



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
AUGUST 27, 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 #19-029964, #18-054479, #19-044374, #19-048409, #19-048405

3. UNCONTESTED CASES

4.1 Case #19-028243 : Shebah Properties LLC and Occupant, 4701 SW 73 Avenue (continued from June 25, 2019)¹(Florida building code/boarding in hurricane season/nuisance/eyesore violation) ^{MH}

A continuance to the Special Magistrate hearing of October 22, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

4.2 Case #19-028251 : Talal S. Abikaram and Norma G. Chamma, 1731 W Oak Knoll Circle (continued from July 23, 2019)¹(maintenance standards of exterior premises violation) ^{cv}

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

4.3 Case #19-029949: The Village at Lake Pine Homeowners Association, 750 SW 119 Way (landscape maintenance violation) ^{cv}

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

4.5 Case #19-040384: NKW-PIP Holdings I LLC and Occupant, 6161 SW 42 Place (storage of abandoned property) ^{ss}

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

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4.11 Case #19-048416: Metropolitan Life Insurance Co., 730 SW 134 Terrace (building permit required; unapproved modifications to a mobile home/minimum standards for exterior of structures/maintenance standards of exterior premises/overgrowth/mobile home registration requirements violation) ^{KM}

A continuance to the Special Magistrate hearing of October 22, 2019 was requested by the Town; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.4 Case #19-040022: Gold Coast Property Partners LLC and Occupant, 13131 SW 7 Place (trash/waste/garbage, storage of abandoned property, standards for specific uses, receptacle requirements, nuisance/eyesore) ^{KM}

Inspector Massey presented the case and read the violation into the record. Service was obtained by certified mail and posting. A copy of the Affidavit of posting along with the electronic notification was submitted as Town's Exhibit 1 without objection. Photographs taken on May 28, June 18, July 6 and August 26, 2019 were submitted as Town's Composite Exhibit 2 without objection.

Inspector Massey recommended a final order with seven (7) days to comply with violation of town code sections 9-2, 11-17, 12-34(P)(2)(D), 9-25(B1) and 12-33(U) along with cost recovery fee of \$350.00.

Special Magistrate Tell so ordered.

4.6 Case #19-044374: 2018-3 IH Borrow LP, 8992 S Lake Park Circle (maintenance standards of exterior premises violation) ^{CV}

Zachary Williams, 9002 Lake Park Circle S, was present

Inspector Velez 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 Exhibit 1 without objection. Photographs taken on July 3, 2019 were submitted as Town's Composite Exhibit 2 without objection. A series of twelve (12) photographs taken by Mr. Williams was submitted as Town's Composite Exhibit 3 without objection. A copy of a survey of the property was submitted as Town's Exhibit 4 without objection. A signed letter from Robert Feigenbaum, 8982 Lake Park Circle South stating they are the sole owners of the fence and it was not paid for or installed by the owners of 9002 Lake Park Circle South and it was submitted as Town's Exhibit 5 without objection. An email string between Zachary Williams and a representative of Invitation Homes was submitted as Town's Composite Exhibit 6 without objection. A discussion was held on the condition of the fence and Mr. Williams concerns.

Inspector Velez recommended a final order with three (3) days to comply with violation of town code section 6-36(k) along with cost recovery fee of \$350.00.

Special Magistrate Tell so ordered.

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4.7 Case #19-046328: Nob Hill Partners LLC, 6250-6370 Griffin Road (signs on rights-of-way and public property/design and placement of certain temporary signs violation) ^{MH}

Inspector Hernandez presented the case and read the violation into the record. Service was obtained by certified mail and posting. A copy of the Affidavit of posting along with the electronic notification was submitted as Town's Exhibit 1 without objection. Photographs taken on July 9, August 26 and August 27, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the feather flags that continue to be displayed at this location after several communication attempts and a citation issued. The compliant was forwarded by the P & Z division for compliance.

Inspector Hernandez recommended a final order with three (3) days to comply with violation of town code sections 12-243(B) and 12-240(B) along with cost recovery fee of \$350.00.

Special Magistrate Tell so ordered.

4.8 Case #19-047919: Eileen Ojeda, 14209 SW 26 Street (accumulation of garbage violation) ^{KM}

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 July 11, 2019 and July 15, 2019 were submitted as Town's Composite Exhibit 2 without objection.

Inspector Massey stated a CCN was issued to the occupant on July 11, 2019 requesting compliance. A citation was given to the property owner with no response. This property owner has been a repeat offender of the town code for bulk trash. At this time, the trash was removed but this homeowner continues to be a violator.

Inspector Massey recommended a final order to remain in compliance along with \$250.00 cost recovery fee.

Special Magistrate Tell so ordered.

4.9 Case #19-048405: Ocampo & Fernandez Investment Group LLC, 1751 SW 139 Avenue (Florida building code violation) ^{KM}

Julian Ocampo, 1751 SW 139 Avenue, Davie FL, the respondent

Inspector Massey obtained an agreed final order with the respondent to comply with town code section 5-1 within thirty (30) days along with cost recovery fee of \$250.00.

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

4.10 Case #19-048409: Ocampo & Fernandez Investment Group LLC, 1751 SW 17 Street (littering; accumulation of garbage; failure to remove after notice/overgrowth/clearing and grubbing permit required violation) ^{KM}

Julian Ocampo, 1751 SW 139 Avenue, Davie FL, the respondent

Inspector Massey obtained an agreed final order with the respondent to comply with town code section 9-2 (b) within 24 hours, town code section 9-51(B) within seven (7) days and 12-173 within thirty (30) days along with cost recovery fee of \$250.00.

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

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4.12 Case #19-048436: Scott Minchener and Joyce Dewitt, 13351 SW 7 Place (storage of abandoned property on public or private land/accumulation of garbage/receptacle requirements violation) ^{KM}

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 July 16, July 17 and July 26, 2019 were submitted as Town's Composite Exhibit 2 without objection.

The property owner has accepted construction material from other properties for pick up by Waste Management. WM has declined to pick up this material.

Inspector Massey recommended a final order with twenty-four (24) hours along with \$350.00 cost recovery fee.

Special Magistrate Tell so ordered.

5. NON COMPLIANCE

5.1 Case #18-054479: Debra G. Tukey REV TR, 10950 SW 40 Court (running at large prohibited, declared nuisance violation) ^{KB}

Debra G. Tukey 10950 SW 40 Court was present

Animal Control Officer Borsoni presented the case and read the violation into the record. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. A copy of the Police Report Case Number: 19-050268 was submitted as Town's Exhibit 2 without objection.

Officer Borsoni stated two dogs owned by Ms. Tukey were found roaming the neighborhood. A neighbor confined the dogs and contacted the police department.

Ms. Tukey provided the magistrate with an update on how she was securing the fence with rebar and installing an electric fence around her property.

A lien was recommended for violation of town code section 4-63(a) for two (2) loose dogs running at large on July 25, 2019 at \$150.00 per dog for a total lien in the amount of \$300.00

Special Magistrate Tell so ordered.

5.2 Case #19-015679 : Susan Jean Caruso, 700 SW 134 Terrace (continued from July 9, 2019)¹(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}

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.

5.3 Case #19-029964 : Ramond P. Osbourne, 5101 SW 48 Street (continued from July 23, 2019)³(storing of abandoned property on public or private lands/damaging public property prohibited/nuisance/eyesore violation) ^{MH}

Ramond P. Osbourne, was present and provided phone contact number 954-914-6449

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. Photographs taken on August 26, 2019 were submitted as Town's Composite Exhibit 2 without objection.

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Inspector Hernandez provided a brief summary of the case to the Special Magistrate.

Daniel Stallone, Code Compliance Official provided to the magistrate the Town's position on the removal and remedial action that will be undertaken. Mr. Stallone provided to the magistrate the number of days the violations has continued to accrue. Mr. Osbourne has been in violation of town code section 11-17 (A), 16-3 and 12-33(U) for a period of seventy-six (76) days for three (3) violations at \$500.00 per violation resulting in a lien in the amount of \$114,000.00 along with cost recovery fee of \$500.00.

Special Magistrate Tell reviewed the photographs previously submitted and the Respondent was assisted by Inspector Santisteban to obtain a dumpster from Waste Management.

Based on the testimony of Mr. Osbourne, Special Magistrate Tell directed Mr. Osbourne to work collaboratively with the Town to dispose of personal property in dumpsters and to allow the respondent to expend any and all necessary funds in order to try and salvage his business property. Respondent shall have till Friday August 30, 2019 at 10:00 AM to complete his efforts and any and all material left at the site shall be removed by the Town and the cost of such removal shall be paid for by the respondent. An emergency telephonic hearing with the respondent and the Town can be scheduled if necessary. The Special Magistrate did not impose a fine at the hearing, however this order does not forego the Town's ability to impose a lien from June 12, 2019 until compliance is achieved.

A continuance to the hearing on October 8, 2019 was scheduled.
Special Magistrate Tell so ordered.

5.4 Case #17-000458 : Florida Enterprises & Co. Inc., 13431 SW 8 Street (continued from July 9, 2019)⁷(building permit required violation) KM

A continuance to the Special Magistrate hearing of October 8, 2019 was requested by the Town; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

5.5 Case #18-042271 : Florida Enterprises and Co. Inc., 13431 SW 8 Street (continued from July 9, 2019)⁷ (non permitted uses prohibited violation) KM

A continuance to the Special Magistrate hearing of October 8, 2019 was requested by the Town; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

5.6 Case #18-042272 : Florida Enterprises and Co. Inc., 13430 SW 7 Place (continued from July 9, 2019)⁷ (non permitted uses prohibited violation) KM

A continuance to the Special Magistrate hearing of October 8, 2019 was requested by the Town; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

5.7 Case #18-040603 (f.k.a. Building Case #2017-0002): Florida Enterprises & Co. Inc., 13430 SW 7 Place (continued from July 9, 2019)⁶(building permit required violation) KM

A continuance to the Special Magistrate hearing of October 8, 2019 was requested by the Town; no cost recovery fee was assessed.
Special Magistrate Tell so ordered.

6. LOCAL BUSINESS TAX RECEIPT

6.1 Case #2019-0039: Fresh Fusion LLC and Transamerican Land Corp., 5187 S. University Drive (delinquency violation) ^{SES}

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

6.2 Case #2019-0040: New Age Massage and Health Center, Amer Mining Ops Syndicate Inc. and Elite Enterprises Inc., 6339 Stirling Road (delinquency violation) ^{SES}

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

6.3 Case #2019-0041: Allure Day Spa, Three Angels Spa and FR Tower Shops LLC, 2056 S. University Drive (delinquency violation) ^{SES}

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

6.4 Case #2019-0042: Massage Green Spa and JDV Properties LLC, 4401 S Flamingo Road #104 (delinquency violation) ^{SES}

The violations were cancelled prior to the hearing code action withdrawn.

6.5 Case #2019-0043: Gradall Bobcat & Landscaping Inc., 4800 SW 76 Avenue (nuisance/eyesore/non permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/local business tax receipt required/location of license; zoning regulation violation) ^{SES}

Mr. Mayer is in the process of changing property use with Broward County Property appraiser and requires certain commercial equipment/truck on property while trying to restore the existing tree farm he recently purchased attached to this land. Once work has been completed and approval granted he will remove all commercial equipment not allowed for use of working tree farm.

Inspector Santisteban obtained an agreed final order with the respondent to remain in compliance with town code section(s) 13-17, 13-23(a) and 12-32 and sixty (60) days to comply with violation of town code section 12-33(G), 12-33(DD), 12-33(U) along with cost recovery fee of \$250.00.

The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered

7. NEW BUSINESS

8. OLD BUSINESS

9. CITATION AGENDA

9.1 Case #2019-0044: Little Crayons Preschool II LLC, 7341 Davie Rd Ext., (failure to remove signs after warning violation) ^{SES}

Supevisor Berni presented the case on behalf of Inspector Santisteban and read the violations into the record. The citation was signed when delivered Photographs taken on by the inspector were submitted as Town's Composite Exhibit 1 without objection. The citation was issued on July 15, 2019 for violation of town code section 12-238(J)(B).

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A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for Citation #283 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.

9.2 Case #2019-0045: Mane Changes Inc., 4801 S. University Drive #108
(Citation#285) (delinquency violation) ^{SES}
Citation #285 was paid prior to the hearing - violations corrected

9.3 Case #19-045727: Michael Stevens, 4421 SW 72 Terrace (Citation #246 and #247)(dog attack, dog running loose) ^{KB}

Animal Control Officer Borsoni presented the case and read the violations into the record. Service was achieved by hand delivery. Photograph taken on July 8, 2019 was submitted as Town's Exhibit 2 without objection. Two citations were issued to the dog owner. Both citations were issued on July 8, 2019 for violation of town code section 4-63.1 and 4-63(A). A copy of the police report for Case # 19-045674 was submitted as Town's Composite Exhibit 1 without objection.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for Citation #246 for violation of town code section 4-63.1 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.

A Finding of Fact and Conclusion of Law was entered by Special Magistrate Tell for Citation #247 for violation of town code section 4-63(A) 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 12:30 PM