



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
SEPTEMBER 15, 2020**



1. PLEDGE OF ALLEGIANCE

2. CALL SESSION TO ORDER

The hearing was called to order at 11:00 A.M. Present were Special Magistrate Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Dana Phillips, Compliance Inspector Kim Massey, Office Supervisor Mayra Hernandez, and Recording Secretary Grace Farrar

3. CALL OF THE CASES

Respondents were present for Case 17-025794

4. UNCONTESTED CASES

5. FORMAL HEARINGS OF CONTESTED MATTERS

6. NON COMPLIANCE

6.1 Case #17-025794: Sean E. Wagner and Sean Wagner Special Events Agent, 14503 SW 16 Street (permitted uses / general regulations violation) km

Gordon Bello, Esq. attorney for Sean Wagner

Sean Wagner, 14503 SW 16 Street, property owner

David Powers, tenant 14503 SW 16 Street

Supervisor Berni presented the case and read the violation into the record. Service was obtained by hand delivery. An Affidavit of hand delivery was submitted as Town's Exhibit 1 without objection. An Exhibit prepared by Code Compliance Official Danny Stallone consisting of eight (8) exhibits was submitted as Town's Composite Exhibit 2 without objection. Included in this exhibit is the Final order issued on June 5, 2017, Broward County Property Appraiser printout, Social media advertisements social media account by Nicole Powers, floor plan of the property, the aerial photograph of the property along with a copy of the police report for Case 20-055248. The Broward County Property appraiser aerial printout was submitted as Town's Composite Exhibit 3 without objection.

Code Compliance Official Danny Stallone presented the composite exhibit and discussed all the exhibits in length. A review of the Instagram account indicates the operation of a business being conducted at the property which based on the current zoning of R 1 is not a permitted use.

Mr. Bello provided a statement on behalf of Mr. Wagner that the property is no longer homesteaded and that there is a landlord tenant agreement with the current

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tenants. Mr. Bello stated upon notice by the Town, the tenant sent a message to Mr. Wagner advising of the hearing. Mr. Bello requested a copy of the consent agreement that was signed by Mr. Wagner on May 23, 2017.

A discussion of potential fines was held, and an explanation was given to Mr. Bello the attorney for Mr. Wagner as to the violations along with the responsibility of the property owner for events that take place at the home. As the Code Compliance Official stated fines could be assessed in the amount of \$15,000.00 per event.

Mr. David Powers, the tenant testified that Mr. Wagner was unaware of the activity that takes place at the property as it relates to photographs of Ms. Amato's friends. In reference to the Instagram account, he advised that it's his fiancé's, and requested some additional time to get with an IT person to delete the account. Mr. Powers was advised that social media advertising indicates the non-permitted use.

Mr. Stallone advised Mr. Powers that the advertisement on Instagram must stop and no commercial photoshoots can be conducted at the residential property. Friends and visitors are allowed if the COVID 19 guidelines are being followed.

A fine in the amount of \$2,500.00 was assessed along with a \$500.00 cost recovery fee for violation of Town Code Sections 20-15, 12-32 and 12-33(U) based on the final order issued on June 5, 2017 and payable within sixty (60) days from date of the issued order. The respondent must cease and desist commercial activities including all social media commercial advertising within five (5) days of the issue of the final order. Should the respondent fail to cease and desist such commercial activities, a fine of \$5,000.00 per day per violation will be incurred.

Special Magistrate Gabriel so ordered.

8. NEW BUSINESS

9. OLD BUSINESS

10. CITATION AGENDA

11. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:30 P. M.