



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
NOVEMBER 19, 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 Dana Phillips, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Animal Control Officer Karen Borsoni, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Sarah Santisteban and Recording Secretary Grace Farrar

**2. CALL OF THE CASES**

Respondents were present for Case #2019-0050, #2019-0065, #2019-0069, #19-062838, #16-042554, #19-069877, #18-054837, #18-017093

**3. UNCONTESTED CASES**

**4.3 Case #19-064332:** House Investments LLC, David Tepper and Occupant, 5750 SW 36 Court (storage of abandoned property on public or private land/receptacle requirements violation) <sup>SS</sup>

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

**4.4 Case #19-068218:** Matt.N. and A Properties LLC, 13141 SW 9 Street (non permitted uses prohibited/maintenance standards of exterior premises/storage of abandoned property on public or private land/standards for specific uses; house trailers, recreational vehicles, mobile homes, mobile home communities violation) <sup>KM</sup>

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

**4.6 Case #19-069657:** Wolfpen Associates Inc., Tire Kingdom and TBC Retail Group Inc., 13760 W State Road 84 (minimum standards for exterior of structures violation) <sup>KM</sup>

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

**4.7 Case #19-069877:** Nelsido U. Paulino, 13440 SW 9 Place (storage of abandoned property on public or private land/accumulation of garbage/overgrowth/minimum standards for exterior of structures/obstructing sidewalk prohibited/receptacle requirements violation) <sup>KM</sup>

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

**4.8 Case #19-070970:** Spur Road LLC, 4600 SW 30 Street (specific prohibitions: idling vehicles/overgrowth/trash waste and garbage/nuisances violation) <sup>SS</sup>

A continuance to the Special Magistrate hearing of January 28, 2020 was requested by the Respondent; no cost recovery fee was assessed.

#### 4. FORMAL HEARINGS OF CONTESTED MATTERS

**4.1 Case #19-057437 :** George R. Seijo, 14480 SW 14 Street (continued from September 24, 2019)<sup>1</sup>(maintenance standards of exterior premises/minimum standards for exterior of structures/storage of abandoned property on public or private land violation) <sup>KM</sup>

Inspector Massey obtained an agreed final order with the respondent to comply with town code sections 6-36(k) and 6-35(B)(6)(9) within sixty days (60) days and a final order to remain in compliance with violation of town code section 11-17 no cost recovery fee was assessed.

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

**4.2 Case #19-062838:** FR Tower Shops LLC, T-Mobile, ALTUS GRP 198-1980, Stiles Property Management and Metro RF, 1902-2296 S. University Drive (application submission, completeness/application review and approval/modification of site plan violation) <sup>SS</sup>

Edwin J. Stacker, Esq., Shutts & Bowen LLP, on behalf of "T" Mobile  
Kelly Rodriguez, on behalf of "T" Mobile  
Jose Delgado, Site Development "T" Mobile

Inspector Silber presented the case and read the violations into the record. A discussion was held in reference to the respondents FR Tower Shops LLC, ALTUS GRP 198-1980, Stiles Property Management and Metro RF be removed from this code action. An agreement was reached and those respondents were removed.

Mr. Stacker advised the magistrate T- Mobile would enter into a consent agreement with the Town of Davie to comply with the violations of town code sections 12-521, 12-522.1 and 12-374 within fifteen (15) days. The consent agreement was submitted as Town's Exhibit 1 without objection. The cost recovery fee was waived by the Special Magistrate.

Special Magistrate Tell so ordered.

**4.5 Case #19-069593:** Lilian Delgado and Occupants, 5741 SW 38 Court (running at large prohibited, declared nuisance/license and rabies vaccination/maintenance standards of exterior premises/minimum standards for maintenance of premises/storage of abandoned property on public or private land violation) <sup>KB</sup>

Animal Control Officer Borsoni 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 Composite Exhibit 1 without objection. Photographs taken by the inspector on October 9, 2019 and the Broward County Property Appraiser aerial were submitted as Town's Composite Exhibit 2 without objection.

Animal Control Officer Borsoni stated she observed a small dog running at large. The animal control officer followed the dog to the home. A final order to comply with the town code sections 4-63, 4-62, 6-36(k), 6-31(J) and 11-17 was recommended along with cost recovery fee of \$350.00.

Special Magistrate Edwards so ordered.

**4.9 Case #19-071026:** Walter B. Mears Family REV LIV TR and Occupant, 5731 SW 37 Court (storage of abandoned property on public or private land/RV Trailer code violation) <sup>SS</sup>  
Inspector Silber obtained an agreed final order with the respondent to remain in compliance with town code sections 11-17 and 12-33(G)(4) along with cost recovery fee of \$150.00.

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

## 5. LOCAL BUSINESS TAX RECEIPT

**5.1 Case #2019-0050:** Watermoldstop LLC, Total Roofing of Florida LLC, VNH Development LLC and VNH Construction Consulting LLC, 6120 SW 51 Court (non-permitted uses prohibited/commercial vehicles parking prohibited/vehicle signage code violation/engineering permit/Florida building code/location of license; zoning regulation/business tax receipt required/nuisance/eyesore violation) <sup>SES</sup>

David VanHoeve, was present earlier in the hearing

Inspector Santisteban obtained an agreed final order with the respondent to remain in compliance with town code sections 13-23(a) and 13-17 and a final order with ten (10) days to comply with town code sections 12-32 12-33(G), 12-238 (L) and 12-33(U) and sixty (60) days to comply with town code section 12-328(B) and 5-1 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.

**5.2 Case #2019-0065:** 2Hands Machinery LLC, The Ranch Club Campestre & Co. Inc., J-Label Corp and Shari Stier, 14200 SW 23 Street (non permitted uses prohibited/storage of residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/location of license; zoning regulation/local business tax receipt required/nuisance/eyesore violation) <sup>SES</sup>

Shari Stier, 14200 SW 23 Street

Inspector Santisteban presented the case and read the violations into the record. Service was achieved by certified mail and hand delivery. A copy of the affidavit of delivery was submitted as Town's Exhibit 1 without objection. The electronic notification was submitted as Town's Exhibit 2 without objection. A series of photographs taken on September 23, 2019, October 15, 2019, October 17, 2019, October 31, 2019 and November 4, 2019 were submitted as Town's Composite Exhibit 3 without objection.

Ms. Stier testified the signage has been removed from the vehicles and the machinery relocated. A request to remove The Ranch Club Campestre & Co. Inc., from the order was granted. A copy of an email sent to the Division of Corporations from Jessie Stier dated October 31, 2019 was submitted as Respondent's Exhibit 1 without objection. At the time of the hearing the address change had not yet taken place.

A discussion was held on the activity at the property and violations cited by the inspector. Ms. Stier was opposed to the violation notice and stated many other property owners on the block engaged in operating businesses from their properties.

Special Magistrate Tell advised Ms. Stier of her ability to make any complaints to the appropriate departments.

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Ms. Nicole Laxson, 14290 SW 23 Street, testified to the traffic generated by her property as well as the vehicle signage.

Ms. Ruxandra Badea - 14421 SW 23 Street, testified to the traffic generated by the property and the speed to which the vehicles travel.

Ms. Stier stated she has plans to sell her property and relocate outside of Davie.

The Town requests a final order with fourteen (14) days to comply with violation of town code sections 12-32, 12-33(DD), 12-33(G), 12-238(L), 13-23(a), 13-17 and 12-33(U) along with cost recovery fee of \$350.00.

Special Magistrate Tell so ordered.

**5.3 Case #2019-0068:** Lady Laundry Inc., 3680 Davie Road (delinquency violation) <sup>SES</sup>

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

**5.4 Case #2019-0069:** Mako Surgical Corp and Duke Westport 1-3 LLC, 2555 Davie Road #110 (commercial garbage and trash/delinquency violation) <sup>SES</sup>

Jeffrey Moon, Facility Manager was present earlier in the hearing

Kay Hurly, Waste Management representative was present earlier in the hearing

Inspector Santisteban obtained an agreed final order with the respondent to comply with town code sections 9-22(b) and 13-32 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.

## 6. NON COMPLIANCE

**6.1 Case #16-042554:** Nestor and Denis A. Fernandez, 10222 N Lake Vista Circle (nuisance/eyesore/minimum standards for maintenance of premises violation) <sup>CV</sup>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. An inspection was conducted and the property is in compliance.

Special Magistrate Tell so ordered.

**6.2 Case #17-065641:** Josif Kozevski, 15565 SW 34 Court (overgrowth violation)

<sup>KM</sup>

Inspector Massey 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 August 19, 2019 and November 12, 2019 were submitted as Town's Composite Exhibit 2 without objection. Contact was made with the property owner to abate the overgrowth onto the street.

A lien was recommended for violation of town code section 9-25(B) for thirty three (33) days of non-compliance at \$25.00 per day for one (1) violation resulting in a lien in the amount of \$825.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$1,325.00.

Special Magistrate Tell so ordered.

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**6.3 Case #18-017093:** Timothy J. Wilbur and Cit Bank, 711 Amherst Avenue (continued from November 5, 2019)<sup>1</sup>(maintenance standards of exterior premises/minimum standards for maintenance of premises violation) <sup>RB</sup>

Michael Fontalvo, Esq Robertson, Anschutz & Schneid, PA, 6409 Congress Avenue, Boca Raton, Florida

A discussion was held on the condition of the pool and the unsecured fence. The temporary barrier erected around the pool is inadequate to prevent public access to the pool. The respondent shall have seventy-two (72) hours on or before 1:00 PM on November 22, 2019 in which to erect a pool cover in order to comply with town code sections 6-36(k) and 6-31(i). An inspection will be conducted to ensure compliance.

A continuance to the Special Magistrate hearing of December 17, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

**6.4 Case #18-054837:** MNS Davie LLC and The Merchants #1 of Davie Inc., 6563 Stirling Road #6 (continued from November 5, 2019)<sup>1</sup>(outdoor activities restricted/storing of abandoned property on public or private lands; prohibited; exception violation) <sup>RB</sup>

Thanh Le, 6563 Stirling Road was present

Patrick Burns, 6563 Stirling Road was present

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect.

Special Magistrate Tell so ordered.

**6.5 Case #18-063132:** 5751 SW 38 CT DHEYA M D Land TR, 5751 SW 38 Court (nuisance/eyesore violation) <sup>SS</sup>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. A lien will be assessed for the cost recovery fee of \$400.00. The outstanding cost recovery fee in the amount of \$250.00 was addressed.

Special Magistrate Tell so ordered.

**6.6 Case #18-074467:** Joanne Alvarado, 3850 SW 106 Terrace (continued from November 5, 2019)<sup>1</sup>(nuisance/health, safety and welfare) <sup>CV</sup>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. The outstanding cost recovery fee in the amount of \$350.00 was addressed.

Special Magistrate Tell so ordered.

**6.7 Case #19-006802:** Ronald Moncaya (owner) and Western Hills MHC LLC, 526 SW 132 Terrace (non permitted uses prohibited/building permit required violation) <sup>KM</sup>

A continuance to the Special Magistrate hearing of January 28, 2020 was requested by the Respondent; no cost recovery fee was assessed. Western Hills MHC LLC will be removed from this case.

Special Magistrate Tell so ordered.

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**6.8 Case #19-029964 :** Ramond P. Osbourne, 5101 SW 48 Street (continued from October 8, 2019)<sup>5</sup>(storing of abandoned property on public or private lands/damaging public property prohibited/nuisance/eyesore violation)<sub>MH</sub>

A continuance to the Special Magistrate hearing of February 25, 2020 was requested by the Town; no cost recovery fee was assessed. The inspector stated the area will be completed by the end of the week.

Special Magistrate Tell so ordered.

**6.9 Case #19-040022:** Gold Coast Property Partners LLC and Occupant(s), 13131 SW 7 Place (trash waste and garbage/standards for specific uses; house trailers, recreational vehicles, mobile homes, mobile home communities/receptacle requirements/nuisance/eyesore violation)<sub>KM</sub>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. A lien will be assessed for the cost recovery fee of \$400.00. The outstanding cost recovery fee in the amount of \$350.00 was addressed  
Special Magistrate Tell so ordered.

**6.10 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)<sub>DP</sub>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. A lien will be assessed for the cost recovery fee of \$400.00.

Special Magistrate Tell so ordered.

**6.11 Case #19-048405:** Ocampo and Fernandez Investment Group LLC, 1751 SW 139 Avenue (Florida building code violation)<sub>KM</sub>

Inspector Massey 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. The final order inspection report was submitted as Town's Exhibit 2 without objection. As of the hearing date, no building permit has been obtained for the roof repair and renovations.

A lien was recommended for violation of town code section 5-1 for forty three (43) days of non-compliance at \$150.00 per day for one (1) violation resulting in a lien in the amount of \$6,450.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$6,950.00.

Special Magistrate Tell so ordered.

**6.12 Case #19-048409:** Ocampo and Fernandez Investment Group LLC, 1751 SW 17 Street (Littering; accumulation of garbage; failure to remove after notice/overgrowth/clearing and grubbing permit required violation)<sub>KM</sub>

Inspector Massey 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 November 19, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A lien was recommended for violation of town code sections 9-2(b), 9-51(b) for forty three (43) days of non-compliance at \$75.00 per day for two (2) violations resulting in a lien in the amount of \$6,450.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$6,950.00.

Special Magistrate Tell so ordered.

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**7. NEW BUSINESS**

**8. OLD BUSINESS**

**9. CITATION AGENDA**

**9.1 Case #19-067946:** Robert Andrei, 5411 SW 45 Street (Littering; accumulation of garbage; failure to remove after notice violation) <sup>ss</sup>  
Citation #997 was paid prior to the hearing - violations corrected

**9.2 Case #19-068678:** Oscar Mazariegos Duarte, 4200 State Rd 7 (License and permit required; right to solicit at reasonable times, places and under reasonable circumstances violation) <sup>ss</sup>  
Citation #998 was paid prior to the hearing - violations corrected

**10. ADJOURNMENT**

There being no further matters to discuss, the hearing was adjourned at 1:15 PM