



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
FEBRUARY 26 , 2019**



**1. CALL SESSION TO ORDER**

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

**2. CALL OF THE CASES**

Respondents were present for Case #18-042271, #18-042272, #17-000458, #18-040603

**3. UNCONTESTED CASES**

**4.1 Case #17-041141** : Lakeside Village of Davie Property Owner's Assoc. Inc., 6950 Griffin Road (continued from November 20, 2018)<sup>10</sup>(installation and maintenance/prohibition of tree abuse; exceptions; administrative appeal/minimum landscape standards violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of June 11, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**4.2 Case #18-020034** : First Impression II Lake Owners Association Inc., public land Town of Davie parcel located on the south-side intersection of SW 55<sup>th</sup> Avenue and SW 57<sup>th</sup> Street (continued from January 29, 2019)<sup>6</sup>(damaging public property prohibited/right-of-way restrictions violation) <sup>MH</sup>

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

**4.3 Case #18-021258** : Lakeside Village of Davie LLC and Lakeside Village of Davie Condominium Association Inc., and ET AL, 6950 Griffin Road #C8 (continued from November 20, 2018)<sup>4</sup>(installation and maintenance /prohibition of tree abuse; exceptions; administrative appeal/minimum landscape standards/miscellaneous requirements/minimum landscape standards violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of June 11, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

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**4.6 Case #18-065066:** Courtyards of Davie Condominium Association Inc., 6920 SW 39 Street (continued from January 15, 2019)<sup>2</sup> (health, safety and welfare/accumulation of garbage/storage of abandoned property on public or private land violation) *ss*

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

**4.7 Case #18-065114 :** Lisa Cavanaugh and Occupant, 5810 SW 53 Terrace (continued from January 15, 2019)<sup>1</sup>(general regulations/storing of abandoned property on public or private lands; prohibited; exception violation) *MH*

**4.8 Case #18-076185:** Kenneth and Diana Cannato and Occupants, 13770 SW 16 Street (non permitted uses prohibited violation) *DP*

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

**4.11 Case #19-004391:** Lennar Homes LLC and J & M Underground Engineering Corp., 5800-6020 Griffin Road (damage to, tampering with or unauthorized use of fire hydrants, valves, connection with street mains, etc./miscellaneous charges violation) *MH*

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

**4.13 Case #19-001384:** Manuel De Denghy, 8625 SW 17 Court (derelict property/vehicles prohibited/nuisance/eyesore violation) *CV*

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

#### **4. FORMAL HEARINGS OF CONTESTED MATTERS**

**4.4 Case #18-042271 :** Florida Enterprises and Co. Inc., 13431 SW 8 Street (continued from January 15, 2019)<sup>4</sup>(non permitted uses prohibited violation) *KM*

Erik Koopal, President Florida Enterprise and Co., Inc.

Mitch Lipton, Chief Structural Inspector, Town of Davie was present

David Quigley, Planning and Zoning Manager

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 on August 10, 2018 were submitted as Town's Composite Exhibit 2 without objection. The photographs submitted at the January 15, 2019 hearing were reviewed and discussed by the magistrate and the respondent. The Rental lease submitted at the January 15, 2019 hearing was reviewed by the magistrate.

Mr. Koopal testified to the occupants of this property. He read into the record the definition as it appears in Chapter 6 of the Davie Town Code as he believed it related to family members. A copy of an email between Mr. Koopal and Sylvia Myint was submitted as Respondent's Exhibit 1 without objection. The definition of Code Enforcement Special Magistrate Chapter 6-25 printout was submitted as Respondent Exhibit 2 without objection. A signed notice from the occupants Roberto Ocando, Reina Miranda and Marvin Joseph stating they all live together was submitted as Respondent's Exhibit 3 without objection.

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A discussion was held on the occupancy and the renovations performed at the mobile home. The Chief Structural Inspector testified the addition made to the trailer does not meet the building code and must be removed. Mr. Koopal agreed to have the interior of the mobile home structure inspected by the building structural inspector to ascertain whether there have been any changes to the interior of the mobile home. A date will be scheduled with the respondent and the building inspector.

David Quigley provide the definition of family for clarification to Mr. Koopal. The Special Magistrate advised Mr. Koopal only one set of occupants can remain. Mr. Koopal understood. The respondent shall have until April 9, 2019 in which to come into compliance by removing the additional structure and to ceasing to have the mobile home occupied as a multi-family dwelling unit.

The discussion of the removal of the auxiliary structure was held and the requirement for a demolition permit.

A continuance to the Special Magistrate hearing of April 9, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**4.5 Case #18-042272 :** Florida Enterprises and Co. Inc., 13430 SW 7 Place (continued from January 15, 2019)<sup>4</sup> (non permitted uses prohibited violation) <sup>KM</sup>

Erik Koopal, President Florida Enterprise and Co., Inc.

Mitch Lipton, Chief Structural Inspector, Town of Davie 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 on August 10, 2018 and January 14, 2019 were submitted as Town's Composite Exhibit 2 without objection

The discussion of the removal of the auxiliary structure was held and the requirement for a demolition permit. The aerial pictometry from the Broward County Property Appraisers office dated January 21, 2015 was submitted as Town's Exhibit 3 without objection. The aerial pictometry from the Broward County Property Appraisers office dated April 18, 2016 was submitted as Town's Exhibit without objection. The printouts show the addition was added by the current property owner.

The discussion of the removal of the auxiliary structure was held and the requirement for a demolition permit. A request to inspect the interior of the mobile home was granted. A date will be scheduled with the respondent and the Chief Structural inspector.

A continuance to the Special Magistrate hearing of April 9, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**4.9 Case #19-000262:** Timmy Tich Le, 7770 NW 35 Street (RV/trailer code violation/duty of owner or occupant to keep property free from waste, weeds, debris/obstructing sidewalk prohibited violation) <sup>KB</sup>

Inspector Borsoni read the violation into the record. Service was achieved by certified mail. A copy of the electronic notification along with the Broward County Property appraiser printout was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector on January 2, January 7, January 10 and January 28 and February 21, 2019 were submitted as Town's Composite Exhibit 2 without objection.

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A discussion was held on the condition of the property. A final order was requested providing for fourteen (14) days to comply with violation of town code section 12-33(G)(7) and a final order to remain in compliance with violation of town code section 9-51(b) and 21-22 along with cost recovery fee of \$350.00  
Special Magistrate Tell so ordered.

**4.10 Case #19-003671:** Natalie Williams, Ingeburg Williams and Western Hills MHC LLC, 13098 SW 6 Court (nuisance to be declared violation) KM

Inspector Massey presented the case and read the violation into the record. Service was achieved by certified mail. The Town requests removing Western Hills MHC LLC from this action. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection

The City of Sunrise has shut the water service to the location due to nonpayment. The Town requested no occupants reside at the property until the utilities have been turned on.

Special Magistrate Tell ordered.

**4.12 Case #19-004894:** Michael Kristopher Wallisa, 4181 SW 56 Terrace (dog attack/running at large prohibited, declared nuisance/license and rabies vaccination violation) KB

Inspector Borsoni obtained an agreed final order with the respondent to remain in compliance with town code sections 4-63.1, 4-63 and 4-62 no cost recovery fee was requested. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Tell so ordered

## 5. NON COMPLIANCE

**5.1 Case #17-006732:** Bank of New York Mellon and Safeguard Properties, 14521 SW 24 Street (minimum standards for exterior of structures/maintenance standards of exterior premises/nuisance/eyesore violation) KM

A continuance to the Special Magistrate hearing of March 26, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**5.2 Case #17-000458 :** Florida Enterprises & Co. Inc., 13431 SW 8 Street (continued from January 15, 2019)<sup>4</sup>(building permit required violation) KM

Erik Koopal, 13471 SW 8 Street, Davie Florida

Mitch Lipton, Chief Structural Inspector, Town of Davie was present

The violations at this property were discussed under Case 18-042271. A continuance to the Special Magistrate hearing of April 9, 2019 was requested by the Town; \$50.00 cost recovery fee was assessed. Special Magistrate Tell advised Mr. Koopal of the outstanding cost recovery fee for the continuance notice issued by Special Magistrate Edwards.

Special Magistrate Tell so ordered.

**5.3 Case #18-040603 (f.k.a. Building Case #2017-0002):** Florida Enterprises & Co. Inc., 13430 SW 7 Place (continued from January 15, 2019)<sup>2</sup>(building permit required violation) KM

Erik Koopal, 13471 SW 8 Street, Davie Florida

Mitch Lipton, Chief Structural Inspector, Town of Davie was present

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The violations at this property were discussed under Case 18-042272. A continuance to the Special Magistrate hearing of April 9, 2019 was requested by the Town; \$50.00 cost recovery fee was assessed. Special Magistrate Tell advised Mr. Koopal of the outstanding cost recovery fees for the final order issued along with the continuance notice issued at a special magistrate hearing.

Special Magistrate Tell so ordered.

**5.4 Case #18-054554:** Target Corporation, 5800 S University Drive (landscape maintenance violation) <sup>MH</sup>

Scott Woodrey, Representative of Target Corporation

Inspector Hernandez read the violations into the record. Service was achieved by certified mail. A copy of the electronic notifications were submitted as Town's Composite Exhibit 1 without objection. Photographs taken on January 17 and 28, 2019 and February 4, 2019 were submitted as Town's Exhibit 2 without objection.

Mr. Woodrey, testified to the corrections that Target Corporation has made to the maintenance of the swale along SW 76 Avenue. Mr. Woodrey asked if the inspector could make contact in the future with the store manager when there are any violations that need to be addressed.

A lien was recommended for a period of eighteen (18) days for one violation of town code section 12-33 (S)(2) at \$100.00 per day for a total lien in the amount of \$1,800.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$2,300.00. Mr. Woodrey was advised the cost recovery fee of \$200.00 is still outstanding.

Special Magistrate Tell so ordered.

**5.5 Case #18-064873 (fka #2014-0500):** Michael Shuman, 8255 SW 42 Court (continued from January 15, 2019)<sup>1</sup>(landscape maintenance/nuisance violation) <sup>CV</sup>

Nicole Shuman, 8255 SW 42 Court was present

Inspector Velez read the violations into the record. Service as achieved by certified mail. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken February 25, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A lien was recommended for a period of thirty two (32) days of non-compliance for a total of \$3,200.00 along with cost recovery fees which can be imposed if the violations are not corrected.

Ms. Shuman testified she did not pick up the notice of violation and would correct the violation immediately with a licensed tree arborist. A continuance to the Special Magistrate hearing of April 9, 2019 was requested by the Respondent; no cost recovery fee was assessed. Ms. Shuman was told of the outstanding cost recovery fees.

Special Magistrate Tell so ordered the continuance.

## 6. NEW BUSINESS

## 7. OLD BUSINESS

## 8. CITATION AGENDA

**8.1 Case #19-004848:** Ocampo and Fernandez Investment Group LLC, 1751 SW 139 Avenue (trash, waste and garbage violation) <sup>KM</sup>

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Inspector Massey 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 23, 2019 was submitted as Town's Composite Exhibit 2 without objection.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell.

A lien for Citation #463 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 Tell so ordered

**8.2 Case #19-004844:** Joseph Patrick Huffine, common area in front of 3131 Palm Trace Landings Drive #1203 (dog at large violation) <sup>KB</sup>  
Citation 447 - was paid prior to the hearing - violation was corrected.

**8.3 Case #19-004889:** Knanaya Catholic Association of S. Florida, 14790 SW 24 Street (trash, waste and garbage violation) <sup>KM</sup>  
Citation 464- was paid prior to the hearing - violation was corrected.

## 9. ADJOURNMENT

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