



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
JANUARY 5, 2021**



**1. PLEDGE OF ALLEGIANCE**

**2. CALL SESSION TO ORDER**

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Theresa Bland Edwards, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector II Dana Phillips, Code Compliance Inspector Kimberly Massey, Code Compliance Inspector Catherine Velez, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Sarah Perreira, Code Compliance Inspector Jose Jimenez, Recording Secretary Mayra Hernandez.

**3. CALL OF THE CASES**

Respondents were present for Case 18-021429, 19-048409, 20-070094 and 20-070100.

**4. UNCONTESTED CASES**

**5.1 Case #20-067782:** Shalon Belinda Moore, Douglas E. Loving and Pines Pool Service Inc., 12701 SW 15 Manor (general regulations/storage of abandoned property on public or private land/business tax required/obstructing sidewalk prohibited/location of receptacles/nuisance, eyesore violation)<sup>KM</sup>

Violations were corrected prior to the hearing; no cost recovery fees were assessed.

**5.3 Case #20-070094:** DPT Homes Inc., 11050 SW 30 Court (clearing and grubbing of land permit required/tree removal/relocation permit required/engineering permit violation)<sup>SP</sup>

Dewitt Taylor, owner of property, was present.

Inspector Perreira obtained an agreed final order with the respondent to come into compliance with violation of town code sections 12-173, 12-150 and 12-328 within thirty (30) days, along with a \$250.00 cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered.

**5.4 Case #20-070100:** DPT Homes Inc., 11000 SW 30 Court (clearing and grubbing of land permit required/tree removal/relocation permit required/engineering permit violation)<sup>SP</sup>

Dewitt Taylor, owner of property, was present.

Inspector Perreira obtained an agreed final order with the respondent to come into compliance with violation of town code sections 12-173, 12-150 and 12-328 within thirty (30) days, along with a \$250.00 cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered.

## 5. FORMAL HEARINGS OF CONTESTED MATTERS

**5.2 Case #20-068710:** Ocampo and Fernandez Investment Group LLC, 1751 SW 17 Street and vacant lot in the 1700 block of SW 142 Avenue (maintenance standards of exterior premises/Florida building code/nuisance/eyesore violation) <sup>KM</sup>

Julian Ocampo, partner owner, was present.

Dennis Stabile, [REDACTED], was present. (redacted per FSS 119.07(3)(1))

Inspector Massey presented the case and read the violation into the record.

Photographs taken on January 4, 2021 were submitted as Town's Composite exhibit 1 without objection. Inspector Massey advised that the property was recently cut, but the fence remains in disrepair.

Mr. Stabile advised that he and the neighbors have been affected by the severe overgrowth at the property. The overgrowth has caused rats and vermin running to the streets and it has been an eyesore for months. He informed that the fence at the property is in terrible disrepair and in need of replacement. He confirmed that the overgrowth was recently cut but requested that the respondent continue to maintain and keep it in compliance hereafter.

Mr. Ocampo advised that he changed the deed of the property to a new entity called "GP Enterprises LLC" on December 30, 2020. This permitted him to allocate the money needed to cut the overgrowth. He recently cut the overgrowth and will be fixing the fence this coming week.

A recommendation for a final order to come into compliance for Town code sections 6-36, 5-1 and 12-33(u) within thirty (30) days was assessed. A continuance to February 2, 2021 was entered to permit Mr. Ocampo to provide the Special Magistrate with the ownership transfer documents.

Special Magistrate Edwards so ordered.

## 6. NON COMPLIANCE

**6.1 Case #18-021429:** Walter B. Mears Family REV LIV TR and Occupant, 6111 SW 41 Ct (storage of abandoned property on public or private land/trash waste and garbage) <sup>SS</sup>

Walter B. Mears, property owner, was present.

Inspector Silber presented the case and read the violation into the record. Service was achieved by electronic notification and posting. The electronic notification was submitted as Town's Composite exhibit 1 without objection. The affidavit of posting was submitted as Town's Composite exhibit 2 without objection. Photographs taken on November 12, 2020, November 25, 2020, December 22, 2020 and January 4, 2021 were submitted as Town's Composite exhibit 3 without objection. Inspector Silber advised that the responded complied with Town code section 9-2, but 11-17 remained in violation. Inspector Silber advised that there are numerous derelict property at the rear of the property.

Mr. Stallone advised Mr. Mears that he is responsible to make sure the previous tenants do not reside at the property, which was deemed uninhabitable due to a fire and the final order entered by the Magistrate.

Mr. Mears has a trespass agreement in place and if the tenants are found at the property, they can be charged with trespassing accordingly. Mr. Mears stated on record that he is fine with the police enforcing the trespass agreement. Mr. Stallone informed

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the magistrate that Mr. Mears has been cooperating with the Town based on the final order.

Mr. Mears advised he has provided a trailer for the trash and debris. At this time the trailer is full and is ready to be removed. Mr. Mears advised that he is trying his best to bring the property into compliance.

Based on the evidence submitted, it shows that the violations continued at the property. A lien was recommended for violation of town code section 11-17 for a period of fifty-three (53) days of non-compliance at \$50.00 per day for one (1) violation resulting in a lien in the amount of \$2,650.00, along with \$500.00 cost recovery fee for a total lien in the amount of \$3,150.00.

Special Magistrate Edward so ordered.

**6.2 Case #19-048409:** Ocampo and Fernandez Investment Group LLC, 1751 SW 17 Street and vacant lot in the 1700 block of SW 142 Avenue (continued from December 15, 2020) (littering; accumulation of garbage; failure to remove after notice/overgrowth/clearing and grubbing permit required violation) <sup>KM</sup>

Julian Ocampo, partner owner, was present.

Dennis Stabile, 14161 SW 17<sup>th</sup> Street, was present.

Violations were corrected prior to the hearing and current action was dismissed without prejudice to the existing Final Order that remains in full force and effect.

**6.3 Case #19-052254:** Guitry Gachelin, 11490 SW 22 Court (overgrowth violation) <sup>CV</sup>

Inspector Velez presented the case and read the violation into the record. Service was achieved by posting. An affidavit of posting was submitted as Town's Exhibit 1 without objection. Photographs taken December 23, 2020 and January 4, 2021 were submitted as Town's Exhibit 2 without objection.

Based on the evidence submitted, it shows that the violations continued at the property. A lien was recommended for violation of town code section 9-51(b) for thirteen (13) days of non-compliance at \$100.00 per day for one (1) violations resulting in a lien in the amount of \$1,300.00, along with \$500.00 cost recovery fee for a total lien in the amount of \$1,800.00.

Special Magistrate Edwards so ordered.

## 7. NEW BUSINESS

## 8. OLD BUSINESS

## 9. CITATION AGENDA

**9.1 Case #20-070063:** Lennar Homes LLC, 1950 S Hiatus Road, Citation #1043 (specific prohibition, construction noise) <sup>SP</sup>

Citation was paid prior to the hearing; violation was corrected.

**9.2 Case #20-070970:** MT2427 d/b/a Rock MMA, 12930 W State Road 84, Citation #1044 (Nuisance, eyesore violation) <sup>SP</sup>

Inspector Perreira presented the case and read the violation into the record. Service was achieved by hand delivery. Inspector Perreira testified that the business failed to comply with current Covid-19 requirements.

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Based on the testimony of the inspector, a Finding of Fact and Conclusion of Law was entered by Special Magistrate Edwards for violation of Town code section 12-33(U) resulting in a lien in the amount of \$100.00 along with cost recovery fee of \$50.00 for a total lien in the amount of \$150.00 will be assessed against the property.

Special Magistrate Edwards so ordered

**9.3 Case #20-071598:** Lennar Homes LLC, 1950 S Hiatus Road, Citation #1045 (specific prohibition, construction noise)<sup>SP</sup>

Citation was paid prior to the hearing; violation was corrected.

**11. ADJOURNMENT**

There being no further matters to discuss, the hearing was adjourned at 11:09 A. M.