SPECIAL MAGISTRATE HEARING
MINUTES
FEBRUARY 1, 2007
10:00 A.M.

CALL TO ORDER

The Special Magistrate Hearing was called to order at 10:04 a.m. by the Special Magistrate.

PLEDGE OF ALLEGIANCE

SWEARING IN OF WITNESSES

Staff Members, Respondents, and members of the audience wishing to testify were sworn in by the Magistrate, Leonard Rubin.

ABATEMENT HEARINGS

1) Case No(s):
97-0032
Code Compliance Officer
Michael Hauserman/Gregory S. Durgin
Respondent(s)
Favious Cherisme
253 Silver Beach Road
Lake Park, FL 33403
Violation Location:
253 Silver Beach Road
PCN: 36-43-42-20-01-071-0340
Code Section(s) Violated:
32-147.(d) (6) Minimum landscape maintenance standards
32-27 Unkept property
Description of Violation:
No sod/insufficient sod in swale area

535 Park Avenue, Lake Park, Florida 33403 • (561) 881-3318 • Fax: (561) 881-3323
Web Site: www.lakeparkflorida.gov

Unkept property.

Date of Hearing/Order:	**04/17/1997**
Lien(s) Recorded:	**08/13/1997**
Affidavit of Compliance:	**12/06/2004**
Fine Reduction Order	**01/06/2005**

Penalty: $30.00 x 2423 days	$72,690.00
Interest: 10%	7,269.00
Administrative Cost5/18/97	157.75
Administrative Cost 01/06/2005	124.24
Administrative Cost (this hearing)	118.50
Total:	**$80,359.49**

Code Officer Durgin reviewed Case No. 97-0032. He explained that on January 6, 2005, this case was granted a *Fine Reduction/Abatement Order* in the amount of $7,650.00 for which Mr. Cherisme was ordered to comply by February 28, 2005. He further explained that Mr. Cherisme did not comply with the Order, and therefore he was recommending that the fine amount due be reduced to 20% or $9,180.00 due by February 15, 2007. If Mr. Cherisme does not comply by February 15, 2007, the fine amount will revert back to the original amount of $80,359.

The Magistrate asked Mr. Cherisme if he understood Mr. Durgin's recommendation and he replied that he did understand. Mr. Cherisme explained that the property is currently being sold and there will be no problem paying the fine by February 15, 2007.

FINDING: Based upon the testimony given, the Magistrate reduced the fine to the recommended amount of $9,180.00, which includes previously assessed administrative costs, to be paid on or before 02/15/2007, failing which the fine will revert back to the original amount.

2) Case No(s):
98-0348
Code Compliance Officer

Michael Hauserman/Gregory S. Durgin
Respondent(s)
Favious Cherisme
253 Silver Beach Road
Lake Park, FL 33403
Violation Location:
253 Silver Beach Road
PCN: 36-43-42-20-01-071-0340
Code Section(s) Violated:
16-3 Prohibited
30-3(3) Outdoor Storage for SF and Duplex Sites
30-3(4) Outdoor Storage for SF and Duplex Sites
30-3(7) Outdoor Storage for SF and Duplex Sites

Date of Hearing/Order:	**03/18/1999**
Lien(s) Recorded:	**04/16/1999**
Affidavit of Compliance:	**09/14/2000**
Fine Reduction Order	**01/06/2005**

Penalty: $25.00 x 534 days	$13,350.00
Interest: 10%	1,335.00
Administrative Cost 03/30/1999	153.08
Administrative Cost 01/06/2005	124.24
Administrative Cost (this hearing)	118.50
Total:	**$15,080.82**

Code Officer Durgin reviewed Case No. 97-0032. He explained that on January 6, 2005, this case was granted a *Fine Reduction/Abatement Order* in the amount of $6,750.00 for which Mr. Cherisme was to comply by February 28, 2005.. Mr. Durgin further explained that Mr. Cherisme did not comply with the Order at that time and therefore that he was recommending that the fine amount due be reduced to 20% of the original amount, or $8,100.00, due by February 15, 2007. In the event Mr. Cherisme does not comply by February 15, 2007, the fine amount will revert back to the original amount of $15,080.82.

The Magistrate asked Mr. Cherisme if he understood Mr. Durgin's recommendation and he replied that he did understand. Mr. Cherisme stated

that the property is being sold and there would not be a problem paying the fine by February 15, 2007.

FINDING: Based upon the testimony given, the Magistrate reduced the fine to the recommended amount of $8,100.00 which includes previously assessed administrative costs, to be paid on or before 02/15/2007, failing which the fine will revert back to the original amount.

3) Case No(s):
05-00481 & 05-00482
Code Compliance Officer
Gregory Durgin
Respondent(s)
Matthew Rieger, RA/Marilyn Pascaul, President
Trust Lake Park, LTD
3250 Mary Street, Suite 500
Coconut Grove, FL 33133
Violation Location:
800 Venetian Isles Drive
PCN: 36-43-42-19-17-001-0000
Code Section(s) Violated:
32-147.(e)(2)(2)(3) Minimum landscape maintenance standards
32-144(h)c. Replace missing dead shade and palm trees
Description of Violation:
Minimum landscape maintenance standards
Missing and/or dead shade and palm trees and bushes.

Date of Hearing/Order:	**07/07/2005**
Affidavit of Non-Compliance:	**11/30/2005**
Lien(s) Recorded:	**12/13/2005**
Affidavit of Compliance:	**10/27/2006**

Penalty: $250.00 x 330 days	$82,500.00
Interest: 10%	8,250.00
Administrative Cost	143.75
Total:	**$90,893.75**

Code Officer Durgin reviewed Case Nos. 005-00481 and 05-00482. Town Attorney Karen Roselli said that although most of the violations at Venetian Isles

are now in compliance, that the Town has experienced continuous code violations at Venetian Isles, and for this reason, she feels that there should be no reduction in fine granted. She further explained that she believes it is premature for Venetian Isles to request a fine reduction because not all violations are in compliance.

Patrick Sullivan, Director of Community Development, addressed the Magistrate. He stated that there are continuing problems at this site, and although the Town is working with Venetian Isles on the matters, many issues remain unresolved. He stated that Captain Reese of the Palm Beach County Sheriff's Office has found numerous problems including the lighting, security gates, that a traffic study needs to be performed and there should be better screening procedures for the occupants of Venetian Isles. Additionally, there are problems with the laundry room door and many fire code violations, including fire extinguisher problems.

Code Officer Durgin explained that he has cited Venetian Isles for these problems and there are liens recorded on this property.

Mr. Julio Ortiz, Property Manager of Venetian Isles, addressed the Magistrate. He explained that he has been the Property Manager of Venetian Isles since October 2006 and that he has been working closely with Code Officer Durgin in order to solve these issues. Mr. Ortiz explained that some of the problems they are having are police related and that they do perform criminal background checks on their potential residents. He further explained that most of the lighting problems would be resolved next week, the laundry room door has been ordered, the exit lights have been repaired, and new fire extinguishers have been ordered. Mr. Ortiz indicated that he is working very hard to cooperate with the Town of Lake Park and the Palm Beach County Sheriff's Office to bring the property into compliance; but that it is a very difficult property and it will take additional time.

The Magistrate stated that it is clear that the issues still exist on the property. Again, Attorney Roselli indicated that the request for fine reduction is premature and suggested that they come back upon full compliance.

Magistrate Rubin explained that abatements are not allowed until the property is in full compliance and therefore, he was recommending that the case be delayed for 30 days.

Attorney Roselli suggested that Officer Durgin and Mr. Sullivan prepare a list of all violations that need to be resolved at Venetian Isles prior to the March 1, 2007, Hearing.

FINDING: Based upon the testimony given and the fact that the violations continue to exist, the Magistrate delayed the case 30 days until the March 1, 2007, Special Magistrate Hearing.

4) Case No(s):
05-00962 & 06-10820
Code Compliance Officer
Gregory Durgin
Respondent(s)
Rose Lajeunesse
745 Greenbriar Drive
Lake Park, FL 33403
Violation Location:
745 Greenbriar Drive
PCN: 36-43-42-20-01-012-0290
Code Section(s) Violated:
11-16 Nuisances
7-102(N) Peeling, Faded Paint Exterior House
7-102(2) Damaged/Missing Gutters
26-5 Maintenance Standards for Private Swimming Pools
16-10(a)(b) Maintenance of Private Property
Description of Violation:
Abandoned Vehicle
Peeling Faded Exterior House Paint.
Damaged/Missing Gutters
Unsanitary, Non-Circulating Swimming Pool
Palm Fronds Obstructing Sidewalk/Roadway

Date of Hearing/Order:	**08/05/2005**
Affidavit of Non-Compliance:	**08/23/2005**
Lien(s) Recorded:	**09/08/2005**
Affidavit of Compliance:	**09/01/2005**

Penalty: $250.00 for 10 days = $2,500.00

Interest: 10%	250.00
Administrative Cost 05-00962	138.75 (08/04/2005)
Administrative Cost 06-10820	139.25 (09/21/2006)
Total:	**$ 3,028.00**

Code Officer Durgin reviewed Case No. 05-00962 & 06-10820. He explained that multiple violations were cited on this property and that the case was previously heard by the Magistrate on August 4, 2005. All violations were corrected, with the exception of the vehicle violation, for which an Affidavit of Compliance was issued on September 1, 2005. Considering that multiple violations were corrected, with the exception of the vehicle violation, Officer Durgin recommended the daily fine be reduced from $250.00 to $100.00 per day for 10 days of non-compliance, plus 10% interest and administrative costs, for a total amount due of $1,378.00 to be paid by February 22, 2007.

Mrs. Lajeunesse was present but chose not to address the Magistrate.

FINDING: Based upon the testimony given, the Magistrate accepted the Town's recommendation to reduce the fine to the total amount of $1,378.00, including interest and administrative costs, payable by February 22, 2007.

5) Case No(s):
05-01791
Code Compliance Officer
Gregory Durgin
Respondent(s)
Timothy Peacock
341 Hawthorne Drive
Lake Park, FL 33403
Violation Location:
341 Hawthorne Drive
PCN: 36-43-42-20-01-105-0320
Code Section(s) Violated:
54-100 Permits
Description of Violation:
Building Permit Required

Date of Hearing/Order:	**03/02/2006**
Affidavit of Non-Compliance:	**03/21/2006**
Lien(s) Recorded:	**03/30/2006**
Affidavit of Compliance:	**01/12/2007**

Penalty: $100 for 297 days =	$29,700.00
Interest: 10%	2,970.00
Administrative Cost	156.00 (03/02/2006)
Administrative Cost #06-00111	143.00 (03/02/2006)
Administrative Cost	118.50 (02/01/2007)
Total:	**$33,087.50**

Officer Durgin reviewed Case No. 05-01791 which involves a permit for a 15-20' gate and post across Mr. Peacock's driveway. The gate was removed 297 days after the ordered compliance date. During those 297 days of non-compliance, Mr. Peacock proceeded to construct a room addition and window alterations without a permit, for which he was cited. Officer Durgin recommended reducing the fine to 10% of the original amount, plus 10% interest and administrative costs, for a total amount of $3,387.50, payable by March 1, 2007. If the fine is not paid by March 1, 2007, the fine will revert back to the original amount.

Mr. Peacock arrived late and addressed the Magistrate. Mr. Peacock told of his financial hardships and requested a greater fine reduction. Magistrate Rubin explained that 10% of the fine amount is the lowest that the Town can go. Mr. Peacock explained that he will be refinancing is home in the upcoming months which will provide him with the funds to pay the fine. He requested that he be given additional time. The Magistrate agreed to give him until September 30, 2007.

FINDING: Based upon the testimony given, the Magistrate ordered the fine reduction in the amount of $3,387.50, including interest and administrative costs, payable by September 30, 2007. If the fine is not paid by September 30, 2007, the fine will revert back to the original amount.

Attorney Roselli requested that Case No. 0610912, Capital Options Group, LLC., John Conley Registered Agent is added to the agenda. Ms. Roselli explained that there are ongoing renovations at the commercial historic

building site located at 918 Park Avenue which require approval from the Historic Preservation Board to make the corrections needed to bring the property into compliance. An Order was previously entered on this Case on October 5, 2006, with a compliance date of December 5, 2006. Attorney Roselli requested to jointly move for an amendment to the Order to extend the compliance date to April 1, 2007. Attorney Roselli explained that there will not be any fines running since the compliance date is being extended. She also requested that Mr. Conley be required to pay administrative costs in the amount of $131.75 within 24 hours of the Hearing, or February 2, 2007.

FINDING: Based upon the request of Attorney Roselli, the Magistrate approved an Extended Compliance date to April 1, 2007, for Case No. 06-10912, with administrative costs of $131.75 to be paid within 24 hours, or February 2, 2007.

VIOLATION CASES

6) Case No. 06-10734; Code Officer Gregory S. Durgin
Respondent:
Robert Needle, R.A.
c/o Cat-Ran-Bone, Inc.
5201 Village Boulevard
West Palm Beach, FL 33407
Location of Violation:
798 10th Street
PCN: 36-43-42-20-06-001-0010
Code Sections Violated:
70-4 Sign Maintenance
Description of Violations:
Two (2) missing sign plates
Recommendation:
It is recommended that the Respondent be ordered to pay Hearing costs in the amount of $134.25. Respondent is in violation as alleged in the NOV/NOH dated 08/01/2006, and to approve the recommendation to achieve compliance by 02/28/2007 and failing which, a fine of $150.00 per day, per violation shall accrue.

Officer Durgin presented the case to the Magistrate and photos were entered as evidence.

FINDING: Based upon evidence and testimony given, the Magistrate found the Respondent in violation and ordered compliance on or before February 28, 2007, failing which a fine of $150.00 per day shall accrue. The Respondent was ordered to pay administrative costs in the amount of $134.25 within 10 days of this Hearing.

7) Case No. 06-10381, Code Officer Gregory S. Durgin
Respondent:
Robert Williamson, RA
Canadian Petroleum, Inc.
999 Riviera Isle
Ft. Lauderdale, FL 33301
Location of Violation:
909 10th Street
PCN: 36-43-42-20-06-002-0011
Code Sections Violated:
7-102(P) Interior Floors, Walls & Ceilings
Description of Violation:
Deteriorated ceiling above car wash. Permit Required.
Recommendation:
It is recommended that the Respondent be ordered to pay Hearing costs in the amount of $154.50. Respondent is in violation as alleged in the NOV dated 06/21/2006, and to approve the recommendation to achieve compliance by 03/01/2007 and failing which, a fine of $150.00 per day shall accrue.

Officer Durgin presented the case to the Magistrate, indicating that there was structural damage to the ceiling of the car wash. Photos were entered as evidence.

FINDING: Based upon evidence and testimony given, the Magistrate found the Respondent in violation and ordered compliance on or before March 1, 2007, failing which a fine of $150.00 per day shall accrue. The Respondent was ordered to pay administrative costs in the amount of $154.50 within 10 days of this Hearing.

8) Case No. 06-10721, Code Officer Gregory S. Durgin
Respondent:
Lawrence Beckman
406 E. Ilex Drive

Lake Park, FL 33403
Location of Violation:
406 E. Ilex Drive
PCN: 36-43-42-20-02-101-0071
Code Section(s) Violated:
68-3(1)(2)a.b.c.d. Prohibited Outdoor Storage
54-127(d) Care of Premises
78-115a.b.c. Wall/Fence Maintenance
10-31 1,2,3,4,5,6 Maintenance of Nuisance
68-3 Storage: Boat/Trailer, Motor Homes, RV's
16-10(a)(b) Maintenance of Private Property
Description of Violation(s):
Affix valid tag to boat/trailer.
Mow lawn and remove vegetation including noxious plants.
Prohibited outdoor storage of building/housing goods.
Obstruction of sidewalk, remove fencing from sidewalk.
Repair unsecured damaged wooden fencing, permit required.
Remove building material off roof.
Recommendation:
It is recommended that the Respondent be ordered to pay Hearing costs in the amount of $181.75. Respondent is in violation as alleged in the NOV dated 06/21/2006, and to approve the recommendation to achieve compliance by 04/01/2007, and failing which, a fine of $250.00 per day, per violation shall accrue.

Officer Durgin presented the case to the Magistrate, indicating that he has been working with the Respondents by giving them information, having Public Works assist them, not charging for the debris placed in the swale and offering help from the Palm Beach County Sheriff's Department, which was declined. Officer also indicated that the Respondents would not him inspect on their property and that photographs were taken from neighboring properties. Photos were entered into evidence.

FINDING: Based upon evidence and testimony given, the Magistrate found the Respondent in violation and ordered compliance on or before April 1, 2007, 2007, failing which a fine of $250.00 per day, per violation shall accrue. The Respondent was ordered to pay administrative costs in the amount of $181.75 within 10 days of this Hearing.

REQUESTS FOR EXTENSION OF TIME

9) Case No. 06-00719, Code Officer Gregory S. Durgin

Respondent:
Donnini Enterprises, Inc., Gerald J. Donnini, RA
3501 SW Corporate Parkway
Palm City, FL 34990
Location of Violation:
774 Northlake Boulevard
PCN: 36-43-42-20-03-125-0300

Code Sections Violated:
7-102©(1)(2) Roofs
Description of Violation:
Deteriorated Roofing

- Order Issued: June 1, 2006
- Compliance Date: July 24, 2006
- Compliance Extension Date Request: March 30, 2007

Recommendation:
If the Respondent fails to come into compliance by March 30, 2007, this case will revert back to the original *Order Finding Violation*, with fines accruing in the amount of $250.00 per day, commencing on July 24, 2006. Administrative Costs are due in the total amount of $212.00 within ten (10) days of the *Order Granting Request for Extension of Time.*

Officer Durgin informed the Magistrate that there are major renovations ongoing at this property.

FINDING: Compliance date will be extended from July 24, 2006, to March 30, 2007. It is further ordered that the Respondent pay administrative fees in the amount of $212.00, payable within ten (10) days of this Hearing.

10) Case No. 06-10085, Code Officer Gregory S. Durgin

Respondent:
Brian Marozzi
400 Greenbriar Drive
Lake Park, FL 33403

Location of Violation:
400 Greenbriar Drive
PCN: 36-43-42-20-01-023-0010
Code Sections Violated:
7-102©(1)(2) Roofs
Description of Violation:
Deteriorated Roofing

- Order Issued: June 15, 2006
- Compliance Date: August 1, 2006
- Order Granting Request for Extension of Time: October 5, 2006
- Ordered Compliance Date: January 1, 2007
- Compliance Extension Date Request: April 2, 2007

Recommendation:
If the Respondent fails to come into compliance by April 2, 2007, this case will revert back to the original Order Finding Violation, with fines accruing in the amount of $250.00 per day, commencing on August 1, 2006. Administrative Costs are due in the amount of $66.00 within ten (10) days of the *Order Granting Request for Extension of Time.*

Officer Durgin informed the Magistrate of the history of this case and indicated that at this time the roof is being repaired. Photos were entered as evidence.

FINDING: Compliance date will be extended to April 2, 2007. It is further ordered that the Respondent pay administrative fees in the amount of $66.00 payable within ten (1) days of this Hearing.

11) Case No(s):
06090097
Code Compliance Officer
Gregory S. Durgin
Respondent(s)
Claudio Debonis, RA
Debonis Properties
1344 S. Killian Drive
Lake Park, FL 33403

Violation Location:
1344 S. Killian Drive
Code Section(s) Violated:
67-128 Drainage and Swales
78-142 Off-Street Parking and Loading
78-143 Off-Street Loading Standards

Description of Violation(s):
Asphalt repair, loading, place sod within swale
Recommendation:
It is recommended that the Respondent be ordered to pay Hearing costs in the amount of $130.00. Respondent is in violation as alleged in the NOH dated 12/16/2006, and to approve the recommendation to achieve compliance by April 1, 2007, failing which a fine of $200.00 per day, per violation shall accrue. **If compliance is achieved by April 1, 2007, administrative costs shall be waived.**

Officer Durgin presented the case to the Magistrate and indicated that as of this date the swale has been sodded and the asphalt repair is underway. Photos were entered as evidence.

FINDING: Based upon evidence and testimony given, the Magistrate found the Respondent in violation and ordered compliance on or before April 1, 2007, failing which a fine of $250.00 per day, per violation shall accrue. The Respondent was ordered to pay administrative costs in the amount of $130.00 within 10 days of this Hearing.

12) Case No:
06110068
Code Compliance Officer
David Caban/Gregory S. Durgin
Respondent(s)
Douglas Eakins,
DSE Holdings, Inc.
1481 Kinetic Road
Lake Park, FL 33403
Violation Location:
1481 Kinetic Road

Code Section(s) Violated:
68-1 Outdoor Storage; Purpose and Intent
68-2 Outdoor Storage: Definitions
68-5 Outdoor Storage on Commercial Sites
Description of Violation(s):
Screening/Storage of Industrial Equipment
Recommendation:
It is recommended that the Respondent be ordered to pay Hearing costs in the amount of $145.00. Respondent is in violation as alleged in the NOV dated 11/15/2006, and to approve the recommendation to achieve compliance by May 1, 2007, failing which a fine of $250.00 per day, per violation shall accrue. **If compliance is achieved by May 1, 2007, administrative costs shall be waived.**

Officer Durgin presented the case to the Magistrate. Photos were entered as evidence.

FINDING: Based upon evidence and testimony given, the Magistrate found the Respondent in violation and ordered compliance on or before May 1, 2007, failing which a fine of $250.00 per day, per violation shall accrue. The Respondent was ordered to pay administrative costs in the amount of $145.00 within 10 days of this Hearing. If compliance is achieved by May 1, 2007, administrative costs shall be waived.

13) Case No:
06120042
Code Compliance Officer
David Caban/Gregory S. Durgin
Respondent(s)
Randi Aberns
100 W. Canterbury Drive
Riviera Beach, FL 33407
Violation Location:
306 Foresteria Drive
Code Section(s) Violated:
28-33 Taxation
28-34 Taxation
54-62 Building Regulations; Definitions

Description of Violation(s):
Engaging in Business; Drug and Alcohol Rehabilitation center and halfway house living facility operating illegally without proper licensing.

Recommendation:
It is recommended that the Respondent be ordered to pay Hearing costs in the amount of $125.35. Respondent is in violation as alleged in the NOH dated 01/19/2007, and to approve the recommendation to achieve compliance by February 19, 2007, failing which a fine of $250.00 per day, per violation shall accrue.

Officer Durgin presented the case to the Magistrate for former Code Officer David Caban. Officer Durgin explained that "Women of Dignity" is located within the R-1 single-family residential district and functions as Exhibit "A" flyers and literature indicate, and determine that is a an illegal business. Diane Wiebert, Inspector, Palm Beach County Fire Rescue, addressed the Magistrate and explained that "Women of Dignity" is operating a halfway house which is considered to be a boarding care facility which requires a sprinkler system and fire alarm system, and they have neither. The Magistrate questioned if "Women of Dignity" is properly licensed to provide residential treatment to which Ms. Weibert responded no. Ms. Wiebert indicated that the Women of Dignity's website states that they provide onsite counseling and care for addictions. Officer Durgin clarified that they are being cited for not possessing an occupational license and for overcrowding.

FINDING: Based upon evidence and testimony given, the Magistrate found the Respondent in violation and ordered compliance on or before February 19, 2007, failing which a fine of $250.00 per day, per violation shall accrue. The Magistrate noted that the occupational license violations are limited by statute. The Respondent was ordered to pay administrative costs in the amount of $133.00 within 10 days of this Hearing.

OTHER BUSINESS ITEMS

None

ADJOURNMENT

There being no further business items to come before the Magistrate, the hearing was adjourned at 11:15 a.m.

Leonard Rubin, Magistrate

Attest:

Kimberly B. Rowley, Code Compliance Secretary

Approved on: March 1, 2007