14.3%         6           3         3.6         4.7%         4         11.1%         32           4         7         0.9%         12.5%         663	BAR	26	3.4%	3	11.5%	. 23	88.5%
136         17.9%         16         11.0%         121           10         1.3%         2         20.0%         8           7         9.6%         15         20.5%         58           7         9.5%         11         15.3%         61           33         4.4%         9         27.3%         24           7         0.9%         1         14.3%         6           34         4.7%         4.7%         65         11.1%           35         4.7%         95         12.5%         663	CLUBS	12	3.6%	2	7.4%	25	92.6%
L         10         1,3%         2         20,0%         8           73         9,6%         15         20,5%         58           72         9,5%         11         15,3%         61           7         0,9%         1         14,3%         6           7         0,9%         4         4         11,1%         6           8         758         4,7%         4         11,1%         32           1s         758         663         12,5%         663	CONDO	136	17.9%	15	11.0%	121	%0.68
73         9.6%         15         20.5%         58           72         9.5%         11         15.3%         61           33         4.4%         9         2.4         61           7         0.9%         1         14.3%         6           33         4.7%         4         11.1%         32           36         4.7%         4         11.1%         32           31s         758         663         12.5%         663	CONDO-HOTEL	10	1.3%	2	20.0%	8	80.08
72         9.5%         11         15.3%         61           33         4.4%         9         27.3%         24           7         0.9%         1         14.3%         6           3         3.5         4.7%         4         11.1%         32           sis         758         4.7%         95         12.5%         663	HOME	23	%9.6	15	20.5%	58	79.5%
33         4.4%         9         27.3%         24           7         0.9%         1         14.3%         6           3         4.7%         4         11.1%         32           1s         758         4.7%         45         663	OTHER	72	9.5%	11	15.3%	61	84.7%
7 0.9% 1 14.3% 6 3 8 4.7% 4 11.1% 3.2 12.5% 663	RESTAURANT	33	4.4%	6	27.3%	24	72.7%
36 4.7% 4 11.1% 32 70 12.5% 663	RETAIL	2	%6:0	1	14.3%	9	85.7%
758 95 12.5% 663	HOTEL	96	4.7%	4	11.1%	32	88.9%
	Totals	758		96	12.5%	663	87.5%

Noise Cases	ise Cases by Noise Type					
Noise Type	TOT	TOTALS	Valid Cases	Cases	Non-val	Non-valid Cases
TOND MUSIC	623	82.2%	74	11.9%	549	88.1%
LIVE ENTERTAIN	0	-	0	•	0	-
BARKING DOG	29	8.8%	14	20.9%	53	79.1%
CROWD NOISE	0	-	0	•	0	,
CONSTRUCTION	89	%0.6	2	10.3%	19	89.7%
OTHER	0	-	0		0	•
HONKING CARS	0		0		0	
Totals	758		96	12.5%	699	87.5%

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ot Day / I	

Call Time of Day 1-cay 5 Call Total Valid and Non-Valid Cases

					11p	11p - 7a	1	Percentage of total
	Total	_	7a	7a - 11p	(of the follow	of the following morning)	Not Noted	that occurred on that day of week
	73	%9:6	47	64.4%	26	35.6%	0	%9'6
	71	9.4%	35	49.3%	36	50.7%	0	9.4%
	68	11.7%	41	46.1%	. 48	53.9%	0	11.7%
	97	12.8%	43	44.3%	54	55.7%	0	12.8%
	135	17.8%	56	41.5%	79	58.5%	0	47.8%
	173	22.8%	85	49.1%	88	%6.03	0	72.8%
	120	15.8%	81	67.5%	39	32.5%	0	15.8%
Totals	758		388	51.2%	370	48.8%	0	

200		20000000				
		Total	7a	7a - 11p	11p (of the follow	11p - 7a of the following morning)
Monday	10	10.5%	7	%0.07	3	30.0%
Tuesday	8	8.4%	4	20.0%	<b>†</b>	20.0%
Wednesday	11	11.6%	8	72.7%	3	27.3%
Thursday	13	13.7%	3	23.1%	10	76.9%
Friday	15	15.8%	3	20.0%	- 12	%0.08
Saturday	22	23.2%	15	68.2%	4	31.8%
Sunday	16	16.8%	12	75.0%	4	25.0%
Totals	95	12.5%	52	54.7%	43	45.3%

NON-VALID								
	-to-T	-	7a -	7a - 11n	11p	11p - 7a		Not Noted
		-	3	<u>.</u>	(of the follow	ing moming)		
Monday	63	9.5%	40	63.5%	23	36.5%	0	
Tuesday	63	9.5%	31	49.2%	32	50.8%	0	t
Wednesday	78	11.8%	33	42.3%	45	57.7%	0	
Thursday	84	12.7%	40	47.6%	44	52.4%	0	1
Friday	120	18.1%	53	44.2%	67	55.8%	0	1
Saturday	151	22.8%	70	46.4%	81	53.6%	0	•
Sunday	104	15.7%	69	96.3%	35	33.7%	0	-
Totals	693	87.5%	336	50.7%	327	49.3%	0	ı

Day - Residential vs (	ommercial							-
	Total	7a-	7a - 11p	11p (of the follow	11p - 7a (of the following morning)		Not Noted	
547	72.2%	270	49.4%	277	%9.09	0		_
139	18.3%	. 67	48.2%	72	51.8%	0	•	
72	%5.6	51	70.8%	21	29.2%	0	•	
758		388	51.2%	370	48.8%	0	ı	

Breakdown o	of Calls with Identified	down of Calls with Identified Complainants and with Anonymous Complainants	h Anonymous	<b>Complainan</b>	ıts		
	Total Cases	Cases	Valid Cases	ases	Mon-valid Cases	d Cases	
Totals	852		96	12.5%	~ 663	87.5%	
Anonymous							
Comptainant	490	64.6%	49	10.0%	441	90.0%	
Anonymous with							
Contact made	18	2.4%	7	38.9%	11	61.1%	
Contact							
Information							
Provided	239	31.5%	33	13.8%	206	86.2%	
Not Noted	9	0.8%	2	33.3%	4	66.7%	•
Internal	9	0.7%	4	80.0%	1	20.0%	

### ATTACHMENT C

	Lowered upon request				
(0			0	0	%0
(Q3-2010	No Information Provided	0	4	4	3%
	SaalbbA baa	0	0	0	%0
	After 1797A - Not audible at 100f.	25	0	25	21%
	Not Code issue / Beyond City Limits	τ-	0	1	1%
	Music/Noise Not Loud or Excessive	62	0	62	23%
ONLY)	Exception	0	0	0	%0
ERCIAL O	No Noise AT ALL	20	0	20	17%
Σ	ssəəəA \ ssəəəA oV əboə	0	0	0	%0
ALID (C	Permitted Work	0	0	0	%0
NON-V	Music/Noise lowered prior to arrival per complainant	9	0	9	2%
NS WHY	SJATOT	114	4	118	AGES
<b>REASONS WHY NON-VALID (COM</b>	118 NON-VALID COMMERCIAL CASES HANDLED BY:	CODE	PD	TOTALS	PERCENTA

Information on	Disposition of C	ases by Specia	l Master and by	Judicial	(Q3-2010)
Date of Violation	Special Master Case Number	Code Case Number	Address	Name	Status
12/07/2008	JC09000333	CE09001609	224 Meridian Ave	Jairo Franco	Adjudicated guilty of 2nd offense, fine of \$1,000 to be paid by 6/12/09 (fine not paid as of 10/6/10).
03/14/2009	JC09000495	CE09003925	323 23rd St	Acqua LLC	SM scheduled for 5/14/09, (continued to 6/25/09). 6/25/09 vio proven, adjudicated guilty of 2nd offense. 7/6/09 Motion for reconsideration and rehearing filed. Motion denied on 7/10/09. (Fine of \$2,000 not paid as of 10/6/10).
03/21/2009	JC09000554	CE09004144	323 23rd St	Acqua LLC doa	SM scheduled for 5/14/09, (continued to 6/25/09). 6/25/09 vio proven, adjudicated guilty of 3rd offense. 7/6/09 Motion for reconsideration and rehearing filed. Motion denied on 7/10/09. (Fine of \$2,000 not paid as of 10/6/10).
03/25/2009	JC09000590	CE09004241	1235 Washington Ave	Star Island Entertainment	SM scheduled 5/14/09, continued to 6/11/09. Petitioner and respondent shall submit a memo outlining their respective position by 6/22/09. No update as of 10/6/10.
08/01/2009	JC09000971	CE09008701	323 23rd Street	Aqua LLC dba Rain	9/24/09 Special Master Hearing - City will submit Order for Special Master signature. SM sent inquiry to Legal regarding status of the agreed order that was to be submitted. No order submitted as 7/16/10
09/22/2009	JC10000016	CE09009973	540 West Ave	Grant Nachman	11/12/09 Petitioner adjudicated guilty of 1st offense. Fine to be paid by 11/23/09. As of 10/6/10 no payment.
11/20/2009	JC10000197	CE10001188	928 Penn Av	Jonathan Agne / Charles Kline	3/11/10 Request to appeal violation is denied, because not timely, City Bill 00017543 issued. Unpaid as of 10/6/10.
11/20/2009	JC10000196	CE10001161	2201 Collins Ave	2201 Collins Fee LLC T/A W Hotel	4/22/10 Settlement agreement approved on 4/29/10. Adjudicated guilty of 1st offense, Fine \$250 not yet paid as of 10/6/10.
11/21/2009	JC10000195	CE10001193	655 Washington Ave	Federico Alberto Mendez	6/24/10 violation determined to be valid, through clear and convincing evidence, fine \$250 not yet paid as of 10/6/10.
12/25/2009	JC10000296	CE10001984	8300 Crespi Blvd	Alejandro Restrepo Villamizar	Scheduled for SM hearing 3/11/10 where it was scheduled for 6:30pm. It is noted that no one was present by 7:58pm. Petitioner is adjudicated guilty of a 1st offense. Fine \$250 not paid as of 10/6/10.
01/10/2010	JC10000331	CE10002369	1235 Washington Ave	Star Island Ent LLC dba Mansion	SM Hearing 4/8/10 - Agreement - Previous case CE10002310 nolle pros resulted in this case being reduced to written warning, fine of \$250 does not apply, Appeal withdrawn. Appeal fee returned to petitioner.
01/22/2010	JC10000332	CE10002680	2201 Collins Ave	2201 Collins Fee LLC	4/22/10 Settlement agreement approved on 4/29/10. Adjudicated guilty of 2nd offense, \$1000 fine not paid as of 10/6/10.
01/28/2010	JC10000333	CE10002894	2201 Collins Ave	2201 Collins Fee LLC	4/22/10 Settlement agreement approved on 4/29/10. Appeal granted and not a violation.
02/05/2010	JC10000345	CE10003144	2120 Bay Av Sunset 4	Gregory Mermelli / Monika Entin, Esquire	7/8/10 Not valid through clear and convincing evidence, violation dismissed.
02/12/2010	JC10000424	CE10003472	928 Penn Av	Charles Klein Gary Jr	7/8/10 Adjudicated guilty of 2nd offense, fine of \$1000 not paid as of 10/6/10.
02/14/2010	JC10000346	CE10003505	1235 Washington Ave	Star Island Entertainment LLC dba Mansion	SM Hearing 4/8/10 - Agreement - Previous case CE10002310 nolle pros resulted in CE10002369 being reduced to written warning resulting in this case being reduced to 1st offense with fine of \$250 due within 10 days. Not paid as of 10/6/10.
03/23/2010	JC10000443.	CE10004704	2201 Collins Ave	W Hotel	4/22/10 Settlement agreement approved. Appeal granted and not a violation. Appeal fee returned to petitioner.
03/26/2010	JC10000444	CE10004869	136 Collins Ave	Kaine Bar Grill, LLC dba Klutch	6/24/10 Petitioner's appeal denied, required to pay fine \$250. Fine \$250 paid 7/13/10.
03/26/2010	JC10000454	CE10004859	1801 Collins Ave	Shelbourne Beach Resort	6/24/10 Petitioner's appeal denied, required to pay fine \$1,000. Fine \$1,000 paid 7/8/10.
03/27/2010	JC10000445	CE10004898	136 Collins Ave	Kaine Bar Grill, LLC dba Klutch	6/24/10 Petitioner's appeal denied, required to pay fine \$1,000. Fine \$1,000 paid 7/13/10.

Date of Violation	Special Master Case Number	Code Case Number	Address	Name	Status
03/27/2010	JC10000455	CE10004930	1801 Collins Ave	Shelbourne Hotel	6/24/10 Petitioner's appeal granted and dismissed with prejudice.
03/28/2010	JC10000462	CE10004943	2120 Bay Ave Sunset 4	Gregory Mermelli	7/8/10 adjudicated guilty of 1st offense pursuant to JC10000345. 8/10/10 City Bill Issued CB# 00018570 / Customer # 016066. City Bill not paid as of 10/6/10.
03/28/2010	JC10000456	CE10004967	1901 Collins Ave	The Shore Club	5/13/10-adjudicated guilty of 1st offense, fine of \$250 not yet paid as of 10/6/10
03/28/2010	JC10000446	CE10004947	136 Collins Ave	Kaine Bar Grill, LLC dba Klutch	6/24/10 Petitioner's appeal granted and dismissed with prejudice
03/29/2010	JC10000473	CE10005019	1800 JAMES AV	Jorge Roberto Vidal	6/24/10 Appeal withdrawn, 7/6/10 City Bill \$250 Issued CB#00017772 / Customer # 016422. City Bill not paid as of 10/6/10.
04/05/2010	JC10000474	CE10005333	1800 JAMES AV	Jorge Roberto Vidal	6/24/10 matter continued to 8/12/10. 8/12/10 Adjudicated guilty of 2nd offense. 09/01/10 FINE \$1,000 not paid, issued City Bill 00018835. Special Master granted new hearing date because there was a voicemail the date of the hearing advising that they could not attend and the message was not received until after the hearing had taken place. New date is 10/14/10.
04/29/2010	JC10000494	CE10006233	2120 BAY AV SUNSET 4	Gregory Mirmelli	SM scheduled 8/13/10. Pursuant to the rulings made on Special Master Case numbers JC10000345 and JC10000462, this case shall be reduced to a Second Offense. Petitioner's request for a continuance is GRANTED. This matter is continued to August 13, 2010, at which time the Special Master will take testimony and rule on the alleged violation. New date is 11/18/10.
05/05/2010	JC10000491	CE10006487	1 0 ST	Marcelino Picuasi	SM scheduled 8/13/10. Violation is reduced to a Written Warning.
05/08/2010	JC10000495	CE10006562	1200 OCEAN DR	SOBE Miami LLC dba Palace	SM 7/8/10 - Not proven to be valid through clear and convincing evidence, violation dismissed.
05/11/2010	JC10000492	CE10006670	113 LINCOLN RD	Dutch Music Group, LLC	SM scheduled 8/13/10. It is determined, through clear and convincing evidence, that the Notice of Violation and Fine issued is VALID. Petitioner is adjudicated guilty of a Second Offense. The fine of \$1,000 shall be paid by February 11, 2011.
05/13/2010	JC10000493	CE10006699	113 LINCOLN RD	Dutch Music Group, LLC	SM scheduled 8/13/10. Special Master Hearing -This case is DISMISSED.
05/23/2010	JC10000608	CE10007005	5600 COLLINS AV	Fabian Pinzon	SM scheduled 8/12/10. At the City's request, this case is DISMISSED. The administrative cost of \$75 shall be refunded to the Petitioner.
05/28/2010	JC10000607	CE10007166	7337 HARDING AV	Lou's Beer Garden	SM scheduled 8/12/10. DETERMINATION OF TIMELINESS. APPEAL FILED 1 DAY LATE. Petitioner is adjudicated guilty of a First Offense. The fine of \$250 shall be paid by December 9, 2010. A progress report shall be given to the Special Master or December 9, 2010.
08/16/10	JC10000754	CE10009434	758 WASHINGTON AV		11/18/10 DETERMINATION OF TIMELINESS. APPEAL FILED 4 DAYS LATE