

AGENDA

SPECIAL MAGISTRATE HEARING



Tuesday, December 10, 2024 AT 1:00 PM

TOWN OF HIGHLAND BEACH, FLORIDA

3614 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: www.highlandbeach.us

Town Hall Commission Chambers

1. CALL TO ORDER
2. EXPLANATION OF PROCEEDINGS
3. SWEARING OF WITNESSES
4. APPROVAL OF MINUTES

A. 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.

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.

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.

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.

6. FUTURE MEETING DATES

A. 2025 SPECIAL MAGISTRATE HEARING DATES

7. ADJOURNMENT

Any person that decides to appeal any decision made by the Special Magistrate Hearing with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.

In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.

File Attachments for Item:

A. November 12, 2024



TOWN OF HIGHLAND BEACH SPECIAL MAGISTRATE HEARING MINUTES

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

**Date: November 12, 2024
Time: 1:00 PM**

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

Ms. DeHart swore in those giving testimony.

4. APPROVAL OF MINUTES

A. October 08, 2024

Special Magistrate Wagner approved the minutes of October 08, 2024.

5. VIOLATIONS

A. CASE NO. 2023-12-017 Extension Request

**STEPHEN & MARLA GARCHIK,
2474 S. Ocean Blvd.
Highland Beach FL, 33487
PCN: 24-43-46-28-09-000-0131**

Legal Description: BYRD BEACH LT 13A (LESS N 10 FT) & LT 14A

Code Sections: 30-122 (A) Building Permits Required.

Violations: Pergola built without an issued permit.

Special Magistrate Wagner opened hearing.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He mentioned that there was a Board of Adjustments and Appeals

Hearing this morning and the variance application for the property was approved. Therefore, the Town recommends that the respondent request for extension be granted for 30 days to come into compliance.

Michael Marshall, lawyer for the property, gave comments on the violation.

Frank Rishodo, property manager, gave comments on the permitting process.

Special Magistrate Wagner granted the respondent's request for an extension, the respondent has 30 days, December 12, 2024, to bring the property into compliance or be fined in the amount of \$250 per day and assess prosecution costs in the amount of \$250.

B. CASE NO. CC-24-349

**Boca Highland Center Inc.
4801 S. Ocean Blvd.
Highland Beach FL, 33487
PCN: 24-43-47-09-00-001-0100**

Legal Description: 9-47-43, PT OF N 1/2 OF GOV LTS 1 & 2 & PT BET F/K/A LAGOON IN TRS DEEDS 20336, 20325 & 20534 AS IN OR3861P457(LESS OR3763PGS1106 & 1108) K/A ENTRANCEWAY, SOUTH MARINA, BEACH CLUB PAR & RDWYS 1, 2 & 4 & MARINAPARKING IN OR6669 P867

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

Violations: Permit E22-0105 Electrical subpermit for docks expired.

Code Compliance Officer Adam Osowsky stated that the property has been brought into compliance since the Notice of Hearing and the case is closed.

C. CASE NO. CC-24-363

**Janet Martin
3015 S. Ocean Blvd 202
Highland Beach FL, 33487
PCN: 24-43-46-33-23-000-0202**

Legal Description: OCEAN DUNES COND UNIT 202

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

Violations: Permit AC24-0018 AC CHANGE OUT permit expired.

Code Compliance Officer Adam Osowsky stated that the property has been brought into compliance since the Notice of Hearing and the case is closed.

D. CASE NO. CC-24-379

Gail Palestrini
4301 Tranquility Dr.
Highland Beach FL, 33487
PCN: 24-43-47-04-02-003-0220

Legal Description: BEL LIDO LT 22 BLK 3

Code Sections: 17-3 - Nuisance. Generally; declared unlawful, 6-130 - Maintenance: Seawall / Bulkhead, 6-29. - Property Maintenance Code

Violations: Dock in disrepair.

Code Compliance Officer Adam Osowsky stated that the property has been brought into compliance since the Notice of Hearing and the case is closed.

6. ADJOURNMENT

The meeting adjourned at 1:06 P.M.

APPROVED: December 10, 2024, Special Magistrate Hearing

ATTEST:

Kevin Wagner,
Code Enforcement Magistrate

Transcribed by
Jaclyn DeHart

Jaclyn DeHart
Deputy Town Clerk

11/12/2024

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->

File Attachments for Item:

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.



Town of Highland Beach

Code Compliance

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING / APPEARANCE

CASE NO. CC-24-407

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

PENTHOUSE TOWERS ASSOCIATION, INC.

R/A LINDIE, BETH GESQ.

ESLER & LINDIE, P.A.
400 S.E. 6TH STREET
FT. LAUDERDALE, FL 33301

Re: 3101 S OCEAN BLVD HIGHLAND BEACH, FL 33487 ., Highland Beach FL 33487 (PCN:24-43-46-33-00-001-0151)

YOU ARE HEREBY NOTIFIED that pursuant to Article V, Chapter 2 (Administration) of the Town of Highland Beach's Code of Ordinances, the Code Enforcement Special Magistrate will conduct a hearing on ***Tuesday, December 10, 2024, at 1:00 P.M., in the Town Commission Chambers at 3614 South Ocean Boulevard.***

During the hearing, the Special Magistrate will determine whether you have violated one or more provisions and/or sections of the Town of Highland Beach's Code, as set forth in the attached "Violation Notice," sworn to by the Code Enforcement Officer of the Town of Highland Beach.

110.9(5) - TOWN OF HIGHLAND BEACH ADMINISTRATIVE CODE CHAPTER 1 FOR THE 7th Edition (2020) FLORIDA BUILDING CODE

"RECERTIFICATION OF BUILDINGS AND COMPONENTS: Failure to Submit a Recertification Inspection Report or Timely Make Repairs/ Modifications. In the event the owner fails to submit any required report by the specified deadline, fails to make changes and resubmit the Phase Two Report within the required timeframes upon a determination that the Phase Two Report does not satisfy the requirements of this section, or fails to complete (subject to all required permits) any major or critical repairs or modifications within the required timeframes, the Building Official may seek an order of enforcement through the Town's code enforcement process or any other legal or equitable remedy provided by law."

6-27. - Administrative amendments to Florida Building Code.

The town has amended and supplemented Chapter 1 of the Florida Building Code through the adoption

www.highlandbeach.us

Tel (561) 278-4540 • Fax (561) 278-2606

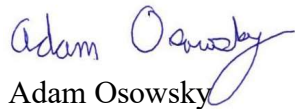
of "Administrative Amendments." A copy of these administrative amendments shall be kept on file in the town building department and shall be available for inspection by members of the public.

THEREFORE, YOU ARE HEREBY COMMANDED to be and appear before the Code Enforcement Special Magistrate at the aforesaid place, date, and time. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE RENDERED AGAINST YOU.**

ADDITIONALLY, YOU ARE ENTITLED to be represented by counsel, to present testimony and evidence, and to testify on your own behalf. Subpoenas for records, surveys, plats, and other materials and for witnesses may be requested and will be issued by the Code Enforcement Special Magistrate upon proper request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing notice has been furnished to the above-named addressee by posting on the door of the addressee's residence and by U.S. Postal Service Certified Mail, Return Receipt Domestic Mail, **SIGNED** this _____ 13 day of _____ November 2024.



Adam Osowsky
Code Compliance Officer

Certified Mail: 70210950000086912998

7021 0950 0000 8691 2998

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$4.85

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | \$0.00 |

Postage \$0.73

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box

City, State, ZIP+4®

CC-24-407 NOH
PENTHOUSE TOWERS ASS, INC.
R/A LINDIE, BETH GESQ.
ESLER & LINDIE, P.A.
400 S.E. 6TH STREET
FT. LAUDERDALE, FL 33301

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

NOV 13 2024
33863
0233 23

Postmark
Here

11/13/2024





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Not For Profit Corporation
PENTHOUSE TOWERS ASSOCIATION, INC.

Filing Information

Document Number 719256
FEI/EIN Number 59-1317930
Date Filed 09/02/1970
State FL
Status ACTIVE
Last Event AMENDMENT
Event Date Filed 06/29/2012
Event Effective Date NONE

Principal Address

3101 S. OCEAN BLVD.
HIGHLAND BCH., FL 33487

Changed: 07/03/1997

Mailing Address

3101 S. OCEAN BLVD.
HIGHLAND BCH., FL 33487

Changed: 07/03/1997

Registered Agent Name & Address

LINDIE, BETH GESQ.
ESLER & LINDIE, P.A.
400 S.E. 6TH STREET
FT. LAUDERDALE, FL 33301

Name Changed: 06/01/2010

Address Changed: 06/01/2010

Officer/Director Detail

Name & Address

Title Treasurer

Fox, Michele
3101 S. OCEAN BLVD, #626
HIGHLAND BEACH, FL 33487

Title President

Garretson, Phil
3101 S OCEAN BLVD. #108
HIGHLAND BEACH, FL 33487

Title VP

Kowalak, Albert
3101 S. OCEAN BLVD, #214
HIGHLAND BEACH, FL 33487

Title Director

ANDRIOT, STEVE
3101 S. OCEAN BLVD, #904
HIGHLAND BEACH, FL 33487

Title D

DANENBERG, RON
3101 S OCEAN BLVD # 512
HIGHLAND BEACH, FL 33487

Title Secretary

Sweeney, Maureen
3101 S. OCEAN BLVD.#1018
HIGHLAND BCH., FL 33487

Title Director

Bongiorno, Joseph
3101 S. OCEAN BLVD. #1006
HIGHLAND BCH., FL 33487

Annual Reports

Report Year	Filed Date
2022	03/17/2022
2023	03/16/2023
2024	04/19/2024

Document Images

04/19/2024 -- ANNUAL REPORT	View image in PDF format
03/16/2023 -- ANNUAL REPORT	View image in PDF format
03/17/2022 -- ANNUAL REPORT	View image in PDF format

02/11/2021 -- ANNUAL REPORT	View image in PDF format
04/20/2020 -- ANNUAL REPORT	View image in PDF format
04/09/2019 -- ANNUAL REPORT	View image in PDF format
04/10/2018 -- ANNUAL REPORT	View image in PDF format
03/29/2017 -- ANNUAL REPORT	View image in PDF format
04/14/2016 -- ANNUAL REPORT	View image in PDF format
04/14/2015 -- ANNUAL REPORT	View image in PDF format
04/08/2014 -- ANNUAL REPORT	View image in PDF format
04/01/2013 -- ANNUAL REPORT	View image in PDF format
06/29/2012 -- Amendment	View image in PDF format
04/06/2012 -- ANNUAL REPORT	View image in PDF format
03/30/2011 -- ANNUAL REPORT	View image in PDF format
06/01/2010 -- Reg. Agent Change	View image in PDF format
02/18/2010 -- ANNUAL REPORT	View image in PDF format
03/19/2009 -- ANNUAL REPORT	View image in PDF format
02/21/2008 -- ANNUAL REPORT	View image in PDF format
04/19/2007 -- ANNUAL REPORT	View image in PDF format
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02/13/1998 -- ANNUAL REPORT	View image in PDF format
07/03/1997 -- ANNUAL REPORT	View image in PDF format
04/29/1996 -- ANNUAL REPORT	View image in PDF format



Town of Highland Beach

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

October 16, 2024

PENTHOUSE TOWERS ASSOCIATION, INC.
ESLER & LINDIE, P.A.
FORT LAUDERDALE FL, 33301

RE: Code Compliance Case No. CC-24-407

Location: 3101 S OCEAN BLVD
HIGHLAND BEACH, FL 33487

Violation Description:

110.9(5) - TOWN OF HIGHLAND BEACH ADMINISTRATIVE CODE CHAPTER 1 FOR THE 7th Edition (2020) FLORIDA BUILDING CODE

"RECERTIFICATION OF BUILDINGS AND COMPONENTS: Failure to Submit a Recertification Inspection Report or Timely Make Repairs/ Modifications. In the event the owner fails to submit any required report by the specified deadline, fails to make changes and resubmit the Phase Two Report within the required timeframes upon a determination that the Phase Two Report does not satisfy the requirements of this section, or fails to complete (subject to all required permits) any major or critical repairs or modifications within the required timeframes, the Building Official may seek an order of enforcement through the Town's code enforcement process or any other legal or equitable remedy provided by law."

6-27. - Administrative amendments to Florida Building Code.

The town has amended and supplemented Chapter 1 of the Florida Building Code through the adoption of "Administrative Amendments." A copy of these administrative amendments shall be kept on file in the town building department and shall be available for inspection by members of the public.

Compliant/Violation: 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.

Correction: The owner of a building or structure subject to recertification shall submit, or cause to be submitted, to the Building Official, a Phase One/Two Report. Correct by date: October 30, 2024 to prevent further code compliance actions.



Town of Highland Beach

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

If the violation is corrected and then recurs or if the violation is not corrected by the above date, you are being summoned to appear before the town Code Enforcement Board, which may result in a fine against the violator & property in the amount of \$250.00 per day for each day the violation exists. Your anticipated cooperation is greatly appreciated, and simple compliance will resolve this matter easier than the formal process.

Should you have any questions or to schedule a reinspection, please contact the Code Compliance Officer for a reinspection at 561-637-2035.

Regards,

A handwritten signature in blue ink that reads "Adam Osowsky".

Adam Osowsky

aosowsky@highlandbeach.us
(561) 278-4540

22 E090 DTHT 0225 0120 6856

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\$ 4.50
Extra Services & Fees (check box, add fee as appropriate)
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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$ 73

Total Postage and Fees
\$ 9.18

CC-24-407+nov

Sent To PENTHOUSE TOWERS ASS. INC.

Street and Apt. No., or PO Box No. r/a LINDIE, BETH GESQ.

ESLER & LINDIE, P.A.

City, State, ZIP+4® 400 S.E. 6TH STREET

FT. LAUDERDALE, FL 33301

PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions



SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse
so that we can return the card to you.
Attach this card to the back of the mailpiece,
on the front if space permits.
Article Addressed to:

CC-24-407+nov
PENTHOUSE TOWERS ASS. INC.
r/a LINDIE, BETH GESQ.
ESLER & LINDIE, P.A.
400 S.E. 6TH STREET
FT. LAUDERDALE, FL 33301



9590 9402 5086 9092 0226 27

Article Number (Transfer from service label)
3589 0710 5270 1410 0603 22

PS Form 3811, July 2015 PSN 7530-02-000-9053

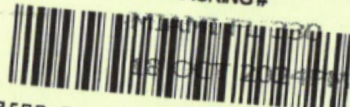
COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
☒ Received by (Printed Name) ☐ Addressee
Sherrine Gotsman 10/18/24
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Registered Mail
☐ Registered Mail Restricted Delivery
☐ Registered Mail Restricted Delivery
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☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING #



9590 9402 5086 9092 0226 27

United States
Post Service

Office of Highland Beach, FL
Town Clerk's Office

OCT 21 2024

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CODE COMPLIANCE
3616 SOUTH OCEAN BLVD
HIGHLAND BEACH, FL 33487

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0233
23

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☐ Return Receipt (hardcopy)

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\$0.00

☐ Return Receipt (electronic)

\$

\$0.00

☐ Certified Mail Restricted Delivery

\$

\$0.00

☐ Adult Signature Required

\$

\$0.00

☐ Adult Signature Restricted Delivery

\$

Postmark
Here

Postage \$0.73

\$

11/13/2024

Total Postage and Fees

CC-24-407 NOH

\$

PENTHOUSE TOWERS ASS, INC.

Sent To

R/A LINDIE, BETH GESQ.

Street and Apt. No., or PO Box ESLEER & LINDIE, P.A.

400 S.E. 6TH STREET

City, State, ZIP+4[®]

FT. LAUDERDALE, FL 33301

18

File Attachments for Item:

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

Seth Fishman2575 S. Ocean Blvd., Apt 303SHighland Beach FL, 33487PCN: 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.



Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING

CASE NO. CC-24-86

Date: November 4, 2024

**SETH FISHMAN
2575 S OCEAN BLVD APT 303S
HIGHLAND BEACH, FL 33487 1862**

RE: 2575 S OCEAN BLVD 303S

YOU ARE HEREBY NOTIFIED that pursuant to your Request to Stay The Fines, the Code Compliance Special Magistrate will be conducting a hearing on *Tuesday, December 10, 2024, at 1:00 P.M.*

The hearing will be held in the town council chambers, 3614 S Ocean Blvd, Highland Beach, FL 33487.

Adam Osowsky
Code Compliance Officer
561 637 2035
aosowsky@highlandbeach.us

9589 0710 5270 1134 3547 45

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Harrison, NY 10528

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|--|----------------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ 4.10 |
| <input type="checkbox"/> Return Receipt (electronic) | \$ 0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ 0.00 |
| <input type="checkbox"/> Adult Signature Required | \$ 0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ 0.00 |

Postage

\$ **0.73**

Total Postage and Fees

\$9.68

CC-24-89 NOH

Sent To

Steven L. Kessler, Esq.

500 Mamaroneck Avenue

Street and Apt. No., or PO Box No.

Suite 320

City, State, ZIP+4®

Harrison, N.Y. 10528



PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CC-24-89 NOH
Steven L. Kessler, Esq.
500 Mamaroneck Avenue
Suite 320
Harrison, N.Y. 10528



9590 9402 5086 9092 0370 89

2. Article Number (Transfer from service label)

9589 0710 5270 1134 3547 45

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/28

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#

WESTCHESTER NY 105



9590 9402 5086 9092 0370 89

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

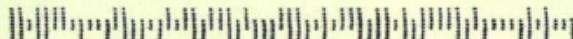
• Sender: Please print your name, address, and ZIP+4® in this box•

RECEIVED

NOV 12 2024

Town of Highland Beach, FL
Town Clerk's Office

**TOWN OF HIGHLAND BEACH
CODE COMPLIANCE
3614 S OCEAN BLVD
HB, FL 33487**





Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

AFFIDAVIT OF POSTING

CASE NO. CC-24-86

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

SETH FISHMAN
2575 S OCEAN BLVD 303S
Highland Beach FL, 33487

Re: 2575 S OCEAN BLVD 303S., Highland Beach FL 33487 (PCN: 24-43-46-28-47-001-4120)

I, Adam Osowsky, being duly sworn, depose and say that:

1. I am a x Code Compliance Officer for the Town of Highland Beach.
2. I posted x the "Notice of Hearing/Appearance" x at the Property address above & x at Town Hall 3618 S. Ocean Boulevard, Highland Beach, FL 33487.
3. The posting at the location marked above began on November 4, 2024 and continued for at least ten (10) days.
4. Copies of the notice(s) and a photograph of the posting(s) are attached hereto as Composite Exhibit "A".

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Adam Osowsky
Code Compliance Officer/Clerk

November 4, 2024
Date

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 4th day of November, 2024, by Adam Osowsky

Notary Public, State of Florida
My Commission Expires:

Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced: _____



www.highlandbeach.us

Tel (561) 278-4540 • Fax (561) 278-2606



Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING

CASE NO. CC-24-86

Date: November 4, 2024

**SETH FISHMAN
2575 S OCEAN BLVD APT 303S
HIGHLAND BEACH, FL 33487 1862**

RE: 2575 S OCEAN BLVD 303S

YOU ARE HEREBY NOTIFIED that pursuant to your Request to Stay The Fines, the Code Compliance Special Magistrate will be conducting a hearing on *Tuesday, December 10, 2024, at 1:00 P.M.*

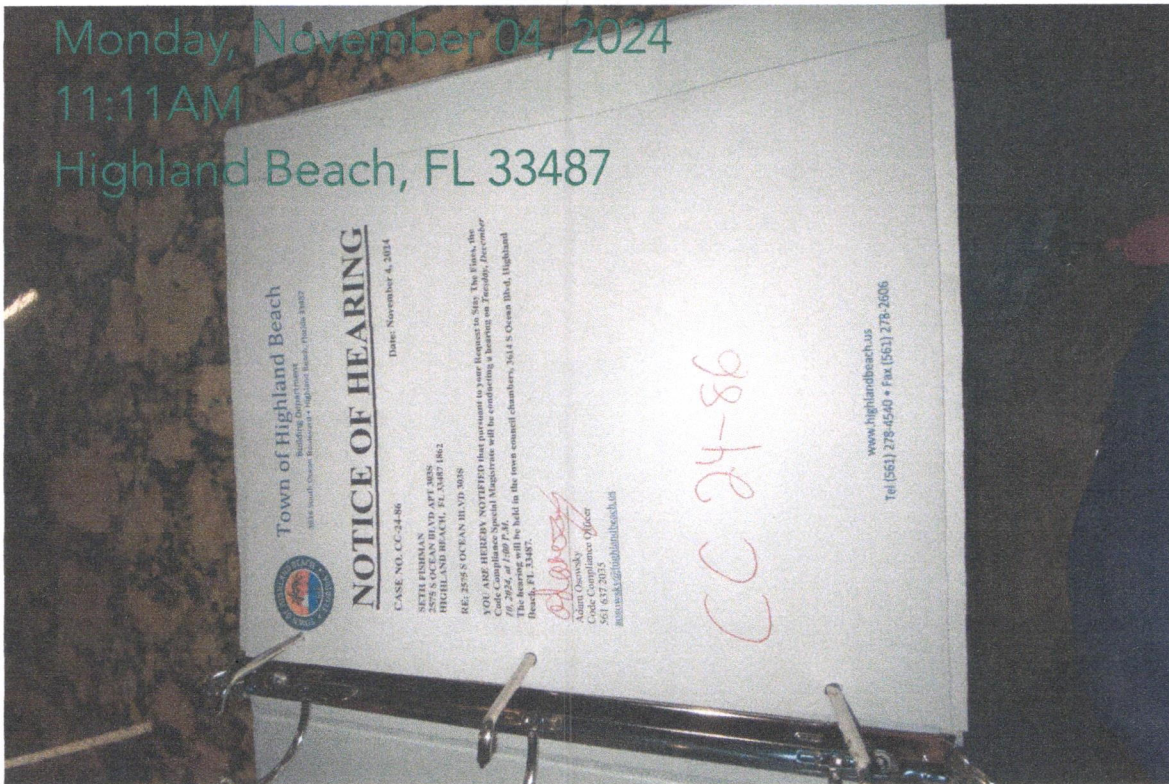
The hearing will be held in the town council chambers, 3614 S Ocean Blvd, Highland Beach, FL 33487.

Adam Osowsky
Code Compliance Officer
561 637 2035
aosowsky@highlandbeach.us

Monday, November 04, 2024

11:11AM

Highland Beach, FL 33487



TOWN OF HIGHLAND BEACH, FLORIDA
CODE ENFORCEMENT BOARD

TOWN OF HIGHLAND BEACH, FLORIDA,

Petitioner,

v.

SETH FISHMAN
2575 S. Ocean Boulevard, Apt. 303S
Highland Beach, FL 33487

Case No: CC-24-86

PCN: 24-43-46-28-47-002-3030

Respondents.

LEGAL: TOWNHOUSES OF HIGHLAND
BEACH COND BLDG SOUTH UNIT 303-S

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Enforcement Board on June 11, 2024, and having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully appraised of the circumstances, the Board does find as follows:

FINDINGS OF FACT

1. Respondent is the owner of the property located at 2575 South Ocean Boulevard, Apt. 303S, Highland Beach, Florida, as described above.
2. By Notice of Violation, the Town advised Respondent that he was in violation of Section 30-122(B) of the Town Code of Ordinances for an expired building permit, Permit E21-0047.
3. Respondent was not in attendance.
4. All required notices were served in compliance with Section 162.12, Florida Statutes, and Section 2-106 of the Town Code of Ordinances.
5. The testimony and evidence presented at the hearing demonstrated that the violation remained on the Property as of the date of the hearing.

CONCLUSIONS OF LAW

1. By reason of the foregoing, Respondent is in violation of Section 30-122(B) of the Town Code of Ordinances and are therefore subject to the provisions of Article V, Chapter 2, of the Code of Ordinances of the Town of Highland Beach, under the authority of Chapter 162 of the Florida Statutes, as both may be amended from time to time.
2. Respondent remains in violation of the Code sections cited above.

COMPLIANCE

1. IT IS HEREBY ORDERED that Respondent shall comply with the above section of the Town of Highland Beach's Code of Ordinances as follows:

a. Respondent shall comply with the Town Code within two (2) weeks of the date of the hearing **or by June 25, 2024.**

b. Should Respondent fail to bring the Property into compliance by the date specified above, **a fine in the amount of \$250.00** shall be assessed against Respondent for each day the Property remains in violation past the date set for compliance.

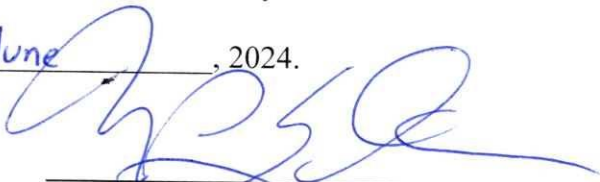
c. No further action shall be required for the entry of such fine.

2. Respondent is further ordered to reimburse the Town in the amount of \$250.00 for administrative costs incurred in prosecuting the case before the Board, which shall be included in the Lien amount. Said costs shall be paid by the date set for compliance.

3. Should Respondent violate the same code section cited herein, such reoccurrence may subject the Respondent to a repeat violator fine of up to \$500.00 per day for every day of the violation, plus administrative costs in enforcing the action, pursuant to Chapter 162, Florida Statutes.

4. Respondent may submit a written request for a hearing to challenge this Order prior to its recordation as a Lien provided Respondent does so within sixty (60) days from the date this Order was executed. If Respondent fails to comply with the Town Code within the specified deadline and timely request such a hearing in writing to the Town, the Town may record a certified copy of this Order in the Public Records of Palm Beach County, Florida, and thereafter the Order shall constitute an Order Imposing Lien against the real and/or personal property owned by Respondent. If such a hearing is requested, the Town shall notify Respondent of the hearing date by regular and certified mail. Respondent is not entitled to a rehearing of the case, and there shall be no presentation of evidence as to the existence or non-existence of the violation. Instead, Respondent shall Show Cause why this Order should not be recorded as a Lien in the Public Records of Palm Beach County, Florida.

DONE AND ORDERED this 14 day of June, 2024.



Myles Schlam, Chair
Code Enforcement Board

Copies Furnished to:

Respondents

STEVEN L. KESSLER

November 18, 2024

Mr. Adam Osowsky
Code Compliance Officer
Town of Highland Beach
3616 S. Ocean Boulevard
Highland Beach, FL 33487

Re: ***2575 South Ocean Boulevard
Unit 303S
Highland Beach, Florida***

Dear Adam:

Thank you again for your assistance with regard to Dr. Fishman's condominium at 2575 South Ocean Blvd, Unit 303S, in Highland Beach.

In advance of the scheduled Court appearance, I would like to update you regarding a matter which you may not know about, but which relates to the condo unit. In January 2021, Dr. Fishman contracted with contractors Elliot Buran, EJB Kitchens Home Improvements and Consulting, Inc., to renovate the apartment. Dr. Fishman paid Buran's substantial bill in advance, as Buran required. For reasons unknown, however, Buran suddenly stopped working on the unit. Dr. Fishman sued Buran in Palm Beach County. Around March 2022, a settlement was signed by the parties. According to the terms of the settlement, Buran was to sell two of his properties to raise \$66,000 from each to be used to complete renovations to Seth Fishman's condo. One of Mr. Buran's properties was in fact sold and \$66,000 of the proceeds was deposited into the escrow account of the closing agent. But Buran then chose not to sell the second property, thereby breaching the settlement. And did Buran not perform any further work on the condo, despite having secured all of the required permits. Since the contractor was doing all of the work on the unit, Dr. Fishman was unaware of the specific permits which Buran had secured, let alone that any of those permits, including the electrical permit, had expired. Everything to do with the renovations was handled by the contractor. In any event, the work remains incomplete and the condo unit remains unoccupied.

A motion to dismiss the lawsuit against Buran for failure to proceed was filed in court. After Dr. Fishman and his father appeared by telephone on the hearing date and both sides argued the matter before the court, the motion to dismiss the action was withdrawn by the judge and the Court adjourned the matter, scheduling the next court date for April 2, 2025, giving the parties further time for negotiations. In fact, Buran's attorney has already reached out to Robert Fishman seeking to resolve this. In the meantime, not surprisingly, Dr. Fishman is looking for a new contractor, who, of course, would again secure the necessary permits before completing the work on the unit. The catch, however, and why further proceedings remain on hold, is that the Court in the federal case in New York restrained all of Dr. Fishman's assets – real and liquid, including substitute assets. Release of any assets, therefore, remains contingent on the outcome of the federal case.

Dr. Fishman's conviction was appealed and his appeal was argued on September 18, 2024 before the United States Court of Appeals in Manhattan. In addition to the conviction itself, we raised issues relating to the propriety of the forfeiture and restitution judgments. Despite the prosecutorial slant on most federal appellate courts these days, during oral argument, the Court appeared favorable to or at least open to our arguments regarding the dismissal or modification of the financial penalties, including forfeiture and restitution. Such a result would allow Dr. Fishman to use his funds or even release them entirely, a result that would, of course, have a positive impact on your matter as well. In any event, we are awaiting the decision from the appellate court. We will keep you posted as events unfold.

Thank you again for your and Jeff's assistance. Have a great holiday.

Sincerely,



Steven L. Kessler
LAW OFFICES OF STEVEN L. KESSLER
500 Mamaroneck Avenue, Suite 320
Harrison, New York 10528
(212) 661-1500
KesslerLawNYC@gmail.com

SLK:rmaf
Encls.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/11/22

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA

- v. -

SETH FISHMAN,

Defendant.
----- x

:
:
: POST-SENTENCING
: RESTRAINING ORDER

: S6 20 Cr. 160 (MKV)
:
:

Upon the Indictment, S6 10 Cr. 160 (MKV), and the conviction of defendant SETH FISHMAN (the "defendant"), and the application of DAMIAN WILLIAMS, United States Attorney for the Southern District of New York, by Sarah Mortazavi, Assistant United States Attorney, of counsel, pursuant to the All Writs Act, 28 U.S.C. § 1651(a);

IT IS HEREBY ORDERED that:

The defendant and all attorneys, agents, employees, and anyone acting on his behalf, and all persons or entities, acting in concert or participation with any of the above, shall not take any action prohibited by this Order; and

IT IS HEREBY FURTHER ORDERED that the defendant, his attorneys, agents, employees, and anyone acting on their behalf, and all persons or entities acting in concert or participation with any of the above, and all persons and entities having actual knowledge of this order, shall not, directly or indirectly, transfer, sell, assign, pledge, hypothecate, encumber, or dispose of in any manner; cause to be transferred, sold assigned, pledged, hypothecated, encumbered, disposed of in any manner; or take, or cause to be taken, any action that would have the effect of depreciating, damaging, or in any way diminishing the value of the following property, except as approved by the Court and the Government:

All right, title and interest of SETH FISHMAN, the defendant, in any and all property, or interests property, held in the name of, or for the benefit of, SETH FISHMAN (collectively, the "Assets").

IT IS HEREBY FURTHER ORDERED that:

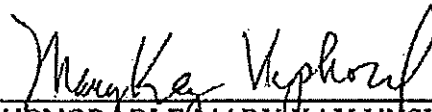
The defendant shall not use or permit the Assets to be used for any illegal activity, or in any manner that would invalidate insurance on the Assets or diminish the value of the Assets, neither shall they cause any alteration to the Assets without the prior written consent of the United States Attorney's Office.

IT IS HEREBY FURTHER ORDERED that this Restraining Order shall be binding upon the defendant, his attorneys, agents and employees, and all persons in active concert or participation with any of the above, or any other person having actual knowledge of this Order.

IT IS HEREBY FURTHER ORDERED that service of a copy of this Order shall be made forthwith on the defendant's attorneys by electronic mail following the filing of this Restraining Order.

Dated: New York, New York
July 11, 2022

SO ORDERED:


HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/16/2023

----- x
UNITED STATES OF AMERICA :

- v. - :

SETH FISHMAN, :

Defendant. :

**PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE ASSETS**

S6 20 Cr. 160 (MKV)

----- x
WHEREAS, on or about November 5, 2020, SETH FISHMAN (the "Defendant"), among others, was charged in two counts of a five-count Superseding Indictment, S6 20 Cr. 160 (MKV) (the "Indictment"), with conspiracy to misbrand and adulterate drugs in interstate commerce with intent to defraud or mislead, in violation of Title 18, United States Code, Section 371, and Title 21, United States Code, Sections 331 and 333 (Counts One and Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 334, and Title 28, United States Code, Section 2461, of any and all drugs that were adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (the "Forfeitable Property"), including but not limited to a sum of money in United States currency representing the value of such property;

WHEREAS, on or about February 2, 2022, the Defendant was found guilty, following a jury trial, of Counts One and Two of the Indictment;

WHEREAS, On or about July 10, 2023, the Court entered an Order of Forfeiture/Money Judgment (D.E. 1109), imposing a money judgment against the Defendant in the amount of \$10,312,627.40 in United States Currency (the "Money Judgment").

WHEREAS, to date, the entirety of the Money Judgment entered against the Defendant remains unpaid;

WHEREAS, as a result of acts and/or omissions of the Defendant, the United States has not been able to locate, obtain or collect the Forfeitable Property, despite the exercise of due diligence in investigating the Defendant;

WHEREAS, the Government has identified the following specific assets of the Defendant:

- a. Any and all funds on deposit in Citibank, N.A. account 9144769909, held in the name of Seth Fishman;
- b. Any and all funds on deposit in Citibank, N.A. account 9139136538, held in the name of Seth Fishman;
- c. Any and all funds on deposit in Citibank, N.A. account 9139136525, held in the name of Seth Fishman;
- d. Any and all funds on deposit in Citibank, N.A. account 9139800880, held in the name of Seth Fishman;
- e. Any and all funds on deposit in CreditCorp Bank, S.A. account 4010102652, held in the name of Equine Performance Inc. and beneficially owned by Seth Fishman;
- f. Any and all funds on deposit in CreditCorp Bank, S.A. account 4010102668, held in the name of Equine Performance Inc. and beneficially owned by Seth Fishman;
- g. Any and all funds on deposit in Paypal account 2009696405473359310, held in the name of Seth Fishman;
- h. The real property located at street address 2565 South Ocean Blvd Apartment 412 N, Highland Beach, Florida 33487 with a legal description of Unit No. 412-N, in the Townhouses of Highland Beach Condominium, a condominium, according to the Declaration of Condominium thereof, as recorded in Official Recorded Book 3466, at Page 791, of the Public Records of Palm Beach County, Florida;

- i. The real property located at street address 2575 South Ocean Blvd Unit 303 South, Highland Beach, Florida 33487 with a legal description of Unit No. 303-S, in the Townhouses of Highland Beach Condominium, a condominium, according to the Declaration of Condominium thereof, as recorded in Official Recorded Book 3466, at Page 791, of the Public Records of Palm Beach County, Florida and any amendments therein together with its undivided share in the common elements.
- j. \$70,049.59 in United States currency on deposit in Wells Fargo account number ending in -9455, held in the name of Green & Willstatter Attorney Trust;

(a. through j., collectively, the "Substitute Assets"); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant's right, title and interest in the Substitute Assets.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Assets are hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep it in its secure, custody and control.

3. Upon entry of a Final Order of Forfeiture, the Substitute Assets shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet

forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

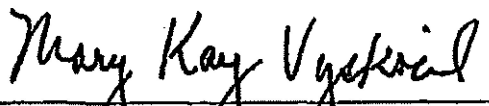
6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York
October 16, 2023

SO ORDERED:



HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10th day of January, two thousand twenty-four.

Present:

Gerard E. Lynch,
William J. Nardini,
Maria Araújo Kahn,
Circuit Judges.

United States of America,

Appellee,

v.

22-1600 (L),
22-2063 (Con),
23-6819 (Con)

Jorge Navarro, AKA Sealed Defendant 1, et al.,

Defendants,

Seth Fishman, AKA Sealed Defendant 7, et al.,

Defendants-Appellants.

Defendant-Appellant Seth Fishman moves to stay the forfeiture of substitute assets pending appeal. The Government opposes, and Defendant-Appellant Fishman has replied in further support.

Upon due consideration, it is hereby ORDERED that the motion is DENIED. Having carefully considered the parties' arguments and submissions, we conclude that Defendant-Appellant has not shown that a stay is warranted under either the four-factor test of *Nken v. Holder*, 556 U.S. 418, 434-35 (2009), or the alternative test of *United States v. Silver*, 203 F. Supp. 3d 370, 385 (S.D.N.Y. 2016). Specifically, he has not shown that he will suffer irreparable harm absent a stay because the Government has represented that it will not sell the real property until this appeal concludes or the district court grants express authorization to do so, and he has not otherwise shown that the value of the forfeited assets will appreciate over time.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe



Green & Willstatter
ATTORNEYS AT LAW
200 MAMARONECK AVENUE
SUITE 605
WHITE PLAINS, NEW YORK 10601

THEODORE S. GREEN
RICHARD D. WILLSTATTER

(914) 948-5656
FAX (914) 948-8730

E-MAIL: WILLSTATTER@MSN.COM

September 24, 2024

Hon. John J. Parnofiello
Circuit Judge
Circuit Court, Fifteenth Judicial Circuit
in and for Palm Beach County
205 N. Dixie Hwy.
West Palm Beach, FL 33401

Re: Seth Fishman v. Elliot Buran, EJB Kitchens
Home Improvements and Consulting, Inc.
Case No.: 50-2021-CA-011137-XXXX-MB

Dear Judge Parnofiello:

I represent Seth Fishman, the plaintiff, in connection with an appeal pending in the United States Court of Appeals for the Second Circuit. I am not Seth Fishman's lawyer in the Palm Beach case and am not admitted to practice in Florida. However, I have a copy of the Court's August 13, 2024 order notifying the parties that the action will be dismissed if no new motion has been filed and no stay has been issued or approved within 60 days of August 13, 2024. I write as a courtesy to the Court to inform it of the circumstances.

Seth Fishman was represented by Jonathan Bloom of Boca Raton. A settlement was signed by the parties in or about March 2022. According to the terms of the settlement, the defendant Elliot Buran was to sell two of his properties to raise \$66,000 from each to be used to complete renovations to Seth Fishman's real property. One of Mr. Buran's properties was sold and \$66,000 of the proceeds was deposited into the escrow account of Osborne & Osborne, PA, the closing agent. But Mr. Buran did not sell the second property, perhaps because he learned that my client, Dr. Fishman, was imprisoned. Mr. Buran has performed no work on the property, either.

Later, Mr. Bloom withdrew as plaintiff's counsel. Dr. Fishman's funds are restrained by operation of a Restraining Order issued by the United States District Court in the Southern District of New York, so he cannot pay for new counsel in the Palm Beach case (and could not have paid Mr. Bloom additional fees, either). Seth

Fishman's father, Robert Fishman, has power of attorney for his son, but he is not a practicing lawyer and was never admitted to the Florida bar.

It seems the Court Clerk is aware that Seth Fishman is imprisoned because the August 13, 2024 "Second Notice of Lack of Prosecution, Court's Motion to Dismiss, and Order Setting Hearing" was emailed to Luis Pena who was Dr. Fishman's correctional counselor at FCI Miami. Fortunately, another member of the FCI Miami staff, Jason Cooke, jcooke@bop.gov, forwarded the Court's order to me. Seth Fishman is unaware of how to submit a motion to enforce the settlement or how to seek a stay. He is pro se at this point. If emails are sent to Mr. Pena, who is no longer Dr. Fishman's correctional counselor, they may not be delivered to Seth Fishman. Letters and notices should be emailed to Mr. Cooke and mailed to Seth Fishman at:

Seth Fishman, Reg. No. 18434-104
FCI MIAMI
Federal Correctional Institution
Satellite Camp
P.O. BOX 779800
MIAMI, FL 33177

It would continue to make sense to send notices to Robert Fishman, the plaintiff's father, as well. Robert Fishman informs me that the Court has the incorrect email for him: it should be robert.fishman@hotmail.com. Mr. Jacobs, defendants' lawyer, is aware that Seth Fishman is imprisoned and has been in contact with Robert Fishman. The defendants have not abided by the terms of the settlement over the last two years.

Please be aware that Seth Fishman cannot appear before you by zoom or otherwise on November 8, 2024 because he is serving a sentence of imprisonment.

I respectfully suggest the Court should hold this matter in abeyance while Seth Fishman's appeal is pending.

Very truly yours,

/s/ Richard D. Willstatter
RICHARD D. WILLSTATTER

cc: Russell S. Jacobs
Attorney for Defendants
20700 W. Dixie Hwy
Aventura, FL 33180
russ@thejacobsllawgroup.com

Robert Fishman
Dr. Seth Fishman

Subject: Case no.:50-2021-CA-011137-XXXX-MB

From robert fishman <robert.fishman@hotmail.com>

Date Mon 11/4/2024 5:47 PM

To CAD-Division AO <CAD-DivisionAO@pbcgov.org>

Cc russ@thejacobslawgroup.com <russ@thejacobslawgroup.com>; Richard Willstatter <willstatter@msn.com>

Dear Judge Parnoffello,

My son, Seth Fishman, is currently in prison in Miami, Fla, serving a criminal sentence which is on appeal to the United States Court of Appeals for the Second Circuit. Oral argument was heard on September 17, 2024 and we re waiting for the Court's decision.

My Son wanted to respond personally to the notice of lack of prosecution, but due to prison circumstances beyond his control he has been unable to. As his power of attorney, I authorized his criminal appeals attorney, Richard Willstatter, to write a letter to the Court to explain Seth's situation & request a stay pending Seth's appeal. Mr. Willstatter wrote to the Court on September 24, 2024, and copied all parties. On October 16, 2024, not having heard from the Court, he wrote to your Honor further explaining the situation and good cause to stay the proceeding and not dismiss the lawsuit.

On October 16, 2024, he was advised by email that "the Judge received your correspondence and filed it in the Court file..." and further stating "if you do not represent Dr. Fishman, the Court is not going to take action on your request."

Under the underlying circumstances of the prisons restraints, I believe justice would be served if Richard Willstatter's letters be accepted by this Court. I pray that the prison will provide Seth the opportunity to appear at the hearing by telephone but that can only happen if the Court will ask the staff at FCI Miami to permit it.

Sincerely

Robert Fishman

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: AO
CASE NO.: 50-2021-CA-011137-XXXX-MB

SETH FISHMAN,
Plaintiff/Petitioner

vs.

ELLIOT BURAN,
EJB KITCHENS HOME IMPROVEMENTS
AND CONSULTING INC,
Defendant/Respondents.

**SECOND NOTICE OF LACK OF PROSECUTION, COURT'S MOTION TO
DISMISS, AND ORDER SETTING HEARING**

PLEASE TAKE NOTICE that it appears on the face of the record that no activity by filing of pleadings, orders or court, or otherwise, has occurred for a period of ten (10) months or more immediately preceding service of this Notice, and no stay has been issued or approved by the Court. Therefore, any interested person, whether a party to the action or not, including the Court, may serve notice to all parties that no such activity has occurred. Such Notice is hereby given.

Pursuant to Florida Rule of Civil Procedure 1.420(e), if no such record activity occurs within sixty (60) days following the service of this notice, and if no stay is issued or approved during such sixty (60) day period, this action shall be dismissed by the Court on its own motion or on the motion of any interested person, whether a party to the action or not, after reasonable notice to the parties unless a party shows good cause in writing at least five (5) days before the hearing on the motion why the action should remain pending. Such Notice is herein provided.

It is **ORDERED** as follows:

1. If there is a filing in this case within sixty (60) days immediately following service of this Notice, counsel and all pro se parties shall appear before the Court for a Mandatory Status Conference/Scheduling Conference on November 8, 2024, at 8:30 a.m. via Zoom video <https://us02web.zoom.us/j/94486279201> or by telephone 877-853-5257 Meeting ID: 9448 627 9201 Password: 443 91 754.

A courtesy copy of any filing made after the date of this Notice and prior to the above hearing shall be furnished to this Court. Failure to appear at the hearing may result in the imposition of sanctions including dismissal of the action.

2. If there are no filings within sixty (60) days of this order but Plaintiff files a Showing of Good Cause after the expiration of the sixty (60) day grace period, counsel and all pro se parties **MUST** appear before the Court on November 8, 2024, at 8:30 a.m. via Zoom video <https://us02web.zoom.us/j/94486279201> or by telephone 877-853-5257 Meeting ID: 9448 627 9201 Password: 443 91 754, for a hearing on the Court's Determination of Good Cause.

The Showing of Good Cause shall be filed with the Clerk and Comptroller's Office no less than five (5) days prior to the hearing and a courtesy copy shall be furnished to this Court. Plaintiff is directed to bring a copy of the Showing of Good Cause and a proposed order (with stamped envelopes) to the hearing. Failure to appear at the hearing may result in this matter being dismissed.

3. If no stay has been issued or approved by this Court, no filings made within the sixty (60) day grace period, and no showing of good cause filed at least five (5) days prior to the hearing in accordance with the requirements of paragraph 2 above, **THIS ACTION SHALL BE DISMISSED UPON FURTHER ORDER OF COURT.**
4. If all claims in this case have been settled, dismissal papers must be filed as to all claims, including counterclaims, cross claims and third party claims, as well as to all parties, including all co-defendants. A Mediator's Report does not dismiss the action. To be excused from the hearing at the date and time specified in paragraph 2 above, you must file with the Clerk of Court the appropriate dismissal papers and file a Final Disposition Sheet (Form 1.998) as required by Florida Rule of Civil Procedure 1.100(c)(3).

DONE AND ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida.

50-2021-CA-011137-XXXX-MB-08/13/2024
John J. Parnoffello, Circuit Judge
50-2021-CA-011137-XXXX-MB 08/13/2024
John J. Parnoffello
Circuit Judge

COPIES TO:

RUSSELL S. JACOBS ESQ	20700 W. DIXIE HWY AVENTURA, FL 33180	RUSS@THEJACOBSLAWGR OUP.COM carolina@thejacobslawgroup.c om service@thejacobslawgroup.co m
ROBERT FISHMAN AS POWER OF ATTORNEY FOR SETH FISHMAN	80 GREENLEAF HILL GREAT NECK, NY 11023	FISHMAN@HOTMAIL.COM
MIAMI FEDERAL CORRECTIONAL INSTITUTION	ATTENTION: LUIS PENA LPENA@BOP.GOV 15801 SW 137TH AVE MIAMI, FL 33177	

File Attachments for Item:

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.



Town of Highland Beach

Code Compliance

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING / APPEARANCE

CASE NO. CC-24-414

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

NANCY DAIDONE

1019 GRAND CT

Highland Beach FL, 33487

Re: 1019 GRAND CT_., Highland Beach FL 33487 (PCN: 24-43-47-09-00-002-0160)

YOU ARE HEREBY NOTIFIED that pursuant to Article V, Chapter 2 (Administration) of the Town of Highland Beach's Code of Ordinances, the Code Enforcement Special Magistrate will conduct a hearing on ***Tuesday, December 10 2024, at 1:00 P.M., in the Town Commission Chambers at 3614 South Ocean Boulevard,*** regarding 30-122 A- REMODEL WITHOUT PERMITS. 14-32(E)(1) WATER CLARITY IN SWIMMING POOLS. IPMC 303.1 SWIMMING POOLS.

During the hearing, the Special Magistrate will determine whether you have violated one or more provisions and/or sections of the Town of Highland Beach's Code, as set forth in the attached "Violation Notice," sworn to by the Code Enforcement Officer of the Town of Highland Beach.

THEREFORE, YOU ARE HEREBY COMMANDED to be and appear before the Code Enforcement Special Magistrate at the aforesaid place, date, and time. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE RENDERED AGAINST YOU.**

ADDITIONALLY, YOU ARE ENTITLED to be represented by counsel, to present testimony and evidence, and to testify on your own behalf. Subpoenas for records, surveys, plats, and other materials and for witnesses may be requested and will be issued by the Code Enforcement Special Magistrate upon proper request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing notice has been furnished to the above-named addressee by posting on the door of the addressee's residence and by U.S. Postal Service Certified Mail, Return Receipt Domestic Mail, **SIGNED** this 13 day of November 2024.

Adam Osowsky
Code Compliance Officer
Certified Mail: 9589071052701410061862

www.highlandbeach.us
Tel (561) 278-4540 • Fax (561) 278-2606

9589 0710 5270 1410 0618 62

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 4.85

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage \$ 1.73

Total Postage and Fees \$ 5.58

Sent To CC-24-4174 NOH

Street and Apt. No., or PO Box No. NANCY DAIDONE

City, State, ZIP+4® 1019 GRAND CT
Highland Beach FL 33487

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

POSTAL SWEETS USPS CPU
 NOV 14 2024
 BOC 117

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Important Reminders:**
- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.
- IMPORTANT: Save this receipt for your records.**

PS Form 3800, January 2023 (Reverse) PSN 7530-02-000-9047



Town of Highland Beach

Code Compliance

3616 South Ocean Boulevard • Highland Beach, Florida 33487

AFFIDAVIT OF POSTING

CASE NO. CC-24-414

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

Dog done
1019 Grand Ct

Highland Beach FL, 33487

Re: 1019 Grand Ct, Highland Beach FL 33487 (PCN: 24434 7090000 20160)

I, Adam Osowsky, being duly sworn, depose and say that:

1. I am a ☒ Code Compliance Officer or _____ Clerk for the Town of Highland Beach.
2. I posted ☒ the "Notice of Violation" or _____ the "Notice of Hearing/Appearance" at the Property address above and ☒ at Town Hall 3614 S. Ocean Boulevard, Highland Beach, FL 33487.
3. The posting at the location marked above began on 11/14/24 and continued for at least ten (10) days.
4. Copies of the notice(s) and a photograph of the posting(s) are attached hereto as Composite Exhibit "A"

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Adam Osowsky

Code Compliance Officer/Clerk

11/14/24

Date

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me by means of [] physical presence or [] online notarization, this 14th day of November, 2024, by Adam Osowsky

Notary Public, State of Florida
My Commission Expires:



Personally Known ☒ Or Produced Identification ☒
Type of Identification Produced: _____

www.highlandbeach.us

Tel(561) 278-4540 • Fax (561) 278-2606

Town of Highland Beach

3616 Seaside Dr. Suite 200 • Highland Beach, Florida 33463
Phone: (561) 338-3616 • Fax: (561) 338-3617
www.hilandbeach.us



11/11/11

11/11/11

11/11/11

11/11/11

11/11/11



3616 Seaside Dr. Suite 200 • Highland Beach, Florida 33463
Phone: (561) 338-3616 • Fax: (561) 338-3617
www.hilandbeach.us



Town of Highland Beach

Code Compliance

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING / APPEARANCE

CASE NO. CC-24-414

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

NANCY DAIDONE

1019 GRAND CT

Highland Beach FL, 33487

Re: 1019 GRAND CT_., Highland Beach FL 33487 (PCN: 24-43-47-09-00-002-0160)

YOU ARE HEREBY NOTIFIED that pursuant to Article V, Chapter 2 (Administration) of the Town of Highland Beach's Code of Ordinances, the Code Enforcement Special Magistrate will conduct a hearing on *Tuesday, December 10 2024, at 1:00 P.M., in the Town Commission Chambers at 3614 South Ocean Boulevard*, regarding 30-122 A- REMODEL WITHOUT PERMITS. 14-32(E)(1) WATER CLARITY IN SWIMMING POOLS. IPMC 303.1 SWIMMING POOLS.

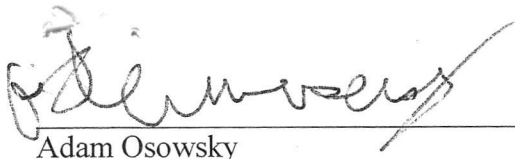
During the hearing, the Special Magistrate will determine whether you have violated one or more provisions and/or sections of the Town of Highland Beach's Code, as set forth in the attached "Violation Notice," sworn to by the Code Enforcement Officer of the Town of Highland Beach.

THEREFORE, YOU ARE HEREBY COMMANDED to be and appear before the Code Enforcement Special Magistrate at the aforesaid place, date, and time. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE RENDERED AGAINST YOU.**

ADDITIONALLY, YOU ARE ENTITLED to be represented by counsel, to present testimony and evidence, and to testify on your own behalf. Subpoenas for records, surveys, plats, and other materials and for witnesses may be requested and will be issued by the Code Enforcement Special Magistrate upon proper request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing notice has been furnished to the above-named addressee by posting on the door of the addressee's residence and by U.S. Postal Service Certified Mail, Return Receipt Domestic Mail, **SIGNED** this 13 day of November 2024.


Adam Osowsky
Code Compliance Officer
Certified Mail: 9589071052701410061862

www.highlandbeach.us
Tel (561) 278-4540 • Fax (561) 278-2606

Thursday, November 14, 2024
08:59AM
Highland Beach, FL 33487



Town of Highland Beach
Code Compliance
3036 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING/CAPABILITY
CASE NO. CC-24-414

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

NANCY DAIDONE

1019 GRAND CT

Highland Beach FL 33487

Re: 1019 GRAND CT., Highland Beach FL 33487 (PCN: 24-43-47-00-002-0160)

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CERTIFICATE OF SERVICE

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CC 24414

NOH

Town of Highland Beach



**LEGAL NOTICE
STOP WORK ORDER**

DATE FORFEIT: 11/14/24
YOU ARE HEREBY NOTIFIED that pursuant to Article V, Chapter 2 (Administration) of the Town of Highland Beach's Code of Ordinances, the Code Enforcement Special Magistrate will conduct a hearing on **Tuesday, December 10 2024, at 1:00 P.M., in the Town Commission Chambers at 3614 South Ocean Boulevard**, regarding 30-122 A- REMODEL WITHOUT PERMITS, 14-32(E)(1) WATER CLARITY IN SWIMMING POOLS, IPMC 303.1 SWIMMING POOLS.

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CERTIFICATE OF SERVICE
I HEREBY CERTIFY that a copy of the foregoing notice has been furnished to the above-named addressee by posting on the door of the addressee's residence and by U.S. Postal Service Certified Mail, Return Receipt Domestic Mail, **SIGNED** this 13 day of November 2024.

Thursday, November 14, 2024
08:44AM
Highland Beach, FL 33487

Highland Beach



NOTICE OF HEARING/CAPABILITY
CASE NO. CC-24-414

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

NANCY DAIDONE

1019 GRAND CT

Highland Beach FL 33487

Re: 1019 GRAND CT., Highland Beach FL 33487 (PCN: 24-43-47-00-002-0160)

YOU ARE HEREBY NOTIFIED that pursuant to Article V, Chapter 2 (Administration) of the Town of Highland Beach's Code of Ordinances, the Code Enforcement Special Magistrate will conduct a hearing on **Tuesday, December 10 2024, at 1:00 P.M., in the Town Commission Chambers at 3614 South Ocean Boulevard**, regarding 30-122 A- REMODEL WITHOUT PERMITS, 14-32(E)(1) WATER CLARITY IN SWIMMING POOLS, IPMC 303.1 SWIMMING POOLS.

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CERTIFICATE OF SERVICE
I HEREBY CERTIFY that a copy of the foregoing notice has been furnished to the above-named addressee by posting on the door of the addressee's residence and by U.S. Postal Service Certified Mail, Return Receipt Domestic Mail, **SIGNED** this 13 day of November 2024.

Property Detail

Location Address : 1019 GRAND CT
Municipality : HIGHLAND BEACH
Parcel Control Number : 24-43-47-09-00-002-0160
Subdivision :
Official Records Book/Page : 22771 / 162
Sale Date : JUL-2008
Legal Description : 9-47-43, TH PT OF N 1/2 OF GOVLT 2 K/A LT 19 OF UNREC GRAND CAY ESTS

Owner Information

Owner(s)	Mailing Address
DAIDONE NANCY	1019 GRAND CT HIGHLAND BEACH FL 33487 5306

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUL-2008	\$2,050,000	22771 / 00162	WARRANTY DEED	DAIDONE NANCY
DEC-1997	\$175,000	10181 / 00967	WARRANTY DEED	MILLER JEFFREY & LISA

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 7111
Acres : .32
Property Use Code : 0100—SINGLE FAMILY
Zoning : RML—MULTI-FAMILY LOW-DENSITY (24-HIGHLAND BEACH)

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$1,271,834	\$1,288,225	\$1,061,229	\$1,096,727	\$1,009,935
Land Value	\$3,072,115	\$2,400,090	\$2,181,900	\$438,744	\$540,000
Total Market Value	\$4,343,949	\$3,688,315	\$3,243,129	\$1,535,471	\$1,549,935

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$2,043,712	\$1,857,920	\$1,689,018	\$1,535,471	\$1,549,935
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$2,043,712	\$1,857,920	\$1,689,018	\$1,535,471	\$1,549,935

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$46,910	\$41,525	\$37,813	\$26,028	\$26,791
NON AD VALOREM	\$194	\$188	\$184	\$178	\$173
TOTAL TAX	\$47,104	\$41,713	\$37,997	\$26,206	\$26,964

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcypo.gov



Town of Highland Beach

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

October 17, 2024

NANCY DAIDONE
1019 GRAND CT
HIGHLAND BEACH FL, 33487

RE: Code Compliance Case No. CC-24-414

Location: 1019 GRAND CT
HIGHLAND BEACH, FL 33487

Violation Description:

30-122 (A) - Building Permits Required.

All construction within the Town of Highland Beach, unless otherwise exempted, shall require a building permit issued pursuant to the provisions of this code. All building permits shall be issued by the building official or designee.

14-32(E)(1) - Water clarity in swimming pools.

Water clarity shall be maintained so that the water is clear and free from algae.

IPMC 303.1 - Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

More specifically 1) interior remodel without permits 2) dirty pool.

Correction 1) Must obtain ALL required permits 2) Must clean and maintain pool.

Correct by November 7 2024 to prevent further code compliance actions.



Town of Highland Beach

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

If the violation is corrected and then recurs or if the violation is not corrected by the above date, you are being summoned to appear before the town Code Enforcement Board, which may result in a fine against the violator & property in the amount of \$250.00 per day for each day the violation exists. Your anticipated cooperation is greatly appreciated, and simple compliance will resolve this matter easier than the formal process.

Should you have any questions or to schedule a reinspection, please contact the Code Compliance Officer for a reinspection at 561-637-2035.

Regards,

Adam Osowsky

aosowsky@highlandbeach.us
(561) 278-4540

9589 0710 5270 1410 0603 84

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com[®].

Boca Raton, FL 33487

Certified Mail Fee \$4.85
\$4.10
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$9.68

Sent To

NANCY DAIDONE

Street and Apt. No., or PO Box No.

1019 GRAND CT

City, State, ZIP+4[®]

HIGHLAND BEACH FL, 33487

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

DER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits.

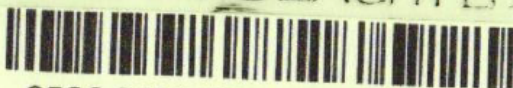
Article Addressed to:

CC-24-414 nov

NANCY DAIDONE

1019 GRAND CT

HIGHLAND BEACH FL, 33487



9590 9402 7309 2028 7493 24

2 Article Number (Transfer from service label)

9589 0710 5270 1410 0603 84

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

AFFIDAVIT OF POSTING

CASE NO. CC-24-414

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

Nancy Daidone
1019 Grand Ct
Highland Beach FL, 33487

Re: 1019 Grand CT., Highland Beach FL 33487 (PCN: 24-43-47-09-00-002-0160)

I, Adam Osowsky being duly sworn, deposed and say that:

1. I am a x Code Compliance Officer for Town of Highland Beach.
2. I posted x the "Notice of Violation" x at the Property address above.
3. The posting at the location marked above began on October 18, 2024 and continued for at least ten (10) days.
4. Copies of the notice(s) and a photograph of the posting(s) are attached hereto as Composite Exhibit "A".

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Adam Osowsky
Code Compliance Officer/Clerk

 October 18, 2024
Date

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 18th
day of October , 20 24 , by Adam Osowsky

Notary Public, State of Florida
My Commission Expires:

Personally Known ☒ OR Produced Identification
Type of Identification Produced:





Town of Highland Beach

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

October 17, 2024

NANCY DAIDONE
1019 GRAND CT
HIGHLAND BEACH FL, 33487

RE: Code Compliance Case No. CC-24-414

Location: 1019 GRAND CT
HIGHLAND BEACH, FL 33487

Violation Description:

30-122 (A) - Building Permits Required.

All construction within the Town of Highland Beach, unless otherwise exempted, shall require a building permit issued pursuant to the provisions of this code. All building permits shall be issued by the building official or designee.

14-32(E)(1) - Water clarity in swimming pools.

Water clarity shall be maintained so that the water is clear and free from algae.

IPMC 303.1 - Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

More specifically 1) interior remodel without permits 2) dirty pool.

Correction 1) Must obtain ALL required permits 2) Must clean and maintain pool.

Correct by November 7 2024 to prevent further code compliance actions.



Town of Highland Beach

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

If the violation is corrected and then recurs or if the violation is not corrected by the above date, you are being summoned to appear before the town Code Enforcement Board, which may result in a fine against the violator & property in the amount of \$250.00 per day for each day the violation exists. Your anticipated cooperation is greatly appreciated, and simple compliance will resolve this matter easier than the formal process.

Should you have any questions or to schedule a reinspection, please contact the Code Compliance Officer for a reinspection at 561-637-2035.

Regards,

Adam Osowsky

aosowsky@highlandbeach.us
(561) 278-4540



Photos

CC-24-414

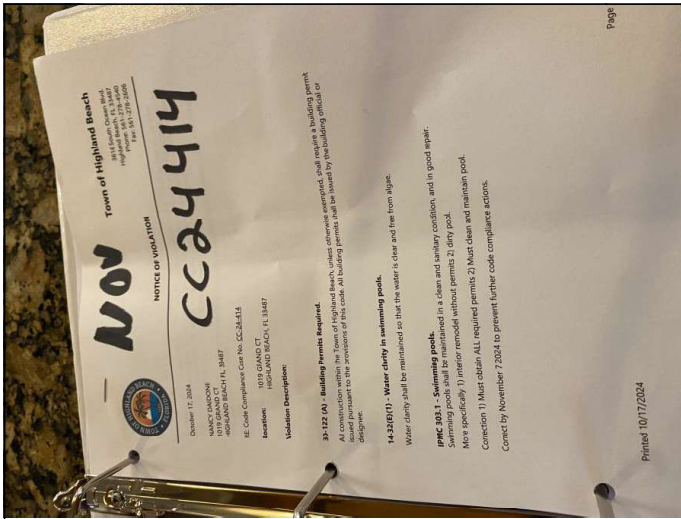
Code Case

Project Address:

1019 GRAND CT, HIGHLAND BEACH FL
33487

Owner:

NANCY DAIDONE



Uploaded By: Adam Osowsky - aosowsky@highlandbeach.us

Upload Date: 10/18/2024

File Type: jpg

Notes: posting town hall

Photo of Record: ☐



Uploaded By: Adam Osowsky - aosowsky@highlandbeach.us

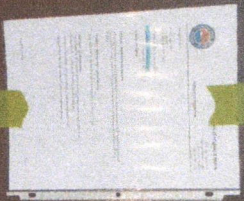
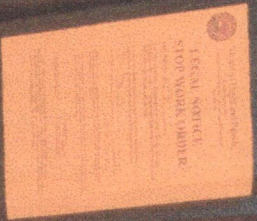
Upload Date: 10/18/2024

File Type: jpg

Notes: posted property

Photo of Record: ☐

Thursday, October 17, 2024
10:48AM
Highland Beach, FL 33487





Nov

Town of Highland

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

NOTICE OF VIOLATION

CC24414

October 17, 2024

NANCY DAIDONE
1019 GRAND CT
HIGHLAND BEACH FL 33487

RE: Code Compliance Case No. CC-24-414

Location: 1019 GRAND CT
HIGHLAND BEACH, FL 33487

Violation Description:

30-122 (A) - Building Permits Required.

All construction within the Town of Highland Beach, unless otherwise exempted, shall require a building permit issued pursuant to the provisions of this code. All building permits shall be issued by the building official or designee.

14-32(E)(1) - Water clarity in swimming pools.

Water clarity shall be maintained so that the water is clear and free from algae.

IPMC 303.1 - Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

More specifically 1) interior remodel without permits 2) dirty pool.

Correction 1) Must obtain ALL required permits 2) Must clean and maintain pool.

Correct by November 7 2024 to prevent further code compliance actions.

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Photos for Project Number CC-24-414

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Description

Date Taken	Date Uploaded	Uploaded By	Is Photo of Record
10/17/2024 08:47	10/17/2024 08:47	Adam Osowsky	<input type="checkbox"/>



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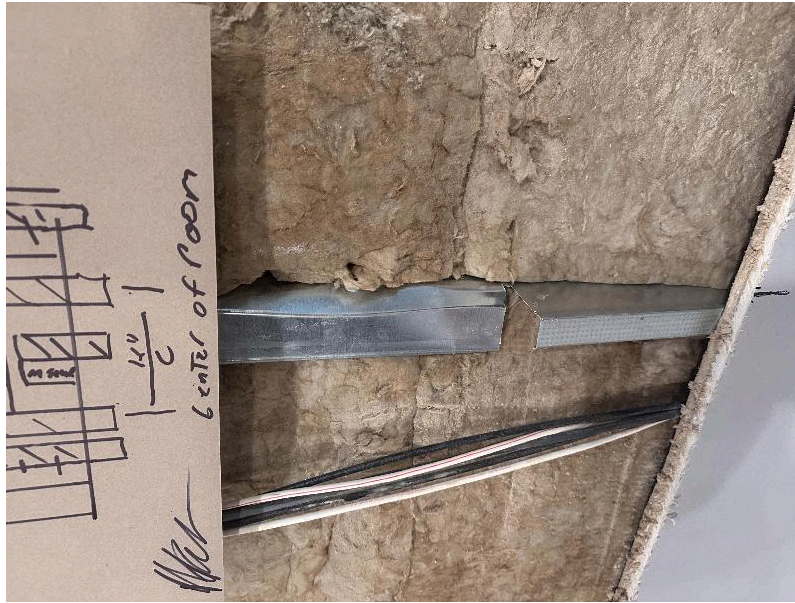
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Adam Osowsky

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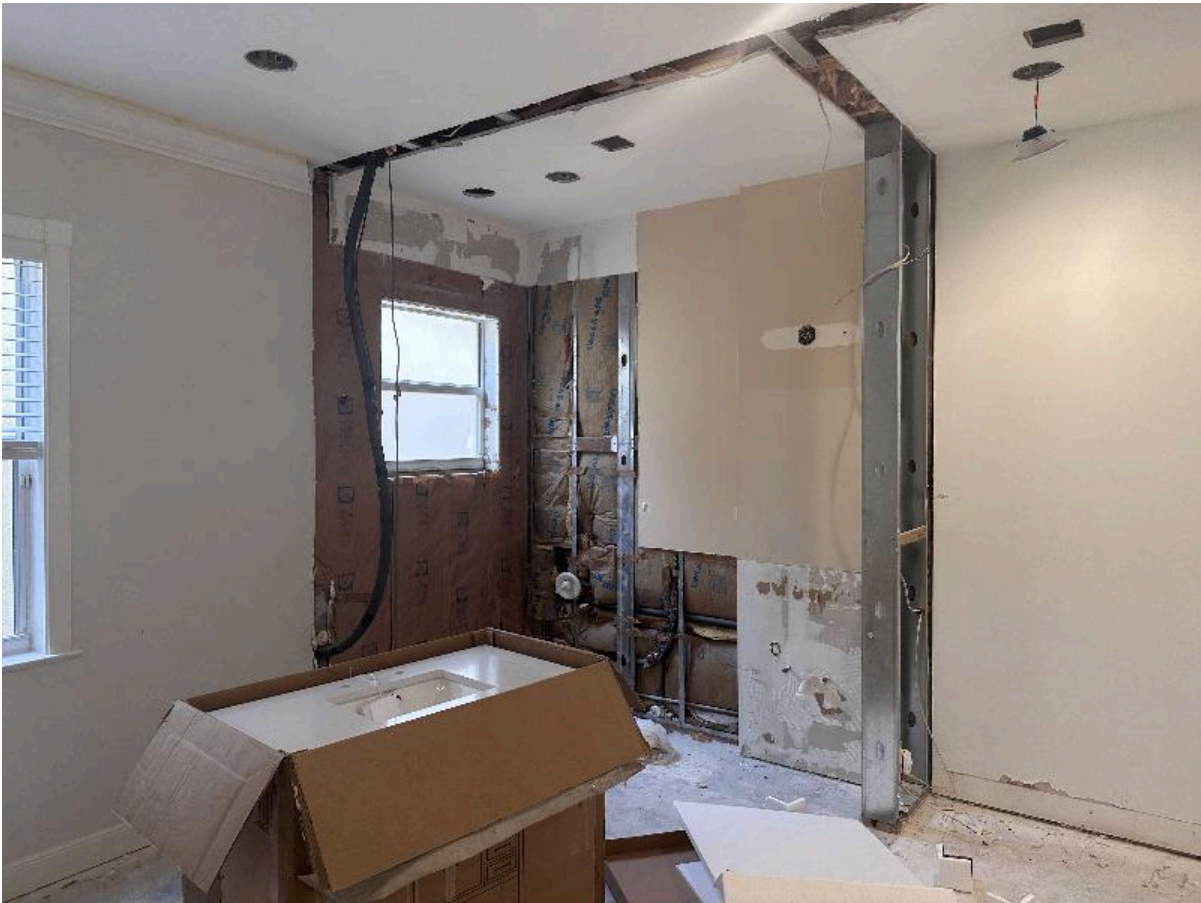
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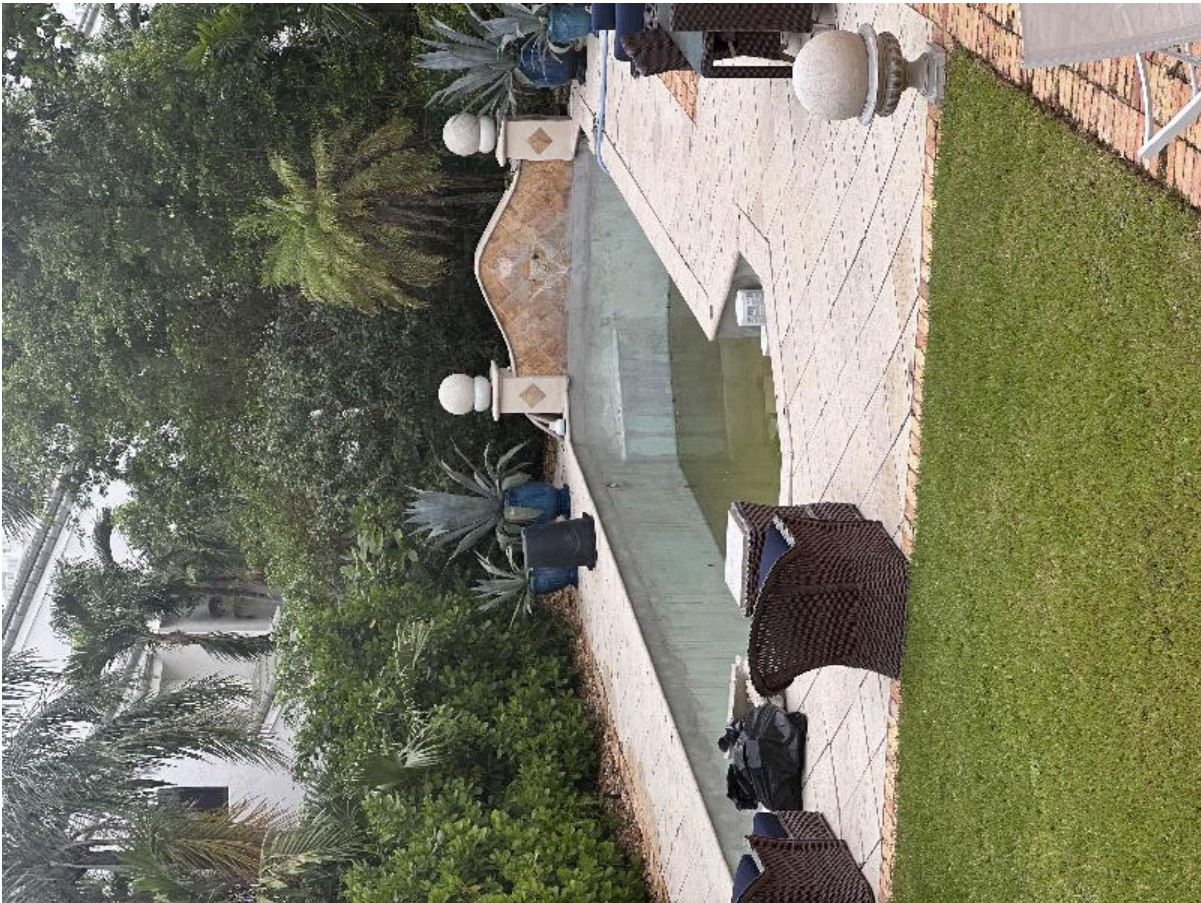
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10/17/2024 08:47

Date Uploaded
10/17/2024 08:47

Uploaded By
Adam Osowsky

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File Attachments for Item:

D. CASE NO. CC-24-369

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

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

Violations: Permit E23-0229 expired.



Town of Highland Beach

Code Compliance

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING / APPEARANCE-SPECIAL MAGISTRATE

CASE NO. CC-24-369

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

EVANTON BAYE TOWNHOMES CONDOMINIUM ASSOCIATION, INC.

R/A Lewandowski, Kandaleah

4746 SOUTH OCEAN BLVD

HIGHLAND BCH, FL 33487

Re: 4746 S OCEAN BLVD CONDO., Highland Beach FL 33487 (PCN: 24-43-47-09-07-000-0000)

YOU ARE HEREBY NOTIFIED that pursuant to Article V, Chapter 2 (Administration) of the Town of Highland Beach's Code of Ordinances, the Code Enforcement Special Magistrate will conduct a hearing on ***Tuesday, December 10, 2024, at 1:00 P.M., in the Town Commission Chambers at 3614 South Ocean Boulevard,*** regarding **30-122 (B) - Expiration of building permit.**

(More specifically Permit E23-0229 expired.). During the hearing, the Special Magistrate will determine whether you have violated one or more provisions and/or sections of the Town of Highland Beach's Code, as set forth in the attached "Violation Notice," sworn to by the Code Enforcement Officer of the Town of Highland Beach.

THEREFORE, YOU ARE HEREBY COMMANDED to be and appear before the Code Enforcement Special Magistrate at the aforesaid place, date, and time. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE RENDERED AGAINST YOU.**

ADDITIONALLY, YOU ARE ENTITLED to be represented by counsel, to present testimony and evidence, and to testify on your own behalf. Subpoenas for records, surveys, plats, and other materials and for witnesses may be requested and will be issued by the Code Enforcement Special Magistrate upon proper request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing notice has been furnished to the above-named addressee by posting on the door of the addressee's residence and by U.S. Postal Service Certified Mail, Return Receipt Domestic Mail, **SIGNED** this 13 day of November 2024.

Adam Osowsky

Code Compliance Officer

Certified Mail: 9589071052701410061848

www.highlandbeach.us

Tel (561) 278-4540 • Fax (561) 278-2606

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Boca Raton, FL 33487

Certified Mail Fee \$4.85
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Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$0.73
\$

Total Postage and Fees \$9.68
\$

CC-24-369 NOH

Sent To
EVANTON BAYE TOWNHOMES CONDO ASS, INC.
Street and Apt. No., R/A Lewandowski, Kandaleah
4746 SOUTH OCEAN BLVD
City, State, ZIP+4® HIGHLAND BCH, FL 33487

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

OFFICIAL USE

984CE 0233 23

NOV 2024
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11/13/2024



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Detail by Entity Name

Florida Not For Profit Corporation

EVANTON BAYE TOWNHOMES CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number 755997
FEI/EIN Number 59-2063077
Date Filed 01/22/1981
State FL
Status ACTIVE

Principal Address

4746 SOUTH OCEAN BLVD
 HIGHLAND BCH, FL 33487

Changed: 03/11/1988

Mailing Address

4746 SOUTH OCEAN BLVD
 HIGHLAND BCH, FL 33487

Changed: 03/11/1988

Registered Agent Name & Address

Lewandowski, Kandaleah
 4746 SOUTH OCEAN BLVD
 HIGHLAND BCH, FL 33487

Name Changed: 01/14/2023

Address Changed: 01/14/2023

Officer/Director Detail

Name & Address

Title Director, Secretary

MESSIER, JENNIFER
 4746 S. OCEAN BLVD
 #4
 Highland Beach, FL 33487

Title President, Director

DEMARCO, DONNA
4746 S. OCEAN BLVD.
#7
HIGHLAND BEACH, FL 33487

Title VP, Director

Winnerman, Leslie
4746 S. OCEAN BLVD
#5
HIGHLAND BEACH, FL 33487

Annual Reports

Report Year	Filed Date
2022	01/14/2022
2023	01/14/2023
2024	02/06/2024

Document Images

02/06/2024 -- ANNUAL REPORT	View image in PDF format
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07/07/1995 -- ANNUAL REPORT	View image in PDF format

Florida Department of State, Division of Corporations



NOTICE OF VIOLATION

3616 South Ocean Blvd.
Highland Beach, FL 33487
Phone: 561-278-4540
Fax: 561-278-2606

September 19, 2024

EVANTON BAYE TOWNHOMES CONDOMINIUM ASSOCIATION, INC., DONNA DEMARCO
4746 S OCEAN BLVD APT 7
Highland Beach FL, 33487

RE: Code Compliance Case No. CC-24-369

Location: 4746 S OCEAN BLVD CONDO
HIGHLAND BEACH, FL 33487

Violation Description:

30-122 (B) - Expiration of building permit.

Every building permit issued shall expire six (6) months after issuance, unless the work authorized by such permit is commenced within that time period. A building permit shall expire if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. Not more than two (2) extensions of time, each for a period not exceeding ninety (90) days, may be allowed by the building official.

More specifically Permit E23-0229 expired.

Correction Contact permitting 561 278 4540 to re instate/ obtain required permit by October 19, 2024.

If the violation is corrected and then recurs or if the violation is not corrected by the above date, you are being summoned to appear before the town Code Enforcement Board, which may result in a fine against the violator & property in the amount of \$250.00 per day for each day the violation exists. Your anticipated cooperation is greatly appreciated, and simple compliance will resolve this matter easier than the formal process.

Should you have any questions or to schedule a reinspection, please contact the Code Compliance Officer for a reinspection at 561-637-2035.

Regards,

Adam Osowsky

aosowsky@highlandbeach.us
(561) 278-4540

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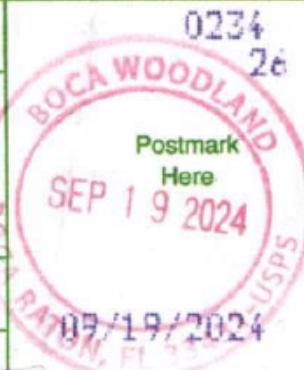
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Boca Raton, FL 33487

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\$4.10
Extra Services & Fees (check box, add fee as appropriate)
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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage \$10.73

Total Postage and Fees \$19.68



CC-24-369 NOV
EVANTON BAYE TOWNHOMES CONDO ASSO, INC.,
President DONNA DEMARCO
4746 S OCEAN BLVD APT 7
Highland Beach FL, 33487

PS Form 3800, January 2013

Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Address
CC-24-369 NOV
EVANTON BAYE TOWNHOMES CONDO ASSO, INC.
President DONNA DEMARCO
4746 S OCEAN BLVD APT 7
Highland Beach FL, 33487



9590 9402 5086 9092 0237 30

2 Article Number (Transfer from service label)

9589 0710 5270 1410 0621 28

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee
B. Received by (Printed Name) C. Date of Delivery
D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Adam Osowsky

From: Adam Osowsky
Sent: Wednesday, September 25, 2024 9:00 AM
To: Ron Reame
Cc: Joe Hennessey; Jeff Remas
Subject: RE: Project CC-24-369 - Notice of Violation

Good morning,

I have reviewed your permit with the Senior Building Inspector.

The notes from August 13 state "...the contractor was disrespectful to inspector. There are no documents for bore drilling available...."

The Building Official has already made the decision on what is required for an inspection, as you have stated in your previous e-mail.

We must follow what the Building Official has decided to get this project inspected/completed.

Respectfully,



Adam Osowsky
Code Compliance Officer

Town of Highland Beach
3616 S. Ocean Boulevard
Highland Beach, FL 33487
(561) 278-4540 Office
(561) 278-2606 Fax
www.highlandbeach.us



PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

From: Ron Reame <rreame@outlook.com>
Sent: Tuesday, September 24, 2024 5:14 PM
To: Adam Osowsky <aosowsky@highlandbeach.us>
Subject: FW: Project CC-24-369 - Notice of Violation

Adam,

I'd like to speak with you regarding this permit violation.

The installation consisted of only fiber cable and nothing else. We're being asked to dig up every 100 feet the installation which would potentially damage the fiber. I'd like to request that the permit be closed as is, since there is nothing electrical etc. that is an issue, simple fiber cable installed.
Please call me at 248-705-6970.

Thanks much for your assistance.

P.S. – I tried calling however your phone lines are having an issue.

Ron Reame

File Attachments for Item:

A. 2025 SPECIAL MAGISTRATE HEARING DATES



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Special Magistrate Hearing

MEETING DATE 12/10/2024

SUBMITTED BY: Jaclyn DeHart, Deputy Town Clerk

SUBJECT: 2025 SPECIAL MAGISTRATE HEARING DATES

SUMMARY:

Below are the 2025 Special Magistrate Hearing meeting dates, which will be held on the second Tuesday of each month at 1:00 P.M., with the exceptions of March 11, 2025 (election date) and November 11, 2025 (Veterans Day). These meetings will be held on Wednesday, March 12, 2025 and Wednesday, November 12, 2025. The meeting dates are as follows:

SPECIAL MAGISTRATE HEARING DATES

- January 14, 2025
- February 11, 2025
- March 12, 2025
- April 08, 2025
- May 13, 2025
- June 10, 2025
- July 08, 2025
- August 12, 2025
- September 09, 2025
- October 14, 2025
- November 12, 2025
- December 09, 2025

FISCAL IMPACT:

N/A

ATTACHMENTS:

N/A
