

**BEFORE THE HEARING EXAMINER FOR THE BROWARD COUNTY
RESILIENT ENVIRONMENT DEPARTMENT
IN AND FOR BROWARD COUNTY, FLORIDA**

BROWARD COUNTY,

Petitioner,

vs.

NOTICE OF VIOLATION
NOV23-0018

CORWIN J. ZIMMER d/b/a PERSONAL
JET CENTER, INC.; KIP ZIMMER d/b/a
PERSONAL JET CENTER, INC. and
PERSONAL JET CENTER, INC.,

Respondents.

AGREED FINAL ORDER

THIS CAUSE having come before the undersigned Hearing Examiner for the Broward County Resilient Environment Department ("RED"), on the joint motion of Petitioner, BROWARD COUNTY ("County"), and Respondents, CORWIN J. ZIMMER d/b/a PERSONAL JET CENTER, INC.; KIP ZIMMER d/b/a PERSONAL JET CENTER, INC. and PERSONAL JET CENTER, INC ("Respondents"),¹ and having been advised in the premises, the Joint Motion for Agreed Final Order is hereby GRANTED and the following is hereby ORDERED:

I. Penalties and Costs

1. Respondents shall pay a civil penalty of \$10,800 and administrative costs of \$300, for a total of \$11,100. It is agreed by the Respondents to enter into a payment plan for the \$11,100 referenced in this Agreed Final Order. The total shall be paid in three (3) consecutive monthly payments in the amount of \$3,700. The first payment shall be due thirty (30) days from the date that this Agreed Final Order is rendered in the Petitioner's files, with subsequent payments due every thirty (30) days thereafter.
2. No interest will be included on this payment plan if payment is made in accordance with the three (3) month schedule. However, if at any time a specified payment is not received within the agreed time frame, the entire balance, at Broward County's demand, shall become due, and interest will begin to accrue on the outstanding balance at a rate of 9.34 percent per year until payment is made in full.

¹ The Petitioner and Respondents(s) are collectively referred to as the "Parties."

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3. Pursuant to Chapter 27-40(c) of the Broward County Code of Ordinances (“Code”), Respondents acknowledge and agree that the County will record this Agreed Final Order as a lien against Respondents’ real and personal property upon rendering in the County’s files.

II. Corrective Actions

4. On February 23, 2024, Respondents submitted the three (3) outstanding \$2,000 annual fees totaling \$6,000 for Environmental Assessment and Remediation (EAR) License No. 0970.
5. Respondents shall submit to RED, by August 14, 2024, a complete Natural Attenuation Monitoring (NAM) Report certified by a Professional Engineer, or a Professional Geologist registered in the State of Florida that is in accordance with the requirements of Chapter 62-780, Florida Administrative Code for the facility located at 5401 East Perimeter Road, Fort Lauderdale, FL 33309.
6. Respondent shall perform assessment, remediation, and/or monitoring activities and submit all reports, plans, and other pertinent documents until a no further action or site rehabilitation completion order has been issued.

III. Other Terms and Conditions

7. The Parties agree these amounts and corrective actions are reasonable and shall not contest them in any subsequent action, except that the County reserves the right to enforce the Agreed Final Order. Any extensions to the time frames identified in this Agreed Final Order must be approved by the County in writing.
8. The Parties agreed to waive their rights to an administrative hearing in this cause as set forth in Section 27-32 of the Code, except as to an action for enforcement of this Agreed Final Order.
9. Entry of this Agreed Final Order does not relieve the Respondents of the need to comply with all applicable federal, state, or local laws, regulations, or ordinances. Respondents recognize their responsibility to take all reasonable measures necessary to prevent future violations of Chapter 27 of the Code. County hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes or regulations, or to alleviate an immediate serious danger to the public health, safety, or welfare.
10. Respondents acknowledge and agree that failure to comply with this Agreed Final Order may result in the denial, suspension, or revocation of any license,

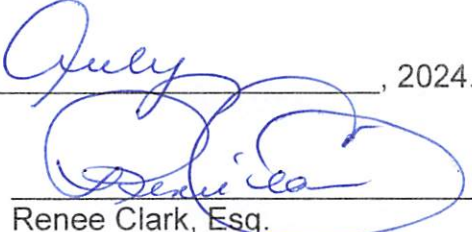
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permit, or approval pending or held by Respondents that is issued by the Department, pursuant to the Code.

11. County does not waive the following provisions of the Code: Subsections 27-4(19), 27-55(d)(7), and 27-63(b)(6) regarding habitual violators; Subsection 27-22(a)(5) regarding history of noncompliance; and Subsection 27-38(d) regarding habitual citation violators. This Agreed Final Order is considered a settlement agreement for the purpose specified in Subsection 27-4(19) of the Code.
12. The Parties acknowledge they had the opportunity to seek and receive whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations which attach by entry of this Agreed Final Order. The terms and language agreed to express the Parties' mutual intent and this Agreed Final Order shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other because of such party's preparation of this Agreed Final Order.

DONE and ORDERED this 3RD day of July, 2024.


Renee Clark, Esq.
Hearing Examiner

Received
Broward County

JUL 9 2024

Resilient Environment Department
Enforcement Administration

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JOINT MOTION FOR AGREED FINAL ORDER

Petitioner, BROWARD COUNTY ("County"), by and through its Resilient Environment Department ("RED"), and Respondents, CORWIN J. ZIMMER d/b/a PERSONAL JET CENTER, INC.; KIP ZIMMER d/b/a PERSONAL JET CENTER, INC. and PERSONAL JET CENTER, INC ("Respondents"),¹ hereby file this Joint Motion for Agreed Final Order in the above-styled case pursuant to Subsection 27-21(d) of the Broward County Code of Ordinances ("Code") and state as follows:

1. This cause was set for hearing before a Hearing Examiner on June 27, 2024, on Notice of Violation NOV23-0018, which alleged two Counts. Count 1 alleged Respondents violated Section 27-356(d)(4)a. of the Code, which states:

"... This license does not expire and the licensee is bound by the conditions contained within until RED has issued a 'No Further Action' determination or inactivates the license. Fees for the license are due annually and must be submitted to RED prior to the annual fees due date specified on the license.
..."

Count 2 alleged Respondents violated Section 27-356(d)(4)b. of the Code which states:

"...A licensee shall submit to RED a complete source removal report (SRR), site assessment report (SAR), remedial action plan (RAP), site remediation reports, and any other

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deliverables, by the dates specified in the license. At least twenty (20) calendar days prior to the due date for any report or required activity, the licensee must submit a written request for extension, including the circumstances which make the submission of the report by the due date a hardship..."

2. Notice of Violation NOV23-0018 alleged that on or about November 4, 2021, November 4, 2022, February 15, 2023, and November 4, 2023, Respondents: (a) failed to submit the \$2,000.00 annual fee for Environmental Assessment and Remediation (EAR) License No. 0970 by the November 4, 2021, November 4, 2022, and November 4, 2023, due dates; and (b) failed to submit a complete Natural Attenuation Monitoring (NAM) Report that meets the requirements of Chapter 62-780, Florida Administrative Code, by the established due date of February 15, 2023, as required by Environmental Assessment and Remediation (EAR) License No. 0970 at 5401 East Perimeter Road, Fort Lauderdale, FL 33309.
3. To further resolution of this cause without the need for a hearing, the Parties agree to the terms of the proposed Agreed Final Order attached hereto as Exhibit A.
4. The Parties acknowledge they had the opportunity to seek and receive whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations which attach by entry of the proposed Agreed Final Order.

WHEREFORE, the Parties request that the Hearing Examiner enter the proposed Agreed Final Order and promptly render it in the files of County.

Respectfully submitted by the Parties on this _____ day of _____, 2024.

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RESPONDENT
CORWIN J. ZIMMER d/b/a PERSONAL JET CENTER, INC.

By: 
(Signature)

Print Name: Corwin J. Zimmer

Title of Signatory: President

Company: Personal Jet Center

PETITIONER
BROWARD COUNTY

Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By: Deanna Kalil Digitally signed by Deanna Kalil
Date: 2024.06.26 10:48:07 -04'00'

Deanna Kalil, Esq.
Assistant County Attorney
Florida Bar No. 1003878
Primary Email: dkalil@broward.org
Secondary Email: gbusacca@broward.org
Counsel for Broward County

RESPONDENT
KIP ZIMMER d/b/a PERSONAL JET CENTER, INC.

By: 
(Signature)

Print Name: Kip Zimmer

Title of Signatory: former V.P.

Company: Personal Jet Center Inc.

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**RESPONDENT
PERSONAL JET CENTER, INC.**

By: 
(Signature)

Print Name: Corwin J. Zimmer

Title of Signatory: President

Company: Personal Jet Center Inc.

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10. Respondents acknowledge and agree that failure to comply with this Agreed Final Order may result in the denial, suspension, or revocation of any license, permit, or approval pending or held by Respondents that is issued by the Department, pursuant to the Code.
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DONE and ORDERED this _____ day of _____, 2024.

Renee Clark, Esq.
Hearing Examiner