



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
FEBRUARY 12, 2019**



1. 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 Dana Phillips, Code Compliance Inspector Catherine Velez, Code Compliance Inspector Mayra Hernandez, Code Compliance Inspector Stephanie Silber, Animal Control Officer Karen Borsoni, and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case 18-077271, #18-077209, #18-036339, #19-000812, #19-000249

3. UNCONTESTED CASES

4.1 Case #18-051906 : Robert and Tylie Guzzo, 1249 S. Flamingo Road (continued from December 04, 2018)²(location of license; zoning regulation/business tax required/non permitted uses prohibited violation) _{DP}

A continuance to the Special Magistrate hearing of June 11, 2019 was requested by the Respondent; along with a \$50.00 cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.2 Case #18-058665 : Theresa L. Salemi, 6442 SW 55 Place (continued from January 15, 2019)²(engineering permit required violation) _{MH}

A continuance to the Special Magistrate hearing of March 12, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.4 Case #18-074609: Shibu Varughese, 4760 SW 66 Terrace #1-2 (maintenance standards of exterior premises/storing of abandoned property on public or private lands; prohibited; exception violation) _{MH}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.7 Case #18-077433: Edna Holleran Naughton, 13801 SW 29 Street (overgrowth violation) _{DP}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

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4.9 Case #19-000737: Edward Echarte, 6250 SW 41 Place (installation of improvements violation)^{ss}

A continuance to the Special Magistrate hearing of March 12, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.10 Case #19-000812: Liberti Truck Tire Center LLC and MCM & Associates LLC, 3100 Burris Road (parking not to obstruct violation)^{ss}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.3 Case #18-074467: JoAnne Alvarado, 3850 SW 106 Terrace (nuisance: health, safety and welfare violation)^{cv}

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 on February 11, 2019 were submitted as Town's Exhibit 2 without objection.

A final order was requested providing for seven (7) days to comply with violation of town code section 12-33(U) along with cost recovery fee of \$350.00.

Special Magistrate Edwards so ordered.

4.5 Case #18-077209: DJD Land Development LLC, 1355 S. Flamingo Road (continued from January 29, 2019)¹(damaging public property prohibited/nuisances violation)^{DP}

Matthew Scott, Esq. Dunay, Miskel & Backman LLP attorney for the Respondent

Mr. Scott testified the property owner is currently working with the Town to gain access to SW 14 Street. Until an agreement is reached, no access will be used nor will the gate be opened.

A continuance to the Special Magistrate hearing of March 12, 2019 was requested.

Mr. Scott agreed to receive service for the next hearing by email.

Special Magistrate Edwards so ordered.

4.6 Case #18-077271: Joel and Maria Vargas, 9420 Poinciana Place #312 (noise disturbance prohibited violation)^{cv}

Joel Vargas, 9420 Poinciana Place #312 was present

Scott Michelson, 9420 Poinciana Place #212, complainant was present

Renee Mitchel, 9420 Poinciana Place #212, complainant was present

Javier Tello, friend of the respondent was present

Inspector Velez presented the case and read the violation into the record. Service was achieved by posting. The affidavit of posting was submitted as Town's Exhibit 2 without objection.

Mr. Michelson testified to the noise he has been experiencing at his property. Mr. Michelson read from the log he has kept with details along with dates and times. This document was submitted as Town's Composite Exhibit 1 without objection.

Mr. Joel Vargas read a prepared statement outlining his position on this complaint. A discussion was held on the music noise. Mr. Stallone explained to Mr. Vargas how

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the town codes apply to sound as it travels across property boundaries. Mr. Stallone recommended a site visit by a code inspector to hear the sounds from the music to make a determination of a violation. Mr. Stallone stated the determination of a noise complaint is handled by a code hearing and determined by a magistrate. The condo association should have intervened on behalf of the occupants to address this complaint.

Mr. Vargas objected to any site visit to his home.

Special Magistrate Edwards spoke to the issue of the noise complaint which should have been handled by the HOA. If this complaint cannot be resolved by the HOA it very well may be brought back in front of a magistrate based on the testimony heard by the complainant along with the hearing notice.

Special Magistrate Edward dismissed the violation

4.8 Case #19-000249: Mark Cardosa Morales and Maria-Cristina Chaviano, 7710 NW 40 Street (storage of abandoned property on public or private land/littering, accumulation of garbage; failure to remove after notice violation) _{KB}

Inspector Borsoni obtained an agreed final order with the respondent Maria-Cristina Chaviano to remain in compliance with town code section 9-2(b) and a final order with seven (7) days for violation of town code section 11-17 along with a cost recovery fee of \$250.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered

5. NON COMPLIANCE

5.1 Case #18-006173 : Barbara Price, 6201 SW 38 Street (continued from December 04, 2019)¹(overgrowth/storage of abandoned property on public or private land violation) _{ss}

Inspector Silber presented the case and read the violation into the record. Service was achieved by certified mail. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector on November 30, 2018 and February 8, 2019 were submitted as Town's Exhibit 2 without objection.

A discussion was held on the condition of the property as it relates to the overgrowth.

A continuance to the Special Magistrate hearing of March 26, 2019 was requested by the Town to afford the respondent more time to comply. No cost recovery fee was assessed. The property owner will be advised the town has the ability to assess fines from the original date of the special magistrate hearing.

Special Magistrate Edwards so ordered

5.2 Case #18-036339: Tao Ling and Yen Ling Wu, 5555 SW 61 Avenue (derelict property/vehicles prohibited/non permitted uses prohibited violation) _{MH}

Tao Wu, 5555 SW 61 Avenue, Davie FL

Inspector Hernandez presented the case and read the violation into the record. Service was achieved by certified mail. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector showing the condition of the property on January 4, 2019, January 17, 2019 and February 11, 2019 were submitted as Town's Composite Exhibit 2 without objection.

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Inspector Hernandez testified photographs were taken from a neighboring property after trees were removed for the installation of a fence.

Mr. Wu stated the property has been cleared of all derelict vehicles and provided photographs which were taken by himself on February 11, 2019 and signed as Town's Exhibit 3 without objection. Mr. Stallone asked Mr. Wu if an inspection could be made after the hearing. Mr. Wu declined to grant access but stated an inspection could take place on Wednesday February 13, 2019.

A lien was recommended for a period of thirty - nine (39) days for two violations of town code section 11-17 and 12-32 at \$500.00 per day for a total lien in the amount of \$39,000.00 along with \$500.00 cost recovery fee. Mr. Wu was advised that the cost recovery fee of \$350.00 was still outstanding.

A continuance to the Special Magistrate hearing of March 26, 2019 was requested. Special Magistrate Edwards ordered.

6. NEW BUSINESS

7. OLD BUSINESS

8. CITATION AGENDA

8.1 Case #19-000981: Latin Air Support LLC, 14000 SW 21 Street (health, safety and welfare violation) *ss*

Citation #277 - was paid prior to the hearing - violation was corrected.

8.2 Case #19-000983: Jenna Melchionno, 13941 SW 22 Place (health, safety and welfare violation) *ss*

Citation #989 was paid prior to the hearing - violation was corrected.

9. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 11:45 A.M.