



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

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

**Date: April 24, 2019
Time: 2:30 p.m.
Hearing No. 2019-5**

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- 1. The Special Magistrate Richard Doody called the meeting to order at 2:30 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 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. 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**

Citation No.	Property Owner/Violator Address Violation	Violation Date
<u>Officer Briana Capone</u>		
C19030037	Christiana Tr % Quintairos, Prieto, Wood & Boyer 255 S Orange Ave #900 Orlando, FL 32801 Violation Address: 5406 NW 50 Court Chapter 13, Section 38-a Failure to obtain permit for water heater	03/05/19

Disposition: The Special Magistrate found for the city and imposed a compliance date of May 23, 2019 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

C19010187	If the Horseshoe Fitz LLC	01/30/19
Cont. from 3/27	4201 Vinkemulder Road Coconut Creek, FL 33073 Violation Address: 4201 Vinkemulder Road Chapter 13, Section 332-b A1 Agricultural District – Permitted Uses, to wit: Operating a business For vehicle repairs and allowing assembly uses Such as wedding parties and family reunions On the property (13-332-b): Unapproved *FastRite Glass & Carriage House**	

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Disposition: This case has been continued to May 22, 2019.

<u>C18080176</u>	<u>Realty Income Corp DBA Realty Income Prop Inc</u>	<u>08/12/18</u>
	11995 El Camino Real San Diego, CA 92130	
	Violation Address: 5520 Alexandra Boulevard	
	Chapter 6, Section 36-b-9	
	Non-maintenance	
	Lawn & landscaping	

Disposition: This case has been continued to May 22, 2019.

<u>C18080177</u>	<u>Realty Income Corp DBA Realty Income Prop Inc</u>	<u>08/12/18</u>
	11995 El Camino Real San Diego, CA 92130	
	Violation Address: 5520 Alexandra Boulevard	
	Chapter 6, Section 36-b	
	Exterior premise conditions	
	1. Parking lot needs re-striping	
	2. Light poles discoloration	

Disposition: This case has complied.

<u>C19030038</u>	<u>Realty Income Corp DBA Realty Income Prop Inc</u>	<u>08/12/18</u>
	11995 El Camino Real San Diego, CA 92130	
	Violation Address: 5520 Alexandra Boulevard	
	Chapter 13, Section 444-b-4-c	
	Improper palm pruning:	
	32 Sabal Palms	

Disposition: **Disposition:** The Special Magistrate found for the city and accepted the stipulated agreement and imposed a one-time fine of \$800.

Officer Janet Clark

<u>C18050093</u>	<u>KPC RE LLC c/o Schwartz Kales Accountancy</u>	<u>05/07/18</u>
Cont. from 3/27	6310 San Vicente Boulevard #250 Los Angeles, CA 90048	
	Violation Address: 4601 NW 30 Street	
	Chapter 6, Section 36-b-4	
	Improper exterior maintenance	
	Natural growth	

Disposition: This case has been withdrawn.

<u>C18050095</u>	<u>KPC RE LLC c/o Schwartz Kales Accountancy</u>	<u>05/07/18</u>
Cont. from 3/27	6310 San Vicente Boulevard #250 Los Angeles, CA 90048	
	Violation Address: 4601 NW 30 Street	
	Chapter 6, Section 36-b-9	
	Non-maintenance of landscaping	

Disposition: The Special Magistrate found for the city and imposed a compliance date of June 25, 2019 and a \$50 fine per day would begin with a one-time administrative fee of \$25. This case is set for Status Conference for June 26, 2019.

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C18080139	Tello, Derman R. Ruiz & De Ruiz, Nelly G. Quintero	08/08/18
	3630 NW 20 Street Coconut Creek, FL 33066	
	Violation Address: 3630 NW 20 Street	
	Chapter 13, Section 38-a	
	Failure to obtain permit: Work completed	
	(French door to exterior)	

Disposition: The Special Magistrate found for the city and imposed a compliance date of June 27, 2019 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

Officer Luis Montano-Garcia

C19040038	Aruba Village Condo Assn Inc.	04/10/19
	1310 Avenue of the Stars Coconut Creek, FL 33066	
	Violation Address: 3300 Aruba Way	
	Chapter 13, Section 448-c-1	
	Tree removal without a permit	

Disposition: This case has been withdrawn.

C19030088	Gajus, Paul & Anita	03/15/19
	560 NW 42 Avenue Coconut Creek, FL 33066	
	Violation Address: 560 NW 42 Avenue	
	Chapter 13, Section 444-b-4-a	
	Prohibition of tree abuse	

Disposition: This case has complied.

C19030118	Rocky Creek Ventures, LLC	03/20/19
	318 S Powerline Road Deerfield Beach, FL 33442	
	Violation Address: 376 Sunshine Drive 1-6	
	Chapter 13, Section 38-a	
	Failure to obtain permit	
	Water heater exchange	

Disposition: The Special Magistrate found for the city and imposed a compliance date of May 23, 2019 and a \$50 fine per day would begin with a one-time administrative fee of \$25.

Officer Jan Moppert

C19020095	De Mendonca, Luciana Izabel	02/25/19
Cont. from 3/27	6332 NW 40 Avenue Coconut Creek, FL 33073	
	Violation Address: 6332 NW 40 Avenue	
	Chapter 13, Section 444-b-4-b	
	Improper pruning Live Oak street tree	

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

C19020052	NHC-FL 204 LLC	02/09/19
Cont. from 3/27	27777 Franklin Road #200 Southfield, MI 48034	
	Violation Address: NW 37 Avenue	
	Chapter 13, Section 444-b-4-b	
	Improper tree pruning	

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

C19030034	Rosario, Johnny & Marie Jona	03/05/19
	6050 NW 44 Lane Coconut Creek, FL 33073	
	Violation Address: 6050 NW 44 Lane	
	Chapter 13, Section 443-2	
	Minimum landscape requirements not met	

Disposition: This case has been continued to May 22, 2019.

C19030035	Rosario, Johnny & Marie Jona	03/05/19
	6050 NW 44 Lane Coconut Creek, FL 33073	
	Violation Address: 6050 NW 44 Lane	
	Chapter 6, Section 36-b	
	Exterior premises condition	
	Driveway & walkway	

Disposition: This case has been continued to May 22, 2019.

C19030045	Rosario, Johnny & Marie Jona	03/05/19
	6050 NW 44 Lane Coconut Creek, FL 33073	
	Violation Address: 6050 NW 44 Lane	
	Chapter 6, Section 16	
	Unsafe structure:	
	Minimum housing code for Broward County	

Disposition: This case has been continued to May 22, 2019.

C19030154	Rosario, Johnny & Marie Jona	03/30/19
	6050 NW 44 Lane Coconut Creek, FL 33073	
	Violation Address: 6050 NW 44 Lane	
	Chapter 13, Section 443-13	
	Minimum landscape requirements not met	
	Street trees	

Disposition: This case has been continued to May 22, 2019.

Code Fine Reduction

C18070324	Bank of America NA	07/30/18
Capone	1661 Worthington Road #100 West Palm Beach, FL 33409	
	Violation Address: 5002 Pebblebrook Terrace	
	Chapter 6, Section 36-b-7	
	Sources of infestation – stagnant pool	

FINE \$50.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the aggregate fine at \$8,125.00 for cases C18070325, C18070326, C10030421 and C10030422. The fine has been paid.

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C18070325	Bank of America NA	07/30/18
Capone	1661 Worthington Road #100 West Palm Beach, FL 33409	
	Violation Address: 5002 Pebblebrook Terrace	
	Chapter 6, Section 36-b-9	
	Non-maintenance of lawn and/or landscaping	

FINE \$5,150.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the aggregate fine at \$8,125.00 for cases C18070325, C18070326, C10030421 and C10030422. The fine has been paid.

C18070326	Bank of America NA	07/30/18
Capone	1661 Worthington Road #100 West Palm Beach, FL 33409	
	Violation Address: 5002 Pebblebrook Terrace	
	Chapter 13, Section 443-2	
	Minimum landscape requirements not met –	
	Trees/shrubs	

FINE \$6,450.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the aggregate fine at \$8,125.00 for cases C18070325, C18070326, C10030421 and C10030422. The fine has been paid.

C10030421	Salgado, Claudia (Bank of America NA)	03/23/10
Capone	5002 Pebblebrook Terrace Coconut Creek, FL 33073	
	Violation Address: 5002 Pebblebrook Terrace	
	Chapter 13, Section 443-11-a	
	Mechanical equipment –	
	Screening required	

FINE \$15,350.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the aggregate fine at \$8,125.00 for cases C18070325, C18070326, C10030421 and C10030422. The fine has been paid.

C10030422	Salgado, Claudia (Bank of America NA)	03/23/10
Capone	5002 Pebblebrook Terrace Coconut Creek, FL 33073	
	Violation Address: 5002 Pebblebrook Terrace	
	Chapter 13, Section 443-13	
	Minimum landscape requirements not met –	
	Street trees	

FINE \$28,700.00

ADMIN. FEE \$25

Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the aggregate fine at \$8,125.00 for cases C18070325, C18070326, C10030421 and C10030422. The fine has been paid.

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C17090053 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 09/09/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 13, Section 371-8-b
Pool – unsecured enclosure
(Fence required with self-latching gates)

FINE \$14,250.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C17120059 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 12/12/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-b-7
Sources of infestation-
Pool and spa inoperable, water stagnant
Repeat Violator

FINE \$17,400.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C17120060 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 12/12/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-a-3
Window screens- in disrepair and/or missing

FINE \$10,400.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C17120061 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 12/12/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-b
Exterior premises: exposed electrical wires

FINE \$10,400.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

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C17120062 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 12/12/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-b-9
Non-maintenance of lawn and landscape

FINE \$10,400.00**ADMIN. FEE \$25**

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C17120063 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 12/12/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-b-3
Refuse brush (weeds) throughout pavers
(Driveway, walkway, pool deck)

FINE \$10,400.00**ADMIN. FEE \$25**

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C17120064 Khanjian, Maral (Wellsfargo Bank NA Trstee %SHD Legal Group) 12/12/17
Clark 4815 NW 14 Street Coconut Creek, FL 33063
Violation Address: 4815 NW 14 Street
Chapter 6, Section 36-a-2
Roof non-maintenance:
Signs of disrepair and discoloration

FINE \$9,000.00**ADMIN. FEE \$25**

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C18070042 Wellsfargo Bank NA Trstee %SHD Legal Group 07/03/18
Clark 499 NW 70 Avenue Fort Lauderdale, FL 33317
Violation Address: 4815 NW 14 Street
Chapter 6, Section 39-i-1
Registration of Abandoned Real Property
Not completed/paid

FINE \$50.00**ADMIN. FEE \$25**

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

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C18080140	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Chapter 13, Section 371-8-b	
	Swimming pools and spas – Enclosure Requirements	
	Public Safety Violation	

As of 04/09/19 ACCRUING FINE \$9,700.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C18080141	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Chapter 6, Section 36-b-7	
	Sources of infestation- pool and spa inoperable, water stagnant	
	Public Safety Violation	

FINE \$7,550.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C18080142	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Chapter 6, Section 36-a-3	
	Screens missing and/or in disrepair	

FINE \$6,250.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C18080143	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Chapter 6, Section 36-b	
	Exterior premises: exposed electrical wires	

FINE \$7,550.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

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C18080144	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Chapter 6, Section 36-b-9	
	Non-maintenance of lawn and landscape	

FINE \$7,550.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C18080145	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Refuse brush (weeds) throughout pavers	
	(Driveway, walkway, pool deck)	

FINE \$7,550.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C18080146	Wellsfargo Bank NA Trstee %SHD Legal Group	08/08/18
Clark	499 NW 70 Avenue Fort Lauderdale, FL 33317	
	Violation Address: 4815 NW 14 Street	
	Chapter 6, Section 36-a-2	
	Roof non-maintenance:	
	Signs of disrepair and discoloration	

FINE \$7,550.00

ADMIN. FEE \$25

Disposition: After a request from the respondent, this case was tabled upon motion, second, and unanimous vote by the Committee to a date certain of May 7, 2019 at the next Code Fine Reduction Hearing.

C17070010	Morales, Stacey (US Bank NA Trstee)	07/05/17
Moppert	5720 Premier Ark Drive West Palm Beach, FL 33407	
	Violation Address: 4064 NW 62 Court	
	Chapter 6, Section 36-a-2	
	Non-maintenance of roof signs of mildew	

FINE \$23,700.00

ADMIN. FEE \$25

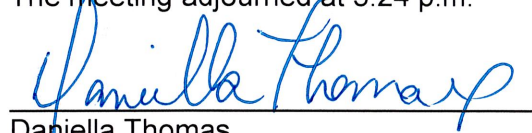
Disposition: The Special Magistrate accepted the recommendation of the Code Fine Reduction committee and certified the fine at \$1,275.00 the fine has been paid.

5. Acceptance of Minutes: Hearing No. 2019-4 for March 27, 2019.

The Minutes were accepted without corrections or deletions.

6. ADJOURNMENT

The meeting adjourned at 3:24 p.m.



Daniella Thomas
Senior Staff Assistant