



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JULY 9, 2019**



1. CALL SESSION TO ORDER

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Meah Tell, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Animal Control Officer Karen Borsoni, Code Compliance Inspector Sarah Santisteban and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #17-000458, #18-042271, #18-042272, #18-040603, #19-03509, #2019-0021, #19-036402

3. UNCONTESTED CASES

4.2 Case #19-024587 : Robert W. Kennedy, 5710 SW 54 Court (continued from May 21, 2019)¹(derelict property/vehicles prohibited/minimum standards for exterior of structures/boarding in hurricane season/location of receptacles/nuisance/eyesore violation)_{MH}

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

4.3 Case #19-027989 : Myriam Villaverde, 8565 SW 16 Court (continued from June 11, 2019)¹(building permit required violation)_{CV}

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

4.5 Case #19-035364: Anthony Schweitzer, 3730 SW 59 Terrace (manner of keeping/license and rabies vaccination/duty of owner or occupant to keep property free from waste, weeds and debris/maintenance standards of exterior premises violation)_{KB}

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

RECORD OF
SPECIAL MAGISTRATE HEARING
JULY 9, 2019

4.6 Case #19-036358: Michols and Mirger Orsini, Occupants and Western Hills MHC LLC, 520 SW 131 Avenue (nuisance to be declared/building permit required; Florida building code section 116.2.1.2.9; Florida administrative code section 15C-2.0081 unapproved modifications to a mobile home/non permitted uses prohibited/mobile home registration requirements violation) _{KM}

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

Special Magistrate Tell so ordered.

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.1 Case #18-051906 : Robert and Tylie Guzzo, 1249 S. Flamingo Road (continued from June 11, 2019)⁴(location of license; zoning regulation/business tax required/non permitted uses prohibited violation) _{DP}

Mr. Stallone obtained an agreed final order with the respondent's counsel to comply with violation of town code sections 13-23(a) (b), 13-17 and 12-32 within ninety (90) days along with \$250.00 cost recovery fee assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Tell so ordered.

4.4 Case #19-035091: Rajive and Mariah Sirjue and Indira Sirjue, 14201 SW 21 Street (general regulations violation) _{KM}

Rajive Sirjue, 14201 SW 21 Street was present

Inspector Massey presented the case and read the violation into the record. Service was obtained by posting. A copy of the Affidavit of posting was submitted as Town's Exhibit 1 without objection. Photographs taken on May 6, 2019, May 21, 2019, July 6, 2019 and July 8, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the large tractor trailer that is still on the property. Mr. Sirjue testified he uses the vehicle for his personal use. At this time the vehicle is up for sale. Mr. Sirjue was told the gross vehicle weight is excessive and not allowed per zoning.

A consent agreement was entered into by Mr. Sirjue providing for thirty (30) days to comply with violation of town code section 12-33(G) along with \$250.00 cost recovery fee. The consent agreement was submitted as Town's Exhibit 3 without objection.

Special Magistrate Tell so ordered.

5. NON COMPLIANCE

5.1 Case #17-053076: Manuel Hernandez, 2750 SW 154 Avenue (continued from June 11, 2019)²(maintenance standards of exterior premises/nuisance violation) _{DP}

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

RECORD OF
SPECIAL MAGISTRATE HEARING
JULY 9, 2019

5.2 Case #17-076009 f.k.a. #2014-0585: Royal Grand Condominium Association Inc., 2660 S. University Drive (landscape maintenance/health, safety and welfare violation) ^{SS}

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

Special Magistrate Tell so ordered.

5.3 Case #18-024608: 13241 SW 7TH Place Trust and Rafael Meneses-Occupant, 13241 SW 7 Place (RV/trailer code violation/storage of abandoned property on public or private land/maintenance standards of exterior premises violation) ^{KM}

Inspector Massey read the violations into the record. Service was achieved by certified mail and posting. A copy of the electronic notification along with the Affidavit of posting was 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 May 22, 2019 and July 5, 2019 were submitted as Town's Exhibit 3 without objection.

A discussion was held on the condition of the property as it effects the neighbor's quality of life. The remaining violation at the time of the inspection was a derelict vehicle.

A lien was recommended for a period of forty-eight (48) days for one violation of town code section 11-17 at \$50.00 per day for a total lien in the amount of \$2,400.00 along with \$500.00 cost recovery fee as well as the outstanding cost recovery fee of \$400.00 for a total lien in the amount of \$3,300.00.

Special Magistrate Tell so ordered.

5.4 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}

A continuance to the Special Magistrate hearing of August 27, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.5 Case #17-000458 : Florida Enterprises & Co. Inc., 13431 SW 8 Street (continued from June 25, 2019)⁷(building permit required violation) ^{KM}

James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL

Erik Koopal, property owner was present

A continuance to the Special Magistrate hearing of August 27, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.6 Case #18-042271: Florida Enterprises and Co. Inc., 13431 SW 8 Street (continued from June 25, 2019)⁷ (non permitted uses prohibited violation) ^{KM}

James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL

Erik Koopal, property owner was present

Special Magistrate Tell asked Mr. Koopal if the occupant at the unit had moved out. Mr. Koopal testified Mr. Joseph has left the property.

A continuance to the Special Magistrate hearing of August 27, 2019 was requested by the Respondent; no cost recovery fee was assessed.

RECORD OF
SPECIAL MAGISTRATE HEARING
JULY 9, 2019

Special Magistrate Tell so ordered.

5.7 Case #18-042272 : Florida Enterprises and Co. Inc., 13430 SW 7 Place (continued from June 25, 2019)⁷ (non permitted uses prohibited violation) ^{KM}
James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL
Erik Koopal, property owner was present
A continuance to the Special Magistrate hearing of August 27, 2019 was requested by the Respondent; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

5.8 Case #18-040603 (f.k.a. Building Case #2017-0002): Florida Enterprises & Co. Inc., 13430 SW 7 Place (continued from June 25, 2019)⁶(building permit required violation) ^{KM}
James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL
Erik Koopal, property owner was present
A continuance to the Special Magistrate hearing of August 27, 2019 was requested by the Respondent; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

6. LOCAL BUSINESS TAX RECEIPT

6.1 Case #2019-0021 : CWC Transportation LLC and Anthony Deaquino TR, 4201 Kean Road (continued from May 21, 2019)¹(local business tax receipt required/requirement for garbage and trash removal/evidence of accumulation violation) ^{SES}
Kenny Sloan, 1516 South Ocean Drive, was present
Alicia Cantrell, 3826 SW 30 Avenue, was present
A continuance to the Special Magistrate hearing of September 10, 2019 was requested by the Respondent; a \$50.00 cost recovery fee was assessed.
Special Magistrate Tell so ordered.

7. NEW BUSINESS

8. OLD BUSINESS

9. CITATION AGENDA

9.1 Case #19-033878: Nelsido Paulino, 13440 SW 9 Place Citation #472 (derelict vehicle violation) ^{KM}
Inspector Massey presented the case and read the violations into the record. Service was achieved by posting. Photographs taken on May 15, 2019, May 16, 2019 were submitted as Town's Composite Exhibit 1 without objection. The citation was issued on May 24, 2019 for violation of town code section 11-17.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for Citation #472 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 Tell so ordered.

RECORD OF
SPECIAL MAGISTRATE HEARING
JULY 9, 2019

9.2 Case #19-036402: Protectsa Inc., North Silverado Circle and East Silverado Circle (damage to, tampering with or unauthorized use of fire hydrants, valves, connection with street mains violation) ^{MH}

Juan Guiardino, 301 W 46 Street, Hialeah, FL 33012

Mr. Guiardino obtained a water meter application and made payment to the utilities division. Based on Mr. Guiardino's actions Citation 735 was withdrawn.

9.3 Case #19-036405: Jeffrey Sablich, 575 SW 131 Avenue (dog attack violation) ^{KB}

Animal Control Officer Borsoni presented the case and read the violations into the record. Service was achieved by hand delivery. Photographs taken on June 4 and June 5, 2019 were submitted as Town's Composite Exhibit 1 without objection. The citation was issued on June 5, 2019 for violation of town code section 4-63.1. A copy of the police report for Case # 19-036183 was submitted as Town's Composite Exhibit 2 without objection.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for Citation #240 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 Tell so ordered.

9.4 Case #19-037275: University Pointe, 6350 Griffin Road (Signs on rights-of-way and public property violation) ^{MH}

Inspector Hernandez presented the case and read the violations into the record. Service was achieved by certified mail and posting. A copy of the electronic notification along with the affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on May 30, 2019 and June 6, 2019 were submitted as Town's Composite Exhibit 2 without objection. The citation was issued on June 6, 2019 for violation of town code section 12-243.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for Citation #736 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 Tell so ordered.

10. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 11:00 AM