



## City of Fort Pierce

Code Enforcement Division  
P.O. Box 1480  
Fort Pierce, Florida 34954  
TEL #: (772) 467-3000  
FAX #: (772) 468-0457

September 11, 2015

Tax ID #: 2409-601-0013-000/0

Case #: 15-00001548

JOSEPH HILLEGAS  
9201 122ND WAY NORTH  
SEMINOLE, FL 33772

**ADDRESS: 1721 AVENUE D**

**It has come to our attention that the property listed above is in violation of the following:**

**Section: 9-27 (C) - Delinquent business tax receipt; doing business without a receipt; receipt obtained by fraud; enforcement.**

Any person engaged in any trade, business, profession or occupation within the city without a receipt, or under a receipt issued upon false statement made by said person or in his behalf, shall be subject to prosecution pursuant to Chapter 2, Article XIII (Municipal Code Enforcement Board) or Chapter 2, Article XIII.5 (Supplemental Municipal Code Enforcement Procedures). In the event you are found in violation of section 9-27(b) for doing business without a business tax receipt, all utility services to the business premises will be suspended while the violation continues.

**The following actions must be taken to remedy this/these violation(s):**

1. Please cease all nightclub operations and refrain from selling / providing alcoholic beverages or allowing alcohol to be consumed on premises immediately until valid Business Tax Receipt is obtained for such activities.
2. Due to the serious of violations at this location an Emergency Hearing has been scheduled.

The Code Enforcement Division requests that this property be brought into compliance **IMMEDIATELY**. Your cooperation in these matters would be greatly appreciated. If you are unable to meet this request for any reason, please contact the Officer at (772) 467-3143. Our office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sincerely,

Isaac Saucedo  
Code Enforcement Officer

*Atención: Documento importante con respecto a sus derechos y responsabilidades. Si usted no comprende ingles consiga traducción inmediateamente.*

*Atansyon: Dokuman sa impòtan an rapò avek droi è responsablité ou. Si ou pa kompran anglè relé nou ou bien chèché ou moun pòu nou espliké sa tou suit.*

4:12:09 PM 9/11/2015

### Licensee Details

#### Licensee Information

Name: **BARNETT, VINCENT (Primary Name)**  
**THE SPOT JAMAICAN RESTAURANT (DBA Name)**

Main Address: **1721 AVENUE D**  
**FORT PIERCE Florida 34950**

County: **ST. LUCIE**

License Mailing: **1721 AVENUE D**  
**FORT PIERCE FL 34950**

County: **ST. LUCIE**

LicenseLocation: **1721 AVENUE D**  
**FORT PIERCE FL 34950**

County: **ST. LUCIE**

#### License Information

License Type: **Permanent Food Service**

Rank: **Seating**

License Number: **SEA6603087**

Status: **Current,Active**

Licensure Date: **06/03/2015**

Expires: **04/01/2016**

**Special Qualifications**                      **Qualification Effective**

**1-49 SEATS**

**Risk Level 2**                                      **08/13/2015**

#### Alternate Names

[View Related License Information](#)

[View License Complaint](#)

[View Recent Inspections](#)

**1940 North Monroe Street, Tallahassee FL 32399** :: Email: **Customer Contact Center** :: Customer Contact Center: 850.487.1395

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**STATE OF FLORIDA**  
**DIVISION OF HOTELS AND RESTAURANTS**  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
www.myfloridalicense.com

**Licensing Information Checklist**

**Type of Request:**            **Opening**

Date:                                May 29, 2015 10:34

License Number:                                Rank:  
Establishment Name:                                SPOT JAMAICAN RESTAURANT

File Number:                                283675

Location Address:                                1721 AVENUE D

Telephone Number:

Number of Units:                                12

FORT PIERCE FL 34950

For establishments newly built, converted or re-opened after 12 months, the inspector has verified that plans were reviewed and approved	YES
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**THE FOLLOWING ITEMS HAVE BEEN REVIEWED WITH THE PERSON IN CHARGE**

01 Employee health policy and foodborne diseases	YES
02 Risk factors and Food Code interventions	YES
03 No bare hand contact with ready-to-eat food without an approved Alternative Operating Procedure (AOP)	YES
04 Date marking requirements for ready-to-eat, potentially hazardous food held over 24 hours	YES
05 Time as a Public Health Control - use and documentation required	YES
06 Food processes - cooking, cooling, re-heating for hot holding, thawing, cold and hot holding	YES
07 Required equipment - properly scaled, calibrated probe thermometer available	YES
08 Certified Food Manager requirements	YES
09 Food employee training requirements	YES
10 Consumer advisory - general requirements (if applicable)	N/A
11 Shellfish advisory (if applicable)	N/A
12 Parasite destruction freezing records for non-exempt raw/undercooked fish (if applicable)	N/A
13 Shellfish tag maintenance (if applicable)	N/A
15 Choking poster requirement and availability	YES
16 Chemical test strips for sanitizer(s)	
17 Boil Water Notice	YES
18 Menu items and misrepresentation	YES
19 Hand washing signs posted at all hand sinks used by employees (including remotely located restrooms)	YES
20 Hot and cold water provided at all sinks as required	YES

**Water:**                                **Municipal/Utility**

**Wastewater:**                                **Municipal/Utility**

All provisos on the Specification Worksheet identified and noted on inspection report (if applicable)	YES
Any minor deviations from approved layout noted on drawing	N/A
Plan Reviewer consulted on major changes	N/A



Signature of Recipient

DIAHANN KING  
EMPLOYEE  
561-856-3823  
May 29, 2015 10:34



Inspector Signature

DIANNA R DAVIS  
SR SANITATION & SAFETY SPECIALIST  
850-487-1395  
May 29, 2015 10:33

**STATE OF FLORIDA**  
DIVISION OF HOTELS AND RESTAURANTS  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
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**RECEIPT FOR LICENSE**

LICENSE NUMBER: Rank: LICENSE TYPE: 2010/Permanent Food Service

PRINT DATE: May 29, 2015 10:35

FILE NUMBER: 283675

Seats/Units: 12

This verifies that BARNETT, VINCENT

Doing business as SPOT JAMAICAN RESTAURANT

has met the requirements for Permanent Food Service licensure to operate at:

1721 AVENUE D

FORT PIERCE FL 34950

This is authorization to operate for 30 days. An annual license will  
be mailed to the address on record within that period.



Inspector Signature

DIANNA R DAVIS  
SR SANITATION & SAFETY SPECIALIST

850-487-1395  
May 29, 2015 10:35

**STATE OF FLORIDA**  
**DIVISION OF HOTELS AND RESTAURANTS**  
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**Food Service Inspection Report**

This inspection report must be made public upon request per Florida law.

**Met Inspection Standards during this visit**  
**ANY VIOLATIONS noted herein must be corrected by the**  
**NEXT UNANNOUNCED inspection unless otherwise stated.**

Inspection Date:	May 29, 2015 09:09 - May 29, 2015 10:40	License Expiration:	
License Number:	Rank:	Inspection Reason:	Food-Licensing Inspection
Owner Name:	BARNETT, VINCENT	Business Name:	SPOT JAMAICAN RESTAURANT
Location Address:	1721 AVENUE D	License Type:	Permanent Food Service
	FORT PIERCE FL 34950	Telephone Number:	
Number of Units:	12	Callback Date:	

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

01A Food obtained from approved source	N/O	07 Unwrapped or PH/TCS food not re-served	N/O
01B Food safe and unadulterated; sound condition	N/O	08A Separating raw animal foods from: each other, RTE foods and unwashed produce	N/O
01C Shellstock tags; commingling	N/A	08B Food protection during preparation, storage and display	N/O
01D Parasite destruction for raw/undercooked fish	N/A	09 Bare hand contact with RTE food; Alternative Operating Procedure (AOP)	N/O
02A Consumer advisory on raw/undercooked oysters	N/A	11 Employee health knowledge; ill/symptomatic employee present	N/O
02B Consumer advisory on raw/undercooked animal foods	N/A	12A Hands clean and washed properly; use of hand antiseptic if use of AOP	N/O
02C Date marking ready-to-eat (RTE) potentially hazardous / time/temperature control for safety foods	N/O	12B Employee eating, drinking, tasting food, smoking	N/O
03A Receiving and holding PH/TCS foods cold	IN	22 Food-contact surfaces clean and sanitized	N/O
03B Receiving and holding PH/TCS foods hot	N/A	31A Handwash sink(s) installed, accessible, not used for other purposes	IN
03C Cooking raw animal foods and plant foods; non-continuous cooking of raw animal foods	N/O	31B Handwashing supplies and handwash sign provided	OUT
03D Cooling PH/TCS foods; proper cooling methods	N/O	41 Chemicals/toxic substances	IN
03E Reheating PH/TCS foods for hot holding	N/O	53A Food manager certification; knowledge/active managerial control (except employee health)	OUT
03F Time as a Public Health Control	N/A	53B State approved food handler training; employee duty specific training/knowledge	OUT
03G Reduced oxygen packaging (ROP) and other Special Processes	N/A		

**GOOD RETAIL PRACTICES**

02D Food items properly labeled; original container		35A No presence or breeding of insects/rodents/pests; no live animals	
04 Facilities to maintain PH/TCS foods at the proper temperature		35B Outer openings protected from insects/pests, rodent proof	
05 Food and food equipment thermometers provided and accurate		36 Floors, walls, ceilings and attached equipment properly constructed and clean; rooms and equipment properly vented	
06 PH/TCS foods properly thawed		38 Lighting provided as required; fixtures shielded or bulbs protected	
10 In use food dispensing utensils properly stored		40 Employee personal belongings	
13 Clean clothes; hair restraints; jewelry; painted/artificial fingernails		42 Cleaning and maintenance equipment	
14 Food-contact and nonfood contact surfaces designed, constructed, maintained, installed, located	OUT	43 Complete separation from living/sleeping area/private premise; kitchen restricted - no unauthorized personnel	
16 Dishwashing facilities; chemical test kit(s); gauges 1. Wash 2. Rinse 3. Sanitize	OUT	45 Fire extinguishing equipment (FOR REPORTING PURPOSES ONLY)	

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21	Wiping cloths; clean and soiled linens; laundry facilities		46	Exits not blocked or locked (FOR REPORTING PURPOSES ONLY)	
23	Non-food contact surfaces clean		47	Electrical wiring/outlets in good repair (FOR REPORTING PURPOSES ONLY)	
24	Storage/handling of clean equipment, utensils; air drying		48	Gas appliances; boiler certificate current/posted (FOR REPORTING PURPOSES ONLY)	
25	Single-service and single-use items		49	Flammable/combustible materials (FOR REPORTING PURPOSES ONLY)	
27	Water source safe, hot (100F) and cold under pressure	OUT	50	Current license, properly displayed	
28	Sewage and waste water disposed properly		51	Other conditions sanitary and safe operation	OUT
29	Plumbing installed and maintained; mop sink; water filters; backflow prevention	OUT	52	Misrepresentation; misbranding	
32	Bathrooms	OUT	54	Florida Clean Indoor Air Act Compliance	
33	Garbage and refuse; premises maintained	OUT	55	Automatic Gratuity Notice	

Items marked IN are in compliance. Items marked OUT are violations. Specific details of the violations are listed on subsequent pages. Items marked N/A are Not Applicable. Items marked as N/O are Not Observed and were not being conducted at the time of inspection.

**FOOD TEMPERATURES**

Bar Area	
Buffet Line	
Cook Line	
Front Counter	
Front Line	
Kitchen	FROZEN FOODS ONLY AT THIS TIME.
Prep Area	
Reach In Cooler	
Reach In Freezer	
Steam Table/Bain Marie	
Storage Area	
Wait Station	
Walk In Cooler	
Walk In Freezer	
Cooking	
Cooling	
Reheating	

**OTHER ITEMS**

**Certified Food Manager and Date Certified:**

**Manager Certified By:**

**Employees Trained By:**

**Sewage:**

Municipal/Utility

**Water Source:**

Municipal

**Boiler:**

No Boiler On Site

**Boiler Jurisdiction and Expiration:**

NOT APPLICABLE

**Sanitizer Details:**

NOT SET UP

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**Inspector Comments:** This is a licensing inspection, File #283675 with plan review #HQ 15-4710. You are responsible for maintaining a current license even if you do receive a renewal notice. License renewals are due on April 1st of each year and can be paid on line at [www.myfloridalicense.com](http://www.myfloridalicense.com). Opening packet with all info has been reviewed.

**VIOLATIONS**

14-06-4 Observed: Wood food-contact surface not properly sealed. Shelving at front counter all of plywood/particle board.  
Priority: Basic

16-35-4 Observed: No chlorine chemical test kit provided when using chlorine sanitizer at three-compartment sink/warewashing machine.  
**\*\*Corrected On-Site\*\***  
Priority: Intermediate

27-16-4 Observed: Hot water not provided/shut off at employee handwash sink. Employee restroom in kitchen area.  
Priority: Intermediate

29-18-4 Observed: Drain cover(s) missing. Drain cover for mop sink, handwash sink and 3 bin sink drain area missing. Operator has one available, needs to install it.  
Priority: Basic

31B-04-4 Observed: No handwashing sign provided at a hand sink used by food employees. Several locations.  
Priority: Basic

32-04-4 Observed: Bathroom located inside establishment not completely enclosed with tight-fitting, self-closing doors.  
Priority: Basic

33-14-4 Observed: No Dumpster on site at this time. Owner must obtain a dumpster prior to opening.  
Priority: Basic

33-33-4 Observed: Unused equipment/supplies present. Chest freezer, sink and trash on property.  
Priority: Basic

51-16-5 Observed: No plan review submitted and approved - facility planning on using outdoor smoker/grill. Advised to send picture etc to plan review for okay.  
Priority: Intermediate

53A-06-5 Observed: No proof of a certified food manager for the establishment at the time of the licensing inspection. A list of accredited food manager certification examination providers can be found at <http://www.myfloridalicense.com/dbpr/hr/food-lodging/managercertification.html>.  
Priority: Intermediate

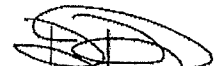
53B-07-4 Observed: No proof of required state approved employee training provided at the time of the licensing inspection. To order approved program food safety material, call DBPR's contracted provider: Florida Restaurant & Lodging Association (SafeStaff) 866-372-7233.  
Priority: Intermediate



Signature of Recipient

DIHANN KING  
EMPLOYEE  
561-856-3823

May 29, 2015 10:40



Inspector Signature

DIANNA R DAVIS  
SR SANITATION & SAFETY SPECIALIST

850-487-1395  
May 29, 2015 10:38

# Electronic Articles of Incorporation For

P15000004508  
FILED  
January 14, 2015  
Sec. Of State  
vherring

THE SPOT JAMAICAN STORE, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

## Article I

The name of the corporation is:

THE SPOT JAMAICAN STORE, INC. ?

## Article II

The principal place of business address:

1721 AVENUE D  
FORT PIERCE, FL. US 34950

The mailing address of the corporation is:

1721 AVENUE D  
FORT PIERCE, FL. US 34950

## Article III

The purpose for which this corporation is organized is:

ANY AND ALL LAWFUL BUSINESS.

## Article IV

The number of shares the corporation is authorized to issue is:

1000

## Article V

The name and Florida street address of the registered agent is:

VINCENT BARNETT  
1721 AVENUE D  
FORT PIERCE, FL. 34950

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: VINCENT BARNETT

**Electronic Articles of Incorporation  
For**

**P15000004508  
FILED  
January 14, 2015  
Sec. Of State  
vherring**

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**Article V**

The name and Florida street address of the registered agent is:

VINCENT BARNETT  
1721 AVENUE D  
FORT PIERCE, FL. 34950

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: VINCENT BARNETT

**Complaint Details**

Below is a listing of public complaints regarding the person or entity selected. This may not reflect all public complaints filed with the Department; for example, all complaints against Community Association Managers (CAMs) are available to the public, regardless of whether any appear below, and may be requested directly from the Department. The Department is also precluded from disclosing any complaints which are confidential pursuant to Florida Statutes.

If you would like a full list of public complaints against an individual or entity or to make a public records request for complaints listed please visit our [Public Records page](#).

You can search for public records pertaining to unlicensed activity complaints through an additional database by visiting our [Search Unlicensed Activity Complaints page](#). For more information about CAM complaints, please visit the [CAMs page](#).

**Name:** BARNETT, VINCENT

The Status and Discipline Description below is only the status of a complaint. To see the status of this license select the "Back" button to return to the Licensee Details Screen

Number	Class	Incident Date	Status	Disposition	Disposition Date	Discipline Date - Description
2015035517	Consumer Complaint	08/12/2015	Closed	Warning Issued	08/13/2015	

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Each inspection report is a "snapshot" of conditions present at the time of the inspection. By using this search, you are agreeing to our [Terms of Use](#).

**Licensee**

Name:	<b>THE SPOT JAMAICAN RESTAURANT</b>	License Number:	<b>SEA6603087</b>
Rank:	<b>Seating</b>	License Expiration Date:	<b>04/01/2016</b>
Primary Status:	<b>Current</b>	Secondary Status:	<b>Active</b>
Location Address:	<b>1721 AVENUE D FORT PIERCE, FL 34950</b>		

**Inspection Information**

Inspection Type	Inspection Date	Result	High Priority Violations	Intermediate Violations	Basic Violations
Complaint Full	08/13/2015	Follow-up Inspection Required Violations require further review, but are not an immediate threat to the public. <a href="#">More information about inspections.</a>	0	6	12

**Violations:**

A summary of the violations found during the inspection are listed below. The department cites violations of Florida's sanitation and safety laws, which are based on the standards of U.S. Food and Drug Administration's Food Code. High Priority violations are those which could contribute directly to a foodborne illness or injury and include items such as cooking, reheating, cooling and hand-washing. Intermediate violations are those which, if not addressed, could lead to risk factors that contribute to foodborne illness or injury. These violations include personnel training, documentation or record keeping and labeling. Basic violations are those which are considered best practices to implement. While most establishments correct all violations in a timely manner (often during the inspection), the division's procedures are designed to compel compliance with all violations through follow-up visits, administration action or closure when necessary.

Violation	Observation
<a href="#">23-16-4</a>	Basic - Accumulation of food debris/soil residue on paper towel and/or soap dispenser. Including sink basin. <b>**Warning**</b>
<a href="#">32-04-4</a>	Basic - Bathroom located inside establishment not completely enclosed with tight-fitting, self-closing doors. <b>**Repeat Violation** **Warning**</b>
<a href="#">23-06-4</a>	Basic - Build-up of food debris, dust or dirt on nonfood-contact surface. 6 burner stove top in kitchen heavily soiled. <b>**Warning**</b>
<a href="#">23-12-4</a>	Basic - Chest freezer shelves heavily soiled with encrusted food debris and bloods from various raw meats. <b>**Warning**</b>
<a href="#">50-09-4</a>	Basic - Current Hotel and Restaurant license not displayed. <b>**Warning**</b>
<a href="#">14-11-4</a>	Basic - Equipment in poor repair. Glass slider door on hot display case cracked/broken <b>**Repeat Violation** **Warning**</b>
<a href="#">23-07-4</a>	Basic - Gaskets with slimy/mold-like build-up. Upright freezer in kitchen. <b>**Warning**</b>
<a href="#">36-14-4</a>	Basic - Grease accumulated on kitchen floor and/or under cooking equipment-throughout kitchen. <b>**Warning**</b>
<a href="#">10-02-4</a>	Basic - In-use utensil not stored on a clean portion of food preparation or cooking equipment. Dispensing utensils at front counter. <b>**Warning**</b>
<a href="#">51-18-6</a>	Basic - No copy of latest inspection report available. <b>**Warning**</b>
<a href="#">14-40-4</a>	Basic - Nonfood-contact equipment in poor repair. Old stove on premises. Stove under dirty tarp, greasy and dirty. <b>**Warning**</b>
<a href="#">23-05-4</a>	Basic - Soil residue build-up on nonfood-contact surface. Bottom shelf of stainless prep table heavily soiled with black encrusted material. <b>**Warning**</b>
<a href="#">31A-09-4</a>	Intermediate - Handwash sink not accessible for employee use at all times. Items in hand wash sink at front counter. <b>**Warning**</b>
<a href="#">32-11-5</a>	Intermediate - Lack of toilet tissue at each toilet. <b>**Warning**</b>
<a href="#">53A-07-5</a>	Intermediate - No certified food manager for establishment. A list of accredited food manager certification examination providers can be found at <a href="http://www.myfloridalicense.com/dbpr/hr/food-lodging/managercertification.html">http://www.myfloridalicense.com/dbpr/hr/food-lodging/managercertification.html</a> . <b>**Repeat Violation** **Warning**</b>
<a href="#">16-35-4</a>	Intermediate - No chlorine chemical test kit provided when using chlorine sanitizer at three-compartment sink/warewashing machine. <b>**Repeat Violation** **Warning**</b>
<a href="#">31B-02-4</a>	Intermediate - No paper towels or mechanical hand drying device provided at handwash sink front counter and restroom. <b>**Warning**</b>
<a href="#">53B-01-5</a>	Intermediate - No proof of required state approved employee training provided for any employees. To order approved program food safety material, call DBPR contracted provider: Florida Restaurant and Lodging Association (SafeStaff) 866-372-7233. All new employees at this time. <b>**Warning**</b>

[New Search](#)

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### Licensee

Name:	<b>THE SPOT JAMAICAN RESTAURANT</b>	License Number:	<b>SEA6603087</b>
Rank:	<b>Seating</b>	License Expiration Date:	<b>04/01/2016</b>
Primary Status:	<b>Current</b>	Secondary Status:	<b>Active</b>
Location Address:	<b>1721 AVENUE D FORT PIERCE, FL 34950</b>		

### Inspection Information

Inspection Type	Inspection Date	Result	High Priority Violations	Intermediate Violations	Basic Violations
Routine - Food	07/09/2015	Follow-up Inspection Required Violations require further review, but are not an immediate threat to the public. <a href="#">More information about inspections.</a>	0	3	7

#### Violations:

A summary of the violations found during the inspection are listed below. The department cites violations of Florida's sanitation and safety laws, which are based on the standards of U.S. Food and Drug Administration's Food Code. High Priority violations are those which could contribute directly to a foodborne illness or injury and include items such as cooking, reheating, cooling and hand-washing. Intermediate violations are those which, if not addressed, could lead to risk factors that contribute to foodborne illness or injury. These violations include personnel training, documentation or record keeping and labeling. Basic violations are those which are considered best practices to implement. While most establishments correct all violations in a timely manner (often during the inspection), the division's procedures are designed to compel compliance with all violations through follow-up visits, administration action or closure when necessary.

#### Violation Observation

<a href="#">23-15-4</a>	Basic - Accumulation of food debris/soil residue on handwash sink. <b>**Warning**</b>
<a href="#">32-02-4</a>	Basic - Bathroom door left open other than during cleaning or maintenance. <b>**Repeat Violation** **Warning**</b>
<a href="#">14-09-4</a>	Basic - Cutting board has cut marks and is no longer cleanable. Small in use cutting board browned and grooved. <b>**Warning**</b>
<a href="#">14-11-4</a>	Basic - Equipment in poor repair. Glass slider door on display case with cracked glass. <b>**Warning**</b>
<a href="#">08B-38-4</a>	Basic - Food stored on floor. Sack of potatoes left on floor. <b>**Warning**</b>
<a href="#">31B-04-4</a>	Basic - No handwashing sign provided at a hand sink used by food employees. Public rest room. <b>**Warning**</b>
<a href="#">42-01-4</a>	Basic - Wet mop not stored in a manner to allow the mop to dry. <b>**Warning**</b>
<a href="#">53A-02-5</a>	Intermediate - Manager lacking proof of food manager certification and no other certified food service manager employed at this location. A list of accredited food manager certification examination providers can be found at <a href="http://www.myfloridalicense.com/dbpr/hr/food-lodging/managercertification.html">http://www.myfloridalicense.com/dbpr/hr/food-lodging/managercertification.html</a> . <b>**Repeat Violation** **Warning**</b>
<a href="#">16-35-4</a>	Intermediate - No chlorine chemical test kit provided when using chlorine sanitizer at three-compartment sink/warewashing machine. <b>**Repeat Violation** **Warning**</b>
<a href="#">53B-01-5</a>	Intermediate - No proof of required state approved employee training provided for any employees. To order approved program food safety material, call DBPR contracted provider: Florida Restaurant and Lodging Association (SafeStaff) 866-372-7233. <b>**Repeat Violation** **Warning**</b>

[New Search](#)

[1940 North Monroe Street, Tallahassee FL 32399](#) :: Email: [Customer Contact Center](#) :: Customer Contact Center: 850.487.1395

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Each inspection report is a "snapshot" of conditions present at the time of the inspection. By using this search, you are agreeing to our [Terms of Use](#).

## Licensee

Name:	<b>THE SPOT JAMAICAN RESTAURANT</b>	License Number:	<b>SEA6603087</b>
Rank:	<b>Seating</b>	License Expiration Date:	<b>04/01/2016</b>
Primary Status:	<b>Current</b>	Secondary Status:	<b>Active</b>
Location Address:	<b>1721 AVENUE D FORT PIERCE, FL 34950</b>		

## Inspection Information

Inspection Type	Inspection Date	Result	High Priority Violations	Intermediate Violations	Basic Violations
Food-Licensing Inspection	05/29/2015	Met Inspection Standards During This Visit	0	5	6

[More information about inspections.](#)

### Violations:

A summary of the violations found during the inspection are listed below. The department cites violations of Florida's sanitation and safety laws, which are based on the standards of U.S. Food and Drug Administration's Food Code. High Priority violations are those which could contribute directly to a foodborne illness or injury and include items such as cooking, reheating, cooling and hand-washing. Intermediate violations are those which, if not addressed, could lead to risk factors that contribute to foodborne illness or injury. These violations include personnel training, documentation or record keeping and labeling. Basic violations are those which are considered best practices to implement. While most establishments correct all violations in a timely manner (often during the inspection), the division's procedures are designed to compel compliance with all violations through follow-up visits, administration action or closure when necessary.

### Violation Observation

<b><u>32-04-4</u></b>	Basic - Bathroom located inside establishment not completely enclosed with tight-fitting, self-closing doors.
<b><u>29-18-4</u></b>	Basic - Drain cover(s) missing. Drain cover for mop sink, handwash sink and 3 bin sink drain area missing. Operator has one available, needs to install it.
<b><u>33-14-4</u></b>	Basic - No Dumpster on site at this time. Owner must obtain a dumpster prior to opening.
<b><u>31B-04-4</u></b>	Basic - No handwashing sign provided at a hand sink used by food employees. Several locations.
<b><u>33-33-4</u></b>	Basic - Unused equipment/supplies present. Chest freezer, sink and trash on property.
<b><u>14-06-4</u></b>	Basic - Wood food-contact surface not properly sealed. Shelving at front counter all of plywood/particle board.
<b><u>27-16-4</u></b>	Intermediate - Hot water not provided/shut off at employee handwash sink. Employee restroom in kitchen area.
<b><u>16-35-4</u></b>	Intermediate - No chlorine chemical test kit provided when using chlorine sanitizer at three-compartment sink/warewashing machine. <b>**Corrected On-Site**</b>
<b><u>51-16-5</u></b>	Intermediate - No plan review submitted and approved - facility planning on using outdoor smoker/grill. Advised to send picture etc to plan review for okay.
<b><u>53A-06-</u></b>	Intermediate - No proof of a certified food manager for the establishment at the time of the licensing inspection. A list of accredited food manager certification examination

**5** providers can be found at <http://www.myfloridalicense.com/dbpr/hr/food-lodging/managercertification.html>.

**53B-07-4** Intermediate - No proof of required state approved employee training provided at the time of the licensing inspection. To order approved program food safety material, call DBPR's contracted provider: Florida Restaurant and Lodging Association (SafeStaff) 866-372-7233.

New Search

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# NOTICE TO APPEAR

IN THE COUNTY COURT, IN AND FOR ST. LUCIE COUNTY, FLORIDA  
FORT PIERCE POLICE DEPARTMENT

AGENCY CASE NUMBER <b>15-09-00526</b>	COURT CASE NUMBER	TODAY'S DATE <b>09/19/2015</b>	ZONE <b>130</b>
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In the name of St. Lucie County, Florida: The undersigned certifies that he/she has just and reasonable grounds to believe, and does believe that: On

DAY OF THE WEEK <b>Saturday</b>	MONTH <b>09</b>	DAY <b>19</b>	YEAR <b>2015</b>	MILITARY TIME <b>0230</b>
------------------------------------	--------------------	------------------	---------------------	------------------------------

LAST NAME, FIRST NAME, MIDDLE NAME <b>Wilson, Darrell Lee</b>	ALIAS/MAIDEN NAME
------------------------------------------------------------------	-------------------

ADDRESS CITY, STATE ZIP <b>4104 Avenue R, Fort Pierce FL 34947</b>	HOME PHONE
-----------------------------------------------------------------------	------------

DATE OF BIRTH <b>10-08-1964</b>	RACE <b>b</b>	SEX <b>m</b>	HEIGHT <b>5-10</b>	WEIGHT <b>200</b>	HAIR COLOR <b>Black</b>	EYE COLOR <b>Brown</b>	SOCIAL SECURITY	WORK PHONE
------------------------------------	------------------	-----------------	-----------------------	----------------------	----------------------------	---------------------------	-----------------	------------


DRIVER'S LICENSE NUMBER <b>W425-172-64-368-0</b>	STATE <b>FL</b>	OCCUPATION/EMPLOYER <b>Owner of Wilson's Game Room</b>
-----------------------------------------------------	--------------------	-----------------------------------------------------------

**At (location): 1101 Avenue D FORT PIERCE, FL**

In St. Lucie County, Florida, committed the following offense(s):

1	CHARGE <b>City Ordinance 3-13 Bottle Club</b>	STATE STATUTE / ORDINANCE <b>3-13</b>
2	CHARGE	STATE STATUTE / ORDINANCE
3	CHARGE	STATE STATUTE / ORDINANCE

Facts of the offense:

<p>On 09-19-2015 at approximately 0230 hours, I (Officer MacCarthy) along with Sgt. Smith and Sgt Grecco responded to 1101 Avenue D in reference to a large crowd gathering. Once on scene we made contact with the business owner who identified himself as Darrell Wilson. We asked Mr. Wilson to provide his business license. Mr. Wilson directed us inside the business to find his license. While inside Officer Lentz observed an iced cooler with approximately 12 beers and 6-7 alcoholic wine coolers. On the bar was several mixers with small cups. Mr. Wilson's license clearly states no alcohol on the premises. Due to the alcohol located behind the bar, along with the mixers and cups it was determined that Mr. Wilson was operating a "Bottle Club" which is in direct violation of City Ordinance 3-13. Mr. Wilson was issued a Notice To Appear with a court date of 10-28-2015 at 0900 hours before Jdg Barnes. Mr. Wilson was provided a copy of the Notice To Appear and later released.</p>	<p><b>THUMB PRINT</b></p> 	
OFFICER'S NAME <b>K. MacCarthy</b>	ID NUMBER <b>525</b>	EMP. NUMBER <b>8640</b>

**You must appear in County Court at The St. Lucie County Courthouse located at 218 S. 2<sup>nd</sup> Street, Fort Pierce, Florida on 10-28-2015 AT 0900 in front of Judge Barnes**

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER TO THE OFFENSE(S) CHARGED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT, THAT I MAY BE HELD IN CONTEMPT OF COURT AND THAT A WARRANT FOR MY ARREST SHALL BE ISSUED.

**SCHEDULE OF WITNESSES AND EVIDENCE**

CO-DEFENDANTS N/A	SIGNATURE OF DEFENDANT CO-DEFENDANTS N/A
TANGIBLE EVIDENCE & VALUE 1	OBTAINED FROM:      FIRST RECEIVED BY:      GIVEN TO:
TANGIBLE EVIDENCE & VALUE 2	OBTAINED FROM:      FIRST RECEIVED BY:      GIVEN TO:
TANGIBLE EVIDENCE & VALUE 3	OBTAINED FROM:      FIRST RECEIVED BY:      GIVEN TO:
WITNESS NAME: 1	ADDRESS      HOME PHONE
EMPLOYER	SUMMARY OF TESTIMONY      BUSINESS PHONE
WITNESS NAME: 2	ADDRESS      HOME PHONE
EMPLOYER	SUMMARY OF TESTIMONY      BUSINESS PHONE
WITNESS NAME: 3	ADDRESS      HOME PHONE
EMPLOYER	SUMMARY OF TESTIMONY      BUSINESS PHONE

RECEIVED

SEP 24 2015

CODE ENFORCEMENT  
CITY OF FT. PIERCE

I swear the above and attached statements are true and correct to the best of my knowledge and belief. I further certify the foregoing contains the complete list of witnesses and evidence known to me.

\_\_\_\_\_  
INVESTIGATING OFFICER'S SIGNATURE      ID/EMP. **8640**

Sworn and subscribed before me the undersigned authority, this  
19 day of September  
\_\_\_\_\_  
SIGNATURE (LEO / ASSESSOR)





**REPORTING OFFICER NARRATIVE**

Fort Pierce Police Department

		OCA 15-09-00526
Victim Society	Offense ORDINANCE VIOLATION	Date / Time Reported Sat 09/19/2015 02:30

On 09/19/2015 at approximately 0230 hours, I (Officer MacCarthy) along with Officer Lentz, Sgt. Smith and Sgt. Grecco responded to 1101 Avenue D in reference to a large crowd gathering.

Once on scene we made contact with the business owner who identified himself as Darrell Wilson. We asked Mr. Wilson to provide his business license. Mr. Wilson directed us inside the business to find his license. While inside Officer Lentz observed an iced cooler containing approximately 12 beers and 6-7 alcoholic wine coolers. On the bar were several mixers with small cups beside it. Mr. Wilson's license clearly states no alcoholic beverages on the premises. Due to the alcohol located behind the bar, along with the mixers and cups it was determined that Mr. Wilson was operating a "Bottle Club", which is in direct violation of City Ordinance 3-13. Mr. Wilson was issued an NTA on scene and later released.

Video footage of the business was taken and later submitted into evidence.

Pictures of the alcohol were taken and also submitted into evidence.

Nothing Further.

# Incident Report Suspect List

Fort Pierce Police Department

OCA: 15-09-00526

<b>1</b>	Name (Last, First, Middle) <i>WILSON, DARRELL LEE</i>						Also Known As				Home Address <i>4104 AVE R FT PIERCE, FL 34947 772-882-0433</i>	
	Business Address											
DOB.	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.		
<i>10/08/1964</i>	<i>50</i>	<i>B</i>	<i>M</i>	<i>N</i>	<i>510</i>	<i>230</i>	<i>BLK</i>	<i>BRO</i>	<i>DRK</i>	<i>W425172643680 FL</i>		
Scars, Marks, Tattoos, or other distinguishing features												

<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height	Weight	SSN
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel		Mode of Travel
Veh Yr/Make/Model		Drs	Style		Color	Lic/St		VIN	

Notes	Physical Char
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Draft Only

MINUTES OF A REGULAR MEETING OF THE SPECIAL MAGISTRATE BOARD OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 9:00 A.M. ON TUESDAY, SEPTEMBER 15, 2015.

- Present: Frank M. Blandino
- Staff Present: Margaret M. Arraiz, Code Compliance Manager  
Colleen Greer, Secretary to the Special Magistrate  
Isaac Saucedo, Code Enforcement Officer  
Steve McCain, Asst. City Attorney
- Attendees: Police Officer Juan Alvarez  
Police Officer Kyle MacCarthy  
Sargeant James Grecco  
Sargeant Jon Smith  
Sargeant John Schramm  
Linda Cox, CFP City Clerk  
Rebecca Grohall, CFP Planning Manager

1. **CALL TO ORDER:  
9:00 AM**
2. **PLEDGE OF ALLEGIANCE**
3. **ADMINISTRATIVE BUSINESS**
  - A. **ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES:**  
Margaret Arraiz
  - B. **IDENTIFICATION OF CASES IN COMPLIANCE OR RESCHEDULED**
4. **PUBLIC HEARINGS - VIOLATION CASES**

0.	15-1548	1721 Avenue D	Hillengas / Barnett	Isaac Saucedo
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Case Initiated:	September 11, 2015	Type of Presentation:	Emergency Action
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<b>OWNER:</b> Joseph Hillengas 9201 122nd Way North Seminole, FL 33772	<b>OCCUPIED BY:</b> The Spot Jamaican Restaurant Vincent Barnett 1721 Avenue D Fort Pierce, FL 34950
---------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------

Section 9-27 (C) - Delinquent business tax receipt; doing business without a receipt; receipt obtained by fraud; enforcement

Any person who engaged in any trade, business, profession or occupation within the city without a receipt, or under a receipt issued upon false statement made by said person or in his behalf, shall be subject to prosecution pursuant to Chapter 2, Article XIII (Municipal Code Enforcement Board) or Chapter 2, Article XIII.5 (Supplemental Municipal Code Enforcement Procedures). In the event you are found in violation of section 9-27 (b) for doing business without a business tax receipt, all utility services to the business premises will be suspended while the violation continues.

Margaret Arraiz read the facts of the case for the record. She stated that the case was initiated September 11, 2015 and was being brought before him today for emergency action. The violations are section 9-27 (C) for delinquent business tax receipt, doing business without a receipt, receipt obtained by fraud or enforcement. She presented the City of Fort Pierce Business Tax Receipt which was marked as Exhibit 1. It shows the classification of The Spot Jamaican Restaurant as "cafe/restaurant 1-10 seats which was approved to 12 seats tl Jamaican food, no alcohol on premises, requires State license issued on May 29, 2015 and valid until September 30, 2015." We have received several complaints for weeks from the Police Department that there have been activities happening at the location that are outside what the business tax receipt granted. When she was at the location assisting in the serving of notice she saw a glass that had a liquid in it that looked like and smelled like beer in it sitting on the counter. Ms. Arraiz explained to Mr. Barnett that he is not permitted to have alcohol on the premises at all. Mr. Barnett stated to her that he does not serve it, and she explained to him again that he was not allowed to have alcohol on the premises at all.

Vincent Barnett came forward and was sworn in for testimony. Mr. McCain asked Mr. Barnett if he was disputing the charges and he said yes he was. He stated that he was licensed for 12 chairs but he was told by the license department that it could change to 1-25 chairs. He stated that he decided to stay open late to serve people who were coming from the Sunrise Theater and other places and the downtown restaurants were closed. When he started staying open late, he asked Charles Johnson and another man to take care of the night shift. He said that he started getting complaints from Mr. Johnson that the police were giving him a hard time about the number of people in and out of the building at one time. He asked Mr. Johnson if he was serving alcohol and he was told no. Mr. Barnett said he told Mr. Johnson "do not serve any alcohol". He said he does not sell or serve alcoholic drinks to anybody.

Special Magistrate Blandino said Ms. Arraiz stated that she smelled what she thought was beer in a glass sitting on the counter and the beer is not allowed on the premises. Mr. Barnett said that this was "his" glass and until Ms. Arraiz came in he did not know that he wasn't allowed to have his own beer on the premises. He said he did buy a beer from across the street and poured it into a glass and wasn't disputing that it was on the counter but it was for his personal use. But he does not sell or serve beer or other alcohol at his restaurant. SM Blandino said he understands that even if there has been alcoholic beverages served or sold before and Mr. Barnett says he will no longer do this, that's not the only issue being brought before him today.

Ms. Arraiz asked Mr. Barnett about the complaints that has been made that there is alcohol on the premises at night and whether he disputes this complaint? He stated that he was not aware of any alcohol being on the premises at night. He stated that he told Mr. Johnson there would be no alcohol on the premises. He said he told the police if they caught somebody drinking "arrest him".

Mr. McCain asked Mr. Barnett if he was trying to tell the Special Magistrate the he has the authority to have 25 seats in the cafe. He said it was with the license department when he went

for the plan review. They asked if he had 25 seats or less and he said less than 25. Mr. McCain asked if this was with the licensing process of the city or the State. Mr. Barnett said both. Mr. McCain asked what came first the license with the city or the State. Mr. Barnett said he could apply with the city first but they won't give it until the State approves theirs. Mr. McCain asked Mr. Barnett if at any time he indicated to the city or the State that he intended to have alcohol consumed at the business premises. Mr. Barnett stated that he did intend to apply for the license, and although he never did get it, he had to put on the license that he intended to. The State told him until he gets the license he can't serve any alcohol on the premises and he agreed to that. Mr. McCain asked if he was in the process of applying for a permit or license that will allow him to serve liquor and he stated that he had the intent to do this but money was tight right now. Mr. McCain asked him if he disputed the Business Tax Receipt showing that it states "no alcohol on premise, reqs. State license"? He said it originally said no selling of alcohol and the only alcohol he had on the premises was the Busch beer he had poured for himself. Mr. McCain asked him to read the line again because it doesn't say anything about selling but that there is to be no alcohol on the premises. Mr. Barnett asked for his glasses and read the line again where he agreed it says "no alcohol on premise, reqs. State license". Mr. McCain asked if it is his testimony today that there has been or has not been alcohol on the premises since obtaining the Business Tax Receipt from the City approximately 2 months ago. Mr. Barnett stated that he brought the beer onto the premises but he is not aware of any alcohol being on the premises. He stated that he was applying for a beer and wine license, not one serving alcohol. This would allow him to sell beer and wine if they buy a dinner but no alcohol was permitted. He didn't think they were referring to beer as alcohol. He thought alcohol license and beer license were two different kinds of license. McCain asked if it was his testimony that he has never seen people consuming alcohol at his business establishment. Mr. Barnett said he has seen people go across the street and buy beer and go into the parking lot and drink the beer. He sees them drinking all day long. Mr. McCain asked Mr. Barnett what time his business opens and he stated that he opens from 9:00 am and he's there until 11 or 12 o'clock, then Charles Johnson and the man who got shot comes in to do the cooking and stays until they close.

Mr. McCain asked about the shooting that took place at his establishment. It took place on Thursday night, September 11 but he wasn't there. Mr. McCain asked if he would describe the inside of the structure. He doesn't know about the square footage but when you come in through the main door you will find 3 table and 6 chairs. Also, there is the counter and 3 steps up is the kitchen. He was asked if he serves meals on dishes and drinks in glasses. Mr. Barnett said he uses Styrofoam plates and 16 oz. and 12 oz. plastic cups. He sells whichever soda is on sale. Mr. McCain asked if he sells things that can be used as a mixer with alcoholic beverages. He said he sells Coke; 7-up whatever is on sale. Mr. McCain asked him if the seating was only for the inside or if he allowed them to sit outside also. Mr. Barnett asked the City about seating outside and they said the seating is away from the traffic so no one would be at risk of getting hit by traffic so it is possible for them to sit outside but he hasn't done this yet. Sometimes he puts 1 table and maybe 3 chairs outside; depending on who is sitting there. Mr. McCain asked about the people being served mostly inside the structure. He was told that most people come in and pick up their food and leave. Very few come in and sit down to eat. He was asked what were the most people that have been there at one time and he stated around 60 but most of them are waiting on food and dancing. He's only been there a few times at night to witness this. Some inside and some outside but no one was sitting, just standing. He was asked how close his establishment was to other residents and he said they were across the street, down the street and there's an apartment right next to the building. He was asked if he was open until 4:00 am but he said he doesn't close at night but Mr. Johnson does stay late and possibly all night. He was asked what time the shooting took place and he said he thought it was around 3:00 am. Mr. McCain stated that Mr. Barnett actually has no idea if alcohol is being consumed on the premises and that he is in no position to dispute whether alcohol is being consumed at the business premises or not. He stated that he did not know but he has told Charles not to sell alcohol on the premises. He was asked if he was aware of the number of

complaints that the City has received over the last couple of months concerning his business establishment. He said not officially. He was asked if he sought assistance from City law enforcement to help clear out some of the people who are on his business establishment during the early morning hours. He said he has talked with some of the officers about this and if they see them breaking the law take them to jail.

Charles Johnson was sworn in for testimony. Ms. Arraiz asked Mr. Johnson to tell the Special Magistrate what happens between midnight and close at this location. Mr. Johnson said they had a couple of parties which he had asked the City for permission. The City told him as long as there was no alcohol on the premises, they didn't see a problem. He said they had a garbage can out front of the entryway and if people had alcohol on them, they had to throw it away before entering the building. He said they do not promote alcohol, only food. They provide a little bit of music while waiting for the food. If we're told to turn the music down, we turn the music down. He said anywhere they gather they need the police because there are a few bad people around. He said when they first opened they had a couple of parties, but was told at City Hall that they could have no more. He said he didn't know what was in the cups but they could not take the cups inside the building. He said all the other establishments are capitalizing on the midnight money and if they are doing something wrong they want to rectify it. They need to be there to run the bad guys off. If you tell us not to do something, we're not going to do it. They're not here to fight or argue with the Police or City Hall. He said they were ignorant to the fact that they can't have parties, but they'll do whatever we want them to do.

Steve McCain said he wasn't aware of the parties and asked when they took place. Mr. Johnson said they had a couple of parties four-five weekends ago. Mr. McCain asked if alcohol was served and Mr. Johnson said no alcohol was served but the people came to the café with alcohol. He said Officer Lynch comes inside the building and gets to know the people who go there. Mr. Johnson said they had a mixed drink called the "blue m----r f----r"; this was a "hunch punch" that is served at parties. Mr. McCain asked if this drink included alcohol and he said yes, a little vodka, fruit punch, some Kool-Aid; it's a mixture of things. Mr. McCain asked if this was the first party in July and if Mr. Barnett knew about the alcohol being served. Mr. Johnson said he did not know. Mr. McCain asked about the second party and Mr. Johnson said he felt like we were trying to catch him in a "catch 22". Mr. McCain said that was not his intent; we are trying to find out if Mr. Barnett knew about the alcohol being served at the café.

Mr. McCain asked if he called 911 to have the police department remove the people who were consuming alcoholic beverages off the premises. Mr. Johnson said no, they didn't do that; but he did tell Mr. Barnett the next day that they had problems with the police who were there and saw all the cups and stuff. Mr. McCain asked where the cups were and he said they were on the ground. Mr. McCain asked if he went inside the business and bought a cup of ice and if he went outside and sat at one of the tables and poured himself a drink it would be like operating a bottle-club. Mr. Johnson said before all of this came up, we probably would have said yes, but they're not selling it to you. If you come in and buy a dinner and ask for a cup of ice, he's not going to follow you out the door to see what you pour in that cup of ice. Mr. McCain asked again why he wouldn't follow him outside to make sure he didn't consume alcohol on the premises. Mr. Johnson said if you're a stranger I might go and try to feel you out but if you're a regular person and I see you doing that I'm going to probably turn a "blind eye". But people aren't coming in and buying our cups; they're coming in with Styrofoam cups. He said everything about this hearing is assuming. Mr. McCain said, no you're being truthful at this hearing and Mr. Barnett doesn't know anything about you serving alcohol at this party in July.

Mr. McCain asked who Mr. Swoope was and Mr. Johnson said he's a business partner. He's the person who was shot last week. He was in the building and we didn't hold back any information about who shot him. It was his girlfriend and there had been a lot of complaints made about her but because she's a female they didn't do anything about it.

Mr. Johnson added that they went to the building department to find out what they needed to do to accommodate his customers. They told them to contact the fire marshal and have him measure the space and give them a capacity level of how many people could be in there. She said they could have 95 people without the chairs and tables.

Ms. Linda Cox, City Clerk, was sworn in to explain the process for expanding seats at the business. Currently, the Spot Jamaican Restaurant is approved for a 12 seat café/restaurant. If they wish to expand they will have to go to the State and get a permit approved for expansion. The City only taxes the business and whatever they approve for the business tax receipt must mirror what the State does. The City does not have the ability to allow him to expand his business unless the State first comes in and says it is okay. Mr. McCain asked if anyone applying for a business, if the City Clerk's office conducts the investigation and if it's sent to other departments for comment? Ms. Cox explained that the Planning and Zoning Department signs off on any application to insure that the venue where the business is proposed is zoned for that use and if any restrictions are being met. It then goes to the Building Department who does an inspection to make sure everything is where it's supposed to be and everything is in working condition. Basically that the building has been approved for the use it's applying for. Mr. McCain asked if an applicant wanted to be able to serve alcohol does it follow the same procedure and would it also need documentation from the State? Ms. Cox confirmed that the City Clerk's office will not process any application until the State license is approved and in place.

Rebecca Grohall, Planning Department Manager, was sworn in to explain the procedure prior to the State and alcohol licenses being approved. The alcohol license process includes obtaining the license application from the State. There's a number of sign-offs required such as Revenue, Planning & Zoning, etc. The Planning & Zoning makes sure it complies with the State regulation as well as the City. The City regulations are outlined in Chapter 3 of the City's Code of Ordinances. Ms. Arraiz asked how the seating works in comparison to the fire department. The fire department gives maximum seating level but it doesn't have any bearing on what they get the license for from the State. The Planning & Zoning Department measures out the square feet, takes into consideration for bathrooms, cooking area, etc. They take into consideration the parking area and how much is needed for their patrons at one time. Many of the locations are authorized for the number of patrons based on the amount of parking they are able to provide. Ms. Arraiz asked if seating outside is applied to their seating quota and Ms. Grohall said absolutely, the seating outside, if they're not taking away from the parking or their setbacks they can utilize that but it actually depends on the parking requirements. Mr. McCain asked if there was alcohol thrown into the picture, whether there would be additional requirements. Ms. Grohall said there would be, such as distance requirements, requirements you can't be 1600 ft. away from a church or a school, or another business establishment, etc. Typically if they want to serve alcohol it is for the inside part of building, if they want to serve outside, there are other regulations. Bringing alcohol onto the premises without an alcoholic beverage license is typically known as a bottle club and since 1982 the City has prohibited bottle clubs.

Officer Juan Alvarez, Fort Pierce Police Department, was sworn in for testimony. He stated in the past couple of weeks he has been receiving phone calls from residents in the area of the restaurant claiming vehicles were parking in resident's parking spaces and local businesses' parking areas. Because it was difficult to locate the owners of the vehicles, he issued parking tickets. Approximately 10 were issued between August 21 and August 22. Ms. Arraiz asked the officer if he has ever seen any drinking alcohol or any evidence of alcohol being on the premises. He said along the parking area he has seen several bottles of liquor, empty beer cans, people walking out of the club with a plastic cup and he noticed a strong smell of alcohol when he asked if there was alcohol and of course they said no but under his experience he could tell the smell of alcohol which was coming from the cup. Ms. Arraiz asked him if he has

been inside the business while it was operating and he said yes, he did notice the plastic cups along the countertops having the same smell of alcohol.

Officer Kyle MacCarthy, Fort Pierce Police Department, was sworn in as a witness. Ms. Arraiz asked the officer to describe what he has seen at this location. He said over the past few weeks he has seen a lot of empty cups on the ground that have remnants of alcohol inside of them. He has not been inside the club. The only two times he has attempted to enter, the doors have been closed and locked on them. He has had reports to go out for more than 20 calls in the past couple of months for loud music, gang members hanging out, and fights in progress, large crowds, illegal parking and alcohol being served on the premises. He and his partners have done over 43 "park and walks", which is where an officer walks around the business to insure they are up to code and there is no illegal activity going on. At that time there are 4 to 5 officers conducting these park and walks due to the fact that there is such a large amount of people at the property. Ms. Arraiz asked if the City Code definition for a bottle-club "facilities for consumption of alcoholic beverages by a patron on premises but not licensed to sell alcoholic beverages without regard to whether they are required to be a member of the club" applies to this location and he said absolutely. Mr. McCain asked if the officer has seen any cooking going on in the establishment. The officer said he didn't see a single plate of food at this place.

Sergeant James Greco, Fort Pierce Police Department, was sworn in as a witness to what he has seen taking place at this particular location. He said he has seen the empty plastic cups and the large crowds. They have recovered a gun from the side of the building after receiving a call that there were guns inside, illegal parking, he's been in the business and has never seen a plate of food but seen plenty of cups sitting around. He told Mr. Johnson that he has too many people inside the building. He said there were cups all over the floor and it's always the same answer "we don't allow it here, we can't stop everything, and we're trying". There's a closet right behind the counter where the cups are stacked, all kinds of juices, sodas, bottles of water, stir sticks, coolers filled with ice are present. He has never seen any sign of food in the place. Ms. Arraiz asked if the definition of a bottle club that she read earlier is in his opinion what kind of business is taking place there. He said it's either a bottle club or they're actually selling liquor. They have received an anonymous phone call that the business is charging a \$20.00 cover charge and the patron can drink all they can drink. Mr. McCain asked if the officer has ever seen any takeout food and he stated that he has never seen any food of any kind being served. Actually the night of the shooting he didn't even see an oven on. At night time, the lights go off, the strobe lights come on, the speakers come on. It's not run as a restaurant. It's run as a nightclub.

Sergeant Jon Smith, Fort Pierce Police Department, was sworn in as a witness to tell his experience at this location. He said his shift transferred to weekend night shifts the first week of August. Ever since then, they have had calls for disturbances every Friday and Saturday night. There weren't just two parties; they held parties every Friday and Saturday night up until this past week. The place has been packed wall to wall. He has seen the plastic cups inside and out. He has seen one plate of food but it was bought from the Chinese place down the street. Every time they go there, the parking up and down 18<sup>th</sup> Street residential areas is out of control. That is why he assigns Officer Alvarez to issue parking tickets and begins to clear out the neighborhood. The 3 times he has been in the business he has observed a large stereo system that takes up half the back wall, the lights are off, the strobe lights are on and he hasn't seen a single plate of food come out of the restaurant after 2:00 am. Ms. Arraiz asked if it's his opinion that a bottle club is being operated at this location and he said yes. Mr. McCain asked if the sergeant has ever experienced any difficulties getting into the building and if so, what were the circumstances and when. He stated two weeks ago on a Thursday he went to the business around 2:00 am to make sure they were in compliance because Sergeant Grecco and him had talked to Mr. Barnett and Mr. Johnson earlier about getting into compliance, getting with the City to get the proper license. He noticed that the music was playing, the lights were on, and the gentleman known as Mr. Swoope, who was also the victim of the shooting last week,

attempted to close the door in his face and lock it. He informed Mr. Swoope that he couldn't do that and he needed to check on the license. He did check on the license which still stated seating for 12 and the officer informed him until he heard different from the state he could only have 12 people inside the building at one time.

Mr. McCain stated that Ms. Arraiz had offered into evidence a copy of the business tax receipt. He asked if she also had a copy of the license that has been issued by the state. She said yes and offered that into evidence also. She said there is no mention of alcohol being permitted for consumption at all and the seating is for up to 12 people at one time. He asked if she has communicated with any one from the DBPR. She said she has talked with Ed Weimer, the area supervisor. He advised her that they did not have an alcohol license and in order to change the seating from 12 to even 13 or more they would receive an application from the State which would have to go to our Planning and Zoning to be approved for any increase which also includes seating for the outside of structure anywhere including the parking lot.

Mr. Barnett stepped forward and continued his testimony to address some of the things that had been previously mentioned. He wanted to answer the officer who said there was no food but he said he does cook and sell food. SM Blandino said maybe he does in the day time but not at night. How can you serve food when there's nothing but music and strobe lights? He said it sounds to me like a bottle club. He said every officer talked about the smell of alcohol coming from the cups but that there was no sign of food or plates the feed were served on. SM Blandino said problems don't happen because of food, it begins when there is alcohol on the premises. If he's not serving food after 12:00 midnight he shouldn't be open because it now sounds like a bottle club.

Ms. Arraiz asked the Special Magistrate to find that a violation does exist. Any future events, starting now, of alcohol being found on the premises would be in violation of the business tax receipt and at that point a fine of \$250.00 a day begin accruing and the utilities to be turned off. From this moment forward if alcohol is found in the parking lot or in the building at that point they are in violation of your order and we will request a fine be started and the utilities turned off.

Mr. McCain stated when it came to his attention, hopefully the alleged violators come into compliance and this proceeding today is without prejudice to the City and with the reservation of its rights to file additional charges of violations of our Code. It could have been done today including Section 16-48 of the Code of Ordinances, Nuisance as an Object. However, depending upon your Honor's ruling we'll get Mr. Barnett's attention and things will come into compliance. If not, the City is prepared to proceed.

SM Blandino said he was going to grant the City's request and serve notice that if the police department sees any evidence whatsoever of alcohol on the premises, they will inform the Code Enforcement Department who will enforce my ruling about the fines and notify the utilities company to turn off all utilities to the building.

Motion was made by Frank M. Blandino that THE SPOT JAMAICAN RESTAURANT/VINCENT BARNETT has been:

1. allowing alcohol to be consumed on the business premises.
2. operating without a valid Business Tax Receipt from the City of Fort Pierce or from the State of Florida.
3. allowing the business at said premises to be operated essentially as a "bottle club" and this is not allowed within the City under, Chapter 3 of the City's Code of Ordinances.

4. a location in which complaints of disturbance have been received from others, and, on or about September 11, 2015, a representative of the Violator was injured in a shooting which took place on or about said premises.

This action and this Order is without prejudice to and with reservation of rights of the City to pursue any additional remedies if such activity persists or reoccurs, including remedies to abate or enjoin a nuisance. In the event such activity of allowing alcohol to be consumed on the premises without a valid Business Tax Receipt from the City and license from the state persists or the violation reoccurs at any time hereafter, there shall be imposed a fine pursuant to Florida Statute 162.09 at a daily, cumulative rate of \$250.00 and all utilities to said premises shall be subject to being immediately discontinued or suspended until the Violator is eligible for and receives a valid Business Tax Receipt from the City and license from the State of Florida that permits such activity (i.e. allowing alcohol to be consumed on said premises).

5. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**
6. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**
7. **REQUEST FOR EXTENSION OF TIME**
8. **NEW BUSINESS**
9. **OLD BUSINESS**

Respectfully submitted:

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**SPECIAL MAGISTRATE  
CITY OF FORT PIERCE, FLORIDA**

SM CASE # 15-1548

RE: Violation of Section(s): 9-27C Delinquent business tax receipt; doing business without a receipt; receipt obtained by fraud; enforcement

Violator: THE SPOT JAMAICAN RESTAURANT  
VINCENT BARNETT  
1721 AVENUE D  
FORT PIERCE, FL 34950

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT  
SAINT LUCIE COUNTY  
FILE # 4112324 09/18/2015 at 09:16 AM  
OR BOOK 3789 PAGE 215 - 216 Doc Type: ORD  
RECORDING: \$18.50

Property Address: 1721 AVENUE D Tax ID #: 2409-601-0013-000/0  
Legal Description: COURTNEY TERRACE S/D LOT 13-LESSST- (OR 3204-2645)

ORDER DETERMINING VIOLATION

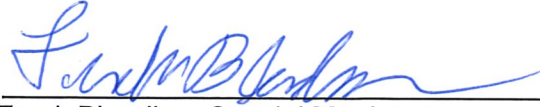
**THIS CAUSE** came before the Special Magistrate for hearing on September 15, 2015, pursuant to §162.07, *Florida Statutes*, upon the request of the Code Enforcement Officer under §162.06(4), *Florida Statutes*. The Special Magistrate, having heard and considered the testimony presented, having reviewed and considered the exhibits presented, and being otherwise advised in the premises, finds and determines that: (a) THE SPOT JAMAICAN RESTAURANT/VINCENT BARNETT (the "Violator") has been allowing alcohol to be consumed on the business premises at the above-described location without a valid Business Tax Receipt from the City of Fort Pierce, Florida (the "City") or license from the State of Florida, Department of Business and Professional Regulation, Division of Hotels and Restaurants (the "State") for such activity which is beyond the scope of and otherwise not permitted by the Business Tax Receipt issued by the City to the Violator on or about May 29, 2015, in violation of the City's Code of Ordinances specified above on said premises; (b) the manner in which the Violator has been allowing the business at said premises to be operated essentially represents a "bottle club", as such term is defined in, and not allowed within the City under, Chapter 3 of the City's Code of Ordinances; (c) such activity has caused complaints of disturbance from others, and, on or about September 11, 2015, a representative of the Violator was injured in a shooting occurring on or about said premises; and (d), this action and this Order is without prejudice to and with reservation of rights of the City to pursue any additional remedies if such activity persists or reoccurs, including remedies to abate or enjoin a nuisance. Accordingly, it is

ORDERED AND ADJUDGED that the Violator is in violation of the City's Code of Ordinances as specified above on the premises at the above-described location and that, in the event such activity of allowing alcohol to be consumed on said premises without a valid Business Tax Receipt from the City or license from the State persists or the violation reoccurs at any time hereafter, there shall be imposed a fine pursuant to §162.09, *Florida Statutes*, at a daily, cumulative rate of \$250.00, and all utility services to said premises shall be subject to being immediately discontinued or suspended until the Violator is eligible for and receives a valid Business Tax Receipt from the City and license from the State that permits such activity (i.e., allowing alcohol to be consumed on said premises).

This Order may be recorded in the Public Records of the County and shall constitute notice to any subsequent purchasers, successors in interest or assigns wherein the violation concerns real property, and subsequent purchasers, successors in interest or assigns. If this Order is not complied with, then there shall be issued an Order pursuant to Florida Statutes 162.09 imposing the fine provided for herein against the Violator and granting such other and further relief as may be just and proper.

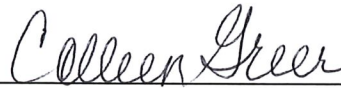
The Violator may appeal the Special Magistrate's decision in this Order to the Circuit Court; provided, however, that, pursuant to §2-249 of the City's Code of Ordinances, any such appeal shall be filed within thirty (30) days of the date of this Order.

DONE AND ORDERED this 18th day of September, 2015.



Frank Blandino, Special Magistrate

I HEREBY CERTIFY that a true and correct copy of this Order Determining Violation has been furnished by U.S. Mail to the Violator, The Spot Jamaican Restaurant/Vincent Barnett, at 1721 Avenue D, Fort Pierce, FL 34950; and to the Owner, Joseph Hillengas, 9201 122<sup>nd</sup> Way North, Seminole, FL 33772, on this 18th day of September, 2015.



Colleen Greer, Secretary to the Special Magistrate

**Three-day Notice to Tenant to Comply or Vacate Premises**

Demand proof of Ownership and Violation of Business Use on Premises

SAINT LUCIE COUNTY, FLORIDA

September 22, 2015

TO: Alia Qasem - President 103 SW Essex Drive, Port St Lucie Florida 34984, DBA "Hot Stop Food Mart, Inc."

You are hereby notified that you are in violation of your current lease as of September 11<sup>th</sup>, 2015 for operating your business without a proper business tax receipt and other articles violated includes (article 1.02, 1.03, 6.01, 6.02, 7.03, 9.02). The use of the premises located at 1710 Ave D, Fort Pierce Florida now occupied by you for serving alcohol on the premise and for sub-leasing the premises to Vincent Barnett and Charles Johnson without prior landlord approval. For not contacting the landlord or property manager when a violent crime was commended (shooting within the premises) on premise. As landlord I demand full compliance and/or possession of the premises within three (3) days (excluding Saturday, Sunday, and legal holidays) from the date of delivery of this notice, to wit: on or before the following date **September 25, 2015**.

**Violations in Question:**

1.02. Lessee will use the space **exclusively** for operating and conducting the following business: Food Eatery (takeout) and Retail Grocery Store.

Lessee will not conduct any business or employ any merchandising methods that are not harmonious with the character of the premises. Going out of business sale, fire sales, serving alcoholic beverages and bankruptcy sales, for example, cannot be conducted on the leased premises without prior written consent of Lessor.

1.03. Lessee will not assign, sublease, or mortgage all or part of the space, nor permit concessions of any sort within space, without prior written permission of Lessor. And such assignments permitted by Lessor will not remove Lessee from responsibilities for duties and obligations contained herein. Lessee will reimburse Lessor for all professional fees incurred in connection with any assignment or subletting requested by Lessee. Any internal reorganization of Lessee as a business entity, or transfer of title or control so as to result in a substantial change from the original ownership of Lessee's entity, or any transfers occurring by operation of law constitute prohibited assignments. Permission to assign will not be unreasonably denied.

6.01. Lessee will comply with all governmental requirements respecting the conduct of business or use of the leased space in a timely and appropriate manner and at its sole cost and will pay and be solely responsible for all tax levies, assessments, licenses, or fines set out by any such authorities directed to the conduct of such business, carrying of inventory, utilization or personnel, arrangements with suppliers or customers, or the like. If Lessee is notified of any violation of any such law, it will promptly give notice to Lessor.

6.02. If, during the term of this Lease or thereafter, any legal or administrative claim or action is brought against Lessor, Lessee, or both, arising out of this Lease alleging any violation of any provision(s) of the Americans with Disabilities Act (ADA) or damages arising from such violation(s), Lessee shall diligently defend such claim or action, shall hold Lessor harmless from and shall indemnify Lessor for any and all

claims, actions, fines, penalties, and damages and any one or more of them, including, without limitation, all attorneys' fees and costs, both at trial or hearing and upon appeal, if any is taken.

7.03. Lessee will place its business sign on the front marquee and exterior wall of the premises within forty-five (45) days of taking possession of the premises, provided such sign is in compliance with applicable law and Lessor's exterior sign criteria and provided Lessor gives written approval for such sign, which approval shall not be unreasonably withheld. A copy of the City business license and Insurance Certificate must be sent to the Property Manager within 10 days of occupancy.

9.02. Lessee will not keep, use, sell or offer for sale any article which may be prohibited by any insurance policy covering the premises. Nor will Lessee's use of the leased space in any manner resulting in cancellation, threatened cancellation, or reduction of coverage of any insurance policy on the premises be allowed to continue for more than 48 hours after notice. If Lessee fails to remedy these conditions, Lessor may, at its option, terminate this Lease or enter the premises and attempt to remedy condition, at Lessee's expense.

Landlords Name: Joseph and Diane Hillengas

I hereby certify that a copy of the following notice was served upon the above named tenant at the above address or CBC/ TJW Realty and/or emailed to the tenant on the following date: September 22, 2015 by the following means:

Certified Mail - Return Receipt Requested

Hand delivered to tenant

Leaving a copy at the premises

Sent email



Signature of Agent

**AFFIDAVIT OF COMPLIANCE  
SPECIAL MAGISTRATE  
FORT PIERCE, FLORIDA**

**Book:3789**

**Page:215**

Case No: 15-00001548

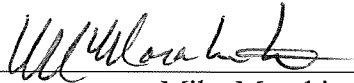
IN THE MATTER OF:

1721 AVENUE D  
PROPERTY ADDRESS

JOSEPH HILLEN GAS  
9201 122ND WAY NORTH  
SEMINOLE, FL 33772

I, Mike Morabito, have personally examined the property described in the Special Magistrate's order dated September 15, 2015, in the above mentioned case, and find that said property is NOW in compliance with Section(s) 9-27C of the Code of the City of Fort Pierce, Florida, as of the 22nd day of January, 2016.


**STOP FINES:**

  
\_\_\_\_\_  
Mike Morabito, Code Enforcement Officer

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority, Mike Morabito, (personally known) and acknowledged that (he)(she) did execute the foregoing affidavit.

SWORN TO AND SUBSCRIBED before me this 22nd day of January, 20 16.

  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF FLORIDA

MY COMMISSION EXPIRES:



COLLEEN GREER  
MY COMMISSION # EE 216024  
EXPIRES: November 13, 2016  
Bonded Thru Budget Notary Services

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT  
SAINT LUCIE COUNTY  
FILE # 4153141 01/25/2016 at 10:23 AM  
OR BOOK 3829 PAGE 2813 - 2813 Doc Type: AFF  
RECORDING: \$10.00