



## TOWN OF HIGHLAND BEACH SPECIAL MAGISTRATE HEARING MINUTES

Town Hall Commission Chambers  
3614 South Ocean Boulevard  
Highland Beach, Florida 33487

Date: December 10, 2024  
Time: 1:00 PM

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### 1. CALL TO ORDER

Special Magistrate Kevin Wagner called the meeting to order.

### 2. EXPLANATION OF PROCEEDINGS

Special Magistrate Wagner explained the process of the proceedings.

### 3. SWEARING OF WITNESSES

Town Clerk Gaskins swore in those giving testimony.

### 4. APPROVAL OF MINUTES

#### A. November 12, 2024

Special Magistrate Wagner approved the minutes of November 12, 2024.

### 5. VIOLATIONS

#### A. CASE NO. CC-24-407

**Penthouse Towers Association, Inc.**  
3101 S. Ocean Blvd.  
Highland Beach FL, 33487  
PCN: 24-43-46-33-00-001-0151

**Code Sections: 110.9(5) - TOWN OF HIGHLAND BEACH ADMINISTRATIVE CODE CHAPTER 1 FOR THE 7th Edition (2020) FLORIDA BUILDING CODE 6-27. - Administrative amendments to Florida Building Code.**

**Violations: The Association has failed to comply with the requirements of Section 110.9 (Recertification of Buildings) of the Town's Administrative Amendments to the Florida Building Code by failing to submit the required milestone inspection report.**

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He mentioned that the Association has failed to comply by failing to

submit the Milestone Inspection Report. He mentioned that the violation remains. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and be given 30 days to come into compliance or be fined \$250 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable within 30 days.

Michelle Fox, Treasurer of Board of Directors, gave comments on the milestone inspection report. The President, Vice-President, and Property Manager were present.

Special Magistrate Wagner found the respondent in violation of Section 6-27 of the Town Code of Ordinances, Section 110.9(5) of the Town's Administrative Amendments to the Florida Building Code, for failing to submit the required milestone inspection report, the respondent shall comply with the Town Code by January 10, 2025 or be fined in the amount of \$250 per day. The Respondent is assessed prosecution costs in the amount of \$250 payable by the date set for compliance.

**B. CASE NO. CC-24-86  
Request to Stay Fines**

**Seth Fishman  
2575 S. Ocean Blvd., Apt 303S  
Highland Beach FL, 33487  
PCN: 24-43-46-28-47-002-3030**

**Legal Description: TOWNHOUSES OF HIGHLAND BEACH CONDO BLDG  
SOUTH UNIT 303-S**

**Code Sections: 30-122 (B) - Expiration of building permit.**

**Violations: Permit E21-0047 Electrical Sub-permit has expired.**

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case and the Town has no objection to stay the fines from the original start date (June 26, 2024) to February 11, 2025 where the case will then be scheduled for a status hearing for the Respondent to request additional days or fines can be imposed.

Special Magistrate Wagner granted Respondent's request for a stay of fines and the fines are stayed from June 26, 2024 through February 11, 2025. A status hearing will be held on February 11, 2025, at 1:00 p.m., at the Town of Highland Beach Town Hall, 3614 S. Ocean Blvd., Highland Beach, Florida 33487.

**C. CASE NO. CC-24-414**

**Nancy Daidone  
1019 Grand Ct.  
Highland Beach FL, 33487  
PCN: 24-43-47-09-00-002-0160**

**Legal Description: 9-47-43, TH PT OF N 1/2 OF GOVLT 2 K/A LT 19 OF UNREC GRAND CAY ESTS**

**Code Sections: 30-122 A- REMODEL WITHOUT PERMITS. 14-32(E)(1) WATER CLARITY IN SWIMMING POOLS. IPMC 303.1 SWIMMING POOLS.**

**Violations: Interior remodel without permits and dirty pool.**

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case and mentioned that the violation remains is Code Section 30-122, (A) a remodel without permits. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and be given 30 days to come into compliance or be fined \$250 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable within 30 days.

Ms. Nancy Daidone, property owner, provided comments on the violation.

Special Magistrate Wagner found the respondent in violation of Code Section 30-122-A for interior remodel without permits, the respondent shall comply with the Town Code by January 10, 2025 or be fined in the amount of \$250 per day. The Respondent is assessed prosecution costs in the amount of \$250 payable by the date set for compliance.

**D. CASE NO. CC-24-369**

**Evanton Baye Townhomes Condominium Association, Inc.  
4746 S. Ocean Blvd.  
Highland Beach FL, 33487  
PCN: 24-43-47-09-07-000-0000**

**Code Sections: 30-122 (B) - Expiration of building permit.**

**Violations: Permit E23-0229 expired.**

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He mentioned that the violation remains. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and be given 30 days to come into compliance or be fined \$250 per day for each day the violation remains after the date set for

compliance and assess prosecution costs in the amount of \$250.00 payable within 30 days.

Ms. Kandaleah Lewandowski, General Manager, provided comments.

Special Magistrate Wagner found the respondent in violation of Code Section 30-122 for expired permit E23-0229, the respondent shall comply with the Town Code by January 10, 2025 or be fined in the amount of \$250 per day. The Respondent is assed prosecution costs in the amount of \$250 payable by the date set for compliance.

**6. FUTURE MEETING DATES**

**A. 2025 SPECIAL MAGISTRATE HEARING DATES**

Special Magistrate Wagner reviewed the meeting dates for 2025.

**7. ADJOURNMENT**

The meeting adjourned at 1:25 P.M.

**APPROVED:** January 14, 2024, Special Magistrate Hearing

Signed Minutes on file in the Town Clerk's Office.

ATTEST:

Kevin Wagner,  
Code Enforcement Magistrate

Transcribed by  
Jaclyn DeHart

01/14/2025

Jaclyn DeHart  
Deputy Town Clerk

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.