

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, March 27, 2025 at 5:00PM

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

Special Magistrate Judith Secher called the hearing to order at approximately 5:06PM on Thursday, March 27, 2025 with Assistant Director Development Services-Code Compliance Terry-Ann Boyd, Building Official Simo Mansor, Code Officer Donovan Williams and Code Officer Ralph DesRoches was in attendance but did not present, plus Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

Special Magistrate Clerk 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

No one from the public requested to speak now on items not on the agenda.

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.13

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 - Property Maintenance (General)

Property Owner: Fishermans Pier Inc

Address/Folio: 2 E Commercial Blvd

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37 (a)(1).

Assistant Director Development Services-Code Compliance Terry-Ann Boyd testified that this was a Status Update for 2 E Commercial Blvd. She explained that there were three Town recommendations at the last hearing: 1) additional security based at the pier, 2) additional signage put up so BSO could adequately enforce “No-Trespassing” at the pier, and 3) a meeting to show how best the pier was to be sectioned off so people could not climb onto or jump off the pier to be completed by March 6, 2025. Only one (additional signs) of the three items was successfully completed. Since Attorney Andrew Schein was at the podium, she asked for an idea as to when the Town could expect additional security. Assistant Director Boyd could not answer

Special Magistrate Secher as to how many No-Trespassing signs were at the pier. Someone from the audience said there were twelve signs there now instead of the original three. The Special Magistrate was informed as to where the signs were located. The Assistant Director said BSO was happy with the signs. She explained to the Special Magistrate that the Town requested a list of the individuals doing the security work or the company they utilized to do the security work but did not receive that. Last week at the pier, staff asked a worker at the pier *who did the pier security* and was told at night they have a security person and what happened during the day. The Town wanted something specific, like if it was a security company that they used. The Town wanted something tangible as to who was doing the security. Attorney Schein spoke about the barrier and the issues they ran into and they were at a loss to do any additional barrier around the pier. The Special Magistrate inquired if they spoke with a security company to get their ideas for a barrier.

Spiro Marchelos testified at the podium that from day one, they had 24-hour surveillance on the pier. He said he himself was part of this security team. They now also use bullhorns and whistles as there were no lifeguards. They use a private company and the Town has his phone number and they could have Louis' phone number to call. He felt that the Town did not need a list of everyone. They were on the payroll and all were Americans. The Special Magistrate asked why the Town could not have a list of the security people who were working for them. Assistant Director Boyd answered Mr. Marchelos that she received his letter but it did not provide the list of names which was requested by the Town. Mr. Marchelos agreed to provide that list but requested that Staff not bother his employees. He said there were three to four people who did surveillance work plus members of his family. He would deliver that list tomorrow morning. Assistant Director Boyd clarified that if the Town received complaints about issues at the pier which required Staff to go to the pier, she explained what Staff would have to do. Attorney Schein said he assumed they would go only on extreme circumstances and that the list would be provided tomorrow morning to the Town. The Special Magistrate explained what the Town was looking for. Attorney Schein clarified that they would continue to "brainstorm" what they could do for a barrier since they could not put something around or on top to cordon off the area.

Assistant Director Boyd said that there was supposed to be a meeting with the respondent and their representative regarding the best course of action moving forward. Attorney Schein said he met with Jhanelle (Development Services Director) on March 7th. The Special Magistrate asked for a document that stated what the professionals felt could or could not be done about a barrier and the attorney agreed to having that in a week's time. The Special Magistrate recapped that tomorrow a list of employees doing security would be provided and in approximately one week, a written report would be provided as to what marine people felt could or could not be done for a barrier. Barbed wire was discussed but the Assistant Director said she was not quite sure if the Town made that recommendation but she rather thought the Town was presented with that recommendation. It was pointed out that it was the respondent's duty to figure out what worked the best for them. The Town's position was to secure security and safety of the pier through lawful means. The case would be brought back to the April 24, 2025 Hearing but the order would stipulate meeting with a pier representative for further discussions and/or to give information in writing as to what they have done so far and what worked and what did not work for next week, plus tomorrow to give the list of updated employees who do security to the Town. The Special Magistrate ordered this agenda item continued to the April 24, 2025 Hearing, and sometime tomorrow to give the Town a list of employees who did the security work for the pier and the environment around it, plus within a week some type of document would be produced for the Town and/or a meeting/conversations regarding possibilities that were rejected as well as possibilities that were not rejected to keep people from coming onto the pier or jumping off the pier.

NEW BUSINESS**ITEM #V.16*****TAKEN OUT OF SEQUENCE**

Case #: 25010001 - Property Maintenance (General)
Property Owner: Karia Global LLC
Address/Folio: 223 Commercial Blvd
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-41(a)(5) - Maintenance of exterior of premises.

Assistant Director Terry-Ann Boyd testified that she had conversations with Attorney Andrew Schein and they were in agreement with a thirty-day continuance. The violation was for maintenance of the exterior of the building. The roof was in disrepair and the building needed repainting. They took a wonderful first step by painting the building and the Town was open to this thirty-day continuance to find out about their addressing the roof. This agenda item should come back to the April 24, 2025 Hearing. Attorney Schein said they did the painting when they saw the violation. They were working with contractors now for the roof. The Special Magistrate ordered a Final Order for continuance of this agenda to the April 24, 2025 Hearing with no fees or costs for today.

ITEM #V.18***TAKEN OUT OF SEQUENCE**

Case #: 25030003 - Building Code (FBC) Violation
Property Owner: Village By The Sea Condo – Common Area
Address/Folio: 1967 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

Assistant Director Boyd testified that a Notice of Violation was issued on March 6, 2025. Service was achieved via a signed green card in the file. This violation was for work without permit. She has evidence to present to the Special Magistrate. This evidence was previously sent to the respondent, Nicole Davis (Property Manager), who was at the podium. The Building Official was in attendance, in case the Special Magistrate needed to understand the scope of the work. Property Manager Davis answered the Special Magistrate that there were 58 units in this condo. The Special Magistrate was given the evidence and wanted to know what work was done.

Building Official Mansor explained that it was plumbing work done in the whole association. He was sent invoices but there were no permits associated with the invoices. She asked about the scope of the work and the Building Official said that the cost for the total of the work was around \$17,000. He called the Association and spoke to a manager who was very adamant about not complying. Ms. Davis answered the Special Magistrate that she did speak with the Building Official and with Ms. Terry-Ann Boyd.

Ms. Davis explained that when they received the violation, it was for Village By The Sea Sections A and B which was the neighboring community. It was not in their name but their Board Member's name was listed so it made its way to their attorney. She let the Town know that they issued the violation to the wrong community. She was not the manager for the other association. She answered the Special Magistrate that right now this was issued to the correct association. When she spoke with Mr. Mansor, it was not written to the correct association.

Assistant Director Boyd testified that the Town admitted they made a clerical error. However, it was sent to the correct person. In speaking with Ms. Davis, it was explained about the error but that a permit was needed and additional time would be given. The Special Magistrate clarified that everyone now knew that the correct buildings were C and D rather than A and B. Building

Official Mansor said that they needed after-the-fact permits for the work done. A plumbing contractor should meet with him and go through everything that needed to be done like getting approved after-the-fact permits. He answered the Special Magistrate that he did not know if a contractor did the work. Ms. Davis said she was not the property manager in 2023 and that was the year the work was done. Ms. Davis explained what transpired regarding this. Even though the Town fixed the clerical error, the hearing today was in seven days. She needed more time to go over everything because even at this time, there was differing information. Ms. Davis said that the \$17,200 work was permitted. The unpermitted work that Mr. Mansor was talking about was not \$17,200 but rather \$58,000 of plumbing work.

Assistant Director Boyd explained that Ms. Davis was given notice for work without permits. It did not matter if it was \$58,000 or \$17,200 worth of work and it did not matter if it took place in 2024 or 2023. They were cited because work was done without a permit and there needed to be an after-the-fact permit. The Town was willing to work with her. Ms. Davis answered the Special Magistrate that the work done in 2024 was permitted and closed out. They were saying the 2023 work was unpermitted but they were using the \$17,200 amount to justify. The Special Magistrate said the Town had to go in and look at what work was done and compare it to what the record showed as permitted and make a decision. The Building Official explained that not everything was permitted and he had proof of non-compliance. He recommended a fine of \$250/day to be imposed until the after-the-fact permits come in.

Assistant Director Boyd testified that they were not contesting that the \$17,200 amount of work done was permitted. There were additional invoices inside that packet for which work was done in 2023 that needed to be permitted. They were requesting after-the-fact permits for that unpermitted 2023 work. Special Magistrate Secher said that everyone was now in agreement that there was permitted work but there was also unpermitted work needing after-the-fact permits for compliance. Within a reasonable amount of time, after-the-fact permits needed to be gotten for the unpermitted work. Discussion ensued regarding how many days to give Ms. Davis. Building Official Mansor wanted an immediate \$250/day fine and Ms. Davis wanted thirty days to comply by pulling after-the-fact permits. The Special Magistrate said she would give 20 days to comply or a fine of \$250/day would commence until compliance was achieved. Assistant Director Boyd put on the record that from the beginning they were willing to work with Ms. Davis and not opposed to giving Ms. Davis additional time. Everyone was now in agreement to the twenty days. The Special Magistrate ordered compliance in twenty days, April 16, 2025, by obtaining an approved after-the-fact permit for the plumbing work done without permit or \$250/day fine to commence thereafter until compliance was reached and return to the April 24, 2025 Hearing if needed plus \$50 hearing cost for today's hearing due immediately but payable within thirty days. Building Official Mansor clarified that he would like to meet with a contractor tomorrow or Monday or Tuesday to go through this and list what had to be done plus have the contractor get an engineer's letter for the concealed work already done being approved according to the Florida Building Code.

ITEM #V.19

Case #: 25030004 - Business Tax Receipt (BTR)
Property Owner: 255 Commercial Center LLC
Address/Folio: 253 E Commercial Blvd
Code Section(s): Sec. 12-2(a) - Business tax receipt required

Assistant Director Boyd said there was no Business Tax Receipt (BTR) at this business. Service was achieved by posting the property on March 6, 2025. The owner of the business came in about the BTR and was informed about the PILOP Program (Payment In Lieu Of Parking). Eight

thousand dollars was outstanding and required for parking which needed to be cleared up before the Business Tax Receipt (BTR) would be issued. The violation right now was conducting business at the property without a BTR. The Special Magistrate asked James Sahni, Property Manager, if he was aware of this and he testified that he was. The tenant finally understood that she would have to pay that \$8,000 and decided that she did not want to operate the business anymore. He further testified that the property owner did not want a code case and they signed a Lease Termination. He gave that document to the Town.

Mr. Sahni asked about leasing the space again and would it be the same PILOP. Assistant Director Boyd explained that the parking calculation was based on the type of business, square footage, etc. so the PILOP would not be the same for a different type of business. He then asked about parking in the back and after a discussion, she directed him to the Zoning Department and gave him the contact information. Assistant Director Boyd explained that there would need to be an inspection to ensure that the business was no longer at that location and spoke about scheduling that. A copy of the Lease Termination was given to Special Magistrate Clerk Small for the file. This agenda item should be closed as soon as the inspection ensured the business was no longer at this location.

CASES TO BE CONTINUED

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 24050073 - Building Permit Violation

Property Owner: Acuirre Marin, Jorge A Martin

Address/Folio: 4461 W Tradewinds Ave

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

Assistant Director Boyd said this was continued to the April 24, 2025 Hearing. It was listed on the agenda as such and everything was in the Town being reviewed. They would reach out if the Town needed anything. As the contractor, James Gorman, was in attendance for this agenda item, he came up to the podium and discussion ensued about it being continued to April 24, 2025.

Special Magistrate Secher requested that the record reflect that there were no other persons present representing no other property at this hearing.

NEW BUSINESS

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

Case #: 25020002 - Building Code (FBC) Violation

Property Owner: KY Luxury Vacations LLC

Address/Folio: 255 Miramar Ave

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that service of notice was achieved by posting the property on February 14, 2025. The violation was work done without permits. The Town was recommending a Final Order to comply by April 23, 2025 or \$100/day violation until such time that the violation was cured plus \$50 hearing cost for today's hearing. She gave the Special Magistrate evidence of the Notice of Violation as well as pictures of the Stop Work Order. The Special Magistrate ordered a Final Order to comply by April 23, 2025 or \$100/day violation to commence thereafter until compliance was met plus \$50 hearing cost for today's hearing due immediately but payable within thirty days

and return to the April 24, 2025 Hearing. The evidence was accepted into the file by the Special Magistrate as City (Town) Composite Exhibit.

The following case was added on today and called into the record as Special Set.

SPECIAL SET

ITEM #V.21

Case #: 25030012

Property Owner: Kevin Michael Paul

Address/Folio: 4520 El Mar Drive, Unit 31

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that work was done without permit as the Building Official received today information that work was being done in a unit at 4520 El Mar Drive. Both Building and Code went out to the property and observed work being done in Unit 31. The Building Official issued a Stop Work Order as well as an Unsafe Structure Tag. The Assistant Director explained that there was a concern for safety at the building. The Town had a special request for a Final Order entered into today with fines starting today at \$250/day until a representative comes into Town to submit a permit. The Building Official explained what was happening in this "total stripping down" of the unit. The Building Official said that this unit was just one of the units being totally stripped down in the building. He testified that they had the electric meter taken out of this unit because wire was hanging, etc. Because of the safety concerns, the Building Official explained that they have to go hard on this as after-the-fact permits were needed. They had to act quickly due to safety and he answered the Special Magistrate that in that block there were ten units. He further answered that the construction people were rude and did not want to let them in. The construction people called the owner of the unit who told the workers not to let them in. The Building Official pointed out that the owner knows about this because the workers did call the owner. Special Magistrate Clerk Small questioned if the fine should begin in a few days in order for the Special Magistrate to sign the typed orders. Discussion ensued about this health and safety issue. A thought was to type the order and to email it to the Special Magistrate for signature and the Special Magistrate would overnight express it back to the Town.

The Special Magistrate ordered for health and safety reasons, the fine would start tomorrow, March 28, 2025, at \$250/day and continue until compliance was achieved by submitting and obtaining approved after-the-fact permits for work done and approved permits for anything else that would be done at the property plus \$50 hearing cost for today's hearing due immediately but payable within thirty days. The Special Magistrate asked what would happen if they continued to work and the Building Official answered that they would be arrested because the Stop Work Order depicted no one could go back inside the unit. The building was alerted to call the police if anyone did go inside. The Special Magistrate accepted into the file the evidence of photos of the complete destruction of the unit as City (Town) Composite Exhibit.

Building Official Mansor left the hearing at approximately 6:00PM.

NEW BUSINESS

ITEM #V.15

Case #: 25020008 - Building Code (FBC) Violation

Property Owner: Gang, Robert T Gang, Rose T

Address/Folio: 4117 Bougainvillea Dr 109

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that a Notice of Violation was issued to the owners of the property on February 24, 2025. Service was achieved as the signed green card was in the file. The violation was work without permit for a completely demolished interior. The Town was recommending a Final Order giving twenty-three days to comply or a \$250/day fine until the violation was cured plus \$50 hearing costs. For evidence, the Assistant Director would submit the Notice of Violation and information from the Building Department that showed no permit application. The Special Magistrate ordered a Final Order for compliance in twenty-seven days by April 23, 2025 or a \$250/day fine would commence thereafter until the violation was complied by obtaining an after-the-fact approved permit for the work done plus \$50 hearing cost for today's hearing due immediately or payable within thirty days. The evidence was accepted into the file by the Special Magistrate as Composite Exhibit.

ITEM #V.17

Case #: 25010004 - Landscape Violations
Property Owner: Coco Palm Investments LLC
Address/Folio: 2031 Coco Palm Pl
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 Donovan Williams testified and Code Officer Ralph DesRoches was at the podium. Code Officer Williams testified that the Notice of Violation was issued on January 28, 2025. Service of Notice was achieved by posting the property on February 27, 2025. He explained the violation regarding maintenance of the landscaped areas. The Town recommended a Final Order for thirty days to comply by cutting the grass or \$100/day fine would commence plus \$50 hearing cost for today's hearing. He submitted evidence of the Notice of Violation and photographs of the violation taken at the initial inspection. The Special Magistrate accepted the Town's evidence into the record as City (Town) Exhibit 1 and clarified that the photos were the evidence. The Special Magistrate ordered a Final Order for cutting the grass in twenty-seven days, by April 23, 2025, or a fine of \$100/day would commence thereafter plus \$50 hearing cost for today's hearing due immediately or payable within thirty days.

Assistant Director Boyd entered into the record for *item #5 on the agenda, case #25030001, 100 E Commercial Blvd, Commercial East LLC owner*, that it was now in compliance but the Town requested to enter a Finding of Fact for the violation of *Chapter 6 - Building and Building Regulations Section 6-38(b) - Responsibility of owners and/or operators*. This was for stagnant water at the property. The Special Magistrate ordered a Finding of Fact that the violation existed in February 2025 and was now in compliance but if it should reoccur in the future for the same owner at this property it could be deemed a repeat violation subject to immediate and higher fines.

Special Magistrate Clerk Small then read into the record the cases that were complied.

COMPLIED CASES		
Item #	Case #	Property Address
1	25020007	1585 Blue Water Ter
2	23010007	1530 S Ocean Blvd
3	24120015	4608 Seagrape Dr

COMPLIED CASES		
Item #	Case #	Property Address
4	25020004	4608 Seagrape Dr

Special Magistrate Clerk Small then read into the record the cases that were continued to April 24, 2025.

CONTINUED TO APRIL 24, 2025 HEARING		
Item #	Case #	Property Address
5	25020001	4618 Sea Grape Dr
7	25010003	3260 Oleander Way
11	21120003	2000 S Ocean Blvd

Special Magistrate Clerk Small then read into the record the cases that were continued to May 22, 2025.

CONTINUED TO MAY 22, 2025 HEARING		
Item #	Case #	Property Address
8	21100051	1850 S Ocean Blvd
9	21120018	3900 N Ocean Dr
12	24090002	230 Pine Ave

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

WITHDRAWN		
Item #	Case #	Property Address
20	25020009	1967 S Ocean Blvd

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on March 27, 2025 at approximately 6:25PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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