



Special Magistrate Hearing

City of Greenacres, Florida

Wednesday, February 22, 2023 at 3:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

Minutes

CALL TO ORDER

Special Magistrate Amity R. Bernard, Esquire called to order the Special Magistrate Hearing of Wednesday, February 22, 2023.

Special Magistrate Bernard, Esquire requested all witnesses present who would provide testimony to stand and be sworn in. She explained the case procedures and stated those persons who admitted a violation existed would coordinate with the City for compliance. For those persons who contested a violation, the City would present its evidence, the Magistrate would hear the testimony from the property owner/representative and then issue her findings based on the testimony and evidence presented.

PLEDGE OF ALLEGIANCE

Approval of Minutes – January 25, 2023

Next Scheduled Meeting – March 29, 2023

NEW BUSINESS

1. Case 4-22-9179 - Justin Ryan Dalmolin, Reg Agent- Dalmolin Real Estate Holdings Llc - 6434 Red Pine Ln #B

Tile, shower and bath renovation without permit

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Ileinys Capote stated a notice was served by certified mail. Officer Capote mentioned a bath renovation took place with no permits and inspections.

No representative was present.

Magistrate Bernard, Esquire ordered compliance within 30 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

2. Case 7-22-9358 - James H Batmasian, Reg Agent - JHB Properties Llc- Waterway Village - 101 Waterway Village Ct

Garbage, trash, debris all around dumpster

Section: 7-27.1 Property Maintenance Nuisance Declared

(1) The casting, throwing, sweeping, placing, depositing, or burial of any litter, garbage, refuse, rubbish, chattel, vegetative waste or trash in any manner other than placing same in a proper disposal facility or place, commercial container, authorized private receptacle, garbage can, or trash container or as otherwise determined in this article; or

Section: 7-27.11 Property Maintenance Nuisance Declared

(11) The presence, accumulation, storage, or keeping of any debris, building material, or material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Officer Deanna Thomas stated a notice was served by posting, and an affidavit of posting was in the file. Officer Thomas mentioned trash and debris were dumped by the dumpster.

Property owner Christine Pareto stated within a few days after trash pickup new trash would be dumped next to the dumpster, and a fence would soon be built to enclose the dumpster to prevent future trash accumulating.

Magistrate Bernard ordered compliance within 15 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

3. Case 7-22-9359 - Keystone WPB Property Hold Corp - C/O Investments Ltd - 101 Island Shores Dr

Garbage, trash, debris by dumpster

Section: 7-27.1 Property Maintenance Nuisance Declared

(1) The casting, throwing, sweeping, placing, depositing, or burial of any litter, garbage, refuse, rubbish, chattel, vegetative waste or trash in any manner other than placing same in a proper disposal facility or place, commercial container, authorized private receptacle, garbage can, or trash container or as otherwise determined in this article; or

Section: 7-27.11 Property Maintenance Nuisance Declared

(11) The presence, accumulation, storage, or keeping of any debris, building material, or material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Officer Deanna Thomas stated a notice was served by posting, and an affidavit of posting was in the file. Officer Thomas said garbage, trash, and debris were dumped by the dumpster.

Property Owner Christina Pareto stated trash would be dumped by the trash, and a building enclosure would be built soon to prevent trash build up.

Magistrate Bernard ordered compliance within 15 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

4. Case 8-22-9461 -Haroon Sulaiman, Reg Agent - Worth Plaza Llc - 5305 Lake Worth Rd

Interior remodel without permits & inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Ileinys Capote stated an interior remodel was done to a unit without permits and inspections. A notice was served by certified mail.

Representative Terry Mayhue the property had two previous owners, and the fire inspections had passed. The property owner currently was out of the country.

Magistrate Bernard ordered for this case to be moved to the March 29, 2023, meeting.

REDUCTION OF FINES

5. Case 10-21-8729 - Esther Angela Alarcon & Albert Martinez - 5600 S 36 St

Solar panels installed without permit & inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal

construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Jerry Bernal stated solar panels were installed without a permit and inspection. Officer Bernal mentioned the property was in compliance on January 31, 2023. Magistrate Roche certified the fines of \$2,475.00, and kept the fines accruing at \$75.00 per day. A lien was recorded in the Official Records of Palm Beach County. Fines to date were \$30,675.00.

No representative was present.

Case not heard. Magistrate Bernard moved to next case.

6. Case 10-21-8755 - Betis & Luis A Castellon - 401 Fleming Ave

Property maintenance, house ID #'s, building materials, inoperative vehicle

Section: 7-27.7 – Property Maintenance Nuisance Declared

(7) The presence, accumulation, open storage, or otherwise keeping, of any abandoned, discarded, or unused chattel; or

Section: 304.3 Premises Identification - Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

Section: 14-28b1(c) Parking of motor vehicles, boats & trailers

The motor vehicle cannot be inoperative, wrecked, junked, partially dismantled, or abandoned, and is licensed and registered as required by state law, and is used by the resident of the premises or a guest thereof.

Ileinys Capote stated the property required maintenance, house ID's, building materials, inoperative vehicle, trash and debris removed off the property. On January 19, 2022 Magistrate Roche certified the fines of \$2,475.00, and for the fines to keep accruing at \$75.00 per day. A lien was recorded in the Official Records of Palm Beach County. Fines to date \$29,625.00.

Representatives Melissa Aguirre and Oswaldo Garcia stated they are new property owners and were not aware of the open cases.

Magistrate Bernard reduced the fines to \$2,962.50 payable within 60 days otherwise the fines would revert back to \$29,625.00.

7. Case 2-21-8248 - Linda D Freeman - 2145 White Pine Cir #D

A/C installed without permit & inspection

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Ileyns Capote stated an A/C was installed without permit and inspection. On July 14, 2021 Magistrate Roche certified the fines of \$12,500.00, and for the fines to remain accruing at \$50.00 per day. A lien was recorded in Official Records of Palm Beach County.

Representative Linda Freeman stated she was unaware of the permit process. A company was hired but they did not submit any documents for the A/C.

Magistrate Bernard reduced the fines to \$1,250.00 payable within 45 days otherwise the fines would revert back to \$12,500.00.

8. Case 3-22-9029 - Eduard Kochetov - 3201 Santa Catalina Pl

Wrecked vehicle parked on property

Section: 14-28b1(c) Parking of motor vehicles, boats & trailers

The motor vehicle cannot be inoperative, wrecked, junked, partially dismantled, or abandoned, and is licensed and registered as required by state law, and is used by the resident of the premises or a guest thereof.

Officer Jerry Bernal stated a wrecked vehicle was parked on the property. On July 20, 2022 Magistrate Roche ordered to comply within 15 days or a fine of \$50.00 would accrue per day and a lien would be imposed. The property was in compliance on January 10, 2023. Fines to date were \$7,900.00.

Representative Veronica Kochetov stated her father was sick over seas, and the vehicle belonged to a relative.

Magistrate Roche reduced the fines to \$790.00 payable within 60 days otherwise the fines would revert back to \$7,900.00.

9. Case 6-20-7943 - Delaine Rocha - 148 Swain Blvd

Pavers and concrete slab installed without permits and inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated

or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Ileinys Capote stated pavers and concrete pads were installed without permits and inspections. On March 16, 2022 Magistrate Roche certified the fines of \$1,300.00, and for fines to keep accruing at \$50.00 per day. A lien was recorded in the Official Records with Palm Beach County. Fines to date \$9,050.00.

Representative Delaine Rocha stated a permit was submitted, but a delay occurred.

Magistrate Bernard reduced the fines to \$905.00 payable within 45 days otherwise the fines would revert back to \$9,050.00.

10. Case 6-22-9318 - Diego Valencia, Reg Agent - DVJC Properties Llc - 408-412 Jennings Ave

Fence installed without permit and inspection

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Ileinys Capote stated a fence was installed without a permit and inspection. Magistrate Roche ordered compliance by October 21, 2022, and fines to keep accruing at \$75.00 per day. A lien was recorded in the Official Records of Palm Beach County. Fines to date \$6,675.00.

Representative Diego Valencia stated a survey was required, but the documents were delayed and the contractor did not file the permit.

Magistrate Bernard reduced the fines to \$667.50 payable within 30 days otherwise the fines would revert back to \$6,675.00.

11. Case 8-21-8630 - Go Fund Prop 1 Llc - 214 Wedgewood Cir

Roof maintenance

Section: 304.7 - Roofs and Drainage

The roof and flashing shall be sound, tight and not have defects that are a detriment to the roof's effectiveness or appearance. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water including ac condensate shall not be discharged in a manner that creates a public nuisance

Officer Ileynys Capote stated roof maintenance was required. On May 18, 2022, Magistrate Roche certified the fines of \$825.00, and for the fines to keep accruing \$25.00 per day. A lien was recorded in the Official Records of Palm Beach County. Fines to date \$6,425.00.

Property Manager Jessica Cooper stated the property had a contract for the property to be sold.

Magistrate Bernard reduced the fines to \$642.50 payable within 30 days otherwise the fines would revert back to \$6,425.00.

Old Business

12. Case10-22-9569 - Jeffrey Estis, President - Fla Skyline Mgmnt - 600 Nottingham Cir

Electric panel fire - Bldg 600 no power 2 weeks

Section: 108.1.3 - Structures Unfit For Human Occupancy

A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Section: 116.1.1 - Description: Unsafe Structures and Equipment

When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this code he/she shall provide the record owner(s) of the real property upon which the unsafe building, structure, system is located, a written notice stating the defects thereof, by certified mail, return receipt requested. This notice shall require the owner, within a stated time, either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the local government, the processes and procedures for code enforcement under Florida Statute 162, or City Code Chapter 2, Article III, Division 2 may be utilized to abate a violation under this section. If this method of enforcement is invoked, the building official shall act in the role of code inspector as authorized in Section 113 of this code to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute or City Code.

Officer Dinah Tejada stated on December 8, 2022 Magistrate Roche ordered compliance within 90 days or a fine of \$250.00 per day would be imposed. Magistrate

Roche ordered the property owner to return for a status update on February 22, 2023. On January 1, 2023, a new management company took over.

City Attorney Christy Goddeau stated the new management had been great with communicating with the City.

Representative Jeffrey Skyline stated management would be working with the community and City to solve the issue.

Magistrate Bernard extended compliance until August 21, 2023. And return 8/30/23 for status update.

13. Case 11-10-2947 - Marie G Hilaire - 453 Jennings Ave

Broken windows, unregistered/inoperative vehicle, mow, maintain property, trash, dead tree in rear

Section: 7 27.4 - Property maintenance nuisance declared

(4) The uncontrolled growth of vegetation or any growth of weeds, grass, or other similar ground cover which exceeds twelve (12) inches in height, or rank vegetable growths which exhale unpleasant or noxious odors, or any vegetation or plant material growth which is conducive to harboring vermin, insects, reptiles, or other wild animal life; or

Section: 7-27.11 Property Maintenance Nuisance Declared

(11) The presence, accumulation, storage, or keeping of any debris, building material, or material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Section: 307.3 - Disposal of Garbage

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Garbage containers placed at the curb for curbside pickup may be set out no sooner than 3:00 pm the day prior to the scheduled pickup day and must be removed no later than 11:00 am of the day after collection

Section: 7-27.5 – Property Maintenance Nuisance Declared - (5) The growth of any vegetation, plant material, or tree which might in time of hurricanes or storms cause damage to life or property within the immediate area of such growth

Section: 304.13 - Window, Skylight and Door Frames

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight

Section: 14-28(b)5 XXXXXXXXXX - Description: Parking of Motor Vehicles, Boats and Trailers

The parking of nonprohibited motor vehicles is allowed on private property within residential zoning districts provided that the plot of land is improved with a residence and the motor vehicle is not inoperative, wrecked, junked or partially dismantled or abandoned and is licensed and registered as required by state law and used by the resident of the premises or a guest thereof.

Officer Dinah Tejeda stated an unregistered, unlicensed, inoperative vehicle was on the property, there were broken windows on the building property, maintaining the property was required, and the garbage had to be placed in a proper container and not left out by the road. Fines to date \$75,900.

No representative was present.

City Attorney Christy Goddeau stated the property had three lien cases, and the property would be going in to "Foreclosure". A notice was posted on February 9, 2023, certified and regular mail were sent out.

14. Case 12-11-3705 - Marie G Hilaire - 453 Jennings Ave

ELECTRICAL CONTRACTOR MUST PULL PERMIT TO REPAIR ELECTRICAL SERVICE EQUIPMENT, MUST HAVE PROPER ELECTRICAL AND AND SERVICES RESTORED TO BUILDING, REPAIR/REPLACE ALL BROKEN WINDOWS AND THE PROPERTY

Section: 505.1 – General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code, Plumbing

Section: 605.1 – Installation. All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

Section: 304.1 – General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Section: 505.3 – Description: Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Section: 305.1 – General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Officer Dinah Tejeda stated an unregistered, unlicensed, inoperative vehicle was on the property, there were broken windows on the building property, maintaining the property was required, and the garbage had to be placed in a proper container and not left out by the road. Fines to date \$401,601.00.

No representative was present.

City Attorney Christy Goddeau stated the property had three lien cases, and the property would be going in to "Foreclosure". A notice was posted on February 9, 2023, certified and regular mail were sent out.

15. Case 7-18-6566 - Marie G Hilaire - 453 Jennings Ave

Roof and drainage maintenance

Section: 304.7 - Roofs and Drainage

The roof and flashing shall be sound, tight, and not have defects that are a detriment to the roof's effectiveness or appearance. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water including ac condensate shall not be discharged in a manner that creates a public nuisance

Officer Dinah Tejada stated an unregistered, unlicensed, inoperative vehicle was on the property, there were broken windows on the building property, maintaining the property was required, and the garbage had to be placed in a proper container and not left out by the road. Fines to date \$157,200.00.

No representative was present.

City Attorney Christy Goddeau stated the property had three lien cases, and the property would be going in to "Foreclosure". A notice was posted on February 9, 2023, certified and regular mail were sent out.

TABLED CASES – None.

APPEAL OF FINE – None.

ADJOURNMENT

4:32 PM.

Myrnabelle Roche, Special Magistrate

Quintella Moorer, CMC, City Clerk

Date Approved: _____