



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
FEBRUARY 25 , 2020**



**1. PLEDGE OF ALLEGIANCE**

**2. CALL SESSION TO ORDER**

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Meah Rothman Tell, Code Compliance Official Daniel Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Dana Phillips, Animal Control Officer Karen Borsoni, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Code Inspector Stephanie Silber, Code Compliance Inspector Mayra Hernandez, Code Compliance Inspector Sarah Perreira and Recording Secretary Grace Farrar

**3. CALL OF THE CASES**

Respondents were present for Case 20-012138, #20-006020, #2020-0012, #20-002004, #19-048405, #20-005355

**4. UNCONTESTED CASES**

**5.1 Case #19-027191 :** HWW Davie LLC, 5800 Reese Road (continued from January 14, 2020)<sup>5</sup>(off street parking minimum standards, rules and regulations/installation of improvements/sight distance for landscaping adjacent to public rights-of-way and points of access/modification of site plan/specific prohibitions/nuisance/eyesore violation) <sup>ss</sup>

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

**5.2 Case #19-085804:** Eugene Holding LLC, 4844 SW 64 Avenue (Florida building code/non permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/location of license; zoning regulation/local business tax receipt required/general regulations; accessory uses and structures/boarding in hurricane season/nuisance/eyesore violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of April 21, 2020 was requested by the respondent along with \$50.00 cost recovery fee. The respondent is working with Planning and Zoning to correct the violations.

Special Magistrate Tell so ordered.

**5.6 Case #20-005607:** Rosario Dotson, 3810 SW 58 Terrace (storage of abandoned property on public or private land/boarding in hurricane season violation) <sup>ss</sup>

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

**5. FORMAL HEARINGS OF CONTESTED MATTERS**

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**5.3 Case #20-002004:** Stu Pester d/b/a Custom Cut Property Maintenance and Management Inc., 1900 SW 145 Avenue (franchise agreement/maintenance of rights-of-way and swales on public or private property/trash waste and garbage/general regulations/permitted uses/nuisance/eyesore violation) <sup>KM</sup>

Stu Pester was present at the hearing

Inspector Massey presented the case and read the violations into the record. Service was achieved by certified mail and posting. The electronic notification was submitted as Town's Exhibit 1 without objection. The posting was objected by the respondent. A series of photographs taken on January 7, 2020, January 23, 2020 and February 23, 2020 were submitted as Town's Composite Exhibit 2 without objection.

Mr. Pester stated the notice was not correct because the property is divided into two parcels and the notice of violation only referred to one folio. Based on this discussion an amended notice will be prepared to include both folio numbers.

A discussion was held on the photographs taken by the inspector. Mr. Pester stated he questioned the inspector's location due to the clarity of the photo. The inspector testified the photograph was taken from the street.

A discussion on the parking of commercial truck and boat and trailers was held. Mr. Pester stated the boat would be relocated to the rear of the parcel.

Mr. Pester did question the inspector as to the photographs and access to the property. A continuance to the Special Magistrate hearing of March 24, 2020 was requested by the respondent to bring the violations into compliance.

Special Magistrate Tell so ordered.

**5.4 Case #20-005355:** Erika and Javier Andrade, 13600 Pine Meadow Court (duty of owner or occupant to keep property free from waste, weeds, debris; notice; lien on property violation)

Marc Chait, 13651 Pine Meadow Court was present

Inspector Massey presented the case and read the violations into the record. Service was achieved by posting. An affidavit of posting was submitted as Town's Exhibit 1 without objection. Photographs taken by the inspector on January 22, 2020 was submitted as Town's Composite Exhibit 2 without objection. Inspector Massey stated this vacant property has been issued six (6) courtesy correction notices in the past. Based on the continued noncompliance a notice of violation was issued.

Mr. Chait testified the property is constantly overgrown and causes a line of site issue for the neighbors in this small community.

Special Magistrate Tell issued a final order with ten (10) days to comply with violation of town code section 9-51(b) along with \$350.00 cost recovery fee.

**5.5 Case #20-005601:** US Bank National Assoc. TRUSTEE and US Bank National Assoc. Headquarters, 2811 SW 85 Way (minimum standards for exterior of structures/maintenance standards of exterior premises/overgrowth/nuisance/eyesore 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 on January 22, 2020 and February 22, 2020 were submitted as Town's Composite exhibit 2 without objection.

A recommendation for a final order with fourteen (14) days for town code sections 6-36(b)(6)6-36(k), 9-51(b) and 12-33(U) along with \$350.00 cost recovery fee was assessed.

Special Magistrate Tell so ordered.

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**5.7 Case #20-006020:** Bradley and Michelle C. Pate, 13850 SW 18 Court  
(permitted uses/business tax required/nuisance violation) <sup>RB</sup>

Arthur Joseph, 13700 SW 18 Court  
Jacqueline Stess, 13790 SW 18 Court  
Toni Webb, 13771 SW 18 Court  
Lydia Virino, 13731 SW 18 Court

Supervisor Berni obtained a consent agreement with Bradley and Michelle Pate to remain in compliance with violation of town code sections 12-32 and 12-33(U). Town code section 13-17 was dismissed. The signed consent agreement was submitted as Town's Exhibit 1 without objection. A discussion was held on the AirBnB that operated at this property and the event that caused the neighbors to make complaints to the police division and code compliance.

Special Magistrate Tell allowed the consent agreement to be ratified and allowed testimony from the neighbors.

Arthur Joseph, 13700 SW 18 Court testified he has resided at his property for 42 years and is opposed to the use of this property as an AirBnB.

Toni Webb, 13771 SW 18 Court testified she has resided at her property for 50 years and was one of the remaining homeowners with horses on the property. Ms. Webb is opposed to the use of property for an AirBnB. Ms. Webb stated the home originally was three bedrooms but has seen advertisement indicating five bedrooms.

Jacqueline Stess, 13790 SW 18 Court testified she lives next door to M/M Pates home and has become fearful of the potential occupants that may arise from the AirBnB use. They have made complaints to the police department and have requested that officers always document the findings when called for service.

Lydia Virino, 13731 SW 18 Court, resident in the neighborhood since 2018. She stated her children play in the front of the house and is concerned with car traffic that might be generated from excessive occupants.

A consent final order to remain in compliance with violation of town code sections 12-32 and 12-33(U) was obtained, no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**5.8 Case #20-012138:** Terrel D. McMickle Revocable Trust and Occupant, 6551-6553 SW 49 Court #1-2 (nuisance/eyesore violation) <sup>MH</sup>

Mr. Kevin McMickle, Jr., property owner was present

Inspector Hernandez 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. Photograph taken on February 13, 2020 by Thu Le with Broward County Health Department was submitted as Town's Exhibit 2 without objection.

Mr. McMickle testified he was in the process of obtaining the permit with Broward County. Inspector Hernandez obtained a consent agreement with Mr. McMickle to comply with violation of town code section 12-33(U) within fourteen (14) days; no cost recovery fee was assessed. The consent agreement was submitted as Town's Exhibit 3 without objection; no cost recovery fees were assessed.

Special Magistrate Tell so ordered.

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**6. LOCAL BUSINESS TAX RECEIPT**

**6.1 Case #2020-0011:** Barrier Technologies LLC, 7060 W State Rd 84 (delinquency violation)

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

**7. BUILDING DEPARTMENT**

**7.1 Case #2020-012:** Arrel Enterprises Inc., 8320 State Road 84 (building permit required violation) <sup>TD</sup>

Shari Leventhal, Property representative was present at the hearing

Timothy de Carion, Chief Mechanical Inspector obtained a consent agreement with Arrel Enterprises to comply with violation of town code section 105.1 within fourteen (14) days; no cost recovery fee was assessed. The consent agreement was submitted as Town's Exhibit 1 without objection; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**8. NON COMPLIANCE**

**8.1 Case #18-051906:** Robert and Tylie Guzzo d/b/a TLC Pet Boarding LLC, 1249 S Flamingo Road (location of license; zoning regulation/business tax required/non permitted uses prohibited violation) <sup>DP</sup>

Andre Parke, Esq., on behalf of Tylie Guzzo was present

Service was achieved by certified mail. Inspector Phillips stated she had obtained a copy of the electronic notification. A copy of the signed "As Is" Residential contract for Sale and purchase was submitted as Town's Composite Exhibit 2 without objection. Mr. Parke provided information on the relocation of the business to the future purchase of the property at 5400 SW 160 Avenue in SW Ranches. Affidavits from the surrounding neighbors in support of Ms. Guzzo was submitted as Respondent's Exhibit 1 without objection.

Mr. Parke asked for a continuance in order to give Ms. Guzzo time to close on the property which has been scheduled for April 15, 2020. Mr. Stallone advised Mr. Parke of the potential fines which could be imposed if the relocation does not proceed. As of February 25, 2020 fines are running at \$35,000.00.

A continuance to the hearing of April 21, 2020 was requested along with \$50.00 cost recovery fee.

Special Magistrate Tell so ordered.

**8.2 Case #19-029964:** Ramond P. Osbourne, 5101 SW 48 Street (continued from November 19, 2019)<sup>6</sup>(storing of abandoned property on public or private lands/damaging public property prohibited/nuisance/eyesore violation) <sup>MH</sup>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. The previous liens issued on the property are still outstanding.

Special Magistrate Tell so ordered.

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**8.3 Case #19-048405:** Ocampo and Fernandez Investment Group LLC, 1751 SW 139 Avenue (Florida building code violation) <sub>KM</sub>

Mr. Ocampo was present at the hearing

Ms. Maivelis Puga new property owner was present

Mitch Lipton, Chief Structural Inspector was present

Service was achieved by posting. A discussion was held on the violations of the Florida Building code as it relates to work within the property without permits. Mr. Ocampo sold the property to Mr./Mrs. Puga and will assist with the application of the permit. Ms. Puga did state she would provide Inspector Lipton access to the home to view any and all the improvements made to the home she purchased.

Based on the testimony a continuance was granted to March 24, 2020. The new property owner will be noticed for the next hearing.

Special Magistrate Tell so ordered.

**8.4 Case #19-050169:** Claudio Hipolito H/E Dale Finster, 5760 SW 36 Court (minimum standards for exterior of structures violation) <sub>SS</sub>

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 on January 21, 2020 were submitted as Town's Composite Exhibit 2 without objection.

Based on the condition of the property and the continued violations a lien was recommended for violation of town code section 6-35(c) for eighty-two (82) days of non-compliance at \$25.00 per day for one (1) violations resulting in a lien in the amount of \$2,050.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$2,550.00.

Special Magistrate Tell so ordered.

## **9. OLD BUSINESS**

**9.1 Case #17-070899:** Ronald L. Santini, 8303 SW 26 Place (trash, waste, garbage violation) <sub>CV</sub>

A request from Mr. Santini was received in the code division advising the tenants at the property had failed to notify Mr. Santini of the pending citation and hearing. Mr. Stallone requested citation #722 be rescinded as, it was complied.

Special Magistrate Tell so ordered.

**9.2 Case #19-069593:** Lilian Delgado and Occupants, 5741 SW 38 Court (running at large prohibited, declared nuisance/license and rabies vaccination/maintenance standards of exterior premises/minimum standards for maintenance of premises/storage of abandoned property on public or private land violation) <sub>KB</sub>

Special Magistrate Tell denied petitioners request based on nonappearance.

## **10. CITATION AGENDA**

**10.1 Case #2020-0006:** MT2427 Corp., 12930 State Road 84 (business tax required violation)

Inspector Perreira presented the case and read the violation into the record. Service was achieved by hand delivery. Based on the failure to obtain a business tax

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receipt a Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for violation of town code section 13-17.

A lien for Citation #742 in the amount of \$75.00 along with cost recovery fee of \$50.00 for a total lien in the amount of \$125.00 will be assessed against the property.

Special Magistrate Edwards so ordered.

**11. ADJOURNMENT**

There being no further matters to discuss, the hearing was adjourned at 12:45 PM