



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JULY 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 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 #19-031368, #19-029964, #19-039119, #19-028423, #19-021590, #19-037029

3. UNCONTESTED CASES

4.2 Case #19-026207 : Robert Andrei REV TR, 5411 SW 45 Street (continued from June 25, 2019)¹(installation of improvements/damaging public property prohibited violation) ^{ss}

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

4.3 Case #19-028251 : Talal S. Abikaram and Norma G. Chamma, 1731 W Oak Knoll Circle (maintenance standards of exterior premises violation) ^{cv}

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

Special Magistrate Gabriel so ordered

4.5 Case #19-032841: Delebe Burgess 4 Trust and Donald Burgess Trustee, 8241 SW 27 Place (accumulation of garbage; failure to remove after notice/nuisance/eyesore violation) ^{cv}

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

4.6 Case #19-035387: Jennifer L. Butler and Occupant, 6291 SW 41 Court (RV/trailer code violation/storage of abandoned property on public or private land violation) ^{ss}

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

4. FORMAL HEARINGS OF CONTESTED MATTERS

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4.1 Case #19-021590 : Scott G. Ference, 6180 SW 48 Court (continued from June 25, 2019)²(Florida building code/portable storage units for residential uses/accumulation of garbage violation) ^{MH}

Scott Ference, 6180 SW 48 Court, was present

Inspector Hernandez presented the case and read the violations into the record.

Photographs taken on July 22, 2019 were submitted as Town's Exhibit 1 without objection.

Mr. Stallone stated he spoke to Mr. Ference and he is making strides to bring the property into compliance by having this relocated to the approved location.

Mr. Ference testified he met with David Abramson, and he was given an exploratory variance letter if he chose to use it. The location of the shed does not meet the five foot set back along the property line. Mr. Ference has now been able to obtain a contractor to move the shed to an approved location.

Mr. Stallone recommended a final order with sixty (60) days to comply with violation of town code section 5-1, 9-2(b) and 12-33(A)(11)(c) and no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

4.4 Case #19-031368 : John F. Aiello III and Kelly Montalvo, 14601 SW 16 Street (continued from June 25, 2019)¹(non permitted uses prohibited/storage of abandoned property on public or private land/nuisance/eyesore violation) ^{KM}

Gregory McAloon, Esq was present on behalf of Mr. Aiello

Inspector Massey obtained an agreed final order with the respondent to comply within thirty (30) days with violation of town code section 11-17, 13-32 and 13-33(U) 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.

4.7 Case #19-037029: Raymond and Haydee Klappert, 3634 NW 78 Terrace (derelict property/vehicles prohibited/minimum standards for exterior of structures/nuisance/eyesore violation) ^{MH}

Maria Carter, Property Manager Las Palmas Town Homes

Inspector Hernandez presented the case and read the violations into the record.

Service was achieved by certified mail. A copy of the green card was submitted as Town's Exhibit 1 without objection. Photographs taken by the inspector on May 20, 2019, June 5, 2019, July 19 and 22, 2019 were submitted as Town's Composite Exhibit 2 without objection. Vehicle information document was submitted as Town's Exhibit 3 without objection.

Inspector Hernandez recommended a final order with fourteen (14) days to comply with violation of town code sections 11-17, 6-25(B)(6)(9) and 12-33(U) along with cost recovery fee of \$350.00.

Special Magistrate Gabriel so ordered.

4.8 Case #19-037311: Heather J. Sykes and Deutsche Bank Natl TR Co. TRSTEE, 2655 SW 86 Avenue (minimum standards for maintenance of premises/health, safety and welfare violation) ^{MH}

Inspector Velez obtained an agreed final order to remain in compliance with Town Code sections 6-31(J)(3) and 12-33(U) and no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

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4.9 Case #19-039119: Lakeside Town Shops (E&A) LLC and Brightview Landscape Development Inc., 5780 S University Drive (installation and maintenance/minimum landscape standards/tree removal/relocation permit required violation) JJ

Ann Marie Medric, Lakeside Town Shops

Elias Drooly, Director of Operations for Lakeside Town Shops

Inspector Hernandez presented the case on behalf of Inspector Jimenez 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 by the inspector on May 10, 2019 and July 22, 2019 were submitted as Town's Composite Exhibit 2 without objection.

Inspector Jimenez provided the information as to the violations and requested the tree canopy be restored to the original site plan for this development. A request for the appropriate tree permits be obtained for the replacement trees. The trees that were planted were not in compliance with the landscape division.

The Town is requesting sixty days to bring the property into compliance.

Mr. Elias Drooly, Director of Operations for Lakeside Town Shops acknowledges that landscape modifications need to be completed. Brightview Landscape Development Inc. has been retained by Lakeside Town Shops to cure the landscape violations and will follow the town's permit process.

A discussion was held on the violations and the process that will need to be met.

Mr. Stallone recommended a final order with sixty (60) days to comply with violation of town code section 12-113(A), 12-108(A), 6-37(A)(2) and 12-150 along with cost recovery fee of \$350.00. The code enforcement policy was explained to Mr. Drooly.

Special Magistrate Gabriel so ordered.

4.10 Case #19-046847: Stephen C. Hunt, 10820 SW 57 Place (storage of abandoned property on public or private land/trash waste and garbage/nuisance/eyesore violation) RB

Inspector Phillips obtained an agreed final order to remain in compliance with violation of town code sections 11-17, 9-2 and 12-33(U). The consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

5. LOCAL BUSINESS TAX RECEIPT -NON COMPLIANCE

5.1 Case #2018-0026: Roni and Sharona Elgazar and First Call 24/7 Inc., 1650 SW 117 Avenue (continued from June 11, 2019)¹(non-permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/nuisance/eyesore violation) SES

A continuance to the Special Magistrate hearing of September 10, 2019 was requested by the Town; \$50.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

6. NEW BUSINESS

7. NON COMPLIANCE

7.1 Case #18-028641: Deochand Doodnauth H/E, Lakshalani D. Ramcharitar and Tristan Painting Inc., 12041 SW 32 Street (non permitted uses prohibited/commercial vehicles parking prohibited/general regulations (nuisance)/business tax required/standards for specific uses/location of license; zoning regulation/specific prohibitions - noise violation)^{cv}

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

Special Magistrate Gabriel so ordered.

7.2 Case #18-051253 : Ashimally Dawson and Occupant, 5821 SW 54 Avenue (continued from June 11, 2019)²(specific prohibitions/nuisance/eyesore violation)^{MH}

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

Special Magistrate Gabriel so ordered.

7.3 Case #19-006402 : 5471 Home LLC and Occupant, 5471 SW 55 Avenue (Florida building code violation)^{MH}

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

Special Magistrate Gabriel so ordered.

7.4 Case #19-029964 : Ramond P. Osbourne, 5101 SW 48 Street (continued from June 11, 2019)²(storing of abandoned property on public or private lands/damaging public property prohibited/nuisance/eyesore violation)^{MH}

Ramond P. Osbourne, respondent

Hector Ortiz, FPL Representative was present

Inspector Hernandez presented the case and read the violations into the record. Service was achieved by mail. Mr. Ramond Osbourne was present at the hearing.

Mr. Stallone provided background to the special magistrate as it relates to the items that have been placed on a Right of Way. Mr. Osbourne has been fined at previous hearings over the last four months.

Supervisor Berni testified a considerable amount of materials in the amount of seventy (70) percent have been removed. The Town has obtained a quote from Waste Management in the range of \$5,000.00. Based on the amount of work taking place by Mr. Osbourne he would need an additional time of five (5) weeks. The Town is willing to continue the case to September 10, 2019 but not foreclosing the right to fine. At this time Inspector Hernandez has calculated a period of forty-one (41) days for three violations at a daily rate of \$100.00 per day would render an additional fine in the amount of \$12,300.00.

Mr. Ortiz testified FPL will be gearing up for hurricane season and would respectfully request the items be removed before September 1, 2019. Based on this recommendation a continuance to August 27, 2019 was requested no fee was imposed.

Special Magistrate Gabriel so ordered.

8. NEW BUSINESS

9. OLD BUSINESS

10. CITATION AGENDA

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10.1 Case #19-028423: Machel Edie and 33 West Owner LLC, 5960 SW 24 Place #305 (license and rabies vaccination/manner of keeping/cruelty to animals violation) ^{KB}

Machel Edie 5960 SW 24 Place #305, Davie FL, respondent

Animal Control Officer Karen Borsoni presented the case. Inspector Borsoni provided an explanation of the violations for each citation that was issued along with the issuing dates. Inspector Borsoni had several documents for the magistrate to review.

Special Magistrate asked the inspector to provide the detail of the events that caused the issuing of the citations.

Animal Control Officer Borsoni provided testimony as to the injuries inflicted to the dog, based upon the lack of evidence to move forward with criminal action the respondent was issued citations for Town of Davie municipal code violations. Attempts to make contact with Ms. Edie were made but due to lack of compliance the case is moving forward. Citation #239 was found to be in violation based on the lack of Broward County license registrations per Town Code section 4-65.3. Citation #238 was issued for failure to provide proof of veterinary care per Town Code section 4-65.3. Citation #237 was issued for cruelty to animals per Town Code section 4-65.2.

Machel Edie provided her testimony as to the events that led up to the issuing of the citations by Animal Control Officer. The animal control officer provided the timeline for the issuing of the citations.

Based on the statements made by the respondent and the Animal Control Officer Citation #238 was found to be valid. A Finding of Fact and Conclusion of Law was entered by Special Magistrate Gabriel for Citation #238 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. Citation #237 and #239 were dismissed based on insufficient evidence.

Special Magistrate Gabriel so ordered.

10.2 Case #19-038019: Nicoleta Popescu, 6301 SW 58 Court (license and rabies vaccination violation) ^{KB}

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

10.3 Case #19-039085: Joseph and Joann Judge, Sylvia Weisz Life Estate and Libby Brien, 12100 block of SW 14th Street - Trail (running at large prohibited, declared nuisance/dog attack violation) ^{KB}

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

10.4 Case #19-039520: Margaret R. Cummins, 14011 Langley Place (commercial vehicle prohibited violation) ^{KM}

Inspector Massey presented the case and read the violations into the record. Service was achieved by certified mail. A copy of the green card was submitted as Town's Exhibit 1 without objection. Photographs taken on June 8 and June 15, 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 #473 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.

11. ADJOURNMENT

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There being no further matters to discuss, the hearing was adjourned at 1:00 P.M.