



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
APRIL 23, 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 Kim Massey, Code Compliance Inspector Mayra Hernandez, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Sarah Santisteban, Animal Control Officer Karen Borsoni, and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #18-054479, #19-016838, #19-017478, #19-019917, #19-006802, #18-051253, #19-013827

3. UNCONTESTED CASES

4.1 Case #18-054494 : Peter Mineo Jr. and Pillar Consultants Inc., 5600 Davie Road (continued from March 12, 2019)³(tree removal/relocation permit required/remedial actions required for tree abuse violation) MH

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

4.2 Case #18-058665 : Theresa L. Salemi, 6442 SW 55 Place (continued from March 12, 2019)⁴(engineering permit required violation) MH

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

4.3 Case #19-005840 : Vladimir Lantigua and Occupants and Western Hills MHC LLC, 514 SW 132 Terrace (continued from March 12, 2019)¹(nuisance to be declared/non permitted uses prohibited/building permit required/storage of abandoned property on public or private land violation) KM

A continuance to the Special Magistrate hearing of June 11, 2009 was requested by the Town; no cost recovery fee was assessed.
Special Magistrate Gabriel so ordered.

4.4 Case #19-005845 : Lori Zylstra and Occupant, 13430 SW 8 Street (continued from March 12, 2019)¹(general regulations/storage of abandoned property on public or private land/maintenance standards of exterior premises/receptacle requirements violation) KM

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

4.5 Case #19-006802 : Ronald Moncaya and Occupants, Western Hills MHC LLC and Mirella Ronquillo, 526 SW 132 Terrace (continued from March 12, 2019)¹(nuisance to be

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declared/non permitted uses prohibited/building permit required/storage of abandoned property on public or private land violation) ^{KM}

Mirella Ronquillo was present at the hearing

Jose Ronquillo, on behalf of Mirella Ronquillo was present

Mr. Ronquillo spoke on behalf of his mother. He stated his mother does not reside at the property and was unaware of any interior changes. Mr. Ronquillo was satisfied with the continuance as he was made aware the property owner is responsible for the property.

A continuance to the Special Magistrate hearing of June 11, 2009 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

4.6 Case #19-008036 : John G. Williams Jr. and Donna Sue Williams, 6241 SW 41 Street (continued from March 26, 2019)¹(maintenance standards of exterior premises/derelict vehicles prohibited violation) ^{SS}

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

4.7 Case #19-010629: Russ Cubbin, 3811 SW 60 Avenue #1-4 (receptacle requirements/landscape maintenance/derelict property prohibited/health, safety and welfare violation) ^{DN}

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

4.8 Case #19-014332: C J Buckner Jr., Marianne Buckner and Occupant, 6321 SW 39 Court (minimum landscape standards violation) ^{SS}

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

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.9 Case #19-019917: Dethrice Kyles, KM MHC LLC and King Manor Estates, 473 SW 126 Avenue (dog attack/running at large prohibited, declared nuisance/nuisance/eyesore violation) ^{KB}

Linda Adames, 12500 State Road 84

Sandi DiGaimo, 400 S Federal Highway, Fort Lauderdale, FL

Esther Noltion, 473 SW 136 Avenue, Davie FL

Dethrice Kyles, 473 SW 136 Avenue, Davie FL

Shawn Arbeiter, Esq- Law firm Hinden, McLean & Arbeiter on behalf of Kings Manor

Mary Ann Deaton, 465 SW 126 Avenue, Davie FL

Alicia Ferreira, 457 SW 125 Lane, Davie FL

Rex Dwelly, 465 SW 126 Avenue, Davie FL

Inspector Borsoni presented the case and read the violations into the record. Service was achieved by certified mail and hand delivery. A copy of the electronic notification and the Affidavit of hand delivery was submitted as Town's Composite Exhibit 1 without objection. Copies of calls for service to the property along with a Police Report dated April 1, 2019 and case supplemental dated April 18, 2019 was submitted as Town's Composite Exhibit 2 without objection. A photograph of "Harley Quinn" was

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submitted as Town's Exhibit 3 without objection. A composite exhibit taken by Alicia Ferreira showing the photograph of the dog bite on her arm along with the medical exam taken at the office of Hector Fabregas MD on April 17, 2019 was submitted as Town's Composite Exhibit 4 without objection. Included in this exhibit was a picture of a dead duck.

A discussion was held on the dog that resides at the property. Mr. Arbeiter questioned Ms. Ferreira through her interpreter Linda Adames as to the events on April 17, 2019. Inspector Borsoni provided testimony as to the case supplements written by the officer.

Testimony was provided by Mr. Dwelly and Ms. Mary Ann Deaton as to the events that occurred causing the death of Ms. Deaton's cat on December 12, 2018 by "Harley Quinn". Both Mr. Dwelly and Ms. Deaton acknowledged the photograph of the dog that was submitted into evidence was in fact the dog that attacked and killed the cat. Both the witnesses have seen the dog run at large on different occasions.

Ms. Kyles provided testimony that the animal in question is not vicious and had protected her son on the day of the cat attack.

Mr. Stallone did provide to Ms. Kyles the town ordinance as it relates to dogs running at large and the potential fines for the dogs not under the control of the owner. Ms. Kyles was advised the Town has received several complaints regarding "Harley Quinn" running loose and aggressively approaching people and other pets in the community. This aggressive nature and continued violations constitutes a safety hazard to the community.

A final order was issued for violation of town code sections 4-63.1, 4-63 and 12-33(U) to remain in compliance along with cost recovery fee of \$250.00. Special Magistrate Gabriel advised the respondent if violation of the final order was to be found to exist and the dog continues to violate the final order a declaration of a vicious dog could be found and fines could be assessed.

Special Magistrate Gabriel so ordered.

5. NON COMPLIANCE

5.1 Case #18-051253: Ashimally Dawson and Occupant, 5821 SW 54 Avenue (specific prohibitions/nuisance/eyesore violation) ^{MH}

Ashimally Dawson, was present earlier in the hearing

A continuance to the Special Magistrate hearing of June 11, 2009 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

5.2 Case #18-054479: Debra G. Tukey REV TR, 10950 SW 40 Court (continued from March 12, 2019)¹(dog attack/running at large prohibited, declared nuisance/license and rabies vaccinations violation) ^{KB}

Shawn Tukey, on behalf of Debra Tukey was present

Kennia McDougal, 12155 Vaquero Trails, Davie FL

Colleen Innan, 4611 S University Drive, Davie FL

A building permit application for the construction of a fence surrounding his property to the rear has been submitted on April 19, 2019. Inspector Borsoni presented photographs taken on March 13, 2019 showing the area the fence will be constructed. The photographs were submitted as Town's Composite Exhibit 1 without objection.

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A continuance to the Special Magistrate hearing of June 11, 2009 was requested by the Respondent; no cost recovery fee was assessed.
Special Magistrate Gabriel so ordered.

5.3 Case #19-000262: Timmy Tich Le, 7770 NW 35 Street (RV/trailer code violation)_{KB}

The violations was dismissed without prejudice to the existing final order that remains in full force and effect.
Special Magistrate Gabriel so ordered.

6. NEW BUSINESS

7. OLD BUSINESS

8. CITATION AGENDA

8.1 Case #19-012471: Stellar K9 LLC and Marcelo F. Montiel, 1701 SW 139 Ave (manner of keeping animals violation)_{KB}

Inspector Borsoni presented the case and read the violations into the record. Photographs taken on February 27, 2019 of the dog "Legend" and the unsanitary conditions were submitted as Town's Composite Exhibit 1 without objection.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Gabriel for Citation #227 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.

Photographs taken on February 27, 2019 of the dog "Negra" and the unsanitary conditions were submitted as Town's Composite Exhibit 1 without objection. A Finding of Fact and Conclusion of Law was entered by Special Magistrate Gabriel for Citation #450 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.

Special Magistrate Gabriel so ordered.

Citation 229-232 were paid prior to the hearing - violation was corrected.

8.2 Case #19-013827 (aka #19-013757): Kennia McDougall, 12155 Vaquero Trails Drive (dog at large violation)_{KB}

Kennia McDougall was present at the hearing.

Citation 234- was dismissed based on no witnesses appearing at the hearing.

8.3 Case #19-014582: Shiyu Zeng, 3704 SW 59 Terrace (trash, waste, garbage violation)_{SS}

Citation 990 - was paid prior to the hearing - violation was corrected.

8.4 Case #19-015107 (aka #19-014854): Emerson A. Velasquez, 5801 Toscana Drive common area (dog at large violation)_{KB}

Citation 233 - was paid prior to the hearing - violation was corrected.

8.5 Case #19-016085: Tauni Holcomb and Robert Larson and Shelly Ogren-Larson, 13421 SW 8 Street (dog attack violation)_{KB}

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Inspector Borsoni presented the case and read the violation into the record. Photographs taken on March 15, 2019 was submitted as Town's Composite Exhibit 1 without objection. The inspector testified to the violation and the dog bite. A Finding of Fact and Conclusion of Law was entered by Special Magistrate Gabriel for Citation #235 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.

Special Magistrate Gabriel so ordered.

8.6 Case #19-016838: Gannon Barraco and 5751 SW 38 CT DHEYA MD LAND TR, 5930 SW 39 Court (dog attack violation) ^{KB}

Gannon Barraco present earlier in the hearing

Citation 236 - was paid prior to the hearing - violation was corrected

8.7 Case #19-017478: Claire L. Sassi, 4220 SW 82 Way (derelict vehicle prohibited violation) ^{MH}

Claire Sassi, present earlier in the hearing

Citation 733- was dismissed - violation was corrected

9. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:00 P.M.