



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
MARCH 26, 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 Supervisor Rick Berni, 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, Code Inspector Sara Santisteban and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #17-046835, #19-008036, 19-009463, #18-030518, 18-010406, #17-072872, #18-046759

3. UNCONTESTED CASES

4.1 Case #19-008036: John G. Williams Jr. and Donna Sue Williams, 6241 SW 41 Street (maintenance standards of exterior premises/derelict vehicles prohibited violation) ^{SS}

John G. Williams Jr, 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 Edwards so ordered.

4.2 Case #19-008754: Little River Shops Inc., 2691 SW 139 Terrace (building permit required violation) ^{DP}

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

4.4 Case #19-010819: James Shrouder Individual K Plan and Occupant, 4710 SW 55 Avenue (RV/Trailer code violation/derelict property/vehicles prohibited/nuisance/eyesore violation) ^{MH}

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.3 Case #19-009463: Howard Kipple, 13581 SW 6 Court (non permitted uses prohibited/commercial vehicle signage code violation/building permit required/litter and unsightly matter/storage of abandoned property on public or private land/trash waste and garbage violation) ^{KM}

Howard Kipple, 13581 SW 6 Court, property owner

Inspector Massey obtained an agreed final order with the respondent to remain in compliance with town code sections 12-32, 12-33(G), 9-51(a), 11-17, 9-2 and a final order with 45 days for 5-1 no cost recovery fee was requested. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered

4.5 Case #19-017212: Paul E. Buck EST and Occupant, 11206 SW 22 Court (nuisance to be declared violation) ^{CV}

Inspector Velez 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. Copies of emails received from the City of Sunrise in relation to the water service and FPL as to the electric service were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the condition of the property. A final order was requested providing for three (3) days to comply with violation of town code section 6-31(K) along with cost recovery fee of \$350.00 to vacate the premises or have the electric and water service restored.

Special Magistrate Edwards so ordered.

5. NON COMPLIANCE

5.1 Case #16-051385: Scott G. Ference, 6180 SW 48 Court (storage of abandoned property on public or private land violation) ^{MH}

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 February 7 and 14, 2019, March 6, 12, 22 and 26, 2019 and February 4, 2019 were submitted as Town's Exhibit 2 without objection.

A discussion was held on the vehicle at the property and the lack of compliance by the owner.

A lien was recommended for a period of forty-seven (47) days for one violation of town code section 11-17 at \$100.00 per day for a total lien in the amount of \$4,700.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$5,200.00.

Special Magistrate Edwards so ordered.

5.2 Case #17-006732: Bank of New York Mellon and Safeguard Properties, 14521 SW 24 Street (continued from February 26, 2019)¹(minimum standards for exterior of structures/maintenance standards of exterior premises/nuisance/eyesore violation) ^{KM}

The violation was dismissed without prejudice to the existing final order

Special Magistrate Edwards so ordered.

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5.3 Case #17-046835: 2101 University LLC, 2145 S. University Drive (specific prohibitions violation) *cv*

Ricardo Reyes, Esq. Tobin Reyes PA, 25 NE Mizner Blvd. Ste 510, Boca Raton, FL 33432

Fredrick Jackson, Property Manager, Azor Advisory Services Inc.

Trisha Widowfield, Esq. Haliczzer Pettis & Schwamm PA, 100 SE 3 Avenue, Fort Lauderdale, FL 33394

Karen Rioux, complainant, 12 N Valencia Drive, Davie FL

Mike Aceoal, complainant, 12 N Valencia Drive, Davie FL

A meeting was held prior to the hearing with the attorneys and the complainants and a continuance was requested.

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered

5.4 Case #17-072872: Jon Slack and Celeste Dianni-Slack, 1006 SW 120 Avenue (maintenance of exterior premises violation) *cv*

Jon Slack, respondent was present

Inspector Velez 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 February 8, 2019 by Supervisor Berni were submitted as Town's Exhibit 2 without objection. Photographs taken on March 25, 2019 by Inspector Velez were submitted as Town's Composite Exhibit 3 without objection.

Mr. Slack testified he has just obtained the approval from Central Broward Drainage District. Mr. Slack provided a permit number 2018-00004343 which upon review had not been issued. A recommended lien for a period of thirty nine (39) days for one violation of town code section 6-36(k) at \$50.00 per day for a total lien in the amount of \$1,950.00 along with cost recovery fees was requested.

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.5 Case #18-006173 : Barbara Price, 6201 SW 38 Street (continued from February 12, 2019)²(overgrowth/storage of abandoned property on public or private land violation) *ss*

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.6 Case #18-010406: Jon Slack and Celeste Dianni-Slack, 1006 SW 120 Avenue (minimum standards for exterior of structures/nuisance/eyesore violation) *cv*

Jon Slack, respondent was present

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

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5.7 Case #18-029345: John and Florence Patitucci and Marco Patitucci, 12701 Kapok Lane (minimum landscape standards violation) KM

Inspector Massey read the violations into the record. Service was achieved by certified mail. A copy of the electronic notifications along with the Broward County Property Appraiser printout were submitted as Town's Composite Exhibit 1 without objection. Photographs taken on March 25, 2019 were submitted as Town's Exhibit 2 without objection.

A discussion was held on the condition of the trees as it effects the neighbor's fence and the repairs that are required to be performed.

A lien was recommended for a period of thirty three (33) days for one violation of town code section 6-37(a)(1)(2)(3) at \$100.00 per day for a total lien in the amount of \$3,300.00.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$3,800.00.

Special Magistrate Edwards so ordered.

5.8 Case #18-030518: Orlando Jimenez, 14051 SW 15 Court (engineering permit required violation) KM

Orlando Jimenez, respondent was present at the hearing

Inspector Massey read the violations into the record. Service was achieved by certified mail. A copy of the electronic notification was submitted as Town's Exhibit 1 without objection.

Inspector Massey stated per conversation with the engineering division that no permit has been obtained. A recommended lien for a period of forty six (46) days for one violation of town code section 12-328 at \$100.00 per day for a total lien in the amount of \$4,600.00 was requested. Mr. Jimenez was advised of an outstanding cost recovery fee of \$250.00 for the consent he entered into on July 24, 2018. Based on no representation by the Engineering Division the continuance was granted to May 7, 2019. Mr. Jimenez was advised that the fines are continuing to accrue.

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

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

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.10 Case #18-046759: Olga O. McDonough and Richard W. McDonough, 2701 SW 156 Avenue (minimum landscape standards/minimum standards for maintenance of premises violation) KM

Richard W. McDonough, PO Box 266756, Weston FL 33326

Inspector Massey read the violations into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. A copy of the Broward County Property Appraiser January 29, 2019 aerial photograph was submitted as Town's Exhibit 2 without objection.

Mr. McDonough testified he is divorced from Olga and cannot access the property.

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A recommended lien for a period of forty (40) days for two violations of town code sections 6-37(a)(1)(2)(3) and 6-31(j) at \$100.00 per day for a total lien in the amount of \$8,000.00 recommended along with cost recovery fees.

Mr. McDonough testified he will move forward to clear the overgrown tree vegetation affecting his neighbor.

A continuance to the Special Magistrate hearing of May 7, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.11 Case #18-062080: Latoyia T. Thomas, 10801 SW 30 Place, (nuisance: health, safety and welfare violation) *cv*

Inspector Velez read the violations into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on March 25, 2019 were submitted as Town's Exhibit 2 without objection.

A discussion was held on the unsecured fence and the exposure of the pool. The request to erect a temporary fence is still in noncompliance.

A recommended lien for twenty-seven days (27) for one violation of town code section 6-31(j)(1)(2)(3)(4) at \$100.00 per day for a total lien in the amount of \$2,700.00 along with cost recovery fee of \$500.00 for a total lien in the amount of \$3,200.00.

Special Magistrate Edwards so ordered.

6. NEW BUSINESS

7. OLD BUSINESS

8. CITATION AGENDA

8.1 Case #19-010613: Blossom Manning and Marvin Ealy, 14600 SW 24 Street (trash, waste and garbage violation) *KM*

Citation 465- was dismissed - violation was corrected.

9. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 11:17 A.M.