



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
JANUARY 28, 2020**



**1. PLEDGE OF ALLEGIANCE**

**2. CALL SESSION TO ORDER**

The hearing was called to order at 12:15 P.M. Present were Special Magistrate Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Kim Massey and Recording Secretary Grace Farrar

**3. CALL OF THE CASES**

Respondents were present for Case #20-003719, #17-025794

**4. UNCONTESTED CASES**

**5. FORMAL HEARINGS OF CONTESTED MATTERS**

**5.1 Case #20-003719:** Sean E. Wagner and Coconut Grove Recovery LLC d/b/a More Life Recovery Center, 14503 SW 16 Street (permitted uses/business tax required/adoption of Florida building code and its building permit requirements/violations of statutes and ordinances violation) <sup>RB</sup>

Sean Wagner, property owner was present

Mr. Stallone obtained a consent agreement with the law office of Perera Barnhart Aleman to remain in compliance with violation of town code sections 12-32, 16-1 and the Town withdraws 13-17 as the Respondent's business has relocated from the Town of Davie. The consent agreement along with email correspondence was submitted as Town's Composite Exhibit 1 without objection. Based on the email from Ms. Valerie Barnhart dated January 21, 2020 More Life Recovery Center has vacated the property.

Mr. Sean Wagner stated he installed a generator several years ago and hired a company, he was unaware no permit was applied for. Based on the new building codes, some conditions must be met before the permit will be completed.

Based on the testimony of Mr. Wagner, a final order with thirty (30) days was recommended along with \$350.00 cost recovery fee.

Special Magistrate Gabriel so ordered.

**6. NON COMPLIANCE**

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**6.1 Case #17-025794:** Sean E. Wagner, 14503 SW 16 Street (permitted uses/general regulations violation) <sup>RB</sup>

Sean E. Wagner, 14503 SW 16 Street, property owner

Christine Freeman, 14531 SW 16 Street, complainant

A discussion was held on the permitted use violation as it relates to the More Life Recovery Center that occupied the property until January 21, 2020.

Christine Freeman testified they became aware of the new occupant by viewing a web page for More Life Recovery Center and based on the proximity to the school bus stop and the type of business operating from the property the neighbors object to this operation. An affidavit from Christine Freeman and Mindy Hileman were submitted as Town's Composite Exhibit 1 without objection.

Sean Wagner testified he used a reputable real estate company to handle the rental of the property. The real estate contacts specifically state the renter must abide by the town codes. The special magistrate told Mr. Wagner as a property owner the ultimate responsibility remains with the homeowner.

Based on a consent agreement signed by Mr. Wagner on May 23, 2017 which remains in full force and effect, a lien was recommended for violation of town code sections 12-32 and 12-33 for seven (7) days of non-compliance from the date of the notice on January 14, 2020 until the property was vacated on January 21, 2020 at \$500.00 per day resulting in a lien in the amount of \$7,000.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$7,500.00. Mr. Wagner objected to the lien. A discussion was held on the process of mitigation.

Special Magistrate Gabriel so ordered.

## 7. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:45 P.M.