



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
MAY 7, 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 Inspector Sara Santisteban and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #19-017821, #18-010406, #18-010924, #17-072872

3. UNCONTESTED CASES

4.1 Case #19-009413 : Donna H. Silver, 2171 SW 117 Terrace (continued from April 09, 2019)² (derelict property/vehicles prohibited/nuisance/eyesore violation)_{CV}
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.2 Case #19-010819 : James Shrouder Individual K Plan and Occupant, 4710 SW 55 Avenue (continued from March 26, 2019)¹(RV/Trailer code violation/derelict property/vehicles prohibited/nuisance/eyesore violation)_{MH}
A continuance to the Special Magistrate hearing of June 25, 2019 was requested by the Respondent; no cost recovery fee was assessed.
Special Magistrate Edwards so ordered.

4.5 Case #19-015680: Orange Park Club Inc., 13150 SW 8 Street (dead storage/maintenance standards of exterior premises/nuisance/eyesore violation)_{KM}
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.7 Case #19-018087: Guitry Gachelin, 11490 SW 22 Court (overgrowth violation)_{CV}
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.8 Case #19-019091 aka #19-018046: Meir Elazar and Martha C. Arias, 9431 Live Oak Place #101 (dog attack/leashing/license and rabies vaccinations violation)_{KB}
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

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4.9 Case #19-019189: Trapeza Inc., 5999 S. University Drive (littering; accumulation of garbage; failure to remove after notice violation)^{MH}

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

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.3 Case #19-015677: Nelly Veronica Barreto and Occupant, 721 SW 134 Terrace (general regulations/storage of abandoned property on public or private land/obstructing sidewalk prohibited violation)^{KM}

Inspector Massey obtained an agreed final order with the respondent to comply within seven (7) days with violation of town code sections 12-33 (1)(4), 21-22 and 11-17 no cost recovery fee was requested. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered

4.4 Case #19-015679: Susan Jean Caruso, 700 SW 134 Terrace (non permitted uses prohibited/storage of abandoned property on public or private land/minimum standards for exterior of structures/nuisance declared/obstructing sidewalk prohibited violation)^{KM}

Inspector Massey read the violation into the record. Service was achieved by certified mail and posting. An Affidavit of posting along with a copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on March 13, 2019 and May 6, 2019 were submitted as Town's Composite Exhibit 2 without objection. A courtesy correction notice (CCN) was given to the property owner on March 7, 2019.

A discussion was held on the condition of the property. A final order was requested providing for seven (7) days to comply with violation of town code sections 12-32, 11-17, 6-35(B)(6)(9), 16-53 and 21-22 along with cost recovery fee of \$350.00 was requested.

Special Magistrate Edwards so ordered.

4.6 Case #19-017821: Rolling Hills Golf and Tennis Club Condominium VI Association Inc. and Roy Parker, 3100 W Rolling Hills Circle (nuisance, health, safety and welfare violation)^{MH}

Jeffrey D. Green, Esq. counsel for the Respondent

Carlos Correa, Fire Inspector

Roy Parker was removed from the code action.

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 Exhibit 1 without objection. Copies of police calls for service reports were submitted as Town's Composite Exhibit 2 without objection. Copies of the Broward County Elevator Inspection Report was submitted as Town's Composite Exhibit 3 without objection. Photographs of the elevator violation sticker was submitted as Town's Composite Exhibit 4 without objection. Copies of the Town of Davie Fire Rescue Annual Multi-Family Residential Inspection Reports dated February 15, 2019 and April 11, 2019 were submitted as Town's Composite Exhibit 5 without objection.

A discussion was held on the condition of the elevators and the continued complaints received in the code division.

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Inspector Correa testified to the violations at the property. The original fire inspections revealed twenty-six (26) violations and a follow up inspection found seven (7) violations still existed.

Based on the testimony a final order providing for forty-five (45) days was issued for town code section 12-33(U). A status hearing is scheduled for May 7, 2019 to address the repairs to the fire exit door and repairs to the generator which provides power to the fire pumps that service the elevator. A second status hearing is scheduled for August 13, 2019 to confirm all repairs have been completed. A cost recovery fee of \$350.00 was assessed.

Special Magistrate Edwards so ordered.

4.10 Case #19-019683: Joshua J. and Karla Josh, 13401 SW 14 Place (dog attack/running at large prohibited, declared nuisance violation) ^{KB}

Inspector Borsoni obtained an agreed final order with the respondent to remain in compliance with town code sections 4-63.1 and 4-63 with the stipulation the fence must be properly secured. A cost recovery fee of \$150.00 was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection. Photographs taken by the inspector was submitted as Town's Composite Exhibit 2 without objection.

Special Magistrate Edwards so ordered

5. NON COMPLIANCE

5.1 Case #17-046835: 2101 University LLC, 2145 S. University Drive (continued from March 26, 2019)¹(specific prohibitions violation) ^{CV}

The violation was dismissed without prejudice to the existing final order that remains in full force and effect.

Special Magistrate Edwards so ordered.

5.2 Case #17-072872 : Jon Slack and Celeste Dianni-Slack, 1006 SW 120 Avenue (continued from March 26, 2019)¹ (maintenance of exterior premises violation) ^{CV}

Jon Slack, was present earlier in the hearing

The violation was dismissed without prejudice to the existing final order that remains in full force and effect.

Special Magistrate Edwards so ordered.

5.3 Case #18-006173 : Barbara Price, 6201 SW 38 Street (continued from March 26, 2019)³ (overgrowth/storage of abandoned property on public or private land violation) ^{SS}

Supervisor Berni read the violations into the record on behalf of Inspector Silber. Service was achieved by certified mail. A copy of the electronic notifications was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on May 6, 2019 by Inspector Notman were submitted as Town's Exhibit 2 without objection. Photographs taken on March 23, 2019 by Inspector Silber were submitted as Town's Composite Exhibit 3 without objection.

A discussion was held on the condition of the property as it effects the neighbor's quality of life.

A lien was recommended for a period of forty-two (42) days for one violation of town code section 9-51(b) at \$25.00 per day for a total lien in the amount of \$1,050.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$1,550.00.

Special Magistrate Edwards so ordered.

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5.4 Case #18-010406: Jon Slack and Celeste Dianni-Slack, 1006 SW 120 Avenue (continued from March 26, 2019)¹(minimum standards for exterior of structures/nuisance/eyesore violation) *cv* Jon Slack, was present earlier in the hearing

The violation was dismissed without prejudice to the existing final order that remains in full force and effect.

Special Magistrate Edwards so ordered.

5.5 Case #18-010924: Joan C. Jesus EST, 648 SW 131 Terrace (derelict vehicles prohibited/non permitted uses prohibited/trash, waste and garbage violation) *KM*

Justin Jesus, 648 SW 131 Terrace, Davie FL was present

Ryan Jesus, 648 SW 131 Terrace, Davie FL was present

Inspector Massey read the violations into the record. Service was achieved by certified mail and posting. An Affidavit of posting along with a copy of the electronic notification was submitted as Town's Exhibit 1 without objection. A copy of the Broward County Property Appraiser printout was submitted as Town's Exhibit 2 without objection. Photographs taken by the inspector were submitted as Town's Composite Exhibit 3 without objection.

A discussion was held on the property and the condition thereof. Mr. Ryan Jesus testified he has cleaned the property of debris but does need more time to comply. Messrs. Jesus are the grandsons of Joan C. Jesus. Mr. Jesus testified he has in the past spoken to the inspector and was at this time unaware he was in violation. Moving forward he will continue to maintain the property.

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

Special Magistrate Edwards so ordered.

5.6 Case #18-029345: John & 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 were submitted as Town's Composite Exhibit 1 without objection. A copy of the Broward County Property Appraiser printout was submitted as Town's Exhibit 2 without objection. Photographs taken on March 25, 2019 and May 6, 2019 were submitted as Town's Exhibit 3 without objection.

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

A lien was recommended for a period of forty-two (42) days for one violation of town code section 6-37(a)(1)(2)(3) at \$150.00 per day for a total lien in the amount of \$6,300.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$6,800.00.

Special Magistrate Edwards so ordered.

5.7 Case #18-030518 : Orlando Jimenez, 14051 SW 15 Court (continued from March 26, 2019)¹(engineering permit required violation) *KM*

A continuance to the Special Magistrate hearing of June 25, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.8 Case #18-036339 : Tao Ling and Yen Ling Wu, 5555 SW 61 Avenue (continued from March 26, 2019)¹ (derelict property/vehicles prohibited/non permitted uses prohibited violation) *MH*

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A continuance to the Special Magistrate hearing of June 25, 2019 was requested by the Respondent; no cost recovery fee was assessed.
Special Magistrate Edwards so ordered.

5.9 Case #18-046759 : Olga O. McDonough and Richard W. McDonough, 2701 SW 156 Avenue (continued from March 26, 2019)¹(minimum landscape standards/minimum standards for maintenance of premises violation) _{KM}

A continuance to the Special Magistrate hearing of June 25, 2019 was requested by the Respondent; no cost recovery fee was assessed.
Special Magistrate Edwards so ordered.

5.10 Case #18-057382 : The Secret Attic Davie Corp., Thomas F. and Carolyn C. Gill, 4166 SW 64 Avenue (continued from April 09, 2019)²(nuisance/eyesore violation) _{DN}

The violation was dismissed without prejudice to the existing final order that remains in full force and effect.

Special Magistrate Edwards so ordered.

5.11 Case #18-062080: Latoya T. Thomas, 10801 SW 30 Place (nuisance/health, safety and welfare violation) _{CV}

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

Special Magistrate Edwards so ordered.

6. LOCAL BUSINESS TAX RECEIPT

6.1 Case #2019-0018: Claver LLC d/b/a Le Café Francais and Prisa II Davie SC LLC, 4601-4777 South University Drive (continued from April 09, 2019)² (inspection by the Fire Department; approval by the Director of the Development Services Department or his designee; approval by Fire Chief/delinquency violation) _{SES}

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

7. NEW BUSINESS

8. OLD BUSINESS

9. CITATION AGENDA

9.1 Case #19-019682: George R. and Christine Brace, 4005 SW 56 Avenue (littering; accumulation of garbage; failure to remove after notice violation) _{SS}

Citation 992 - was paid prior to the hearing. The violation was corrected.

9.2 Case #19-021381: Mark S. Hollingsworth, 12501 SW 10 Court (trailer violation) _{KM}

Citation 466 - was paid prior to the hearing. The violation was corrected.

9.3 Case #19-021386: Marbin A. Casasola and Silvana L. Paredes, 13121 SW 8 Street (derelict vehicle prohibited) _{KM}

Citation 468 - was paid prior to the hearing. The violation was corrected.

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10. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 11:30 A.M.