



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



**1. CALL SESSION TO ORDER**

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Alan Gabriel, 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, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Mayra Hernandez, Animal Control Officer Karen Borsoni, Code Compliance Inspector Sara Santisteban and Recording Secretary Grace Farrar

**2. CALL OF THE CASES**

Respondents were present for Case #19-006101, #18-054479, #19-006402, #18-057382, #18-075900, #18-031713, #18-046786, #19-005845

**3. UNCONTESTED CASES**

**4.1 Case #18-053262** : Restaurant Depot, JMHD Real Estate of Davie LLC and JETRO Restaurant Depot LLC, 3500 Davie Road (continued from January 15, 2019)<sup>2</sup>(specific prohibitions violation) <sub>ss</sub>

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

**4.2 Case #18-054494** : Peter Mineo Jr. and Pillar Consultants Inc., 5600 Davie Road (continued from January 29, 2019)<sup>2</sup>(tree removal/relocation permit required/remedial actions required for tree abuse violation) <sub>MH</sub>

A continuance to the Special Magistrate hearing of April 23, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.3 Case #18-058665** : Theresa L. Salemi, 6442 SW 55 Place (continued from February 12, 2019)<sup>3</sup>(engineering permit required violation) <sub>MH</sub>

A continuance to the Special Magistrate hearing of April 23, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.4 Case #18-074157** : Joseph Moran and Occupant, 5840 SW 53 Terrace (continued from January 29, 2019)<sup>1</sup>(commercial vehicles parking prohibited/storage of abandoned property on public or private land violation) <sub>MH</sub>

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

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**4.5 Case #18-075900 :** Lerner 7701 LLC, 7701 NW 36 Street (continued from January 29, 2019)<sup>1</sup>(non -permitted uses prohibited/adoption of Florida building code; building permit required violation) <sub>KB</sub>

Marc Lerner was present earlier in the hearing.

A continuance to the Special Magistrate hearing of May 21, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.6 Case #18-077209:** DJD Land Development LLC, 1355 S. Flamingo Road (continued from February 12, 2019)<sup>2</sup>(damaging public property prohibited/nuisances violation) <sub>DP</sub>

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

Special Magistrate Gabriel so ordered.

**4.7 Case #19-000737 :** Edward Echarte, 6250 SW 41 Place (continued from February 12, 2019)<sup>1</sup>(installation of improvements violation) <sub>SS</sub>

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

Special Magistrate Gabriel so ordered

**4.9 Case #19-004944:** Jody and Jeneen Paterson, 11651 SW 22 Court (building permit required/nuisance/eyesore violation) <sub>CV</sub>

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

**4.10 Case #19-005840:** Vladimir Lantigua and Occupants and Western Hills MHC LLC, 514 SW 132 Terrace (nuisance to be declared/non permitted uses prohibited/building permit required/storage of abandoned property on public or private land violation) <sub>KM</sub>

A continuance to the Special Magistrate hearing of April 23, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.11 Case #19-005845:** Lori Zylstra and Occupant, 13430 SW 8 Street (general regulations/storage of abandoned property on public or private land/maintenance standards of exterior premises/receptacle requirements violation) <sub>KM</sub>

Lori Zylstra property owner was present earlier in the hearing

Chris Harrison, present earlier in the hearing

A continuance to the Special Magistrate hearing of April 23, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.12 Case #19-005847:** Stahl Family Ltd and Occupant, 13461 SW 8 Street (derelict property/vehicles prohibited/non permitted uses prohibited/receptacle requirements violation) <sub>KM</sub>

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

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**4.17 Case #19-006802:** Ronald Moncaya and Occupants, Western Hills MHC LLC and Mirella Ronquillo, 526 SW 132 Terrace (nuisance to be declared/non permitted uses prohibited/building permit required/storage of abandoned property on public or private land violation) <sup>KM</sup>

A continuance to the Special Magistrate hearing of April 23, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.18 Case #19-007561:** Pia and Stanley Vanderlem, 1405 SW 126 Avenue (general regulations violation) <sup>KM</sup>

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

#### 4. FORMAL HEARINGS OF CONTESTED MATTERS

**4.8 Case #19-004566:** Avi and Shimon Ruimy and Occupant, 5631 SW 56 Street (overgrowth violation) <sup>MH</sup>

Inspector Hernandez read the violation into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector on January 10, 2019, February 15, 2019 and March 5 and 11, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the condition of the property as it relates to the overgrowth. The inspector requested the magistrate issue the final order granting the Town permission to perform nuisance abatement.

The special magistrate issued a final order providing for seven (7) days to comply with violation of town code section 9-51(b) as well as granting access for nuisance abatement along with cost recovery fee of \$350.00.

Special Magistrate Gabriel so ordered.

**4.13 Case #19-006101:** Debra G. Tukey REV TR, 10950 SW 40 Court (dog attack/vicious dogs violation) <sup>KB</sup>

Shawn Tukey, 10950 SW 40 Court, Davie FL, son of Debra Tukey

Alissa Alvarado, 3850 SW 106 Terrace, complainant

Rita Keller, 4210 SW 106 Terrace, complainant

Ryan Alvarado, 3850 SW 106 Terrace, complainant

Inspector Borsoni read the violations into the record along with a timeline as to the events that took place involving the attack on local cats. A statement received via email to Inspector Borsoni from Sandi Picado was read into the record. Ms. Picado explained the events of the attack to Inspector Borsoni in the email. A composite exhibit was submitted including an email from Lynette Davis dated January 29, 2019 to Inspector Borsoni along with Town of Davie Police Case 19-007045 as Town's Composite Exhibit 2 without objection.

Alissa Alvarado, 3850 SW 106 Terrace, testified to the events of the day the cat was attacked. Ms. Alvarado stated she did not see which dog was the attacker.

Rita Keller, 4210 SW 106 Terrace, testified to the events that were recorded on her video for January 11, 2019, February 2, 2019 and January 24, 2019 showing the husky dogs loose, as well as the events on the day the cat was killed.

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Ryan Alvarado, 3850 SW 106 Terrace, testified to the colors of the dogs that were out and about on the day of the attack.

Shawn Tukey, testified to the events as he was aware. He was remorseful to the families that have been affected by his dogs. At this time, the property is secured by both an electric fence and a chicken wire fence. The process to build a fence around the property will be undertaken. His dog "Annabelle Lee" will be crated in the home and contained.

Upon testimony heard and the evidence presented the special magistrate issued a final order for the white female husky "Annabelle Lee" to be deemed vicious and must comply with all the rules and regulations of the town code sections 4-63.1 and 4-64 providing for fourteen (14) days to comply along with cost recovery fee of \$350.00. Special Magistrate Gabriel ordered an inspection be made at the subject property to view the arrangements for all the dogs.  
Special Magistrate Gabriel so ordered.

**4.14 Case #19-006122:** Schumacker Recreation Co. LLC, 5400 SW 82 Avenue (maintenance of rights-of-way and swales on public or private property/obstructing sidewalk prohibited violation) <sup>MH</sup>

Inspector Hernandez 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 January 29, 2019 and March 5, 2019 were submitted as Town's Composite Exhibit 2 without objection. Inspector Hernandez stated the property is in compliance at this time.

A discussion was held on the condition of the property as it relates to the maintenance of the rights of way and swales on public or private property.

The special magistrate issued a final order to remain in compliance along with cost recovery fee of \$200.00.

Special Magistrate Gabriel so ordered.

**4.15 Case #19-006309:** Jenna Melchionno and Marshall's Tree Service and Landscaping LLC, 13941 SW 22 Place (charter section chapter 12: franchise agreement/maintenance of rights-of-way and swales on public or private property/trash waste and garbage/nuisance/eyesore violation) <sup>KM</sup>

Jenna Melchionno and Anthony Marshall were present at the hearing

Inspector Massey obtained an agreed final order with the respondent to come into compliance within fourteen (14) days with town code sections 6-38, 9-2, 12-33(U). The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered

**4.16 Case #19-006402 :** 5471 Home LLC, Medley Metal Recycling LLC and Occupant, 5471 SW 55 Avenue (Florida building code/franchise agreement/private collection services for recovered materials at commercial establishments/establishment of fine, lien, and cost recovery procedures: establishment of cost recovery schedule of fines violation) <sup>MH</sup>

Albert Wahba, property owner was present

Inspector Hernandez read the violation into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by Inspector Hernandez on January 17, 2019 and Sara Santisteban on January 24, 2019 at 6:50 AM were submitted as Town's Composite

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Exhibit 2 without objection. Inspector Santisteban testified to what was observed in the dumpster located at the property on January 24, 2019.

A discussion was held on the renovations taking place at the property and the need for all the necessary building permits.

Mr. Wahba testified he purchased the property and will be making this his homestead. The previous property owner had items in the garage and he was in the process of removing them.

The building division had the electric shut off to the property due to the inspectors' findings at the time of an inspection. A stop work order was posted at the property on January 28, 2019 along with a Red Tag issued by both the Chief Building Inspector Mitch Lipton and Plumbing Plans Inspector Don Peterman.

A request was made to Mr. Wahba to grant access to the inspectors to go into the property. This request was denied. Based on the property owners refusal to allow an inspection, the violations of town code sections 5-1, Chapter 12: Franchise Agreement, 9-96 and 6-9 were found to be valid providing for fourteen (14) days to comply and a \$15,000.00 fine was issued to both 5471 SW 55 Avenue and Medley Metal Recycling LLC along with cost recovery fee of \$350.00.

The special magistrate issued a final order for violation of town code section 6-39(1) providing for seven (7) days to comply.

Special Magistrate Gabriel so ordered.

## 5. NON COMPLIANCE

**5.1 Case #17-065241:** Wal-Mart Stores East LP, 4301 S. University Drive (duty of owner or occupant to keep property free from waste, weeds, debris; notice: lien on property violation) <sup>MH</sup>

Inspector Hernandez presented the case and read the violations 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 22, 2019, February 27, 2019, March 5, 6, 8 and 11, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the condition of the trash at the property. Inspector Hernandez stated this is an ongoing violation and is being overlooked by the management at the store location.

A lien was issued for violation of town code section 9-51(a) for a period of 6 days at \$500.00 per day for a lien in the amount of \$3,000.00 along with cost recovery fee of \$500.00 for a total lien in the amount of \$3,500.00.

Special Magistrate Gabriel so ordered.

**5.2 Case #18-031713:** Jenna Melchionno and Marshall's Tree Service and Landscaping LLC, 13941 SW 22 Place (general regulations violation) <sup>KM</sup>

The violation was dismissed without prejudice to the existing final order.

Special Magistrate Gabriel so ordered

**5.3 Case #18-033657:** Maria R. Caccavale, 12471 SW 10 Court (general regulations violation) <sup>DP</sup>

The violation was dismissed without prejudice to the existing final order.

Special Magistrate Gabriel so ordered

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**5.4 Case #18-046786:** Agrawal Kalpana and Kalpana Invest of Florida LLC, 5500 Davie Road (continued from January 29, 2019)<sup>1</sup>(stop work orders/tree removal/relocation permit required/engineering permit required/clearing and grubbing permit required/establishment of fine, lien and cost recovery procedures; establishment of cost recovery schedule of fines violation)<sup>MH</sup>

John Mortimer, was present at the hearing

The violation was dismissed without prejudice to the existing final order.

Special Magistrate Gabriel so ordered

**5.5 Case #18-054479:** Debra G. Tukey REV TR, 10950 SW 40 Court (dog attack/running at large prohibited, declared nuisance/license and rabies vaccinations violation)<sup>KB</sup>

Shawn Tukey, 10950 SW 40 Court, Davie FL, son of Debra Tukey

Alissa Alvarado, 3850 SW 106 Terrace, complainant

Rita Keller, 4210 SW 106 Terrace, complainant

Ryan Alvarado, 3850 SW 106 Terrace, complainant

A discussion was held earlier in the hearing under Case 19-006101 as it relates to "Annabelle Lee" the husky dog breed that was declared vicious for the attack and killing of a cat.

Mr. Tukey was made aware of what needs to be done at the property to keep the five (5) dogs along with "Annabelle Lee" contained.

Mr. Tukey was made aware that penalties are pending at this time for the failure to contain the dog. A request to allow a continuance was granted to the Tukey's in order to secure the property with a perimeter fence and all the necessary permits.

A continuance to the hearing date of April 23, 2019 was granted. Mr. Tukey was made aware that the Town does not forego the ability to issue fines from the date of the Notice of Noncompliance up until the hearing date on April 23, 2019.

Special Magistrate Gabriel so ordered.

**5.6 Case #18-054550 fka #2014-0918:** Charley W. Bitterman, 5570 SW 38 Court (overgrowth/derelict vehicles prohibited violation)<sup>SS</sup>

The violation was dismissed without prejudice to the existing final order.

Special Magistrate Gabriel so ordered

**5.7 Case #18-057382:** The Secret Attic Davie Corp., Thomas F. and Carolyn C. Gill, 4166 SW 64 Avenue (nuisance/eyesore violation)<sup>DN</sup>

Claudia Yanez, Property Manager, 4166 SW 64 Avenue

Thomas F. and Carolyn C. Gill, were present earlier in the hearing

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

Service was achieved by posting. A copy of the Affidavit of posting was placed in the file. A series of photographs taken by the inspector were submitted as Town's Composite Exhibit 1 without objection.

Inspector Notman provided a list of items to Ms. Yanez that need immediate attention.

Ms. Yanez stated her husband has been out of Town and some items have been neglected.

Inspector Notman recommended a lien for a period of twenty-seven (27) days. Ms. Yanez requested a continuance.

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A continuance to the Special Magistrate hearing of April 9, 2019 was requested by the Respondent; a \$50.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**6. NEW BUSINESS**

**7. OLD BUSINESS**

**8. CITATION AGENDA**

**8.1 Case #19-006317:** 7800 Davie Road Extension LLC, 11067 Garden Ridge Court (failure to remove graffiti violation) <sub>KB</sub>

Citation 449- was cancelled prior to the hearing - violation was corrected.

**9. ADJOURNMENT**

There being no further matters to discuss, the hearing was adjourned at 12:17 P.M.