

CITY OF COCONUT CREEK SPECIAL MAGISTRATE HEARING MINUTES

Government Center 4800 W. Copans Road Coconut Creek, Florida Date: September 26, 2018

Time: 2:30 p.m. Hearing No. 2018-10

1. The Special Magistrate Richard Doody called the meeting to order at 2:36 p.m.

2. Explanation of Proceedings by Special Magistrate

Mr. Doody explained that he was an attorney appointed by the City to hear alleged Code violations and that this was a quasi-judicial proceeding, which is more formal than an appearance before the City Commission but less formal than courtroom proceedings. Persons intending to speak would be sworn in. Both sides would have the right to cross-examine anyone who speaks, and both sides would have the right to submit evidence into the record. Although the burden to prove the case is upon the City, State Statue and local ordinances provide that those parties who are found guilty of a Municipal code violation can be subject to a fine amount or a fine amount that runs on a daily basis. Mr. Doody emphasized that his role is not that of a judge but that of a fact-finder and hearing officer to determine the facts and make a ruling on the facts that are submitted into the record. He also clarified that unlike a judge, a Special Magistrate does not have equitable powers, and he cautioned that although he would answer questions about the process at any time during the proceedings, he could not give legal advice. He requested that if a person agreed with the violation but was seeking additional time to remedy the violation, the formality of the hearing would be dispensed so that it could be addressed. In contested violations, the City would speak first with the individual's response following.

3. Swearing in of Witnesses

4. Cases

	Property Owner/Violator	
	Address	Violation
Citation No.	Violation	Date

Officer Briana Capone

C18010318 Aquilino, Juliana 01/25/18
4371 NW 51 Street Coconut Creek, FL 33073

Violation Address: 4371 NW 51 Street

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

C18070325 Bank of America NA %Ocwen Loan Servicing LLC 07/30/18

1661 Worthington Rd #100 West Palm Beach, FL 33409

Violation Address: 5002 Pebblebrook Terrace

Chapter 6, Section 36-b-7

Source of infestation: Stagnant pool

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 25, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18070325 Bank of America NA %Ocwen Loan Servicing LLC 07/30/18

1661 Worthington Rd #100 West Palm Beach, FL 33409

Violation Address: 5002 Pebblebrook Terrace
Chapter 6, Section 36-b-9
Lawn/landscaping not maintained in healthy condition

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 25, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18070326 Bank of America NA %Ocwen Loan Servicing LLC 07/30/18

1661 Worthington Rd #100 West Palm Beach, FL 33409

Violation Address: 5002 Pebblebrook Terrace
Chapter 13, Section 443-2
Minimum landscaping requirements

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 25, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18070327 Bank of America NA %Ocwen Loan Servicing LLC 07/30/18

1661 Worthington Rd #100 West Palm Beach, FL 33409

Violation Address: 5002 Pebblebrook Terrace

Chapter 13, Section 241-i

Failure to clean sidewalks

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 25, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080288 Banyan Pointe Assoc LTD 08/16/18
2100 Hollywood Blvd Hollywood, FL 33020
Violation Address: 3597 Wiles Road
Chapter 13, Section 38-a
Failure to obtain permit. Mold remediation/drywall

Disposition: This case has complied.

C18090084 Harrah, Thomas P & Hua 09/10/18
8960 Edgewater Bend Parkland, FL 33076
Violation Address: 4913 Cypress Lane
Chapter 20, Section 14
Water meter bypass

Disposition: This case has complied.

C18010298 Martins, Flavio Alves 01/25/18

4518 NW 51 Court Coconut Creek, FL 33073

Violation Address: 4518 NW 51 Court

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: The Special Magistrate found for the city and imposed a compliance date of

November 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18010321 Miller, Barbara Jean 01/25/18
4383 NW 51 Court Coconut Creek, FL 33073
Violation Address: 4383 NW 51 Court
Chapter 6, Section 54
Backflow prevention regulations (non-compliance)
Permit Required

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 25, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18010334 Pizzo, Ashley 01/25/18

4414 NW 52 Court Coconut Creek, FL 33073

Violation Address: 4414 NW 52 Court

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Permit Required

Disposition: This case has complied.

C18080438 Redshaw, Thomas & Helena 08/29/18
5533 NW 55 Terrace, Coconut Creek, FL 33073
Violation Address: 5533 NW 55 Terrace
Chapter 6, Section 36-b-1

Rear Fence in disrepair

Disposition: This case has been withdrawn.

C18080439 Redshaw, Thomas & Helena 08/29/18
5533 NW 55 Terrace, Coconut Creek, FL 33073
Violation Address: 5533 NW 55 Terrace
Chapter 13, Section 371-8-b

Swimming pools & spa enclosure requirements *Safety Violation*

Disposition: This case has been continued to October 24, 2018.

C18030143 Zamora-Miller, Tamara & Miller, Joseph David 01/25/18

4481 NW 49 Court Coconut Creek, FL 33073

Violation Address: 4481 NW 49 Court

Chapter 6, Section 54

Backflow prevention regulations (non-compliance) Permit Required

Disposition: This case has complied.

Officer Janet Clark

C18080155

Begum, Shamsad

3228 NW 22 Ave Oakland Park, FL 33309

Violation Address: 1801 NW 49 Avenue

Chapter 19, Section 37-2

Parking- Commercial Vehicle & Boat Trailer

(On HOA property; exceeds size restrictions)

Disposition: This case has complied.

C18060229 Grau, Avelina Est 06/14/18
2170 NW 34 Terrace Coconut Creek, FL 33073
Violation Address: 2170 NW 34 Terrace
Chapter 6, Section 36-a-2
Roof: Non-maintenance
(Discoloration present on all roof surfaces)

Disposition: The Special Magistrate found for the city and imposed a compliance date of November 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18060230 Grau, Avelina Est 06/14/18
2170 NW 34 Terrace Coconut Creek, FL 33073
Violation Address: 2170 NW 34 Terrace
Chapter 6, Section 36-b
Driveway and walkway discoloration

Disposition: The Special Magistrate found for the city and imposed a compliance date of November 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18060231 Grau, Avelina Est 06/14/18

2170 NW 34 Terrace Coconut Creek, FL 33073

Violation Address: 2170 NW 34 Terrace

Chapter 6, Section 36-b-9

Lawn and landscaping: non-maintenance

(Weeds and overgrowth present)

Disposition: The Special Magistrate found for the city and imposed a compliance date of November 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18060232 Grau, Avelina Est 06/14/18
2170 NW 34 Terrace Coconut Creek, FL 33073
Violation Address: 2170 NW 34 Terrace
Chapter 6, Section 36-a-1
Wall surfaces: non-maintenance
(Discoloration present)

Disposition: The Special Magistrate found for the city and imposed a compliance date of November 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18060233 Grau, Avelina Est 06/14/18

2170 NW 34 Terrace Coconut Creek, FL 33073

Violation Address: 2170 NW 34 Terrace

Chapter 13, Section 38-a

Failure to obtain permit: Accordion shutters

Disposition: The Special Magistrate found for the city and imposed a compliance date of November 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18010059 Luigi Salvatore Fam Tr Luigi Salvatore Trustee 01/10/18
3205 Des Enterprises Blvd Terrabonne, QC, CA J6X4J9
Violation Address: 2202 Lucaya Bend –O3
Chapter 13, Section 38-a
Failure to complete permit process (Application #18002247)

Disposition: The Special Magistrate found for the city and imposed a compliance date of November 29, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18070043 Wells Fargo Bank NA

07/03/18

P.O. Box 14506 Des Moines, IA 50328 Violation Address: 2805 Victoria Way – F1

Chapter 6, Section 39-i-1

Registration of abandoned real property

Not completed/paid

Disposition: This case has complied.

C18070042 Wells Fargo Bank NA Trstee % SHD Legal Group PA 07/03/18

499 NW 70 Ave Ft. Lauderdale, FL 33317 Violation Address: 4815 NW 14 Street

Chapter 6, Section 39-i-1

Registration of abandoned real property

Not completed/paid

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 8, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080140 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18

499 NW 70 Ave Ft. Lauderdale, FL 33317 Violation Address: 4815 NW 14 Street

Chapter 13, Section 371-8-b

Swimming pool and spa enclosure requirements

Unsecured fence *Public Safety Violation*

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080141 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18

499 NW 70 Ave Ft. Lauderdale, FL 33317 Violation Address: 4815 NW 14 Street

Chapter 6, Section 36-b-7

Sources of infestation-pool and spa inoperable

Public Safety Violation

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080142 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18

499 NW 70 Ave Ft. Lauderdale, FL 33317 Violation Address: 4815 NW 14 Street

Chapter 6, Section 36-a-3

Screens missing and/or in disrepair

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080143 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18
499 NW 70 Ave Ft. Lauderdale, FL 33317
Violation Address: 4815 NW 14 Street

Chapter 6. Section 36-b

Exterior premises condition: exposed electrical wires

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080144 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18
499 NW 70 Ave Ft. Lauderdale, FL 33317
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-b-9

Non-maintenance of lawn and landscaping

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080145 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18
499 NW 70 Ave Ft. Lauderdale, FL 33317
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-b-3
Refuse brush- Weeds in pavers
(Driveway, walkways, and pool deck)

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080146 Wells Fargo Bank NA Trstee % SHD Legal Group PA 08/08/18
499 NW 70 Ave Ft. Lauderdale, FL 33317
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-a-2
Non-maintenance of roof
(Discoloration/disrepair present)

Disposition: The Special Magistrate found for the city and imposed a compliance date of September 27, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

Officer Lori Hecht

C18040239	6600 NS R 7 Realty LLC 04/	18/18
	23311 Mirabella Cir N Boca Raton, FL 33433	
	Violation Address: 6600 N. St. Rd 7	
	Chapter 13, Section 549	
	Failure to adhere to site plan unapproved signage- gas pumps	

Disposition: The Special Magistrate found for the city and imposed a compliance date of October 25, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

<u>C18030066</u>

Belba, Michael A & Christina A

3905 NW 55 Ct Coconut Creek, FL 33073-4118

Violation Address: 3905 NW 55 Ct

Chapter 6, Section 54

Backflow prevention regulation (non-compliance)

Disposition: This case has complied.

<u>C18020345</u> Guardino, Mary 02/22/18
544 Post Lane Somerset, NJ 08873

Violation Address: 3956 NW 56 St

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

C17070091 Johns Family Partners LLLP 05/03/18

4850 SW 51 Terrace Ocala, FL 34474-4382 Violation Address: Lyons Road Chapter 13, Section 444-b-3

Failure to maintain landscaping along Banks Rd

Causing safety hazard

Disposition: This case has been continued to October 24, 2018.

C18050044 Johns Family Partners LLLP 07/11/17

4850 SW 51 Terrace Ocala, FL 34474-4382 Violation Address: Banks Road

Chapter 13, Section 241-i

Failure to maintain sidewalks including but not limited to

Clearing debris, dirt, trash mold or mildew

Disposition: This case has been continued to October 24, 2018.

C18030137 Kong, Gamal & Georges-Kong, Daphne 03/12/18

5061 NW 44 Ave Coconut Creek, FL 33073

Violation Address: 5061 NW 44 Ave

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

C18060057 Konisburg, Bruce & Adena J 06/04/18

3902 NW 55 St Coconut Creek, FL 33073

Violation Address: 3902 NW 55 St

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

06/13/18 MCA Promenade Owner, LLC C18060225 2 Seaport Ln Boston, MA 02210-2021 Violation Address: 4437 Lyons Road Ste 104 Chapter 9, Section 2 Fire prevention and protection-failed inspections Disposition: This case has been continued to October 24, 2018.

01/2/18 C18010342 Mendler, William & Debbie 4550 NW 52 St Coconut Creek, FL 33073 Violation Address: 4550 NW 52 St Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

Nguyen, Hoang P & Do, Thang Manh 03/21/18 C18030313 3930 NW 58 St Coconut Creek, FL 33073

Violation Address: 3930 NW 58 St

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

01/25/18 C18010330 O'Toole, Kieran & Lisa 4531 NW 52 St Coconut Creek. FL 33073 Violation Address: 4531 NW 52 St

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Disposition: This case has complied.

02/22/18 C18020342 Pascarella, Lori A 3926 NW 56 St Coconut Creek, FL 33073-4116

Violation Address: 3926 NW 56 St

Chapter 6, Section 54

Backflow prevention regulations (non-compliance)

Permit required

Disposition: This case has complied.

Landscape Inspector Scott Massey

08/01/18 Victoria Isles Community Assoc C18080047

1215 E Hillsboro Blvd Deerfield Beach, FL 33441

Violation Address: NW 57 Manor Chapter 13, Section 444-b-4-b

Improper tree pruning

Disposition: The Special Magistrate found for the city and accepted the Stipulated Agreement.

Officer Winston Roberts

<u>C18090015</u> Advenir Cocoplum LLC <u>09/06/18</u>

17501 Biscayne Blvd Ste 300 Aventura, FL 33160 Violation Address: 4080 – 4182 Cocoplum Circle

Chapter 20, Section 14 Water meter bypass

Disposition: This case has complied.

C18050137 Bernal, Marcus & Kimberly 05/08/18

5155 NW 74 Place Coconut Creek, FL 33073

Violation Address: 5155 NW 74 Place

Chapter 6, Section 36-a-2 Non-maintenance of roof Roof shows sign of mildew

Disposition: This case has complied.

C18070332 Figueiredo, Ubiratan B & Wagna 07/31/18

6574 Pelican Avenue Coconut Creek, FL 33073-2423

Violation Address: 6574 Pelican Avenue

Chapter 13, Section 38-a

Failure to complete permit process for residential alteration

Disposition: The Special Magistrate found for the city and imposed a compliance date of January 24, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

<u>C18060359</u> Griner, Elena <u>06/20/18</u>

6057 NW 45 Terrace Coconut Creek, FL 33073-1996

Violation Address: 6435 Egret Terrace

Chapter 6, Section 36-a-2 Non-maintenance of roof Roof shows sign of mildew

Disposition: This case has complied.

C18070317 Kaizen USA LLC 07/30/18

4838 NW 58 Place Coconut Creek, FL 33073

Violation Address: 4903 NW 59 Court

Chapter 6, Section 36-a-2 Non-maintenance of roof Roof shows sign of mildew

Disposition: This case has complied.

C18040029 Osborne, Susan 04/03/18

4530 NW 61 Street Coconut Creek, FL 33073-1953

Violation Address: 4530 NW 61 Street

Chapter 6, Section 36-a-2 Non-maintenance of roof Roof shows sign of mildew

Disposition: The Special Magistrate found for the city and imposed a compliance date of January 24, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

Officer Terrye Stouffer

C18080197	Epstein, Marie	08/13/18
	3005 Portofino Isle D-4 Coconut Creek, FL 33066	
	Violation Address: 3005 Portofino Isle D-4	
	Chapter 13, Section 38-a	
	Failure to obtain a permit	

Disposition: The Special Magistrate found for the city and imposed a compliance date of January 24, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C18080184	Res Elite Development Inc.	08/13/18
	3389 Sheridan Street Hollywood, FL 33021	
	Violation Address: 4030 Edgewood Dr	
	Chapter 6, Section 36-b-9	
	Non-maintenance of lawn and landscaping	

Disposition: This case has been withdrawn.

C18010183	Smith, James R. H/E and Rafalea	01/18/18
	5532 NW 41st Ave Coconut Creek, FL 33073	
	Violation Address: 5532 NW 41st Ave	
	Chapter 6, Section 36-a-2	
	Roof non-maintenance, mildew, disrepair	

Disposition: This case has been continued to January 23, 2018.

C18030063	Vancol, Pierre and Celeste 03/06/18
	5811 Coral Lake Drive 111 Margate, FL 33063
	Violation Address: 3803 Woodfield Drive
	Chapter 13, Section 38-a
	Failure to complete permit process for patio Application No.: 17001299

Disposition: The Special Magistrate found for the city and imposed a compliance date of January 24, 2018 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

Urban Forester Sharon Vollmer

C18080459	Azzinaro, Patty	08/30/18
	4438 NW 64 St Coconut Creek, FL 33073	
	Violation Address: 4438 NW 64 St	
	Chapter 13, Section 444-b-4-b	
	Improper tree pruning of live oak street tree	

Disposition: The Special Magistrate found for the city and imposed a compliance date of January 24, 2018 and a one-time fine of \$50 with a one-time administrative fee of \$25.

Code Fine Reduction

C15090388	Fink, Sue Estate	09/15/15
Roberts	824 W. Plantation Circle, Plantation, FL 33324	
	Violation Address: 6270 NW 41 Way	
	Chapter 6, Section 36-b	
	Exterior premises condition driveway mildew	

FINE \$19,600.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$1,375.00 the fine has been paid.

C06090295	Luca, John and AnnaMarie 02/17	7/04
Hecht	6270 NW 41 Ter Coconut Creek, FL 33073	
	Violation Address: 6270 NW 41 Ter	
	Chapter 13, Section 38-d-4	
	Building permit requirements permit fence incorrect not to plan	

FINE \$30,350.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$0.

C13040206	Matthies, Henry	04/08/13
Capone	4450 NW 7 Street Coconut Creek, FL 33066	
	Violation Address: 4450 NW 7 Street	
	Chapter 6, Section 36-b-9	
	Lawn and landscaping not maintained in a healthy cond	ition
	Bare areas	

FINE \$86,800.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$725.00 the fine has not been paid.

C17100190	Khatami, Majid 10/31	<u>/17</u>
Clark	2003 Granada Dr E4 Coconut Creek, FL 33066	
	Violation Address: 2003 Granada Dr. E4	
	Chapter 13, Section 38-a	
	Failure to obtain permit: Kitchen/Bathroom Permit #18000391	

FINE \$5,550.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$725.00 the fine has been paid.

C16120123	Castaneda, Xavier	<u> 12/15/16</u>
Capone	4401 NW 3 St Coconut Creek, FL 33066	
	Violation Address: 4401 NW 3 St	
	Chapter 13, Section 38-a	
	Permit Expired	

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$1,425.00 the fine has been paid.

FINE \$25,800.00

ADMIN. FEE \$25

02/17/04 C04020214 Saraji, Jason 42 Nurmi Drive Fort Lauderdale, FL 33301 Sime Violation Address: 3900 NW 43 St

Chapter 13, Section 38-a

Failure to obtain permit for renovations

FINE \$82,300.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$1,375.00 the fine has been paid.

Status Conference

C18020274	Oluwote, Abraham and Cory C.	02/14/18
Stouffer	4254 NW 38th Drive Coconut Creek, FL 33073	
	Violation Address: 4254 NW 38th Drive	
	Chapter 13, Section 38-a	
	Failure to obtain a permit for fence	

Disposition: The Special Magistrate has accepted this order extending to January 24, 2019.

5. Acceptance of Minutes: Hearing No. 2018-08 for August 22, 2018.

The Minutes were accepted without corrections or deletions.

6. ADJOURNMENT

The meeting adjourned at 4:09 p.m.

Dahiella Thomas

Senior Staff Assistant