

**TOWN OF LAKE PARK
CODE COMPLIANCE MAGISTRATE HEARING MINUTES
April 6, 2006
COMMISSION CHAMBER
10:00 A.M.**

I. CALL TO ORDER: 10:00 a.m.

II. PLEDGE OF ALLEGIANCE:

III. ROLL CALL:

Leonard Rubin, Magistrate	Present
Karen Roselli, Town Attorney	Present
Gregory Durgin, Code Compliance Officer	Present
David Caban, Code Compliance Officer	Present
Jessica Shepherd, Administrative Secretary	Present

IV. SWEARING IN OF ALL WITNESSES:

Members of the audience and staff members who wished to testify were sworn in by the Magistrate, Leonard Rubin.

V. ABATEMENT HEARINGS (5)

1) Case No:

05-00093

Code Compliance Officer

Gregory Durgin

Respondent(s)

Terry Bryant

400 Cypress Dr.

Lake Park, FL 33403

Violation Location:

400 Cypress Dr.

PCN: 36-43-42-20-01-064-0010

Code Section Violated:

30-3.1 Invalid/no vehicle tag

Description of Violation:

Chevrolet and Hornet vehicles w/o tags

Code Enforcement Hearing/Ordered Entered: 3-3-05

Affidavit of Non-Compliance: 4-26-05

Lien Recorded: 5-6-05

Affidavit of Compliance: 3-8-06

Penalty: \$100.00/day for 323 days =	\$32,300.00
Interest: 10%	\$3,230.00
Administrative Cost (3/03/05)	\$0
Administrative Cost (4/6/06)	\$128.50
Total:	\$35,658.50

Mr. Greg Durgin approached the stand and presented this case to the Magistrate. He stated that he cited this property four (4) months after the hurricane for damages. Previous to this he also cited the property for vehicles with no tags. Considering the hurricanes and the damages he recommended the fine be reduced to \$3,553.00 plus costs in the amount of \$128.50 for a total amount of \$3,681.50.

Mr. Bryant approached the stand and stated that he is already in a financial strain because of the hurricane and he is struggling to take care of his family. He has been in Lake Park for eleven (11) years. He has been cited before and has been in his house for nine (9) years and to pay three thousand dollars is strenuous.

The Magistrate stated that it was something that could have been resolved quicker and there is a history of violations. He stated that it is a substantial reduction of approximately ninety-percent (90%).

FINDING: Based upon the evidence and the testimony given, the Magistrate reduced the fine to \$3,553.00 plus costs in the amount of \$128.50 for a total fine of **\$3681.50** to be paid by **10/5/06** failing which the fine will revert back to the original amount.

2)Case No:

00-0109

Code Compliance Officer

Gregory Durgin

Respondent(s)

Hendricks Rentals, Inc.

c/o Larry Hendricks

2800 Broadway

West Palm Beach, FL 33404

Violation Location:

1259 10th St.

PCN: 36-43-42-20-01-078-0190

Code Section Violated:

24-22 Permits

Description of Violation:

Wall sign installed w/o permit

Code Enforcement Hearing/Ordered Entered: 7-20-00

Affidavit of Non-Compliance: 8-1-00
Lien Recorded: 8-1-00
Affidavit of Compliance: 7-28-06

Administrative Cost (7/20/00) \$137.74
Administrative Cost (4/6/06) \$128.50
Total: \$266.24

Mr. Durgin presented this case before the Magistrate. He stated that this was an issue dating back to 2000 regarding a sign affixed to the wall. The sign was brought into compliance four (4) days beyond the compliance date. His recommendation is to pay the prior administrative costs plus the administrative costs for the abatement hearing for a total of \$266.24.

FINDING: Based upon the evidence and the testimony given, the Magistrate ordered the respondent to pay administrative costs in the amount of **\$266.24** to be paid on or before 4/17/06.

3)Case No:

05-00076

Code Compliance Officer

Gregory Durgin

Respondent(s)

Patricia Dexheimer
255 Foresteria Dr.
Lake Park, FL 33403

Violation Location:

255 Foresteria Dr.
PCN: 36-43-42-20-01-030-0250

Code Section Violated:

7-95 Permit required

Description of Violation:

No permit for lattice extension of fence

Code Enforcement Hearing/Ordered Entered: 6-2-05

Affidavit of Non-Compliance: 7-5-05

Lien Recorded: 8-9-05

Affidavit of Compliance: 3-10-06

Penalty: \$100.00/day for 323 days = \$24,700.00
Interest: 10% \$2,470.00
Administrative Cost (6/02/05) \$144.50
Administrative Cost (4/6/06) \$128.50
Total: \$27,443.00

Mr. Durgin presented this case to the Magistrate. He stated that considering the circumstances and due to the fact that the fence extension was added for safety reasons and a variance was attempted which was denied by Planning and Zoning. He is recommending the fine be reduced to \$1,500.00.

FINDING: Based upon the evidence and the testimony given, the Magistrate reduced the fine to **\$1,508.00** to be paid by **4/17/06** failing which the fine will revert back to the original amount.

4)Case No:

05-00185

Code Compliance Officer

Gregory Durgin

Respondent(s)

Kelly Stone, Inc.

21250 SW 256th St.

Homestead, FL 33031

Violation Location:

1137 Silver Beach Rd.

PCN: 36-43-42-20-07-003-0050

Code Section Violated:

32-86(c)(3) a,b,c Prohibited sales, storage, service

32-146 (c)(4) Vehicle use areas require hedge

132-147(e)(3) Irrigation required/maintained

30-5 Prohibited outdoor storage: crates, palets, cardboard, equipment

Description of Violation:

4x8 marble within parking spaces

Hedge required throughout perimeter of parking lot

Irrigation system for newly planted hedge required

Marble to be screened from view

Code Enforcement Hearing/Ordered Entered: 6-2-05

Affidavit of Non-Compliance: 9-28-05

Lien Recorded: 10-6-05

Affidavit of Compliance: 11-29-05

Penalty: \$250.00/day for 71 days = \$17,750.00

Interest: 10% \$1,775.00

Administrative Cost (6/02/05) \$93.75 paid

Administrative Cost (4/6/06) \$128.50

Total: \$19,653.50

Mr. Durgin presented this case to the Magistrate. Due to the severity of the damage to the structure from the hurricanes, it has not been repaired yet and he is recommending the fine be reduced to \$982.00.

A representative approached the stand and requested the Town cut them a little slack with regards to the vehicles parking on Silver Beach Rd. The building is going to be gutted and they do not want to be in violation when a truck is parked there.

Ms. Roselli suggested that they give Mr. Durgin a call and make him aware when this is going to occur.

FINDING: Based upon the evidence and the testimony given, the Magistrate reduced the fine to **\$982.00** to be paid by **4/17/06** failing which the fine will revert back to the original amount.

5)Case No:

98-0133

Code Compliance Officer

Gregory Durgin

Respondent(s)

Scott Tucker

609 6th St.

Lake Park, FL

Violation Location:

609 6th St.

PCN: 36-43-42-20-01-018-0260

Code Section Violated:

30-2(5) Outdoor storage on single-family and duplex sites

Description of Violation:

Vehicle parked in drainage easement

Code Enforcement Hearing/Ordered Entered: 10-1-98

Affidavit of Compliance: 5-8-00

Lien Recorded: 3-16-00

Affidavit of Compliance: 2-21-06

Penalty: \$25.00/day for 591 days = \$14,775.00

Interest: 10% \$1,477.50

Administrative Cost (10/01/98) \$159.75

Administrative Cost (4/6/06) \$128.50

Total: \$16,540.75

Mr. Durgin presented this case to the Magistrate. He stated that this order was entered in 1998 and recommended that the fine be reduced to \$1,942.75 which includes the cost of \$288.25 for the hearings. He also stated that these vehicles need to be parked within six

(6) feet of the property line at all times. He has been by there multiple times and the vehicles have been parked throughout the alleyway and that was basically the initial violation as indicated in the photos.

The Magistrate asked Mr. Tucker how much time he will need to pay the fine.

Mr. Tucker approached the stand and stated he was trying to refinance and this is the only thing holding it up. He stated that he was never notified of the violation. When they first started code enforcement he was told to not park in the easement to park in the street. The police department told him not to park in the street to park in the easement. He stated that he was never notified of the violation.

The Magistrate stated that he cannot go back and re-visit the issue. He can only reduce the fines. The Magistrate decided to reduce the fine to \$1,500.00.

FINDING: Based upon the evidence and the testimony given, the Magistrate reduced the fine to **\$1500.00** to be paid by **6/6/06** failing which the fine will revert back to the original amount.

VI. VIOLATION CASES (15)

6)Case No:

06-00264

Code Compliance Officer

David Caban

Respondent:

Endurance Sails

c/o Paul Rogers Kennedy, Esq

250 NE 12th St.

Delray Beach, FL 33444

Location of Violation:

210-B 10th St.

PCN:

Code Section Violated:

13-3 No Occupational Licenses

Description of Violation:

13-3 No Occupational License

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 2/9/06 and to approve the recommendation to achieve compliance by **4/20/06**. Respondent is required to pay applicable occupational license fees, plus 25% penalty, and to pay costs in the amount of **\$138.50** by the date set for compliance.

Mr. Caban presented this case before the Magistrate. He stated that after an unsuccessful mailing attempt via a certified letter, he posted the notice on the property on March 21, 2006. Upon further research with the Finance Department it was found that an occupational license was obtained on March 26, 2006. The Finance Department has a letter in the file stating that he still owes \$133.75 for this year. He discussed with the point of contact at that location that the web is still advertising and that he had an advertisement on the door which was removed but it states that even though it was removed they still have an outstanding fine.

Mr. P. G. Sykes approached the stand and stated that the situation is that the business was closed in December of 2004 and the town is telling them that they need a business license for no business. It is a warehouse space. There is no water, no electric and there is nobody working there. He stated he doesn't want a business license and doesn't think he needs to have one. He stated that there is no sign on the door and they are not advertising.

Mr. Caban presented the file to the Magistrate for review.

Mr. Sykes stated that the web site in question has been taken down. They never bothered with it because there was never a business. There is no phone, nobody working there and no water or electric to the place. He stated that it is ridiculous that they need a business license for something that has not existed for two (2) years.

The Magistrate asked when the sign had been taken off of the door. Mr. Sykes stated that he believed the hurricane blew it off a year ago. They have not been there since September or November of 2004. So they do not need a license for 2005 or 2006.

Ms. Roselli stated that section 13-4 of the Lake Park code states that the fact that any person represented himself as being engaged in any business, occupation or profession for which a license is required for the transaction of business or the practice of such profession; shall be evidence of the liability of such person to pay license regardless of whether such person actually transacts any business or practices a profession. Displaying a sign or advertising indicating the conduct of a business or profession in the classified section of the telephone directory or city directory, or other media, shall be evidence that such person is holding himself out to the public as being engaged in a business or profession. For the purpose of this section, any person shall be deemed to be in business or engaging in nonprofit enterprise, and thus be subject to the requirements of this chapter, when he does one act of: selling any goods or service, or soliciting business or offering goods or services for sale or for hire. The agent or other representative of a nonresident who is doing business in this town shall be personally responsible for the compliance of his principal and of the business he represents under this chapter.

The Magistrate stated that what Ms. Roselli was trying to say is that the code says if you are advertising you are engaging in a business. Mr. Sykes stated that they do not have a website. The Magistrate asked that the paperwork printed from the website be shown to Mr. Sykes. Mr. Sykes stated that they did not do the website and that it existed before they bought the business and it is not theirs. That website has not been changed in three

(3) years and it is not theirs. They do not have employees, water, or electric to the building. The Magistrate stated that the website needs to be taken down. Mr. Sykes stated that it is not their website but that he will try to find out whose it is.

Ms. Roselli asked if this was a corporation. Mr. Sykes stated that it was, but it was shut down in November of 2004. The Magistrate stated that this is troubling because the webpage is showing that they are conducting business in the town according to the code. He does not have any reason to doubt that they are not anymore and it doesn't exist. He would like to know if the corporation existed. The Magistrate asked that this be continued to the next meeting so that staff could research whether or not the corporation still exists.

Ms. Roselli asked Mr. Sykes what his relationship was to Endurance Sails. Mr. Sykes said that he purchased it in 2004 and it ran for four (4) or five (5) months and then he closed it.

FINDING: The Magistrate decided to continue this case to the next hearing.

7)Case No:

06-00446

Code Compliance Officer

Gregory Durgin

Respondent:

Household Properties Corp.

c/o Emre Uralli, R.A.

2409 N Dixie Hwy

West Palm Beach, FL 33403

Location of Violation:

724 Laurel Dr.

PCN: 36-43-42-20-01-090-0110

Code Sections Violated:

7-102 (o) Accessory structures shall be maintained

7-82 Unmaintained structure

7-102 (n) Peeling, discolored, faded paint exterior house/bldg

Description of Violation:

Unmaintained shed

Damaged screening, backyard porch

Fascia board/house trim in need of paint

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 3/06/06 and to approve the recommendation to achieve compliance by **5/29/06** and failing which, a fine of \$250.00 a day shall accrue and to pay costs in the amount of **\$177.75** by the date set for compliance.

Mr. Greg Durgin presented this case to the Magistrate and presented photos to be entered into evidence.

Tara Mitchell, manager for Household Properties, Corp. was present to testify on this case. She stated that they are not the violators. They purchased the property on foreclosure on January 5, 2006. They just received possession of the property on April 1st. The old owners moved out. They were notified of this violation on March 16th not March 6th as the documents state. This has been an ongoing problem at this property prior to them purchasing this property and they have done everything in their power to bring the property into compliance and at this point there are only two (2) things outstanding. The screens on the screen enclosure that were damaged in the hurricane and they cannot find anybody to replace the screens at this point. It is going to be about forty-five (45) days before they can get screens. The only other violation is the shed which should be corrected this morning. Everything else has been corrected. She stated that she did not believe that they were given ample time to fix these problems. With the whole list of problems that were out there, they were given twenty (20) days prior to the hearing. She asked that the hearing be cancelled because they were bringing them into compliance and to no avail they felt that they needed to go forward with this. They are asking for forty-five (45) days to fix the screens and she thinks that that is the only thing left at this point.

Ms. Roselli stated that there are four (4) to six (6) files on this property. This case is in litigation, the Town has filed a counterclaim. This property was foreclosed last year and it has been an ongoing situation. The owner was able to avoid paying anything. There are approximately \$100,000.00 in prior liens and it was protected by Homestead. Once the property was foreclosed, the bank took ownership and they leased the property back to Mr. Grimes. They are trying to avoid liability for the prior fines which is unrelated to this matter. The problem is that nothing that the Town does can get this property cleaned up. The Town filed a counterclaim alleging nuisance which includes some of these current situations, plus the other fines and other matters are uncorrected. These matters date back to the 1990's and were never resolved and that is why the fines kept accruing. Household was cited in this case as the new owner. Mr. Grimes is being cited as a repeat violator.

Ms. Mitchell stated that Household Properties is not the bank that foreclosed. Household Properties is an outside company that purchased the property at foreclosure. They did not know the condition of the property until they were able to get into the property. What stands at stake here is the that there is a surplus that the city wants and they are going to fight and do whatever they can to get it and that doesn't have anything to do with me. She continued to state that they are not the violators, they did not own this property prior to, they have nothing to do with it. They have been in contact with Greg since they received the letter to get this problem fixed.

Ms. Roselli stated that they have known about the violations since January 5th and stated that they should have known before that time. This has been going on for seven (7) or eight (8) years and the owners are now responsible.

Ms. Mitchell presented photos to the Magistrate showing him what has been done on the property so far.

The Magistrate asked Greg if there has been progress on this property. Greg replied that yes there has.

Ms. Mitchell presented a fax in writing to the Magistrate showing that Greg extended them forty-five (45) days to come into compliance.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before **5/15/06** failing which a fine of \$250.00 per day per violation shall accrue and to pay costs in the amount of **\$177.75** to be paid on or before the date set for compliance.

8)Case No:

06-00506

Code Compliance Officer

Gregory Durgin

Respondent:

William Grimes

724 Laurel Dr.

Lake Park, FL 33403

Location of Violation:

724 Laurel Dr.

PCN: 36-43-42-20-01-090-0110

Code Section Violated:

30-3.1 Invalid no vehicle tag

PBC Sec 4-8 Maintaining Feral Cats

Description of Violation:

Vehicle with no valid tag

Maintaining feral cats

Initial Order Finding Violation: 12-1-05 – Case#05-01607

Repeat Violation Observed: 3-13-06

Resolved: 3-29-06

Recommendation:

A MOTION that: testimony and other evidence supports a finding that the Respondent was in violation, and a repeat violation did exist as alleged in the RV/NOH dated 3-13-06, and to approve the recommendation for an Order of Repeat Violation of \$500.00 per day for seventeen (17) days totaling a fine of **\$8,500.00** plus administrative costs in the amount of **\$134.25** for a total fine of **\$8,634.25** to be paid by no later than **5/1/06**.

Mr. Durgin presented this case to the Magistrate. He stated that this property is no longer owned by Mr. Grimes due to foreclosure. The property is now owned by Household Properties. Mr. Durgin presented the file to the Magistrate to be entered into evidence.

Mr. Durgin stated that the feral cat violation was now resolved.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in repeat violation for a total of seventeen (17) days and compliance was ordered to pay a fine of **\$500.00** per day per violation for a total fine of **\$8,500.00** to be paid on or before **5/5/06** and to pay costs in the amount of **\$134.25** on or before **5/5/06**.

9)Case No:

06-00055

Code Compliance Officer

Dave Caban

Respondent:

Charles Tremblas

813 Date Palm Dr.

Lake Park, FL 33403

Location of Violation:

823 Bayberry Dr.

PCN: 36-43-42-20-01-049-0460

Code Section Violated:

7-102(N) Peeling, discolored, faded paint exterior house/building

16-2(1) Noxious weeds, and rank vegetation

7-102(k)(t) Doors in need of installation, repair, replacement

7-104(d) Care of premises

Description of Violation:

Structure/residence abandoned / no windows or door front and side

Building in need of painting

Dead tree in backyard

Noxious weeds, vegetation, rubbish, etc.

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 1/17/06 and to approve the recommendation to achieve compliance by **5/4/06** failing which, a fine of \$250.00/day shall accrue and to pay costs in the amount of **\$150.25** by the date set for compliance.

Dave Caban presented this case to the Magistrate. Mr. Caban stated that this is an abandoned house in which the inside has been gutted. It is in need of plumbing, electrical, you name it. Mr. Caban showed the photos in the file to the respondent and then presented them to the Magistrate to be entered into evidence.

Mr. Caban stated to the respondent, Mr. Tremblas, that there were windows put in without a permit and that he needed to get a permit. Mr. Tremblas spoke to Mr. Caban and stated that the vegetation is all gone. Mr. Caban stated that it was taken care of in the front but in the back there was still vegetation. Mr. Tremblas stated that as soon as they got the violation they had a guy working out there for three (3) weeks straight.

The Magistrate asked how long it will take for them to complete the work. Mr. Tremblas stated that it will be complete in three (3) months. When they bought the house they hired someone to do windows and paid them \$2,000.00 and he never showed up. A stucco guy is going to be out on Friday to give them an estimate. All they need is new fixtures and cabinets.

Ms. Roselli asked if they pulled permits for the work. He stated that the only thing they did not get a permit for was the windows. He said the town wants a survey for the windows. The county did not have a survey, so they hired someone to come out and do a survey.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 5/4/06 failing which a fine of \$250.00 per day per violation shall accrue and to pay costs in the amount of \$177.50 to be paid within ten (10) days.

10)Case No:

06-00198

Code Compliance Officer

Gregory Durgin

Respondents:

Mark J. Scheer/Jeff Meiselman/Laurel Management LLC, c/o Steven Strivelli

c/o Gunster, Yoakley et. Al

2 S Biscayne Blvd., Suite 3400

Miami, FL 33131

Location of Violation:

932 Laurel Dr. – Laurel Management Properties/complex

PCN: 36-43-42-20-01-077-0130

Code Sections Violated:

10-27 (2)(b) Overflowing dumpster

32-146 g 1 3 a Ficus/Palm tree within 15 ft. of public utility

7-101 Minimum requirements for electrical systems

7-1 Failure to display house/building number

7-102 (d) Care of premises, dead tree, tree trunks/stump

32-146(H)(4)(9) Hedge maintenance required

24-4 Sign and structure in need of repair

16-1.3 Damaged sidewalk

Description of Violation:

Dumpster for trash exceeds water line, overflowing

Litter/trash throughout property

Hedge on east of property overgrown, exceeds 6 ft.

Damaged sidewalks

Tree trunks

Screws within apartment windows preventing egress

No address numbers on units/apartments

Broken ceiling porch lights for 940 W. Laurel Dr. Apt. F-2 and 949 W
Kalmia Dr. Apt. F-3

Prohibited outdoor storage of all household furnishings within porches

Unsecured electrical equipment north gable of 949 W. Kalmia Dr.

Damaged soffitt screens @ 955 W. Kalmia Apt. A-4

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 1/23/06
and to approve the recommendation to achieve compliance by **5/29/06**
and failing which, a fine of \$250.00 a day shall accrue and to pay costs in
the amount of **\$183.25** by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before **5/29/06** failing which a fine of \$250.00 per day shall accrue and to pay costs in the amount of **\$183.25** to be paid on or before the date set for compliance.

11)Case No:

06-00381

Code Compliance Officer

Gregory Durgin

Respondent:

Southbound Realty, Inc.

c/o Daniel Wolfe

272 Broadway

Amityville, NY 11701

Location of Violation:

955 Park Ave.

PCN: 36-43-42-20-01-003-0240

Code Sections Violated:

24-55(e) Signs, business no longer exist

Description of Violation:

Window signs for non-existing business

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 2/24/06 and to approve the recommendation to achieve compliance by 4/17/06 and failing which, a fine of \$150.00 a day shall accrue and to pay costs in the amount of \$146.25 by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He stated that this property is liened. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 4/17/06 failing which a fine of \$150.00 per day shall accrue and to pay costs in the amount of \$146.25 to be paid on or before the date set for compliance.

12)Case No:

06-00405

Code Compliance Officer

Gregory Durgin

Respondent:

Clay & Jessica Surovek

178 Bryn Mawr Dr.

Lake Worth, FL 33460

Location of Violation:

549 W. Kalmia Dr.

PCN: 36-43-42-20-03-125-0140

Code Sections Violated:

16-1(4)(5) Dangerous sidewalk/roadway passage

24-31(d)(1)(2) Bushes, trees obstructing roadway visibility

Description of Violation:

Hedges impeding driveway vision

Concrete slabs/wood along sidewalk

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 02/28/06 and to approve the recommendation to achieve compliance by 4/17/06 and failing which, a fine of \$250.00 a day shall accrue and to pay costs in the amount of \$137.25 by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 4/17/06 failing which a fine of \$250.00 per day shall accrue and to pay costs in the amount of \$137.25 to be paid on or before the date set for compliance.

13)Case No:

06-00540

Code Compliance Officer

Gregory Durgin

Respondent:

James Dupree

1900 19th St.

Riviera Beach, FL 33404

Location of Violation:

810 9th St.

PCN: 36-43-42-20-06-003-0060

Code Sections Violated:

7-104(d) Care of premises

Description of Violation:

Overgrown lawn

Litter/trash throughout property

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 3/15/06 and to approve the recommendation to achieve compliance by **4/17/06** and failing which, a fine of \$200.00 a day shall accrue and to pay costs in the amount of **\$147.75** by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before **4/17/06** failing which a fine of \$200.00 per day shall accrue and to pay costs in the amount of **\$147.75** to be paid on or before the date set for compliance.

14)Case No:

06-00340

Code Compliance Officer

Gregory Durgin

Respondent:

Discount Auto Parts, Inc.

c/o Nrai Services, Inc., R.A.

2731 Executive Park Dr., Suite 4

Weston, FL 33331

Location of Violation:

710 10th St.

PCN: 36-43-42-20-29-004-0120

Code Sections Violated:

14-4(a)(b) Maintenance of private property

Description of Violation:

Overgrown lawn
Trash/litter throughout property

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 2/22/06 and to approve the recommendation to achieve compliance by 4/24/06 and failing which, a fine of \$150.00 a day shall accrue and to pay costs in the amount of \$135.75 by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 4/24/06 failing which a fine of \$150.00 per day shall accrue and to pay costs in the amount of \$135.75 to be paid on or before the date set for compliance.

15)Case No:

05-01497

Code Compliance Officer

Gregory Durgin

Respondent:

Discount Auto Parts, Inc.
c/o CT Corporation System
1200 South Pine Island Rd.
Fort Lauderdale, FL 33324

Location of Violation:

710 10th St.
PCN: 36-43-42-20-29-004-0120

Code Sections Violated:

7-82 Wall/Shed/Bldg/Structure in need of repair

Description of Violation:

Damaged exterior canopy

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 8/23/05 and to approve the recommendation to achieve compliance by 6/8/06 and failing which, a fine of \$150.00 a day shall accrue and to pay costs in the amount of \$135.75 by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 6/8/06 failing

which a fine of \$150.00 per day shall accrue and to pay costs in the amount of \$135.75 to be paid on or before the date set for compliance.

16)Case No:

06-00383

Code Compliance Officer

Gregory Durgin

Respondent(s)

William Bailey

416 Hawthorne Dr.

Lake Park, FL 33403

Violation Location:

416 Hawthorne Dr.

PCN: 36-43-42-20-01-024-0050

Code Section Violated:

32-71(a)(b) Damaged, deteriorated and/or unmaintained fencing

Description of Violation:

Damaged east fencing

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 2/22/05 and to approve the recommendation to achieve compliance by 4/24/06 and failing which, a fine of \$100.00 a day shall accrue and to pay costs in the amount of \$134.25 by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 4/24/06 failing which a fine of \$100.00 per day shall accrue and to pay costs in the amount of \$134.25 to be paid on or before the date set for compliance.

17)Case No:

06-00234

Code Compliance Officer

Gregory Durgin

Respondent(s)

Eglise Baptiste Haitienne Bethlehem, Inc.

425 Crescent Dr.

Lake Park, FL 33403

Violation Location:

425 Crescent Dr.

PCN: 36-43-42-20-01-104-0010

Code Section Violated:

7-102(g) Broken inoperative windows
14-4(a)(b) Maintenance of private property

Description of Violation:

Broken glass within NW building along side door
Trash within north swale between sidewalk and street

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 2/09/06 and to approve the recommendation to achieve compliance by **4/24/06** and failing which, a fine of \$100.00 a day shall accrue and to pay costs in the amount of **\$141.50** by the date set for compliance.

Mr. Durgin presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before **4/24/06** failing which a fine of \$100.00 per day shall accrue and to pay costs in the amount of **\$141.50** to be paid on or before the date set for compliance.

18)Case No:

06-00306

Code Compliance Officer

Dave Caban

Respondent:

Lake Park Portfolio, LLC
c/o Brian K. Waxman
5601 Corporate Way, Suite 404
West Palm Beach, FL 33407

Location of Violation:

1140 Watertower Rd.
PCN: 36-43-42-20-00-000-7160

Code Section Violated:

7-102(N) Peeling, discolored, faded paint exterior house/building
11-3 Inoperable, prohibited storage of vehicle
7-102 (K)(1) Damaged, deteriorated garage door

Description of Violation:

Garage door destroyed – 1st building off Watertower Rd.
Building needs painting (black stains) mold in areas
Wrecked or inoperable RV on premises

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 2/14/06 and to approve the recommendation to achieve compliance by **4/20/06** failing which, a fine of \$150.00/day shall accrue and to pay costs in the amount of **\$144.75** by the date set for compliance.

Mr. Caban presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence. Mr. Caban stated that he spoke with the point of contact who called him and she stated that on March 31st the RV and vehicles would be gone, but she did not do as she stated.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before **4/20/06** failing which a fine of \$150.00 per day shall accrue and to pay costs in the amount of **\$144.75** to be paid on or before the date set for compliance.

19)Case No:

06-00053

Code Compliance Officer

Dave Caban

Respondent:

Albert Pratt

521 Cement Hill Rd.

Lake Park, FL 33403

Location of Violation:

515 Foresteria Dr.

PCN: 36-43-42-20-01

Code Section Violated:

32-146(h)(1) through (13) Minimum landscape requirements

7-104(d) Care of premises

32-27(a) Offensive etc. uses conflicts with town boundaries

Sec. 16-3 Creation or maintenance of a nuisance

7-82 Wall/Shed/Bldg/Structure in need of repair

27-5 Maintenance standards for private swimming pools

Description of Violation:

Overgrown lawn

Trash, debris, dead limbs

Eyesore

Structure rear of property, overhang deteriorated rotten and open

Hot tub/green algae (polluted)

Nuisance – may harbor rats and snakes

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 1/17/06 and to approve the recommendation to achieve compliance by **4/20/06** failing which, a fine of \$250.00/day shall accrue and to pay costs in the amount of **\$192.00** by the date set for compliance.

Mr. Caban presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence. He also had an Affidavit of Posting that was submitted to the Magistrate.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 4/20/06 failing which a fine of \$250.00 per day shall accrue and to pay costs in the amount of \$192.00 to be paid on or before the date set for compliance.

20)Case No:

06-00170

Code Compliance Officer

Dave Caban

Respondent:

Diosdado/Trinidad Broche
9275 SW 43rd Terrace
Miami, FL 33165

Location of Violation:

1306 Silver Beach Rd.
PCN: 36-43-42-20-00-000-7170

Code Section Violated:

32-68(g) Junk yards in business areas
32-68 (a)(b)(c)(d)(e)(f)(g) Maintain commercial fencing/wall
24-4 Sign and structure in need of repair
32-68 (10)j(1) Ingress and egress to vehicular use areas
32-86-2(12) Storage of junk vehicles

Description of Violation:

Storage of junk vehicles
Front of salvage yard cluttered with junk vehicles – needs to be cleared for customers and rear parking lot
Need to construct wall around perimeter (concrete) and apply for permits in commercial areas
Ingress & egress for customer parking
Faded deteriorated sign

Recommendation:

Respondent is in violation, as alleged in the NOV/NOH dated 1/30/06 and to approve the recommendation to achieve compliance by 6/1/06 failing which, a fine of \$250.00/day shall accrue and to pay costs in the amount of \$238.75 by the date set for compliance.

Mr. Caban presented this case to the Magistrate. He presented photos from the file to the Magistrate to be entered into evidence.

FINDING: Based upon the evidence and the testimony given, the Magistrate found that the respondent was in violation and compliance was ordered on or before 6/1/06 failing which a fine of \$250.00 per day per violation shall accrue and to pay costs in the amount of \$238.75 to be paid on or before the date set for compliance.

VII. STIPULATIONS (2)

21)Case No: 06-00406

RESPONDENT: Rene Magras

LOCATION: 710 W Kalmia

PCN: 36-43-42-20-01-089-0050

Violations:

32-86 10 f 3 Pot holes, unmaintained driveway surface

7-104 (d) Care of premises

30-3 (1-7) Obtain permit for POD, storage

22)Case No: 05-01955

RESPONDENT Trim Club

c/o Howard Debbs, R.A.

LOCATION: 1183 Old Dixie Hwy, #B

PCN:

Violations:

13-3 No Occupational Licenses

VIII. REQUESTS FOR EXTENSION OF TIME (2)

23) Case No:

04-00838

Code Compliance Officer

Gregory Durgin

Respondent:

Alfred Francois

424 E Ilex Dr.

Lake Park, FL 33403

Location of Violation:

551 10th St.

PCN: 36-43-42-20-01-001-0140

Code Sections Violated:

16-2(2) trash, furnishings, auto parts, building debris etc.

30-3(4) no permit, prohibited storage of building material

16-1(1)(4) Damaged sidewalk/street

32 Landscaping codes

Recommendation:

Approve the recommendation and grant the request to extend the compliance date from 04-05-2006 achieve compliance by **09-15-06** failing which, the fine and costs will revert to the accrued amount prior to abatement.

FINDING: Based upon the evidence and the testimony given, the Magistrate granted an extension of time until **9/15/06** and is ordered to pay an additional administrative cost of **\$45.00** by the date set for compliance.

24)Case No:

05-01903

Code Compliance Officer

Gregory Durgin

Respondent:

Southlake Apartments, Inc.

c/o Terry & Mary Mowers, R.A.

543 W. Kalmia Dr.

Lake Park, FL 33403

Location of Violation:

543 W. Kalmia Dr.

PCN: 36-43-42-20-03-125-0130

Code Sections Violated:

7-82 Wall/shed/bldg/structure in need of repair

7-102 (c)(1)(2) Roofs: Damaged roofing, fascia, eaves, soffitt

7-86 Unsafe residential/commercial structure

FL Bldg. 103.5 Unsafe buildings are hazard to safety or health

Recommendation:

Approve the recommendation and grant the request to extend the compliance date from 03-20-2006 achieve compliance by **5-22-06** failing which, the fine and costs will revert to the accrued amount prior to abatement.

FINDING: Based upon the evidence and the testimony given, the Magistrate granted an extension of time until **5/22/06** and is ordered to pay an additional administrative cost of **\$45.00** by the date set for compliance.

IX. OTHER BUSINESS ITEMS

None at this time

X. APPROVAL OF MINUTES

None

XI. ADJOURNMENT



Leonard Rubin, Magistrate

Attest:



Jessica J. Shepherd, Code Compliance Secretary

Approved on: 4/18/06