

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA**  
**CODE COMPLIANCE HEARING MINUTES**  
*Town Commission Meeting Room (Jarvis Hall)*  
*Thursday, September 26, 2024 at 5:00PM*

**I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH E. SECHER**

Special Magistrate Judith Secher called the hearing to order at approximately 5:05PM on Thursday, September 26, 2024 with Town Attorney Alan Gabriel, Assistant Development Services Director Muriel Ramirez, Senior Code Compliance Officer Eric Villanueva, Code Compliance Officer Hector Barrett, and Special Magistrate Clerk Megan Small to record the minutes.

**II. SWEARING OF WITNESSES**

Special Magistrate Clerk Megan Small administered the oath to everyone speaking\testifying today, other than lawyers.

**III. OPENING STATEMENT**

Please note for the record that this is an in-person hearing and to please turn off or silence devices.

**IV. PUBLIC COMMENTS**

A gentleman came up to the podium in answer to the Special Magistrate's calling for public comments from people who were not on the agenda for having a case for their own property. She asked the gentleman if he wanted to make a public comment or if he had a case. He answered that he was a tenant at a property that was on today's agenda. He informed that his lease would not end until October first. He answered the Special Magistrate that he was not still a tenant of the property that was coming before her today. She told him that what he would say would be a public comment. He said he was the one who filed the complaint originally in March. He answered that it was for case #7 (property address 4533 Poinciana Street). He explained that he was opposed to what they were doing over there which had to do with his original complaint filed in March. He did not know if that was a public comment or just opposition to the proceedings. The Special Magistrate asked Special Magistrate Clerk Small for the status of it for today's hearing and what was going on. Clerk Small answered that it was on today's calendar for a Status Hearing. The Special Magistrate asked the gentleman if he wanted to wait for the actual Status Hearing or make a public comment now. He requested to wait until the Status Hearing of the case and went back to sit in the audience. The Special Magistrate would now start with the hearing.

**V. CODE CASES**

*The cases were heard in the order they were typed. All discussions/actions in the matters were not limited to the case summaries typed below.*

**OLD BUSINESS**

**ITEM #V.7**

**\*TAKEN OUT OF SEQUENCE**

Case #: 24040003 - Web Citizen Complaint

Property Owner: Poinciana 4533 LLC

Address/Folio: 4533 Poinciana St

Code Section(s):

1. Chapter 30 - Unified Land Development Regulations Section 30-241(k)(1) - RM-25 district—Apartments and lodging.
2. Chapter 6 - Building and Building Regulations Section 6-36(a).
3. Florida Building Code FBC BCA Section 105.1. Work Without Permits
4. Florida Building Code STOP WORK ORDER

For the record, no one was in attendance to represent the property, however, the gentleman who spoke previously did come to the podium. Senior Code Compliance Officer Eric Villanueva testified that Mr. Kozich, who was standing at the podium, was the original complainant for this case and Don Kozich put his name on the record per the Special Magistrate's request. He verified that he was the tenant in the apartment which was in dispute.

Senior Code Compliance Officer Villanueva testified that this case was before the Special Magistrate for all the items that needed to be corrected. The owner, Shimon (Buhadana), was to be here today but excused himself because of the weather and he had to deal with stuff on the west coast of Florida. The owner gave the officer a status and Senior Code Compliance Officer Villanueva also had an update from the Building Department on all the permits and the progress on them. The Senior Code Compliance Officer said that permits were pulled for all the items needing correction except for one. The owner was waiting for Mr. Kozich to move out of the apartment so he could do the work there. The Special Magistrate asked if there was another person living in another part of the apartment. The officer replied that there was another person but now with Mr. Kozich vacating the apartment, there was no longer an issue there. That gentleman was in the second room of that apartment. The officer answered that he did not know if the other gentleman would remain but he was not a problem. The remaining issue was an a/c installed with no permit. The owner was waiting for the authorization from Building Official Simo Mansor to remove it. The Building Official and the owner have communicated. Building Official Mansor would inspect and let the owner know if it was okay to remove the a/c when he got back into Town. They expected everything to be in compliance before the next hearing on October 24, 2024 with all permits pulled and complied with. Today, the Town was looking to continue this case until the next hearing on October 24, 2024. He answered the Special Magistrate that would comply this case but the Town has received an additional complaint from Mr. Kozich regarding another unit and another permit. The Building Official was out of town this week so there was no inspection on the additional complaint. He answered the Special Magistrate that the new complaint was not part of this case.

Mr. Kozich answered the Special Magistrate that he wanted to speak on this as well as on the new complaint. He spoke first spoke on this case and said the owner lied at the last hearing when he said Mr. Kozich did not have a lease. He did have one and the owner lied for sympathy from the Special Magistrate. Mr. Kozich said that the landlord only rented to males and discriminated against females. The majority of tenants were male veterans. The landlord took advantage of the VA because the VA paid the security deposit and when a tenant was evicted or moved out, the landlord kept the security deposit. That amounted to approximately \$60,000 in security deposits. The VA paid ½ of his rent and Mr. Kozich paid the other half. He was not allowed to have a roommate and/or could not sublet per the VA and the lease. The landlord induced the guy in unit 5 (Frank Campos) to state that he was his roommate. That was not correct as Campos

paid the landlord direct and did not pay Mr. Kozich any money. The Town never investigated that and took the word that Campos was his roommate. The Special Magistrate informed that she had a limited role here. She could only hear about the code violations. If what Mr. Kozich said needed to be investigated, that investigation would not be by the Special Magistrate. She did not have the jurisdiction to see what the VA was doing. She did not say that what Mr. Kozich talked about was not important but she did not have the jurisdiction to deal with it at all. The Town was also not in a position to investigate this as well. She said that he needed to write to probably the VA and probably some other organization. Mr. Kozich stated that the Town could have investigated Frank Campos rather than taking him at his word that he was his roommate and had a right to be there. The Special Magistrate said that his complaint needed to go to the Sheriff or the Federal Government about the VA. She informed Mr. Kozich that his other complaint was not an active case yet and not on the calendar for today. When it was on the calendar, if it did become an actual case, then Mr. Kozich should be here when that new case came up.

Mr. Kozich said that Lauderdale-By-The-Sea (LBTS) red tagged the property. The Town was lied to when LBTS was told that Mr. Kozich bought and installed a central a/c unit. However, Mr. Kozich provided LBTS with an invoice showing Buhadana purchased it. Mr. Kozich explained that there were two principles in the ownership (Linda Kaplan and Shimon Buhadana). Senior Code Compliance Officer Villanueva testified that from what the owner told them and what Mr. Kozich provided, the Town was not able to determine who installed it. The owner came to a hearing and said that he did not install it but he would take care of that violation once Mr. Kozich vacated the apartment. That was the only remaining violation pending a permit. It was not an issue as to who installed it. The officer explained that the a/c unit either needed to be permitted or removed. The owner, a mechanical contractor, did not believe it would pass inspections so he would get permission from the Building Official to remove it. Mr. Kozich felt that the Town could have called the company listed on the invoice for the sale of the a/c unit. The Town dropped the ball because they should have investigated that Buhadana purchased it and installed it. The officer testified that the owner was cited for the a/c unit but Mr. Kozich said he was cited. The officer explained that the Town cited the property owner. The Special Magistrate said that they were way past this now. The a/c unit either was to get a permit or was to be removed by the owner by the next hearing. She reminded Mr. Kozich that the Town did not have an investigative detective unit but were under the Sheriff's Department of Broward County.

As other people were waiting to be heard, the Special Magistrate asked Mr. Kozich to shorten his comments. Mr. Kozich spoke next about the landlord cutting the potable water supply trying to flood him out of his apartment. First he was told by the Town it was not a Code Violation and then they determined that it was. The Special Magistrate cautioned that he was over his five minutes but he wanted to continue telling his history. She reminded that there might be storms tonight because of the hurricane weather and people needed to get out of here in at a reasonable time. Mr. Kozich continued with the other things the landlord did like converting an apartment from one bedroom to two. The officer explained that for the units Mr. Kozich was now complaining about, all permits have been issued for the remodeling. The proper inspections would be done before the permits were closed. The work was ongoing. The Special Magistrate reminded that the order would be that by the October 24, 2024 Hearing all permits would be issued and things corrected, so we would be up to date.

Mr. Kozich felt that this was not investigated. The officer answered the Special Magistrate that this was investigated and the Building Official looked at it and issued permits. He removed all the Stop Work Orders for all the units. There was currently a number of units at that property with issued permits for interior remodels. Mr. Kozich felt differently and the Special Magistrate said that was his opinion against what the officer knew. The Building Official was not here today but

would be at the next hearing on October 24, 2024 and Mr. Kozich could contest it then. Contrary to what Mr. Kozich was stating, the officer testified that permits were in issued status and have not been closed and all the work was ongoing. Mr. Kozich continued by stating there was not enough parking for the units. There were only ten spaces. The officer said that Mr. Kozich knew that there was a vacation rental property application for this property. When the permits and all that needed to be done were completed, there would be another inspection to determine if there was enough parking to operate as a vacation rental. Parking, the Special Magistrate said, was not before her for today's hearing. Mr. Kozick started speaking about another issue with the landlord regarding doing electrical work. The officer explained who pulled the permits to Mr. Kozich and the name of the electrical company who would be doing the work and under what license. The Special Magistrate ordered a continuation of this case to the October 24, 2024 hearing.

**COMPLIED**

**ITEM #V.1**

Case #: 24080006 - Vacation Rental Regulation

Property Owner: O'Grady, John J

Address/Folio: 272 Imperial Ln

Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(f)10: VACATION RENTAL AGREEMENT Section 30-327(f)10 VACATION RENTAL AGREEMENT (f)Application for a rental certificate.

Chapter 30 - Unified Land Development Regulations Section 30-327(j)1 Vacation rentals and short term rentals

Code Compliance Officer Hector Barrett explained the situation first about the disturbance call and gave the police report to the Special Magistrate. John O'Grady, property owner, explained that he lived in the property since 1996. He testified that this was his primary residence and not a vacation rental. He owned a business in LBTS. Because of illness at the end of last year, he has been spending a lot of time in Michigan. Even though this was his primary residence, he rented it for a week or so when he was out of town. The Special Magistrate asked if he had a Vacation Rental License and he answered that he did. He explained that one of the people he rented to was having a hibachi cookout at 5:30PM on a Saturday afternoon. She was really excited and yelled and screamed. When the police came, they found no one and there was no noise. The Special Magistrate said that was why people did not like vacation rentals. People who rent get excited and scream and yell. He said he has lived the longest on that street and everyone on that street knew him. They would call him first. If he was there, he would have taken care of it and if he was not, he had someone who could take care of it. She asked to see the police report.

Officer Barrett then explained the second violation regarding occupancy of the vacation rental or short-term rental must not exceed two persons per bedroom plus two persons for each additional 200 sq. ft not to exceed ten people total occupancy. They were advertising for 13 people/guests. The officer said that this was complied once he spoke with Mr. O'Grady. So everything was compliant now and the Town was requesting a Finding of Fact that if the same violation(s) reoccurred within the next five years under the same ownership, it could be deemed a Repeat Violation subject to immediate and higher fines.

Mr. O'Grady said that when the police arrived, they found no one and heard no noise. He wondered how there could be a repeat violation on nothing. The Special Magistrate answered that he would receive a fine. He said that the police found nothing and the Special Magistrate

answered that his renters stopped yelling when the police came. He then asked if there was a noise ordinance for 5:30PM on a Saturday. Code Compliance Officer Barrett answered that there was. Senior Code Compliance Officer Villanueva made it clear by stating that they were not citing the fact that there was noise or if the officers found noise but rather the Town cited from part of the regulation that they agreed to when they became a vacation rental. The disturbance call to the police was what they were citing. The fact that the police had to be called to come out for a disturbance was a violation of the vacation rental. If in the future with this Finding of Fact there was another call to BSO even if there wasn't noise, there would be a fine. He answered the Special Magistrate that the fine would be determined by the case but started at \$150 for the first violation. A new regulation was implemented and going into the mail today. The Special Magistrate asked if the Town was able to contact the designated person who would ensure that the situation was corrected and Senior Code Compliance Officer Villanueva explained that this was okay and not violated. The Special Magistrate asked if the Town investigated any neighbor making the complaint and Senior Code Compliance Officer Villanueva explained that the Town would get a detailed police report and report from the police officer's supervisor.

Mr. O'Grady answered about having to be in Michigan about one week a month and he could not afford two properties. He did not mind being asked and he continued by saying that this was what he had to do to take care of his family. The Special Magistrate entered the evidence into the record as Town Exhibit 1 for the advertisement and Town Exhibit 2 for the BSO incident report. The Special Magistrate ordered a Finding of Fact that the violations existed but were in compliance prior to this hearing and if the violation(s) re-occurred within the next five years under the same ownership, it could be deemed a Repeat Violation subject to immediate and higher fines.

**Two gentlemen walked in late and the Special Magistrate Clerk swore them in.**

**NEW BUSINESS**

**ITEM #V.15**

**\*TAKEN OUT OF SEQUENCE**

Case #: 24080008 - Vacation Rental Regulation  
Property Owner: 268 Imperial Lane Inc, Jean-Francois  
Address/Folio: 268 Imperial Lane  
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d): Vacation rentals and short term rentals. Duration  
Chapter 30 - Unified Land Development Regulations Section 30-327(j)1 Vacation rentals and short term rentals

Senior Code Compliance Officer Villanueva testified that this case was cited for two violations. The first violation was for vacation rental duration. The vacation rental must be for at least seven consecutive days. The second violation for vacation rental was for occupancy. The occupancy of a dwelling for vacation rental or short-term rental use must not exceed two persons per bedroom, plus two persons for each additional 200 square feet of interior living area, with total occupancy not to exceed ten people. The officer said they received information that this property was rented for less than the allowed days and that they also had more than ten guests at a time. He answered the Special Magistrate that this was because of what they advertised. When the Town conducted their investigation, they did see the advertisement for more than ten guests and rental for a three-night minimum. They contacted the management company and the company corrected the advertisements immediately and the case was complied prior to this hearing. The Town was requesting a Finding of Fact that the violations existed and were now in compliance. If the violation(s) re-occurred within the next five years under the same ownership, they would be subject to immediate and higher fines.

Oscar Ashley testified that he worked for Luxury Vacation Stays and they managed this property. He was told by his office that everything was in compliance now. The officer answered the Special Magistrate that there were no visits to the home. They were just cited from the advertisements. They did get a complaint from a neighbor and she was on record as the complainant. She complained from what she saw in her backyard (too many people and being rented for less than seven consecutive days) and she also looked up the advertisements. The Special Magistrate ordered a Finding of Fact that they were out of compliance for the minimum stay and total amount of occupancy but were in compliance prior to this hearing. If the violation(s) should re-occur within the next five years under the same ownership, it could be deemed a Repeat Violation subject to immediate and higher fines.

**SPECIAL SET**

**ITEM #V.17**

Case #: 24050072 - Building Permit Violation  
Property Owner: Goldkatz LLC  
Address/Folio: 3270 Spanish River Dr  
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required.

Senior Code Compliance Officer Villanueva testified that this case was complied and they were here to see if they could have the fines lowered. Stanley Goldberg testified that he was here to represent the property owner who was his wife. Senior Code Compliance Officer Villanueva testified that they did an entire demo of the inside of the home without a permit. They have since complied by applying for permits. However, during the process, their fines accrued to \$4,250. They had a previous administrative cost of \$50 and another one for \$50 for today's hearing. These administrative costs could not be mitigated but the fine of \$4,250 could be lowered. Mr. Goldberg explained the areas that were worked on without permits. He said they had two out of three permits. They applied for the third permit but they did not receive it in time for when they took out the kitchen cabinets and the flooring. This started as a small project but it soon got bigger. He answered the Special Magistrate that this was the house he and his family would live in once it was finished. This was not a business investment.

Senior Code Compliance Officer Villanueva said they did have permits to begin doing some type of the work but the Building Official went out and inspected and found that they went completely beyond just a demo of a kitchen or bathroom. The work was way past the scope of the permits that they had. Mr. Goldberg said that they were in compliance but the workers were supposed to stop after removing the floors but they did not. The people who were doing the job assumed that they already had the permit. The recommendation that the officer received was for no mitigation but if he had an offer, they were willing to hear it. The Special Magistrate reminded that the amount not to be mitigated was for the two administrative costs totaling \$100. Mr. Goldberg said that they were in compliance and this was all an honest mistake. If the Town wanted to mitigate, that was fine with the Special Magistrate, but she could not get involved with the mitigation because she could not fathom the scope of the work, time to comply, time out of compliance, etc. The officer did not have a number so the Special Magistrate asked Mr. Goldberg. Assistant Development Services Director Ramiriz said the Town was willing to continue the item for a review with the Building Official for his reasoning behind this case. The Town requested continuing this case until the October hearing. The Special Magistrate explained to Mr. Goldberg that the Building Official they wanted to consult with was not here tonight. Town Attorney Alan Gabriel further explained that the Building Official in charge of this case was out of town and not here today and he was the one who directed Staff to say that there would be no mitigation. So they were giving Mr. Goldberg the opportunity to come back when the Building Official would be here.

The Town Attorney also explained that Mr. Goldberg had the right to go before the Town Commission if no mitigation was offered here. You could see what they would be willing to do. Mr. Goldberg would get a notice in the mail regarding the October 24, 2024 Hearing. The Special Magistrate ordered continuance of this case until the October 24, 2024 Hearing for mitigation.

Note: For Special Set Item #17 directly above, after hearing the last agenda item to be heard, it was decided not to charge \$50 administrative cost for today's hearing as the owner had to come back next month and today's \$50 administrative cost would be assessed at the October 24, 2024 hearing.

*Town Attorney Gabriel left the hearing at approximately 6:00PM.*

For the record, the Special Magistrate stated that for the next case and the ones that followed, there was no one present to represent the property.

**COMPLIED**

**ITEM #V.2**

**\*TAKEN OUT OF SEQUENCE**

Case #: 24090001 - Landscape Violations  
Property Owner: Ventura Family Tr Ventura  
Address/Folio: 3241 Spanish River Dr  
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-477(a)-Maintenance of landscaped areas

For the record, no one was in attendance to represent the property. Code Officer Barrett testified that the Town was recommending a Finding of Fact that the violation did exist but was in compliance but should it reoccur again within the next five years under the same ownership, it could be deemed a Repeat Violation subject to immediate and higher fines. He gave photos of landscaping that reflected the violation to the Special Magistrate. She accepted the photos into the file as Town Exhibit 1 without objection. He said that service was obtained by posting the property. The Special Magistrate ordered a Finding of Fact that the violation of unkept landscaping existed but was in compliance prior to this hearing and if this violation should reoccur within the next five years under the same ownership, it may be deemed a Repeat Violation subject to immediate and higher fines.

**OLD BUSINESS**

**ITEM #V.10**

Case #: 24060014 - Property Maintenance (General)  
Property Owner: Wallin, Anders G  
Address/Folio: 1961 Windward Dr  
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-37(a)(1).  
Maintenance appearance standards  
Chapter 6 - Building and Building Regulations Section 6-37(a)(2).  
Maintenance appearance

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that this case was complied. The Special Magistrate said that this case was reported as complied tonight.

**ITEM #V.12**

Case #: 24050073 - Building Permit Violation  
Property Owner: Aguirre Marin, Jorge A Martin  
Address/Folio: 4461 W Tradewinds Ave  
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that this case was on a Final Order but the Town was requesting to extend the comply-by date to October 23, 2024 with no costs for today’s hearing. They were still trying to get their permits from the Army Corps of Engineers and the State agencies for the dock they were rebuilding. The Special Magistrate ordered a revised Final Order depicting the only change was that the comply-by date was extended to October 23, 2024 and no fines running and no hearing cost for today.

**NEW BUSINESS**

**ITEM #V.16**

**\*TAKEN OUT OF SEQUENCE**

Case #: 24090002 - Property Maintenance (General)  
Property Owner: OG Group LLC  
Address/Folio: 230 Pine Ave  
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-41(a)(1) - Maintenance of exterior of premises.

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that the Town obtained service by a signed green card. The property was also posted. The property was cited due to property maintenance. He said there were previous fines and an order on this property. The new property owners came to the Town Commission and they settled the amount to pay the fines. They were told to submit a permit to do the repairs needed at the property. They submitted the permit but that was as far as they went. A fence was put up to block the view of the deterioration of the property. The fence was removed and no work was done. A permit was never issued. The new owners were cited. The Town was looking for them to have an issued permit. He answered the Special Magistrate that when the fence was up, they were in compliance. When the fence came down, a few months ago, they were told that the property was looking bad. The Commission made the agreement with the fines and the permit. Code made the agreement of the fence. As there were new owners, in good faith Code made that agreement thinking they would be fixing the property while the fence was up.

They were citing the property again for property maintenance and the verbiage that was requested was “in order to satisfy this violation, the Town was requesting a complete permit to either renovate or demo the property as submitted to the Town and issued and for work to begin within thirty days of that permit being issued”. If this was not done and this was not considered complied, the Town was requesting a fine of \$250/day for the violation. The officer gave photos of the property now to the Special Magistrate. The Special Magistrate said that this was basically a deteriorating home. The Special Magistrate accepted the photos taken August 16, 2024 into the record without objection as Town Composite Exhibit 1. The Special Magistrate ordered a Final Order for the owner, in order to satisfy this violation, submit to the Town for and obtain an issued complete permit within thirty days from today to either renovate or demo the property and for work to begin within thirty days of that permit being issued. If they did not comply to either or both of these things by November 20, 2024, a fine would begin to accrue thereafter at \$250/day plus \$50 administrative cost was assessed for today’s hearing.

Special Magistrate Clerk Small read into the record the cases that were continued to the October 24, 2024 hearing.

CONTINUED TO OCTOBER 24, 2024 HEARING		
Item #	Case #	Property Address
3	24060003	1500 S Ocean Blvd
4	24050066	264 Hibiscus Ave
5	24050024	1985 Windward Dr
13	23010015	234 Hibiscus Ave

Special Magistrate Clerk Small then read into the record complied cases that were not heard at this hearing.

COMPLIED CASES		
Item #	Case #	Property Address
6	24040006	219 Codrington Dr
8	24060004	275 Hibiscus Ave
9	22070008	4553 Bougainvillea Dr
11	24070001	1760 Bel Air Ave
14	24080001	2036 Sailfish Pl

Special Magistrate Clerk Small then read into the record the case that was withdrawn.

WITHDRAWN		
Item #	Case #	Property Address
18	24080010	1500 S Ocean Blvd 1604

### ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on September 26, 2024 at approximately 6:11PM.

APPROVED BY:



Special Magistrate Judith Secher

ATTEST:

  
Special Magistrate Clerk Megan Small  
Lauderdale-By-The-Sea, Florida