



**CITY OF COCONUT CREEK
SPECIAL MAGISTRATE HEARING
MINUTES**

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: September 26, 2018
Time: 10:00 a.m.
Hearing No. 2018-09**

1. The Special Magistrate David Tolces called the meeting to order at 10:06 a.m.

2. Explanation of Proceedings by Special Magistrate

Mr. Tolces 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 Statute 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. Tolces 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

Citation No.	Property Owner/Violator Address Violation	Violation Date
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Officer Briana Capone

C18030312	Aubertin, Llewelyn A 5622 NW 39 Ave Coconut Creek, FL 33073 Violation Address: 5622 NW 39 Ave Chapter 6, Section 54 Backflow prevention regulations (non-compliance)	03/21/18
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Disposition: This case has complied.

C18020255	First United Church of Jesus Christ Apostolic of Ft. La 3280 N. State Rd 7 Lauderdale Lakes, FL 33319 Violation Address: 5124 NW 42 Terrace Chapter 6, Section 54 Backflow prevention regulations Permit required (non-compliance)	02/14/18
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Disposition: This case has complied.

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C18010304	Barcala, Sergio	01/25/18
	5151 NW 45 Terrace Coconut Creek, FL 33073	
	Violation Address: 5151 NW 45 Terrace	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

Disposition: This case has complied.

C18020213	Marion, Michael R	02/12/18
	5072 NW 45 Ave Coconut Creek, FL 33073	
	Violation Address: 5072 NW 45 Ave	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

Disposition: This case has complied.

C18010316	Lanehart, Sean & April	01/25/18
	5171 NW 45 Terrace Coconut Creek, FL 33073	
	Violation Address: 5171 NW 45 Terrace	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

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.

C18010314	Swan, Peter Michael	01/25/18
	5160 NW 45 Terrace Coconut Creek, FL 33073	
	Violation Address: 5160 NW 45 Terrace	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

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.

C18010338	Piper, Eunice D	01/25/18
	5081 NW 45 Terrace Coconut Creek, FL 33073	
	Violation Address: 5081 NW 45 Terrace	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

Disposition: This case has complied.

C18030282	Konikoff, Alan J & Maureen B	03/19/18
	5641 NW 38 Terrace Coconut Creek, FL 33073	
	Violation Address: 5641 NW 38 Terrace	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Re-certification required (non-compliance)	

Disposition: This case has complied.

Officer Janet Clark

C18050216	Lewis, William	05/10/18
Continued from 6/27	2220 NW 41 st Ave Coconut Creek, FL 33066	
	Violation Address: 2220 NW 41 st Ave	
	Chapter 13, Section 371-8-b	
	Swimming pools and spas enclosure requirements	

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.

C18050217	Lewis, William	05/10/18
Continued from 6/27	2220 NW 41 st Ave Coconut Creek, FL 33066	
	Violation Address: 2220 NW 41 st Ave	
	Chapter 6, Section 36-a-3	
	Screens (non-maintenance) damaged/ missing at pool enclosure	

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.

C18050221	Lewis, William	05/10/18
Continued from 7/25	2220 NW 41 st Ave Coconut Creek, FL 33066	
	Violation Address: 2220 NW 41 st Ave	
	Chapter 6, Section 36-a-1	
	Non-maintenance of wall surfaces (discoloration present)	

Disposition: This case has complied.

C18050222	Lewis, William	05/10/18
Continued from 7/25	2220 NW 41 st Ave Coconut Creek, FL 33066	
	Violation Address: 2220 NW 41 st Ave	
	Chapter 13, Section 443-2	
	Minimum landscape requirements not met	

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.

C18060227	Lewis, William	06/12/18
Continued from 7/25	2220 NW 41 st Ave Coconut Creek, FL 33066	
	Violation Address: 2220 NW 41 st Ave	
	Chapter 13, Section 348-a	
	Zoning Regulations for PUD district: Exceeds definition of Family	

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

Officer Lori Hecht

C18010341	Castaneda, Gabrielle I & Coppola, Marc	01/25/18
	4544 NW 50 Ct Coconut Creek, FL 33073	
	Violation Address: 4544 NW 50 Ct	
	Chapter 6, Section 54	
	Backflow prevention regulation (non-compliance)	

Disposition: This case has complied.

C18010306	Costa, Clelio & Rosana	01/25/18
	4529 NW 51 Court Coconut Creek, FL 33073	
	Violation Address: 4527 NW 51 Court	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

Disposition: This case has complied.

C18010331	Lima Investment Group LLC	01/25/18
	10820 SW 136 Court Miami, FL 33186	
	Violation Address: 10820 SW 136 Court	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

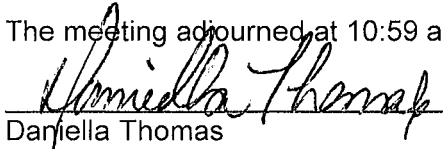
Disposition: This case has complied.

C18010297	Zuccarelli, Donna M & Silvio R	01/25/18
	4527 NW 51 Street Coconut Creek, FL 33073	
	Violation Address: 4527 NW 51 Street	
	Chapter 6, Section 54	
	Backflow prevention regulations	
	Permit required (non-compliance)	

Disposition: This case has complied.

5. ADJOURNMENT

The meeting adjourned at 10:59 a.m.



Daniella Thomas
Senior Staff Assistant