

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

SPECIAL MAGISTRATE HEARING MINUTES

SEPTEMBER 18, 2024 – 9:00 A.M. – 10:31 A.M.



Meeting Audio Available Upon Request in the Office of the Town Clerk

CALL TO ORDER

The meeting was called to order by Amity Barnard, Special Magistrate, at 9:04 A.M. on Wednesday, September 18, 2024

ROLL CALL

Sammie Brown, Town Clerk Assistant, called the roll.

Staff Present:

- Francine L. Ramaglia, MPA, ICMA-CM, CPA, Town Manager
- Jacek Tomasik, Building Official
- Tanya Early, Esq, Town Attorney, Torcivia, Donlon, Godeau, & Rubin, P.A.
- Sammie Brown, FRA-RP, MEDP, Town Clerk Assistant
- John Suarez, Code Enforcement Officer
- Craig Lower, Public Works Superintendent

Special Magistrate:

Amity R. Barnard, Esq.

Adjournment:

Meeting adjourned at 10:31 A.M.

PLEASE SEE THE FOLLOWING SPECIAL MAGISTRATE ORDERS

Prepared By:
Amity Barnard, Esq.
Davis & Associates, P.A.
701 Northpoint Parkway, Suite 205
West Palm Beach, FL 33407

Returned to:
Town of Loxahatchee Groves
155 F Rd
Loxahatchee Groves, FL 33470

**SPECIAL MAGISTRATE HEARING
TOWN OF LOXAHATCHEE GROVES, FLORIDA
(561) 793-2418**

TOWN OF LOXAHATCHEE GROVES, FLORIDA,

CASE NO. 24060020

Petitioner,

v.

ESCUE FARMS LLC,

Respondent.

_____ /

ORDER FINDING VIOLATION

RE: Violation of Sections 30-6 of the Code of Ordinances and Sections 20-010(G)(1) and 20-017 of the ULDC of the Code of Ordinances of the Town of Loxahatchee Groves.

LEGAL DESCRIPTION

LOXAHATCHEE GROVES TRACT 5 BLK D

STREET ADDRESS:

1300 D Road
Loxahatchee Groves, Florida 33470

PARCEL CONTROL NUMBER:

41-41-43-17-01-405-0010

The Code Enforcement Special Magistrate heard testimony at the Code Enforcement Special Magistrate Hearing held on the 18th day of September, 2024 regarding the above-referenced case and based on the evidence presented at that hearing, enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent, ESCUE FARMS LLC, is the owner of the above-described property.

2. Respondent was represented at the hearing by Steve Wallace, Esq., Counsel, Ryan Fowler, Tenant and Dan Pruitt, Tenant; there was also a finding of proper notice.
3. At the hearing on September 18, 2024, Craig Lower, the Town's Public Works Superintendent and Francine Ramaglia, the Town Manager, testified under oath and presented documentary and photographic evidence of the violation occurring on the property. Complainant Neighbor Aileen Banky also testified under oath and presented evidence of the violation occurring on the property. The Town's documentary and photographic evidence were entered into the record as Composite Exhibit 1, which included 24 digital photographs, over objection.

CONCLUSIONS OF LAW

The above-stated facts constitute a violation of Sections 30-6 of the Code of Ordinances and Sections 20-010(G)(1) and 20-017 of the ULDC of the Code of Ordinances of the Town of Loxahatchee Groves.

ORDER

Respondent is hereby ordered to comply with Sections 30-6 of the Code of Ordinances and Sections 20-010(G)(1) and 20-017 of the ULDC of the Code of Ordinances of the Town of Loxahatchee Groves no later than December 16, 2024. **This matter is set for a Status/Fine Assessment Hearing on December 18, 2024 at 9:00 am at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470.** At such hearing, a fine in the amount of up to Two Hundred Fifty Dollars (\$250.00.00) may be assessed for each day that the violation continues to exist past December 16, 2024, the compliance deadline set by this Order.

Respondent is further assessed administrative costs in the amount of Two Hundred Thirty-Four Dollars and Five Cents (\$234.05) for prosecuting the September 18, 2024 hearing, payable within thirty (30) days of the date of this order.

Should a dispute arise concerning compliance, either party may request a hearing before the Code Enforcement Special Magistrate on the issue of compliance only.

Should you violate the same Section of the Code again, you may be subject to a fine of up to \$500.00 per day for such repeat violation. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

Upon complying in any code enforcement matter, it is always the responsibility of the Respondent to contact the Code Enforcement Department at (561) 793-2418 to request a re-inspection of the property.

DONE AND ORDERED THIS 18th day of September, 2024.

TOWN OF LOXAHATCHEE GROVES
CODE ENFORCEMENT SPECIAL MAGISTRATE

BY: _____


AMITY BARNARD, ESQ.
SPECIAL MAGISTRATE

Prepared By:
Amity Barnard, Esq.
Davis & Associates, P.A.
701 Northpoint Parkway, Suite 205
West Palm Beach, FL 33407

Returned to:
Town of Loxahatchee Groves
155 F Rd
Loxahatchee Groves, FL 33470

**SPECIAL MAGISTRATE HEARING
TOWN OF LOXAHATCHEE GROVES, FLORIDA
(561) 793-2418**

TOWN OF LOXAHATCHEE GROVES, FLORIDA, CASE NO. 23010003 & 23010006

Petitioner,

v.

LANTANA HOLDINGS, LLC,

Respondent.

_____ /

ORDER CONTINUING HEARING

RE: Violation of Sections 20-017 (Case No. 23010003) and 87-030 (Case No. 23010006) of the
Town ULDC, Code of Ordinances of the Town of Loxahatchee Groves.

LEGAL DESCRIPTION

36-43-40, SLY 922 FT OF WLY 926.54 FT OF E 1/4 LYG N OF & ADJ TO SR 80 R/W

STREET ADDRESS:

16169 Southern Boulevard
Loxahatchee Groves, Florida 33470

PARCEL CONTROL NUMBER:

41-40-43-36-00-000-1020

The Code Enforcement Special Magistrate heard testimony at the Code Enforcement Special Magistrate Hearing held on the 18th day of September, 2024 regarding the above-referenced case and based on the evidence presented at that hearing, enters the following Findings of Fact and Order.

FINDINGS OF FACT

1. Respondent, LANTANA HOLDINGS, LLC, is the owner of the above-described property.
2. Respondent, represented by Cody German, Esq., Counsel for tenant FERP Holdings, was present remotely at the hearing and stipulated to service on both cases and waived any claim related to legally sufficient service and/or due process for the hearing.

ORDER

To the extent still necessary, the parties shall have until close of business October 14, 2024 to submit via email to mitt@DavisLawTeam.com with copy to opposing counsel, their brief/memorandum of law (3 page maximum) addressing the issue of authority as it relates to the termination/dissolution of the Stipulation Agreement dated April 3, 2019, as amended.

A Hearing will be held before the Special Magistrate on **October 16, 2024 at 9:00 am at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470** at which time a ruling may be entered as to:

1. Violation of the Stipulated Agreement, as amended;
2. The assessment of costs or fines; and
3. Such other matters as may be appropriate.

Upon complying in any code enforcement matter, it is always the responsibility of the Respondent to contact the Code Enforcement Department at (561) 793-2418 to request a re-inspection of the property.

DONE AND ORDERED THIS 18th day of September, 2024.

TOWN OF LOXAHATCHEE GROVES
CODE ENFORCEMENT SPECIAL MAGISTRATE

BY: _____


AMITY BARNARD, ESQ.
SPECIAL MAGISTRATE

Prepared By:
Amity Barnard, Esq.
Davis & Associates, P.A.
701 Northpoint Parkway, Suite 205
West Palm Beach, FL 33407

Returned to:
Town of Loxahatchee Groves
155 F Rd
Loxahatchee Groves, FL 33470

**SPECIAL MAGISTRATE HEARING
TOWN OF LOXAHATCHEE GROVES, FLORIDA
(561) 793-2418**

TOWN OF LOXAHATCHEE GROVES, FLORIDA,

CASE NO. 24050010

Petitioner,

v.

JAMES SAVNIK & CINTHIA VARGAS,

Respondents.

ORDER GRANTING CONTINUANCE AND SETTING FINE ASSESSMENT HEARING

RE: Violation of Section 05-040(a-b) of the ULDC of the Code of Ordinances of the Town of Loxahatchee Groves.

LEGAL DESCRIPTION

LOXAHATCHEE GROVES E 202.86 FT OF W 1217.16 FT OF TR 19 BLK F (A/K/A PARCEL O)

STREET ADDRESS:

13281 24th Court North
Loxahatchee Groves, Florida 33470

PARCEL CONTROL NUMBER:

41-41-43-17-01-619-0080

The Code Enforcement Special Magistrate heard testimony at the Code Enforcement Special Magistrate Hearing held on the 18th day of September, 2024 regarding the above-referenced case and based on the evidence presented at that hearing, enters the following Findings of Fact and Order.

FINDINGS OF FACT

1. Respondents, JAMES SAVNIK & CINTHIA VARGAS, are the owners of the above-described property.
2. Respondents were represented at the hearing by JAMES SAVNIK; there was also a finding of proper notice.
3. By the "Order Finding Violation" dated July 17, 2024, the Special Magistrate ordered the Respondents to comply with the above-referenced section on or before September 13, 2024.
4. At the hearing on September 18, 2024, John Suarez, the Town's code enforcement officer, testified under oath and presented documentary and photographic evidence of the violation continuing to occur on the property. The Town's documentary and photographic evidence were entered into the record as Composite Exhibit #1 without objection.
5. At the hearing on September 18, 2024, the Town and Respondents mutually agreed to continue this matter.

ORDER

It is the Order of the Special Magistrate that this matter be continued. Respondents are hereby ordered to comply with Section 05-040(a-b) of the ULDC of the Code of the Ordinances of the Town of Loxahatchee Groves no later than December 16, 2024. **This matter is set for Fine Assessment Hearing on December 18, 2024 at 9:00 am at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470.** At such hearing, a fine in the amount of up to Two Hundred Fifty Dollars (\$250.00) may be assessed for each day that the violations continue to exist past December 16, 2024, the compliance deadline set by this Order.

Administrative costs for prosecuting the September 18, 2024 hearing are hereby *reserved*.

Upon complying in any code enforcement matter, it is always the responsibility of the Respondents to contact the Code Enforcement Department at (561) 793-2418 to request a re-inspection of the property.

DONE AND ORDERED THIS 18th day of September, 2024.

TOWN OF LOXAHATCHEE GROVES
CODE ENFORCEMENT SPECIAL MAGISTRATE

BY: 
AMITY BARNARD, ESQ.
SPECIAL MAGISTRATE

Prepared By:
Amity Barnard, Esq.
Davis & Associates, P.A.
701 Northpoint Parkway, Suite 205
West Palm Beach, FL 33407

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Loxahatchee Groves, FL 33470

**SPECIAL MAGISTRATE HEARING
TOWN OF LOXAHATCHEE GROVES, FLORIDA
(561) 793-2418**

TOWN OF LOXAHATCHEE GROVES, FLORIDA,

CASE NO. 24060022

Petitioner,

v.

JAMES SAVNIK & CINTHIA VARGAS,

Respondents.

_____ /

ORDER GRANTING CONTINUANCE AND SETTING FINE ASSESSMENT HEARING

RE: Violation of Sections 175-110, 175-170 and 175-240 of the ULDC of the Code of Ordinances of the Town of Loxahatchee Groves.

LEGAL DESCRIPTION

LOXAHATCHEE GROVES E 202.86 FT OF W 1217.16 FT OF TR 19 BLK F (A/K/A PARCEL O)

STREET ADDRESS:

13281 24th Court North
Loxahatchee Groves, Florida 33470

PARCEL CONTROL NUMBER:

41-41-43-17-01-619-0080

The Code Enforcement Special Magistrate heard testimony at the Code Enforcement Special Magistrate Hearing held on the 18th day of September, 2024 regarding the above-referenced case and based on the evidence presented at that hearing, enters the following Findings of Fact and Order.

FINDINGS OF FACT

1. Respondents, JAMES SAVNIK & CINTHIA VARGAS, are the owners of the above-described property.
2. Respondents were represented at the hearing by JAMES SAVNIK; there was also a finding of proper notice.
3. By the "Order Finding Violation" dated July 17, 2024, the Special Magistrate ordered the Respondents to comply with the above-referenced section on or before September 13, 2024.
4. At the hearing on September 18, 2024, John Suarez, the Town's code enforcement officer, testified under oath and presented documentary and photographic evidence of the violation continuing to occur on the property. The Town's documentary and photographic evidence were entered into the record as Composite Exhibit #1 without objection.
5. At the hearing on September 18, 2024, the Town and Respondents mutually agreed to continue this matter.

ORDER

It is the Order of the Special Magistrate that this matter be continued. Respondents are hereby ordered to comply with Sections 175-110, 175-170 and 175-240 of the ULDC of the Code of the Ordinances of the Town of Loxahatchee Groves no later than December 16, 2024. **This matter is set for Status/Fine Assessment Hearing on December 18, 2024 at 9:00 am at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470.** At such hearing, a fine in the amount of up to Two Hundred Fifty Dollars (\$250.00) may be assessed for each day that the violations continue to exist past December 16, 2024, the compliance deadline set by this Order.

Administrative costs for prosecuting the September 18, 2024 hearing are hereby *reserved*.

Upon complying in any code enforcement matter, it is always the responsibility of the Respondents to contact the Code Enforcement Department at (561) 793-2418 to request a re-inspection of the property.

DONE AND ORDERED THIS 18th day of September, 2024.

TOWN OF LOXAHATCHEE GROVES
CODE ENFORCEMENT SPECIAL MAGISTRATE

BY: 
AMITY BARNARD, ESQ.
SPECIAL MAGISTRATE

Prepared By:
Amity Barnard, Esq.
Davis & Associates, P.A.
701 Northpoint Parkway, Suite 205
West Palm Beach, FL 33407

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**SPECIAL MAGISTRATE HEARING
TOWN OF LOXAHATCHEE GROVES, FLORIDA
(561) 793-2418**

TOWN OF LOXAHATCHEE GROVES, FLORIDA,

CASE NO. 23040032

Petitioner,

v.

JACK LAND LLC,

Respondent.

ORDER GRANTING CONTINUANCE AND SETTING FINE ASSESSMENT HEARING

RE: Violation of Section 20-017 of the Town ULDC of the Code of Ordinances of the Town of Loxahatchee Groves.

LEGAL DESCRIPTION
LOXAHATCHEE GROVES W 1/2 OF TR 14 BLK F

STREET ADDRESS:
2056 F Road
Loxahatchee Groves, Florida 33470

PARCEL CONTROL NUMBER:
41-41-43-17-01-614-0030

The Code Enforcement Special Magistrate heard testimony at the Code Enforcement Special Magistrate Hearing held on the 18th day of September, 2024 regarding the above-referenced case and based on the evidence presented at that hearing, enters the following Findings of Fact and Order.

FINDINGS OF FACT

1. Respondent, JACK LAND LLC, is the owner of the above-described property.
2. Respondent was represented at the hearing by Susan Taylor, Esq.; there was also a finding of actual notice. Ms. Taylor also stipulated to service and waived any claim related to legally sufficient service and/or due process for the hearing.
3. At the hearing on September 18, 2024, John Suarez, the Town's code enforcement officer, testified under oath and presented documentary and photographic evidence of the violation continuing to occur on the property.
4. At the hearing on September 18, 2024, the parties mutually agreed to continue this matter.

ORDER

It is the Order of the Special Magistrate that this matter be continued. Respondent is hereby ordered to comply with Section 20-017 of the Town ULDC of the Code of the Ordinances of the Town of Loxahatchee Groves no later than December 16, 2024. **This matter is set for Fine Assessment Hearing on December 18, 2024 at 9:00 am at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470.** At such hearing, a fine in the amount of Two Hundred Fifty Dollars (\$250.00) may be assessed for each day that the violations continue to exist past December 16, 2024, the compliance deadline set by this Order.

Administrative costs for prosecuting the September 18, 2024 hearing are hereby *reserved*.

Upon complying in any code enforcement matter, it is always the responsibility of the Respondent to contact the Code Enforcement Department at (561) 793-2418 to request a re-inspection of the property.

DONE AND ORDERED THIS 18th day of September, 2024.

TOWN OF LOXAHATCHEE GROVES
CODE ENFORCEMENT SPECIAL MAGISTRATE

BY: _____


AMITY BARNARD, ESQ.
SPECIAL MAGISTRATE