



City Hall – Commission Chamber
3650 NE 12 Ave
Oakland Park, Florida 33334

MINUTES
SPECIAL MAGISTRATE MEETING
JANUARY 18, 2022, 2:00 P.M.

A. CALL TO ORDER

The regular meeting of the Special Magistrate of the City of Oakland Park, Florida was called to order at 2:15 P.M. in City Hall Chambers by Special Magistrate John Herin, Jr.

Staff Present:

Code Officers: Stephen Batista, Joe Diskin, Walter Fenton, Albert Margerum, DJ Watkins, Kevin Woodall
Laura Adams, Secretary
Charles Howard, Broward County Sheriff's Deputy
City Attorney Quentin Morgan
Jay Quier, Zoning & Code Enforcement Administrator

Secretary Adams swore in the officers and described the meeting proceedings: If found in violation, violators are required to pay an administrative fee of \$150.00. Items may be heard out of order.

B. MINUTES

Approve minutes from December 17, 2021 meeting.

Minutes from the December 17, 2021 meeting were approved by Special Magistrate Herin.

C. NEW CASES

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| 1. SP21 175
370 NE 44 ST
OWNER: Restoration Construction, LLC | CE CASE: CODE202110000001759
OFFICER: Chris Johnson |
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SEC.24.79.1(E)(5)(B) - EXTERIOR SURFACE MAINTENANCE
SEC.8.7(A) – OVERGROWTH

Officer Stephen Batista presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated codes, and ordered compliance on or before February 18, 2022 or a fine of \$75 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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| 2. SP22 001
111 NE 45 ST
OWNER: DB PROPERTIES OF BROWARD LLC | CE CASE: CODE202108000001456
OFFICER: DJ Watkins |
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SEC.5.3(A) - PERMITS REQUIRED

Officer Watkins presented into evidence notices, photos, affidavits and certified mail information.

Secretary Adams swore in David Reisen, owner, to speak in defense of this item. He said he had installed the hurricane windows because people were breaking into the property. Special Magistrate Herin noted the photos showed much more work was done than replacing windows.

Special Magistrate Herin found there was a violation of the stated code and ordered no work to be done until all permits were obtained. He imposed a one-time fine of \$1,000, plus the administrative fee of \$150, which must be paid within 30 days. He also ordered that permits be obtained within 60 days, by 3/20/22, or a fine of \$250 per day. After 60 days, the case would be brought back before the Special Magistrate. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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3. **SP22 002** CE CASE: CODE202109000001676
2710 NW 26 AVE OFFICER: Kevin Woodall
OWNER: APPALOOSA15 LLC

SEC.24.105.Section 1(A)(8)(G)i - LANDSCAPE/SIGHT TRIANGLE

Officer Woodall presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated code, and ordered compliance on or before February 7, 2022 or a fine of \$75 per day thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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4. **SP22 003** CE CASE: CODE202109000001711
79 E OAKLAND PARK BLVD OFFICER: Kevin Woodall
OWNER: LA SHOPS LLC

SEC.24.105 Section 1(A)(5)(D) - LANDSCAPE MAINT
SEC.24.80(B)(3)(C) - OFF STREET PARKING

Officer Woodall presented into evidence notices, photos, affidavits and certified mail information.

Secretary Adams swore in Mayer Malca, the owner's grandson, to speak in defense of this item.

Special Magistrate Herin found there was a violation of the stated codes and ordered compliance on or before March 20, 2022 or a fine of \$75 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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5. **SP22 004** CE CASE: CODE202110000001729
2061 NW 39 ST OFFICER: Walter Fenton
OWNER: GUILLERMO SEBASTIAN SALAZAR

SEC.23.1(A) - ABANDONED VEHICLES

Officer Fenton presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated code and ordered compliance on or before January 28, 2022 or a fine of \$50 per day thereafter, plus the \$150 administrative fee. The violator is also

ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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6. **SP22 005** CE CASE: CODE202111000001945
3793 NE 19 AVE OFFICER: Stephen Batista
OWNER: CIACCIO LIV TR
CIACCIO, BOBBIE J TRUSTEE

SEC.7.153(A) - VACATION RENTAL REGISTRATION REQUIREMENT - **COMPLIED**
SEC.8.50(A) - NOISE – GENERAL – **ONE-TIME EVENT**

Officer Batista presented into evidence notices, photos, affidavits and certified mail information.

Secretary Adams swore in Madison Samford, owner, to speak in defense of this item. She said they had ceased the vacation rentals of the home.

Secretary Adams swore in Tom Muniz, neighbor, to speak about the negative impact this property's rentals had on the neighborhood.

Special Magistrate Herin found there had been a violation of the stated codes and imposed a first-time fine of \$500, plus the \$150 administrative fee, to be paid within 30 days.

The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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7. **SP22 006** CE CASE: CODE202112000001962
2030 NW 33 ST OFFICER: Kevin Woodall
OWNER: CODY ALLEN

SEC.24.105 Section 1(A)(8)(G)i - LANDSCAPE/SIGHT TRIANGLE

Officer Woodall presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated code, and ordered compliance on or before February 7, 2022 or a fine of \$75 per day thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

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8. **SP22 007** CE CASE: CODE202112000001992
419 NW 40 ST OFFICER: Kevin Woodall
OWNER: PICO TURQUINO INVESTMENT LLC

SEC.5.43(C)(6) - ADEQUATE SCREEN REQUIRED
SEC.5.43(E)(6) MAINTENANCE OF ELECTRICAL
SEC.13.8(A) - TRASH RECEPTACLE PLACEMENT
SEC.24.79.1(E)(5)(B) - EXTERIOR SURFACE MAINT

Officer Woodall presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated codes, and ordered compliance on or before February 18, 2022 or a fine of \$100 per day, per violation thereafter, plus the \$150 administrative fee. The

violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

9. **SP22 008 - COMPLIED**
1330 NE 48 CT
OWNER: JOB, CAROLINE B

CE CASE: CODE202112000002056
OFFICER: Stephen Batista

SEC.8.7(A) – OVERGROWTH – **COMPLIED 1/7/2022**

Complied prior to meeting.

10. **SP22 009**
1701 W OAKLAND PARK BLVD
OWNER: HOME DEPOT USA INC
% PROP TAX DEPT #0249

CE CASE: CODE202112000002066
OFFICER: Stephen Batista

SEC.23.1(A) - ABANDONED VEHICLES – **COMPLIED**
SEC.24.65 - UNLICENSED VEHICLES – **COMPLIED**
SEC.24.79.1(E)(6) - MAINT PROP – BLIGHT - **COMPLIED**
SEC.24.80(A)(6) - REDUCTION OF REQUIRED PARKING
SEC.24-37(B)(1) - USES PERMITTED B-1 DIST

Officer Batista presented into evidence notices, photos, affidavits and certified mail information.

Special Magistrate Herin found there was a violation of the stated codes, and ordered compliance on or before February 7, 2022 or a fine of \$100 per day, per violation thereafter, plus the \$150 administrative fee. The violator is also ordered to contact the City of Oakland Park Code Enforcement Division to re-inspect the property to verify compliance with this order.

D. CERTIFICATIONS

Zoning Administrator Jay Quier provided the staff presentations. Special Magistrate Herin certified the fines as listed:

1. **SP21 071 – WITHDRAWN PER CITY ATTY**
1700 NW 27 ST
OWNER: JAMES E PEARL,
DAVID S PEARL DOUGLAS B PEARL

C.E. CASE: CODE202103000001003
OFFICER: Walter Fenton

Violation

SEC.24.153(E)(4) BILLBOARDS
SEC.5.3(A) PERMITS REQUIRED

Amount Per Day Compliance Date Resolution Date

\$150.00 11/16/2021

This case was withdrawn from the agenda by the City Attorney.

2. **SP21 118**
5851 N ANDREWS AVE
OWNER: BRE/ESA FL PROPERTIES LLC

C.E. CASE: CODE202106000001268
OFFICER: Kevin Woodall

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.24.105.1.(A)(5)(D) - LANDSCAPE MAINT	\$150.00	09/17/2021	01/10/2022

The original hearing was on 8/17/21 to be complied 9/17/21 or a fine of \$150 per day, per violation. The Special Magistrate had granted a 30-day extension on 12/17/21. The property was compliance, and fines had accrued to \$13,650.

Officer Woodall read into the record a request from Brian Hayes, the owner's representative to eliminate the fines.

Special Magistrate Herin reduced and certified the fines to \$1,365 plus the \$150 administrative fee.

Lien certified: \$1,365 plus the lien processing and administrative fees.

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3. **SP21 125**
2600 NW 18 TER
OWNER: OAKLAND 95 LLC

CE CASE: CODE202107000001404
OFFICER: Walter Fenton

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.24.29(A)(B)(1) - USES PERMITTED ONE FAMILY	\$100.00	10/21/2021	

The original hearing was on 9/21/21 to be complied by 10/21/21 or a fine of \$100 per day. The property was not in compliance, and fines had accrued to \$8,900.

Ian DeMello, attorney for the property owner, spoke in defense of this item. He requested all fines be deferred. He said they had requested relief under FLUEDRA and there would be a hearing on January 24.

City Attorney Quentin Morgan requested the fines be certified because the activity cited on the property had not ceased despite the prior order.

Special Magistrate Herin said he would grant Mr. DeMello's request, citing a FLUEDRA relief case that had been appealed in District Court.

Special Magistrate Herin held all further fines in abeyance, but if the City prevailed in the FLUEDRA matter, fines would be retroactively imposed to today's date. Special Magistrate Herin confirmed that his prior order regarding ceasing the activity on the property stood. He certified the existing fine, but instructed staff not to record the order until after the FLUEDRA matter was resolved.

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4. **SP21 133**
4047 NE 5 TER
OWNER: FISCHER ENTERPRISES LLC

CE CASE: CODE202104000001058
OFFICER: Stephen Batista

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.24.79.1(G)(1)(A) - CITYWIDE STORAGE SCREENING REQUIREMENT	\$100.00	10/21/2021	01/12/2022

The original hearing was on 9/21/21 to be complied 10/21/21 or a fine of \$100 per day. The violation was complied on 1/12/22 and fines totaled \$8,300.

Secretary Adams swore in Charles Fischer Jr. and Charles Fischer Sr., owners, to speak in defense of this item.

Special Magistrate Herin reduced the fine to \$200, plus the \$150 administrative fee, payable within 30 days. If the fine was not paid within 30 days, it would revert back to the original amount and a lien would be recorded for that amount.

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5. **SP21 151 – WITHDRAWN**
131 NW 57 ST 1-2
OWNER: Mirta Y David

CE CASE: CODE202104000001083
OFFICER: DJ Watkins

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.24.79.1(E)(5)(B) - EXTERIOR SURFACE MAINT	\$75.00	11/20/2021	
SEC.24.8.80(B)(3)(C) - OFF STREET PARKING	\$75.00	11/20/2021	

This case was withdrawn, to be closed by the Code Officer.

6. **SP21 153**
2980 NW 24 AVE
OWNER: CATHERINE C EUBANKS

CE CASE: CODE202106000001316
OFFICER: Walter Fenton

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.24.79.1(E)(5)(E) - ACCESSORY STRUCTURE MAINT	\$250.00	10/06/2021	

The original hearing was on 9/21/21 to be complied by 10/6/21 or a fine of \$250 per day. The property remains out of compliance, the current fines total \$13,650 and the fines were continuing to accrue. Special Magistrate Herin recalled this had been found to be a health safety and welfare violation.

Special Magistrate Herin certified the fine at \$250 per day.

Lien certified \$13,650 plus the lien processing and administrative fees.

7. **SP21 170**
1831 NW 36 ST
OWNER: CARL T RANIERI

CE CASE: CODE202108000001531
OFFICER: Walter Fenton

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.24.69(B)(3) POOL FENCING & GATES RQ'D	\$50.00	11/30/2021	01/07/2022
SEC.24.65 UNLICENSED VEHICLES	\$50.00	11/30/2021	
SEC.24.79.1(D)(3) OUTDOOR STORAGE	\$50.00	11/30/2021	
SEC.24.80(B)(3)(C) OFF STREET PARKING	\$50.00	11/30/2021	

The original hearing was on 11/16/2021 to be complied by 11/30/2021 or a fine of \$50 per day, per violation. The property remains out of compliance, the current fines total \$9,250 and the fines were continuing to accrue for the three remaining violations.

Special Magistrate Herin certified the fine at \$50 per day, for the three remaining violations.

Lien certified \$9,250 plus the lien processing and administrative fees.

8. **SP21 171R**
901 NE 30 CT
OWNER: Mona Oloffson

CE CASE: CODE202108000001525
OFFICER: Chris Johnson

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.23.1(A) ABANDONED VEHICLES	\$350.00	11/27/2021	11/28/2021

The original hearing was on 11/16/21 to be complied by 11/27/21 or a fine of \$350 per day. The property was in compliance, and fines totaled \$350.

Special Magistrate Herin waived the \$350 fine, and certified the \$150 administrative fee.

Lien certified \$150 plus the lien processing fees.

9. **SP21 174R**
551 NE 35 ST
OWNER: ESS NYFL

CE CASE: CODE202110000001798
OFFICER: Chris Johnson

Violation	Amount Per Day	Compliance Date	Resolution Date
SEC.13.32(A) SOLID WASTE	\$1,250.00	11/15/2021	11/16/2021
SEC.23.1(A) ABANDONED VEHICLES	\$350.00	11/27/2021	
SEC.24.79.1(E)(6) DUTY TO MAINT PROP-BLIGHT	\$1,250.00	11/15/2021	11/16/2021

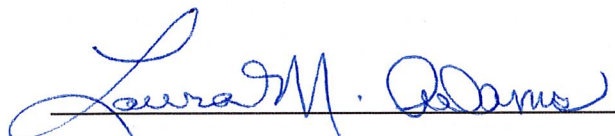
The original hearing was on 11/16/21, with a total one-time fine of \$2,500 for SEC.13.32(A) and SEC.24.79.1(E)(6), which was not accruing, and an order to comply SEC.23.1(A) by 11/27/21 or a fine of \$350 per day, for that one violation. The property remains out of compliance, the current fines total \$20,700 and the fines were continuing to accrue for SEC.23.1(A).

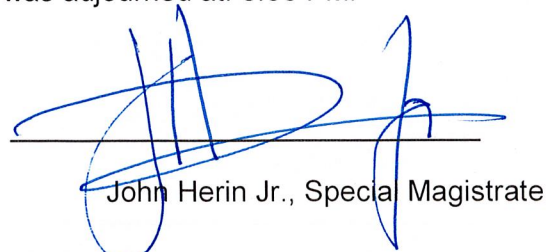
Special Magistrate Herin certified the fine at \$350 per day, for the one remaining violation: SEC.23.1(A).

Lien certified \$20,700 plus the lien processing and administrative fees.

E. OLD BUSINESS

ADJOURN: There being no further business, the meeting was adjourned at: 3:50 PM.


Laura Adams, Recording Secretary


John Herin Jr., Special Magistrate