



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
AUGUST 13, 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, and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #18-054494, #19-027191, #19-040388, #17-040787, #19-045752

3. UNCONTESTED CASES

4.2 Case #18-075900: Lerner 7701 LLC, 7701 NW 36 Street (continued from May 21, 2019)³
(non -permitted uses prohibited/adoption of Florida building code; building permit required violation)_{KB}

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

4.3 Case #19-006802: Ronald Moncaya and Occupants, Western Hills MHC LLC and Mirella Ronquillo, 526 SW 132 Terrace (continued from June 11, 2019)³(nuisance to be declared/non permitted uses prohibited/building permit required/storage of abandoned property on public or private land violation)_{KM}

A continuance to the Special Magistrate hearing of September 24, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.5 Case #19-028627 : Jeffrey and Vickie Faulkner and Wells Fargo Bank N.A., 14150 Carlton Drive (continued from June 11, 2019)¹(maintenance standards of exterior premises/minimum standards for maintenance of premises (j) Swimming pool maintenance and disposal of pool water violation)_{KM}

A continuance to the Special Magistrate hearing of September 24, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

**RECORD OF
SPECIAL MAGISTRATE HEARING
AUGUST 13, 2019**

4.6 Case #19-032841: Edgardo M. Romano Jr. and Jessica M. Trujillo Serrano, 10755 SW 17 Place (building permit required violation) *cv*

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

4.11 Case #19-047685: Cypress Bend Associates LLC, 4804 SW 55 Terrace (engineering permit/clearing and grubbing permit required/establishment of fine, lien and cost recovery procedures; establishment of cost recovery schedule of fines violation) *MH*

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

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.1 Case #18-054494 : Peter Mineo Jr. and Pillar Consultants Inc., 5600 Davie Road (continued from June 11, 2019)⁵(tree removal/relocation permit required/remedial actions required for tree abuse violation) *MH*

Peter Mineo Jr, 6820 SW 55 Street, was present

William Byrne, 7750 NW 84 Avenue, on behalf of Mr. Mineo

Drew Lindemann, Landscape Inspector

David Quigley, Planning and Zoning Manager Town of Davie

Mr. Mineo asked for Pilar Consulting to be removed from this code action.

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. A photograph of the northwest corner of the subject site, facing east of the Brazilian pepper tree and the northern portion of the subject site facing east as Town's Exhibit 2 without objection. Photograph of a Tamarind Tree on the site was submitted as Town's Exhibit 3 without objection. A copy of the Tree Removal/Tree Relocation Permit application dated December 10, 2018 was submitted as Town's Composite Exhibit 4 without objection.

A discussion was held on the subject tree mitigation to determine the monetary value of the tree that was removed.

Drew Lindemann testified as to the field inspection that was conducted for review of the Tree Disposition Plan.

David Quigley was questioned by Mr. Mineo in reference to the Tree Disposition Plan and the remedial action that is being requested of Mr. Mineo.

Mr. Mineo asked for a brief recess to speak to the Code Compliance Official and the Planning and Zoning Manager.

A continuance to the Special Magistrate hearing of September 24, 2019 was requested by the Town in order to come into an agreement for mitigation; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.4 Case #19-027191 : HWW Davie LLC, 5800 Reese Road (continued from June 25, 2019)¹(off street parking minimum standards, rules and regulations/installation of improvements/sight distance for landscaping adjacent to public rights-of-way and points of access/modification of site plan/specific prohibitions/nuisance/eyesore violation) *ss*

John Forman, 800 NE 14 Place, Ft. Lauderdale, representing the land owner Nectaria Chakas, Esq on behalf of HWW Davie LLC

**RECORD OF
SPECIAL MAGISTRATE HEARING
AUGUST 13, 2019**

P. Kelleher, 6030 Reese Road Davie FL
Al Vargas, complainant

Mr. Stallone provided the magistrate with a summary of the code violations as they relate to this case. A copy of two (2) Broward County Property appraiser aerials along with the Broward County Property Appraiser printout was submitted as Town's Composite Exhibit 1 without objection. A discussion was held with the complainants and the representatives during the hearing.

Mr. Stallone requested the hearing be continued to amend the Notice of Violation. At this time violation of town code sections 6-41, 12-374, 15-7(18) will be withdrawn. Town code section 12-328(B) and 12-113(A) are corrected.

A continuance to the Special Magistrate hearing of September 24, 2019 was requested by the Town to address the nuisance violations and the noise from the vehicles; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

4.7 Case #19-040388: Laurie J. Brewer REV. LIV. TRUST, 2939 Myrtle Oak Circle, (running at large prohibited, declared nuisance/license and rabies vaccination violation) ^{KB}
Laurie J. Brewer was present earlier in the hearing.

Inspector Borsoni obtained an agreed final order with the respondent to remain in compliance with town code sections 4-63 and 4-62 no cost recovery fee was assessed.

The Consent agreement was submitted as Town's Exhibit 1 without objection
Special Magistrate Edwards so ordered

4.8 Case #19-042297: Jay Bass TR, 5941 SW 36 Court (derelict vehicles prohibited violation) ^{SS}

Inspector Silber obtained an agreed final order with the respondent to remain in compliance with town code section 11-17 along with \$150.00 cost recovery fee.

The Consent agreement was submitted as Town's Exhibit 1 without objection
Special Magistrate Edwards so ordered

4.9 Case #19-042945: Leonardo Larrahondo, Christopher Uhlig and Occupant, 4221 SW 61 Avenue (trash waste and garbage/storage of abandoned property on public or private land violation) ^{SS}

Inspector Silber obtained an agreed final order with the respondent to remain in compliance with town code sections 9-2 and 11-17 along with \$150.00 cost recovery fee.

The Consent agreement was submitted as Town's Exhibit 1 without objection
Special Magistrate Edwards so ordered.

4.10 Case #19-045752: Maria C. Dente Rev Liv Trust, Karen Morley and Mark Parisi occupants, 15521 Dover Court (dog attack, running at large, license and rabies vaccination) ^{KB}

Animal Control Officer Borsoni 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 by the ACO were submitted as Town's Composite Exhibit 2 without objection. A copy of the Police Report was submitted as Town's Composite Exhibit 3 without objection. The Quarantine Agreement was submitted as Town's Composite Exhibit 4 without objection.

**RECORD OF
SPECIAL MAGISTRATE HEARING
AUGUST 13, 2019**

Ms. Kristen Danly testified to the events that took place on July 3, 2019 as it relates to the dog bit by the respondents' dog. A discussion was held on the recovery for Ms. Danly.

Animal Control Officer recommended a final order with three (3) days to comply with violation of town code sections 4-63.1, 4-63 and 4-62 along with cost recovery fee of \$350.00.

Special Magistrate Edwards so ordered.

5. NON COMPLIANCE

5.1 Case #17-040787: Edwin Bidermann, 4762 Lakeside Terrace (running at large prohibited, declared nuisance violation) ^{KB}

Edwin Bidermann, 4762 Lakeside Terrace was present

Voicu Davis, 4727 Lakeside Circle East, complainant

Animal Control Officer Borsoni presented the case and read the violation into the record. Service was achieved by posting. An Affidavit of posting along with a copy of the Broward County Property Appraiser printout was submitted as Town's Exhibit 1 without objection. A copy of the Police Report dated June 10, 2019 was submitted as Town's Exhibit 2 without objection. A photograph of the three (3) year old "Roka" was submitted as Town's Exhibit 3 without objection. A copy of a Summary Final Judgment dated July 23, 2018 was submitted as Town's Composite Exhibit 4 without objection.

Mr. Voicu Davis, testified to the events that took place on June 9, 2019 as they relate to the dog charging him in the road. Mr. Davis expressed his concerns for the neighboring children and the fear he has of the dog.

Mr. Edwin Bidermann, explained what happened that caused his dog "Roka" to run at large from his home. Mr. Bidermann's daughter had left the door slightly opened and his dog was able to get out of the home. Mr. Bidermann also explained the Summary Judgment and how he is now in compliance. Mr. Bidermann expressed concern for the actions of his dog.

A lien was recommended for one (1) event at \$500.00 along with cost recovery fee of \$400.00 for a total lien in the amount of \$900.00.

Special Magistrate Edwards so ordered

5.2 Case #17-064334: NRM Group LLC, 1275 SW 130 Avenue (overgrowth violation) ^{DP}

The violation was dismissed without prejudice to the existing final order that remains in full force and effect. A cost recovery fee of \$400.00 was assessed at the hearing.

Special Magistrate Edwards so ordered.

5.3 Case 19-035453 (f.k.a. 2013-0984): Nancy Lamb Kaplan H/E and Johanna Kaplan Bowlig, 8640 SW 15 Street (overgrowth, nuisance/eyesore) ^{CV}

Inspector Velez presented the case and read the violations into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on May 30, 2019 was submitted as Town's Composite Exhibit 2 without objection. Photographs taken on August 12, 2019 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.

**RECORD OF
SPECIAL MAGISTRATE HEARING
AUGUST 13, 2019**

A lien was recommended for a period of fifty three (53) days for two violations of town code section 9-51(b) and 12-33(U) at \$50.00 per day for a total lien in the amount of \$5,300.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$5,800.00.

Special Magistrate Edwards so ordered.

6. NEW BUSINESS

7. OLD BUSINESS

7.1 Case #19-017821 : Rolling Hills Golf and Tennis Club Condominium VI Association Inc., 3100 W Rolling Hills Circle (continued from May 21, 2019)²(nuisance, health, safety and welfare violation) ^{MH}

All violations were corrected as requested at the hearing of May 21, 2019. The Final order will remain in full force and effect.

8. CITATION AGENDA

8.1 Case #19-041131: Heidi Wilson, 9603 Forest Ridge Circle (Littering; accumulation of garbage; failure to remove after notice violation) ^{CV}

Citation #260 was withdrawn.

8.2 Case #19-044270: Lyndonia Smith, 621 Lexington Avenue (Citation 245)(dog attack) ^{KB}
Citation #245 was paid prior to the hearing and the violation was corrected.

9.1 LOCAL BUSINESS TAX RECEIPT/ CITATION

9.1 Case #2019-0029 : MSL Cargo LLC, 6632 Stirling Road (Citation 280)(failure to obtain local business tax receipt) ^{SES}

Citation #280 was paid prior to the hearing. The violation was corrected.

9.2 Case #2019-0037: Makpro Repairs II LLC, 7156 Stirling Road (failure to obtain BTR after warning violation) ^{SES}

Supervisor Berni present the case on behalf of Inspector Santisteban 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.

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

A lien for Citation #281 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

9.3 Case #2019-0038 : Hand & Stone Massage, 4454 Weston Road (Citation 282) (banner code violation) ^{SES}

Citation #260 was withdrawn based on compliance.

10. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:15 P.M.