



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
MARCH 10, 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 Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Dana Phillips, Animal Control Officer Karen Borsoni, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Code Compliance 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 19-070970, #18-031713, #20-000461

**4. UNCONTESTED CASES**

**5.1 Case #17-041141** : Lakeside Village of Davie Property Owner's Assoc. Inc., 6950 Griffin Road (continued from December 10, 2019)<sup>14</sup>(installation and maintenance/prohibition of tree abuse; exceptions; administrative appeal/minimum landscape standards violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of June 9, 2020 was requested by the respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**5.2 Case #18-021258** : Lakeside Village of Davie LLC and Lakeside Village of Davie Condominium Association Inc., and ET AL, 6950 Griffin Road #C8 (continued from December 10, 2019)<sup>8</sup>(installation and maintenance /prohibition of tree abuse; exceptions; administrative appeal/minimum landscape standards/miscellaneous requirements/minimum landscape standards violation) <sup>MH</sup>

A continuance to the Special Magistrate hearing of June 9, 2020 was requested by the respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**5.6 Case #20-008352**: Alexander and Patricia Woviotis, 13510 SW 29 Street (engineering permit violation) <sup>RB</sup>

The violations were cancelled prior to the hearing without prejudice to future action; no cost recovery fees were assessed.

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**5.7 Case #20-008780 aka #20-006473:** Ricardo and Bedsaida Rivera, 6621 Hidden Cove Dr #1-8 (dog attack/running at large prohibited, declared nuisance/license and rabies vaccination violation) KB

Animal Control officer Karen Borsoni obtained an agreed final order with the respondent to remain in compliance with violation of town code sections 4-63.1, 4-63, 4-62 no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

**5. FORMAL HEARINGS OF CONTESTED MATTERS**

**Case #19-070970:** Spur Road LLC, 4600 SW 30 Street (continued from November 19, 2019)<sup>1</sup>(specific prohibitions: idling vehicles/overgrowth/trash waste and garbage/nuisances violation) SS

Stuart A. Teller, Esq., Stuart Teller, PA 7320 Griffin Road  
Norka Rodriguez, 7320 Griffin Road  
Evan Marbin, Esq., 48 East Flager St, PH104, Miami, FL  
Sherrie Marbin, 3055 Burris Road, Davie  
Jean Paul Lafontaine, 3055 Burris Road  
Gilles Folley, 3055 Burris Road

Inspector Silber presented the case and read the violations into the record.

A discussion was held on the status of the idling vehicles and the overall conditions at the property. The inspector has received complaints of the vehicles still parking and idling along SW 30 Street.

Evan Marbin, read a statement that relates to the non-conforming uses. The park has been in operation for over 45 years.

Stuart Teller, stated Spur Road is under the M4 Zone and they have made attempts to assist the residents by restricting the locations of the REEFER/Refrigerated truck parking. A proposal will be presented to the Town as it relates to a wall constructed along the SW 30 Street location.

Ms. Rodriguez spoke to the changes that have been implemented at the truck stop that relates to the idling and fumes.

Mr. Jean Paul Lafontaine, testified there have been improvements, more needs to be done to improve the quality of life at the park.

Mr. Gilles Foley, testified to the conditions and has seen improvements. He did have to contact Ms. Rodriguez on one occasion. They look forward to the construction of a wall that was in the original plans for the construction of the truck stop.

A request for a final order with thirty (30) days for violation of town code section 15-7(14) and final order to remain in compliance with violation of town code sections 9-51(b), 9-2 and 12-33(U) be issued along with a cost recovery fee of \$350.00.

Special Magistrate Gabriel so ordered.

**5.4 Case #19-085791 :** Jenna Melchionno and Marshall's Tree Service and Landscaping LLC, 13941 SW 22 Place (continued from January 28, 2020)<sup>1</sup>(noise disturbance prohibited/noise measurement violation) KM

Carl Bober, Esq. Vernis & Bowling Attorneys at Law  
Remy Sampson, 14010 SW 21 Street  
Michael Davenport, 14041 SW 22 Street  
Jean Davenport, 14041 SW 22 Street

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John and Joan Meic, 14030 SW 21 Street  
Jenna Melchionno, property owner  
Wyadi Fasciana, 13920 SW 22 Place  
Thomas Melchionno, 181 NE 14 Avenue  
Paul Gross, 11542 Lakeview Drive  
Ella Murrell, 14050 SW 21 Street

Inspector Massey presented the case and read the violations into the record service was achieved by hand delivery. An Affidavit of hand delivery was submitted as Town's Exhibit 1 without objection.

Mr. Remy Sampson, 14010 SW 21 Street, testified to the noise he hears seven days a week from equipment. Inspector Massey provided a copy of his sworn affidavit to the Special Magistrate.

Mr. John Meic, 14030 SW 21 Street, testified to the noise he hears on a daily basis from the respondent's property. Inspector Massey provided a copy of his sworn affidavit to the Special Magistrate.

Mrs. Joan Meic, 14030 SW 21 Street testified to the noise she hears on a daily basis from the respondent's property. Mrs. Meic also stated she has viewed the bobcat. Inspector Massey provided a copy of her sworn affidavit to the Special Magistrate.

Ms. Ella Murrell, 14050 SW 21 Street, has lived at the property for 28 years and has noticed an increase in the noise over the years.

Mr. Davenport, 14041 SW 22 Place, testified to the nuisance he is experiencing. Inspector Massey provided a copy of his sworn affidavit along with a detailed log of events to the Special Magistrate. Mr. Davenport read a statement into the record and stated he has lived at the property for thirty years. Videos taken by Mr. Davenport were viewed at the hearing. The affidavits along with the log were submitted as Town's Composite Exhibit 2 without objection. Inspector Massey played the video recorded on January 3, 2020 to substantiate the violation of noise. Mr. Bober stated with the absence of any noise measurements they object to the videos as evidence. The date of June 10, 2020 was also played for the Special Magistrate. Mr. Bober provided to Mr. Davenport the timeline of the dates the lawn maintenance is performed at the respondent's property.

Mr. Bober, attorney for Ms. Melchionno submitted an affidavit from George Marcus the previous owner of 14000 SW 21 Street as Respondent's Exhibit 1 without objection. An aerial printout of the property and the surrounding neighbors was presented to the magistrate. Photographs taken of the property at the time of the purchase was submitted as Respondents Exhibit 2 without objection.

Ms. Wyandi Fasciana, 13920 SW 22 Place, testified to the conditions of the property prior to Ms. Melchionno purchasing the 2 acre property. Both Mr. Bober and Mr. Stallone questioned Ms. Fasciana.

Supervisor Berni presented Mr. Davenports log along with stealth camera captures via the overhead and presented a copy as Town's Composite Exhibit 4 without objection.

Break 1:05 pm resumed hearing at 1:20 pm

Mr. Bober questioned Ms. Melchionno as to the photographs depicted in the powerpoint presentation presented by the Town.

A discussion was held on the noise violation. The Special Magistrate reserved ruling in this matter for the purpose of allowing the Defendant's the opportunity to submit legal argument relating to the application of the Town's ordinance and law on or before Friday March 20, 2020. The Town may respond within seven (7) days. A continuance

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to the Special Magistrate hearing of April 21, 2020 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**5.5 Case #20-000461:** Yasmina Del Carmen A. Miranda, 3921 SW 59 Terrace (Florida building code/commercial vehicles parking prohibited/local business tax receipt required/location of license; zoning regulation violation) <sup>ss</sup>

Yasmina Del Carmen A. Miranda, 3921 SW 59 Terrace was present

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 Exhibit 1 without objection. Photographs taken on January 2, 2020 were submitted as Town's Composite Exhibit 2 without objection. A copy of the Division of Corporations was submitted as Town's Exhibit 3 without objection. Broward County aerial photograph printout depicting the conditions of the property on June 19, 2019 was submitted as Town's Exhibit 4 without objection.

Ms. Miranda testified they have applied for a permit although it was rejected and they have hired an engineering firm to assist with the process. Ms. Miranda was unaware a business tax receipt was required and will apply immediately. As to the commercial truck parked at the property, at this time they have relocated the commercial truck to an approved facility.

A final order was requested providing for thirty (30) days to comply with violation of town code sections 15-1, 12-33(G), 13-7 and 13-23(A); no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

## 6. BUILDING DEPARTMENT

**6.1 Case #2020-0014:** Ion and Mary Rus, 7500 Peppertree Circle N (building permit required violation) <sup>NT</sup>

A continuance to the Special Magistrate hearing of April 21, 2020 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

## 7. LOCAL BUSINESS TAX RECEIPT

**7.1 Case #2020-0017:** Beyond Billiards, 5705 S University Drive (delinquency violation) <sup>SP</sup>

Inspector Perreira presented the case and read the violations into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection.

A request for a final order to remain in compliance for violation of town code section 13-32 was requested.

Special Magistrate Gabriel so ordered.

**7.2 Case #2020-0018:** Paradise Grime Busters Inc., 14260 SW 21 Street (location of license; zoning regulation/local business tax receipt required violation) <sup>SP</sup>

A continuance to the Special Magistrate hearing of April 7, 2020 was requested by the respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

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**7.3 Case #2020-0019:** Lakeview Apartments Inc., 4138 SW 61 Avenue (evidence of accumulation violation) <sup>SP</sup>

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

**7.4 Case #2020-0020:** John Dough's LLC d/b/a Davie's Best Pizza Bar and G&B Diversified I LLP, 4120 SW 64 Avenue (requirement for garbage and trash removal/evidence of accumulation violation) <sup>SP</sup>

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

**7.5 Case #2020-0021:** Bill's Bird Boutique and G&B Diversified I LLP, 4122 SW 64 Avenue (requirement for garbage and trash removal/evidence of accumulation violation) <sup>SP</sup>

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

## 8. NON COMPLIANCE

**8.1 Case #18-028883 :** Eveling and Orlando Capote, 2700 SW 121 Terrace (continued from January 28, 2020)<sup>2</sup>(non permitted uses prohibited violation) <sup>CV</sup>

A continuance to the Special Magistrate hearing of April 21, 2020 was requested by the respondent to provide more time to obtain a partial demo permit; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

**8.2 Case #18-031713 :** Jenna Melchionno and Marshall's Tree Service and Landscaping LLC, 13941 SW 22 Place (continued from January 28, 2020)<sup>1</sup>(general regulations violation) <sup>KM</sup>

Carl Bober, Esq. Vernis & Bowling Attorneys at Law

Remy Sampson, 14010 SW 21 Street

Michael Davenport, 14041 SW 22 Street

Jean Davenport, 14041 SW 22 Street

John and Joan Meic, 14030 SW 21 Street

Jenna Melchionno, property owner

Wyadi Fasciana, 13920 SW 22 Place

Thomas Melchionno, 181 NE 14 Avenue

Paul Gross, 11542 Lakeview Drive

Ella Murrell, 14050 SW 21 Street

Inspector presented the case. Photographs taken with the stealth camera located across from the respondents property was submitted as Town's Exhibit 1 without objection. Photographs taken by Mr. Davenport on August 4, 7, 12 and 15, 2019 and September 18, 2020, October 17, 2020, November 1, 4, 19, 20, 2020, December 1 and 15, 2020 were submitted as Town's Composite Exhibit 2 without objection. Supervisor Berni read into the record the photographs taken with stealth camera that support the Town's position of violations of the final order issued on August 21, 2018.

Jenna Melchionno read a statement into the record. The trucks were parked on the property for two (2) days while the storage company was sold thereafter were returned to the facility.

Mr. Bober questioned Ms. Melchionno for each picture that was submitted by the Town.

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A discussion was held on the violation of Town code section 12-33(G). After a lengthy discussion it was determined that there were seven occasions where the violation existed. Based on the final order issued on August 21, 2018 a lien was recommended for violation of town code section 12-33(G) on August 4, 2019, September 18, 2019, October 17, 2019, December 1, 2019, December 12, 2019, December 20, 2019 and January 6, 2020 for seven days (7) day of non-compliance at \$250.00 per day resulting in a lien in the amount of \$1,750.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$2,250.00.

Special Magistrate Gabriel so ordered.

## 9. LOCAL BUSINESS TAX- NON COMPLIANCE

**9.1 Case #2018-0026 :** Roni and Sharona Elgazar and First Call 24/7 Inc., 1650 SW 117 Avenue (continued from January 28, 2020)<sup>6</sup>(non-permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/nuisance/eyesore violation) <sup>SP</sup>

A continuance to the Special Magistrate hearing of April 21, 2020 was requested by the respondent; \$50.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

## 10. NEW BUSINESS

## 11. OLD BUSINESS

## 12. CITATION AGENDA

**12.1 Case #20-006730:** SH27 2018 LLC, 8530 SW 20 Street (duty of owner or occupant to keep property free from waste, weeds, debris) <sup>CV</sup>

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 January 21, 2020 was submitted as Town's Exhibit 2 without objection.

A lien for Citation #269 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 Gabriel so ordered.

**12.2 Case #2020-0015:** Three J's Cigar Emporium Davie, Inc., 8250 Griffin Road; Citation #743(delinquency violation) <sup>SP</sup>

Citation #743 was corrected and paid prior to the hearing.

**12.3 Case #2020-0016:** The Blannett Law Firm, 4801 S. University Drive; Citation #744 (transfer of license procedure violation) <sup>SP</sup>

Citation #744 was corrected and paid prior to the hearing.

## 13. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 3:20 P.M.