



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 14, 2020**



1. PLEDGE OF ALLEGIANCE

2. 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 Inspector Stephanie Silber, Code Compliance Inspector Mayra Hernandez, Code Compliance Inspector Sarah Perreira and Recording Secretary Grace Farrar

3. CALL OF THE CASES

Respondents were present for Case 19-083711, #19-078730, #19-021590

4. UNCONTESTED CASES

5.1 Case #19-027191: HWW Davie LLC, 5800 Reese Road (continued from November 5, 2019)⁴(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}

A continuance to the Special Magistrate hearing of February 25, 2020 was requested by the Respondent; a \$50.00 cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.2 Case #19-072794 : Yehuda Gene Wachtel and Almibete Ribeiro, 4451 SW 93 Avenue (continued from December 17, 2019)¹(duty of owner or occupant to keep property free from waste, weeds, debris; notice; lien on property/nuisance/eyesore violation) ^{cv}

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

5.3 Case #19-072795 : Yehuda Gene Wachtel and Almibete Ribeiro, 4450 SW 95 Avenue (continued from December 17, 2019)¹(maintenance standards of exterior premises/minimum landscape standards/overgrowth/ nuisance/eyesore violation) ^{cv}

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

5.4 Case #19-074903: Plaza Center B LLC, 11410 State Road 84 (duty of owner or occupant to keep property free from waste, weeds, debris; notice; lien on property violation) ^{cv}

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

**RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 14, 2020**

5. FORMAL HEARINGS OF CONTESTED MATTERS

5.5 Case #19-078730: Esbin Rolando Cordon and Vilma Aracely Rodriguez-Cordon, 6020 SW 39 Court (commercial vehicles parking prohibited/specific prohibitions; animals and birds/nuisance/eyesore/storage of abandoned property on public or private land/receptacle requirements; location of receptacles/parking prohibited at all times/standards for specific uses violation) ss

Esbin Rolando Cordon, property owner was present at the hearing

Inspector Silber 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 November 19, 2019 were submitted as Town's Exhibit 2 without objection. Photographs taken on November 23, 2019 were submitted as Town's Exhibit 3 without objection. Photographs taken on January 11, 2020 were submitted as Town's Exhibit 4 without objection.

Mr. Cordon testified he needed more time to comply with some of his violations. Mr. Cordon objected to the issue of the nuisance from the barking dog, based on the time of the complaints.

Based on the agreement with Mr. Cordon, a final order with 30 days for town code sections 12-33(G), 17-7, 12-33(U), 11-17, 9-21(b)(1) and 12-34(N)(1)(4) no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

5.6 Case #19-083711: Rolling Hills Golf and Tennis Club Condominium VI Association Inc. and Roy Parker (President), 3100 W Rolling Hills Circle (maintenance standards of exterior premises/nuisance, health, safety and welfare violation) MH

Ricki Frand, Esq. Kaye Bender Rembaum, P.I. on behalf of Rolling Hills Golf and Tennis Club Condominium VI Association

Cynthia Turni, 3100 W Rolling Hills Circle #301

Josephine Dayes, 3100 W Rolling Hills Circle #304

Inspector Hernandez presented the case and read the violations into the record. Service was achieved by posting and certified mail. A copy of the electronic notification along with an affidavit of posting was submitted as Town's Composite Exhibit 1 without objection.

Cynthia Turni testified to the conditions that have occurred as they relate to the rodent infestation. Ms. Turni had photographs of the conditions which were reviewed by the magistrate. Ms. Turni made repeated attempts to get assistance from the property managers but felt her complaints were not being addressed. Ms. Turni made contact with the code compliance division and was met by Inspector Berni at the property. An inspection was conducted and some dead rats were observed.

Ms. Dayes, testified to the conditions of the rodents and the excessive smells in the stairwells of the condominium due to the infestation. Both complainants stated the conditions have improved from their original complaints.

Ms. Frand testified their client made measures to cure the violations by hiring an additional exterminating company. Ms. Frand presented to the magistrate a copy of the contract from the service company Bug Off which was submitted as Town's Exhibit 2 without objection. A copy of an invoice from Critter Control for eradication of the rodents was submitted as Town's Exhibit 3 without objection.

**RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 14, 2020**

Photographs taken by the complainant were submitted as Town's Composite Exhibit 4 with objection.

A recommendation for a final order with 30 days for town code sections 6-36(f) and 12-33(U) along with \$350.00 cost recovery fee was assessed. Ms. Frand requested the cost recovery fee be waived. Special Magistrate Edwards denied this request.

Special Magistrate Edwards so ordered.

6. NON COMPLIANCE

6.1 Case #18-054550 a ka #2014-0918: Charley W. Bitterman, 5770 SW 38 Court (continued from December 17, 2019)²(overgrowth/derelict vehicles prohibited violation) ^{ss}

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 Edwards so ordered.

6.2 Case #18-062080 : Latoya T. Thomas, 10801 SW 30 Place (continued from December 17, 2019)¹ (minimum standards for maintenance of premises/nuisance; health, safety and welfare violation)^{cv}

Inspector Velez presented the case and read the violation into the record. Ms. Thomas was present at the December 17, 2019 hearing and waived service. Contact was made with Ms. Thomas on January 13, 2020 and was aware of the hearing on Tuesday January 15, 2020. Photographs taken on January 13, 2020 were submitted as Town's Composite Exhibit 1 without objection.

A discussion was held on the condition of the pool and the trash left on the swale of the property.

Based on the condition of the property, a lien was recommended for violation of town code sections 12-33(U) and 6-31(J)(1)(2)(3) for sixty three (63) days of non-compliance at \$50.00 per day for two (2) violations resulting in a lien in the amount of \$6,300.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$6,800.00.

Special Magistrate Edwards so ordered.

6.3 Case #17-076009 f.k.a. #2014-0585: Royal Grand Condominium Association Inc., 2660 S. University Drive (continued from December 17, 2019)⁵(landscape maintenance/health, safety and welfare violation) ^{ss}

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 Edwards so ordered.

6.4 Case #19-021590 : Scott G. Ference, 6180 SW 48 Court (continued from November 5, 2019)¹(Florida building code violation)^{RB}

Scott G. Ference, property owner was present

Mr. Ference obtained the permit which was submitted as Town's Exhibit 1 without objection.

**RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 14, 2020**

A continuance to the Special Magistrate hearing of April 7 2020 was requested by the Respondent to assist with the process of having the shed relocated; no cost recovery fee was assessed.

Special Magistrate Edwards so ordered.

8. NEW BUSINESS

9. CITATION AGENDA

9.1 Case #2019-0075: Giardino Gourmet, 1906 S University Drive (delinquency violation) ^{SES}
Citation #294 was corrected prior to the hearing. The violation was dismissed.

9.2 Case #2019-0076: Amazing Lash Studio, 2124 S University Drive (delinquency violation) ^{SES}
Citation #295 was corrected prior to the hearing. The violation was dismissed.

9.3 Case #2019-0077: Super Cuts, 13690 W State Rd 84 (business tax required violation) ^{SES}
Citation #296 was corrected prior to the hearing. The violation was dismissed.

9.4 Case #2019-0078: Cellular Extreme, 13650 W State Rd 84 (delinquency violation) ^{SES}
Inspector Perreira presented the case and read the violation into the record.
Service was achieved by hand delivery. Based on the delinquency violation a **Finding of Fact and Conclusion of Law** was entered by Special Magistrate Edwards for violation of town code section 13-17.

A lien for Citation #297 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.

9.5 Case #2019-0079: Tire Kingdom, 13760 W State Rd 84 (receptacle requirements violation) ^{SES}
Citation #298 was corrected prior to the hearing. The violation was dismissed.

9.6 Case #2019-0080: 3 G's Barber Shop, 6804 Stirling Road (delinquency violation) ^{SES}
Citation #299 was corrected prior to the hearing. The violation was dismissed.

9.7 Case #19-080318: TAH 2017-1 Borrower LLC, 7791 NW 32 Street (littering; accumulation of garbage; failure to remove after notice violation) ^{CV}
Citation 267 was dismissed.

10. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 11:15 A.M.