



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
JUNE 11, 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 Catherine Velez, 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 #18-051253, #19-029964, #18-054494, #19-028627  
#19-027989, #19-033312, #18-054479, #19-006402, #19-029964

**3. UNCONTESTED CASES**

**4.1 Case #17-041141** : Lakeside Village of Davie Property Owner's Assoc. Inc., 6950 Griffin Road (continued from February 26, 2019)<sup>11</sup>(installation and maintenance/prohibition of tree abuse; exceptions; administrative appeal/minimum landscape standards violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of September 10, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.2 Case #18-021258** : Lakeside Village of Davie LLC and Lakeside Village of Davie Condominium Association Inc., and ET AL, 6950 Griffin Road #C8 (continued from February 26, 2019)<sup>5</sup>(installation and maintenance /prohibition of tree abuse; exceptions; administrative appeal/minimum landscape standards/miscellaneous requirements/minimum landscape standards violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of September 10, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**4.3 Case #18-051906** : Robert and Tylie Guzzo, 1249 S. Flamingo Road (continued from February 12, 2019)<sup>3</sup>(location of license; zoning regulation/business tax required/non permitted uses prohibited violation) <sup>DP</sup>

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

Special Magistrate Gabriel so ordered.

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**4.4 Case #18-054494** : Peter Mineo Jr. and Pillar Consultants Inc., 5600 Davie Road ( from April 23, 2019)<sup>4</sup>(tree removal/relocation permit required/remedial actions required for tree abuse violation) <sup>MH</sup>

William Byrne, representative on behalf of Peter Mineo was present

Peter Mineo property owner was present

A continuance to the Special Magistrate hearing of August 13, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered

**4.5 Case #18-077209**: DJD Land Development LLC, 1355 S. Flamingo Road (continued from March 12, 2019)<sup>3</sup>(damaging public property prohibited/nuisances violation) <sup>DP</sup>

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

**4.6 Case #19-005840** : Vladimir Lantigua and Occupants and Western Hills MHC LLC, 514 SW 132 Terrace (continued from April 23, 2019)<sup>2</sup>(nuisance to be declared/non permitted uses prohibited/building permit required/storage of abandoned property on public or private land violation) <sup>KM</sup>

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

**4.7 Case #19-006802** : Ronald Moncaya and Occupants, Western Hills MHC LLC and Mirella Ronquillo, 526 SW 132 Terrace (continued from April 23, 2019)<sup>2</sup>(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 August 13, 2019 was requested by the Town; no cost recovery fee was assessed. An amended Notice of Violation will be issued to correct the spelling of the property owner.

Special Magistrate Gabriel so ordered

**4.8 Case #19-022431 (a.k.a. #19-018613)**: Guy and Gal Bason, Amber Costello and Matthew Gomulka (Occupant/Dog owner), 6181 SW 51 Court (running at large prohibited, declared nuisance/license and rabies vaccination/nuisance/eyesore violation) <sup>KB</sup>

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

**4.9 Case #19-022793** : William Everett III and Joyce Hill, 5631 SW 54 Court (continued from May 21, 2019)<sup>1</sup>(RV/trailer code violation/derelict property/vehicles prohibited violation) <sup>MH</sup>

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

**4.14 Case #19-027595 aka #19-027474**: Elizabeth Guerriero LT TR and Walter J. Rivera, 3080 SW 139 Terrace (dog attack/running at large prohibited, declared nuisance violation) <sup>KB</sup>

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

**4.17 Case #19-028627:** Jeffrey and Vickie Faulkner and Wells Fargo Bank N.A., 14150 Carlton Drive (maintenance standards of exterior premises/minimum standards for maintenance of premises (j) Swimming pool maintenance and disposal of pool water violation) <sup>KM</sup>

Jeffrey and Vickie Faulkner 14150 Carlton Drive respondents were present at the hearing

A continuance to the Special Magistrate hearing of August 13, 2019 was requested by the Respondents, no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

#### 4. FORMAL HEARINGS OF CONTESTED MATTERS

**4.10 Case #19-025901 aka #19-025719:** Roger Bohannon, 1061 SW 129 Way (dog attack/running at large prohibited, declared nuisance violation) <sup>KB</sup>

Inspector Borsoni obtained an agreed final order to remain in compliance with Town Code sections 4-63.1 and 4-63 along with cost recovery fee of \$150.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

**4.11 Case #19-026482:** Brompton and Rhodes LLC and Elite Health, 5480 Griffin Road (sight distance for landscaping adjacent to public rights-of-way and points of access/landscape installation and maintenance/minimum landscape standards/overgrowth/littering; accumulation of garbage/nuisance/eyesore violation) <sup>MH</sup>

Inspector Hernandez obtained an agreed final order with the respondent to comply within seven (7) days with violation of town code section 9-2(b) and forty five (45) days for violations of town code sections 12-108(A), 6-37(A)(2) and 12-33(U) and a final order to remain in compliance with violation of town code section 12-113(A) and 9-51(b) along with cost recovery fee of \$250.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

**4.12 Case #19-027018:** Western Warehouse Facility LLC and Danny Bobbit, 4761 SW 83 Terrace, Bay #1 (Florida building code/non permitted uses prohibited/health, safety and welfare violation) <sup>MH</sup>

Inspector Hernandez obtained an agreed final order to remain in compliance with Town Code sections 5-1, 12-32 and 12-33(U) no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

**4.13 Case #19-027519:** Joy E. Schardt-Smith, 45 Citrus Lane (dog attack/running at large prohibited, declared nuisance violation) <sup>KB</sup>

Inspector Borsoni obtained an agreed final order to remain in compliance with Town Code sections 4-63.1 and 4-63 no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

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Special Magistrate Gabriel so ordered.

**4.15 Case #19-027989:** Myriam Villaverde, 8565 SW 16 Court (building permit required violation)<sub>CV</sub>

Myriam Villaverde, 8565 SW 16 Court was present

Myriam Villaverde requested clarification as to why her case was continued. Ms. Villaverde thought she was in compliance.

Mr. Stallone recommended she make contact with the building division to inspect the interior of the property to confirm no additional permits will be required.

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

Special Magistrate Gabriel so ordered

**4.16 Case #19-028195 aka #19-028072:** Elizabeth Alvarez, 2620 SW 106 Terrace (dog attack/running at large prohibited, declared nuisance/maintenance standards of exterior premises/nuisance/eyesore violation)<sub>KB</sub>

Inspector Borsoni obtained an agreed final order to remain in compliance with Town Code sections 4-63.1, 4-63, 6-36(K) and 12-33(U) along with cost recovery fee of \$150.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

**4.18 Case #19-029950:** Ronald J. and Margaret M. LaFlamme and Occupant, 4270 SW 92 Avenue (accumulation of garbage/nuisance violation)<sub>CV</sub>

Inspector Velez obtained an agreed final order with the property owner to remain in compliance with Town Code sections 9-2(b) and 12-33(U) along with cost recovery fee of \$150.00. The Consent agreement along with email communication was submitted as Town's Exhibit 1 without objection.

Service to the occupant Double Flush was obtained by posting. An Affidavit of posting was submitted as Town's Exhibit 2 without objection. Photographs taken on May 8 and May 15, 2019 showing the trash piles out before the scheduled pick up date was submitted as Town's Composite Exhibit 3 without objection. The inspector requested the final order be issued to both the property owner and the respondents.

Ms. Teresa Musumeci, 4252 SW 92 Avenue, complainant testified to the trash that was placed out by the curbside three (3) weeks prior to bulk pick up. This created a neighborhood nuisance. The magistrate advised Ms. Musumeci to report any future violations to the code inspector and code action will be undertaken.

A final order to remain in compliance to all parties was issued along with \$150.00 cost recovery fee.

Special Magistrate Gabriel so ordered.

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**4.19 Case #19-033312:** Gary's Barn Service LLC and Occupant, 4266 SW 92 Avenue (accumulation of garbage/nuisance violation) <sup>CV</sup>

Inspector Velez obtained an agreed final order with the property owner to remain in compliance with Town Code sections 9-2(b) and 12-33(U) along with cost recovery fee of \$150.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Service to the occupant Double Flush was obtained by posting per the inspector's testimony on May 23, 2019. Photographs taken on May 8 and May 15, 2019 showing the trash piles out before the scheduled pick up date was submitted as Town's Composite Exhibit 2 without objection. The inspector requested the final order be issued to both the property owner and the respondents.

Ms. Teresa Musumeci, 4252 SW 92 Avenue, complainant testified to the trash that was placed out by the curbside three (3) weeks prior to bulk pick up. This created a neighborhood nuisance. The magistrate advised Ms. Musumeci to report any future violations to the code inspector and code action will be undertaken.

A final order to remain in compliance to all parties was issued along with \$150.00 cost recovery fee.

Special Magistrate Gabriel so ordered.

**4.20 Case #19-036681:** Michael Rugoff, 5743 SW 57 Way (minimum standards for maintenance of premises nuisance to be declared/nuisance violation) <sup>KB</sup>

Inspector Borsoni obtained an agreed final order with thirty (30) days to comply with Town Code section 12-33(U) and a final order to remain in compliance with violation of town code section 6-31(k) no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

## 5. NON COMPLIANCE

**5.1 Case #17-053076:** Manuel Hernandez, 2750 SW 154 Avenue (maintenance standards of exterior premises/nuisance violation) <sup>DP</sup>

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

Special Magistrate Gabriel so ordered.

**5.2 Case #18-030136:** Hassan Shayannik and Foroozan Zarnani, 4129 SW 76 Avenue (storage of abandoned property on public or private land/maintenance standards of exterior premises/minimum standards for exterior of structures/accumulation of garbage or trash violation) <sup>SS</sup>

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

Special Magistrate Gabriel so ordered.

**5.3 Case #18-034870 :** Robert Vanreed and SV Davie MHC LLC, 13360 SW 6 Place (continued from April 09, 2019)<sup>1</sup>(nuisance to be declared violation) <sup>KM</sup>

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

Special Magistrate Gabriel so ordered.

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**5.4 Case #18-051253** : Ashimally Dawson and Occupant, 5821 SW 54 Avenue (continued from April 23, 2019)<sup>1</sup>(specific prohibitions/nuisance/eyesore violation) <sup>MH</sup>  
Heidi Davis, 5811 SW 54 Avenue, complainant  
Ashimally Dawson, property owner was present  
Patricia Ramseron, tenant at 5821 SW 54 Avenue 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 June 6, 2019 were submitted as Town's Composite Exhibit 2 without objection.

Ms. Heidi Davis, testified to the noise that emanates from the home causing a nuisance. A discussion was held on the noises from the property. Ms. Davis provided an email with video recordings of the noise. A copy of the computer disc was provided to Mr. Stallone. The computer disc could not be viewed due to Information Technology restrictions.

Mr. Dawson testified he was working with his tenant to correct the violations. Mr. Dawson is looking to purchase a home across the street and relocate the tenant. A request to continue the case in order to assist with the relocation of the tenants which will correct the violation of the noise. The lighting overflow has been corrected due to the bulbs being removed from the fixtures. A photograph was shown to the Building Official and the Supervisor.

The disc will be viewed by the Information Technology department and available to view at the next hearing if the violations are not corrected. Mr. Dawson was advised of the potential liens that could be assessed on the property.

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

Special Magistrate Gabriel so ordered.

**5.5 Case #18-054479** : Debra G. Tukey REV TR, 10950 SW 40 Court (continued from April 23, 2019)<sup>2</sup>(dog attack/running at large prohibited, declared nuisance/license and rabies vaccinations violation) <sup>KB</sup>

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

Special Magistrate Gabriel so ordered.

**5.6 Case #18-062080** : Latoya T. Thomas, 10801 SW 30 Place (continued from May 07, 2019)<sup>1</sup>(nuisance/health, safety and welfare violation) <sup>CV</sup>

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

Special Magistrate Gabriel so ordered.

**5.7 Case #19-006402** : 5471 Home LLC and Occupant, 5471 SW 55 Avenue (Florida building code violation) <sup>MH</sup>

Albert Wahba, 5471 SW 55 Avenue was present

Nick Todaro, Chief Building Official was present.

Inspector Hernandez presented the case and read the violation into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. Inspector Hernandez testified Mr. Wahba was given the opportunity to have his property inspected by the building official but could not provide a date and time for availability. At this time, no inspections have been conducted.

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Special Magistrate Gabriel advised Mr. Wahba the Town has the ability to impose fines for the lack of permits for a period of sixty eight (68) days.

Mr. Todaro did state he could visit the property today June 11, 2019 but Mr. Wahba could not commit to a time for the inspection.

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

Special Magistrate Gabriel so ordered.

## 6. LOCAL BUSINESS TAX RECEIPT -NON COMPLIANCE

**6.1 Case #2018-0026:** Roni and Sharona Elgazar and First Call 24/7 Inc., 1650 SW 117 Avenue (non-permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/nuisance/eyesore violation) <sup>SES</sup>

A copy of the travel itinerary for the Elgazar family was submitted as Town's Exhibit 1 without objection.

A continuance to the Special Magistrate hearing of July 23, 2019 was requested by the Respondent; a \$50.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

## 7. NEW BUSINESS

## 8. NON COMPLIANCE - EMERGENCY HEARING

**8.1 Case #19-029964:** Ramond P. Osbourne, 5101 SW 48 Street (continued from May 21, 2019)<sup>1</sup>(storing of abandoned property on public or private lands/damaging public property prohibited/nuisance/eyesore violation) <sup>MH</sup>

Ramond P. Osbourne, respondent was present

Hector Ortiz, FPL Representative was present

Inspector Hernandez presented the case and read the violation into the record. Service was achieved by hand delivery and signed by Mr. Osbourne. The signed NOV was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector on June 6 and June 10, 2019 were submitted as Town's Composite Exhibit 2 without objection.

Mr. Osbourne testified he has been trying to obtain funds to be able to continue with the moving of the objects in the right of way. A request for more time was requested by Mr. Osbourne.

Mr. Stallone stated the Town was requesting bids to remove the items. Supervisor Berni has received information from Waste Management that in excess of twenty (20) truckloads would be required.

Mr. Ortiz testified due to the upcoming hurricane season this debris could be a hazard to the local FPL workers.

Based on the final order issued on May 21, 2019 a period of seven (7) days of non-compliance have occurred for three violations of town code sections 12-33(U), 11-17(A) and 16-3 at \$1,000.00 per day for a total of \$21,000.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$21,500.00.

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

Special magistrate Gabriel so ordered.

## 9. CITATION AGENDA

**9.1 Case #19-025945:** Pedro Lazo, 12920 SW 14 Court (littering; accumulation of garbage; failure to remove after notice violation)<sup>KM</sup>

Inspector Massey 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. Photographs taken on April 18 and April 22, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Gabriel for Citation #469 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.

**9.2 Case #19-027246:** Yoan Pupo, 4200 South State Rd 7 (License and permit required; right to solicit at reasonable times, places and under reasonable circumstances violation)<sup>SS</sup>

Citation #994 was paid prior to the hearing - violation was corrected.

**9.3 Case #19-027941:** Eileen Ojeda, 14209 SW 26 Street (Littering; accumulation of garbage; failure to remove after notice violation)<sup>KM</sup>

Inspector Massey presented the case and read the violations into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. Photographs taken on April 30, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Gabriel for Citation #470 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.

**9.4 Case #19-028193:** Stu Pester, 1900 SW 145 Avenue (Littering; accumulation of garbage; failure to remove after notice violation)<sup>KM</sup>

Citation #471 was paid prior to the hearing - violation was corrected.

## 10. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:30 P.M.