



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
MAY 21, 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, Animal Control Officer Karen Borsoni, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, , Code Compliance Inspector Mayra Hernandez, Code Inspector Stephanie Silber, Code Inspector Sara Santisteban and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #19-029964, #19-022793, #2019-0021, #19-017821, #19-029964, #19-019889, #19-024587, #18-010924, #19-021590

3. UNCONTESTED CASES

4.1 Case #18-075900: Lerner 7701 LLC, 7701 NW 36 Street (continued from March 12, 2019)²(non -permitted uses prohibited/adoption of Florida building code; building permit required violation) _{KB}

A continuance to the Special Magistrate hearing of August 13, 2019 was requested by the Respondent; a \$50.00 cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.6 Case #19-023352: Southern Homes of Davie IV LLC, 2901 SW 148 Avenue (storage of abandoned property on public or private land/overgrowth/trash waste and garbage/maintenance of rights-of-way and swales on public or private property/health, safety and welfare violation) _{DP}

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

4.7 Case #19-024587: Robert W. Kennedy, 5710 SW 54 Court (derelict property/vehicles prohibited/minimum standards for exterior of structures/boarding in hurricane season/location of receptacles/nuisance/eyesore violation) _{MH}

Robert W. Kennedy, 5710 SW 54 Court, was present earlier in the hearing

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

Special Magistrate Edwards so ordered.

4. FORMAL HEARINGS OF CONTESTED MATTERS

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4.2 Case #19-017821 : Rolling Hills Golf and Tennis Club Condominium VI Association Inc., 3100 W Rolling Hills Circle (continued from May 07, 2019)¹(nuisance, health, safety and welfare violation) ^{MH}

Jeffrey D. Green, Esq. counsel for the Respondent was present

Mr. Jeffrey Green stated the temporary repairs have been done to the fire doors and the necessary additional parts have been ordered and the permits should be completed by the end of the week. Mr. Stallone expressed to Mr. Green the importance of the fire code violations. A status hearing is scheduled for August 13, 2019 at which time all the violations must be corrected.

Special Magistrate Edwards so ordered.

4.3 Case #19-019889: Alfa Estates LLC, 5355 SW 76 Avenue (littering; accumulation of garbage; failure to remove after notice/nuisance, health, safety and welfare violation) ^{MH}

Aquiles Torrealba, property owner was present

Inspector Hernandez presented the case and 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 May 16, 2019 by Inspector Silber were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held with the property owner as to the conditions of the property and the nuisance to the neighbors. Mr. Torrealba was advised he must renew the trespass agreement with the town and completely secure the property. Mr. Torrealba advised he has owned the property with a partner for about 6-7 years.

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.

4.4 Case #19-021590: Scott G. Ference, 6180 SW 48 Court (Florida building code/portable storage units for residential uses/accumulation of garbage violation) ^{MH}

Scott G. Ference, 6180 SW 48 Court, present at the hearing

Inspector Hernandez 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 April 2, 2019, May 14 and May 20, 2019 were submitted as Town's Composite Exhibit 2 without objection. A copy of a red tag issued by the building division providing for thirty (30) days to remove the shed was submitted as Town's Composite Exhibit 3 without objection.

Inspector Hernandez stated the garbage has been removed.

Mr. Ference requested clarification as to the Florida Building Code violation.

A continuance to the Special Magistrate hearing of June 25, 2019 was requested by the Respondent in order to meet with the building division for clarification as to the violation of FBC 105.1; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.5 Case #19-022793: William Everett III and Joyce Hill, 5631 SW 54 Court (RV/trailer code violation/derelict property/vehicles prohibited violation) ^{MH}

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William Hill, 5631 SW 54 Court, was present

Inspector Hernandez 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 November 1, 2018, April 8, 2019 and May 20, 2019 were submitted as Town's Composite Exhibit 2 without objection along with the Broward County Property Appraiser aerial photograph.

Mr. Hill testified the vehicle cited in the Notice of Violation is a collector's item and will be covered with a car cover. In reference to the boat in the rear of the property at this time he has been able to pump out the rain water and will provide a photograph to the inspector.

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

Special Magistrate Edwards so ordered.

4.8 Case # 19-029964: Ramond P. Osbourne, 5101 SW 48 Street (storing of abandoned property on public or private lands/damaging public property prohibited/nuisance/eyesore violation)^{MH}

Ramond P. Osbourne, was present

Hector Ortiz, Corporate Security - Florida Power and Light

Joe Ianno, Esq, Representative for Florida Power and Light

David Fritze, 1208 Georgia Street, Delray Beach, FL

Inspector Hernandez read the violation into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Composite Exhibit 2 without objection. The Broward County Property Appraiser aerial printout was submitted as Town's Exhibit 1 without objection. Photographs taken on April 17, 2019 and April 23, 2019 by Inspector Silber were submitted as Town's Composite Exhibit 3 without objection. Photograph taken on May 20, 2019 by Inspector Hernandez was submitted as Town's Composite Exhibit 4 without objection.

Mr. Ianno testified to his position with FPL and the attempts that have been made to remediate the violation. Mr. Ortiz testified he was made aware of the violation by the facility manager. Photographs taken by the facility manager on May 17, 2019 were submitted as Town's Composite Exhibit 5 without objection. Photographs taken by the facility manager on May 20, 2019 were submitted as Town's Composite Exhibit 6 without objection. Mr. Ortiz testified the photographs are true and accurate on the days they were taken.

Mr. Fritz testified he was assisting Mr. Osbourne with relocating the material to St. Luci County.

Mr. Stallone questioned Mr. Osbourne for clarification as to the location the material will be relocated. Mr. Osbourne did not have an address but only could provide the general location. Mr. Stallone requested Mr. Osbourne sign a Hold Harmless Agreement with the Town of Davie as well as FPL and obtain a Waste Management dumpster for debris that will not be removed. There has been damage to SW 48 Street by the heavy equipment being used to remove all the pallets and debris.

A discussion was held on the condition of the property and the damage that has resulted from the equipment being used to correct the violation. A final order was requested

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providing for fourteen (14) days to comply with violation of town code sections 11-17(A), 16-3 and 12-33(U) along with \$350.00 cost recovery fee. Mr. Osbourne was told of the fines that could be imposed up to \$15,000.00.

A status hearing is scheduled for June 11, 2019 to address the removal of the debris on the right of way.

Special Magistrate Edwards so ordered.

5. NON COMPLIANCE

5.1 Case #16-044152: Kameljit Samra, Delilah Bartolome and Burox Engineering, 10240 SR 84 (minimum standards for exterior of structures 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 #17-018853: Mark Kaplan, 11936 SW 9 Manor (continued from April 09, 2019)¹(storage of abandoned property on public or private land 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.

5.3 Case #18-010924: Joan C. Jesus EST, 648 SW 131 Terrace (continued from May 07, 2019)¹(derelict vehicles prohibited/non permitted uses prohibited/trash, waste and garbage violation) km

Justin Jesus, 648 SW 131 Terrace, was present

Ryan Jesus, 648 SW 131 Terrace, was present

Inspector Massey advised the magistrate the violations still existed on May 20, 2019 at 10:00 AM when the inspection was conducted. An email was received from Mr. Jesus with photographs of the property taken on May 20, 2019 at 7:35 PM. Based on the efforts of the respondents the violations were dismissed. The respondents were put on notice any continuing violations will result in liens.

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

Special Magistrate Edwards so ordered.

6. LOCAL BUSINESS TAX RECEIPT

6.1 Case #2019-0021: CWC Transportation LLC and Anthony Deaquino TR, 4201 Kean Road (local business tax receipt required/requirement for garbage and trash removal/evidence of accumulation violation) ses

Alicia Cantrell, Property Manager

Kenny Sloan, Property Manager were present

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

Special Magistrate Edwards so ordered.

6.2 Case #2019-0022: Mass Services LLC and Promenade West Ltd, 2205-2375 S. University Drive #2269 (business tax receipt required violation) ses

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Inspector Santisteban presented the case and read the violations into the record service to Promenade West Ltd. was obtained by certified mail. A copy of the green cards were submitted as Town's Composite Exhibit 1 without objection.

Inspector Santisteban obtained an agreed final order with the respondent providing for fourteen (14) days to comply with town code section 13-17 along with cost recovery fee of \$250.00. The Consent agreement along with a supporting document from Mass Services LLC was submitted as Town's Exhibit 2 without objection. A continuance was requested to the hearing on June 25, 2019 to address the matter with Promenade West Ltd.

Special Magistrate Edwards so ordered

7. NEW BUSINESS

8. OLD BUSINESS

9. CITATION AGENDA

9.1 Case #19-023336: Joseph E. Davoli and Kenneth Moylan Jr., 4531 SW 55 Avenue (accumulation of garbage violation) ^{MH}

Inspector Hernandez 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 April 9 and April 11, 2019 were submitted as Town's Composite Exhibit 2 without objection.

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

A lien for Citation #734 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 Edwards so ordered

10. ADJOURNMENT

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