

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, June 26, 2025 at 5:00PM

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

Special Magistrate Judith Secher called the hearing to order at approximately 5:00PM on Thursday, June 26, 2025 with Assistant Director Development Services-Code Compliance Terry-Ann Boyd, Building Official Simo Mansor, Code Officer Donovan Williams, Code Officer Ralph DesRoches and 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. Please note for the record that the code hearing video did not start recording until the swearing in and then went directly to the already in progress agenda item #23 under New Business - Ocean Mart/4301 N Ocean Dr.

NEW BUSINESS

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

Case #: 25060002 - Nuisance

Property Owner: 4301 Ocean Dr Inc.

Address/Folio: 4301 N Ocean Dr

Code Section(s): Chapter 14 - Offenses Section 14-90(b) - Public nuisances

Violation established

Chapter 3 - Alcoholic Beverages Sec. 3-6.(e) - Regulations as to conduct on premises—Generally

The video regarding this agenda item started recording with Lieutenant Christopher Sutter, BSO, already testifying. He gave the dates for the three checks/occurrences as May 29, 2025, June 5, 2025 and June 23, 2025. He said these were the only checks they had which resulted in a clerk selling to a minor. The first and second check/occurrence involved the same clerk committing the

offenses. She got two NTAs which were going to the State Attorney's Office for prosecution. The third check/occurrence was with a different clerk and he answered the Special Magistrate that this would have Administrative Charges filed against the business license. The Special Magistrate spoke about the Town needing to know what would happen. He said that the three occurrences were in a period of one month and both clerks sold to minors.

Special Magistrate Secher found that the violations occurred during checks on three separate dates (5/29/25, 6/05/25, and 6/23/25) in a month's time and the Special Magistrate ordered a \$5,000/occurrence fine (due to the severity of the violations) on each of the three recorded and certified occurrences for a total fine of \$15,000 due to the Town plus she ordered a Finding of Fact that the violations existed, on three separate occurrences, and if they should exist again in the future within five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines.

The owner of Ocean Mart, Sakhr M Hmeidan, answered the Special Magistrate that he is the owner of the business and has rented there about five years. He acknowledged that an employee checked the ID after the item was bought which was too late. He did not use that as an excuse and testified that he trained his employees well. He also explained about refusing service to someone with an ID who looked younger than the age reflected on the ID which may be real or not. He said that three mistakes in one month was too much. He answered the Special Magistrate that they never had this problem before. The Special Magistrate asked Lieutenant Sutter if the people buying had false IDs. As this recently happened, the lieutenant said that the reports were not all given to him. He testified that the three occurrences were within a period of one month and he only had a copy of the first report. He explained that it did not appear as if any ID was presented or checked. The sale was witnessed by a Special Agent. The Special Magistrate said there was nothing else that she could do other than enter her order.

Assistant Director Development Services-Code Compliance Terry-Ann Boyd gave evidence to the Special Magistrate of exhibits, the first report the Town received, plus the Affidavit of Service. The Special Magistrate accepted all the evidence into the record as City (Town) Exhibit 1 (Notice To Appear for the owner Issued By Broward County regarding the misdemeanor case), Exhibit 2 (photo taken by the police of the clerk who sold the alcohol to a minor), Exhibit 3 (Sales Receipt), Exhibit 4 (actual evidence itself), Exhibit 5 (investigative aide statement signed by a law enforcement agency investigator), Exhibit 6 (Division of Alcohol Beverage and Tobacco – investigative report), and Exhibit 7 (two-page code compliance inspector Notice of Affidavit of Service).

The Special Magistrate answered the business owner that he was fined here today for the first three occurrences plus advised that a Finding of Fact was ordered in case these violations reoccurred in the future. The Assistant Director explained to the business owner that he would receive in the mail from the Town that his \$15,000 fine (\$5,000 per occurrence) has been entered into the system as an outstanding amount due the Town and a Finding of Fact explaining this was an order that if the violation(s) should occur again in the future within the next five years under the same ownership, it may be deemed a repeat violation subject to immediate and higher fines.

Please note that the next item called as a Special Set agenda item #28 was not listed on the agenda.

SPECIAL SET**ITEM #V.28*****TAKEN OUT OF SEQUENCE**

Case #: 23010015 - Building Code (FBC) Violation
Property Owner: Common Area
Address/Folio: 234 Hibiscus Ave
Code Section(s): Florida Building Code FBC BCA Section 110.15 - Building Safety Inspection Program.

Assistant Director Boyd explained that this item was here today for a request for mitigation of the outstanding fine amount of \$160,875. The Assistant Director gave a brief run through of what transpired and why the mitigation should be granted. She said this was related to a fire case which was cited by the previous Fire Marshal Steve Paine. Then she spoke about the Building Safety Program violation and that both violations were combined into one agenda item #23010015. She explained what the cited violations were starting in January 2023 and about all the continuances and extension. The fines started to accrue on June 22, 2023 at \$250/day for a total of 615 days. The property continued working on correcting the violations and the Assistant Director gave the permit numbers and the dates the permits were closed. The case came into compliance on February 28, 2025 and they were here today to seek mitigation.

Cheryl Manzi explained that she is the President of the Association for South Leisure By The Sea. She spoke about the many obstacles in the way which also included assessing special assessments. She answered the Special Magistrate that there were 75 units. Now everything was up to code. However, they did not have the money to pay this \$160,875 fine. The Assistant Director answered the Special Magistrate that there were no open violations on this property now. She said Staff agreed that \$8,000 could be the amount the \$160,875 fine could be mitigated down to but it was up to the Special Magistrate. Special Magistrate Secher thought that was very generous of the Town. Ms. Manzi was very thankful. The Assistant Director said that the Town's purpose was to achieve compliance and not to be punitive. There were extenuating circumstances but the building was now up to code. The Special Magistrate ordered the \$160,875 fine amount mitigated down to \$8,000 to be paid within thirty days. The Assistant Director clarified that the property did give a \$750 payment already (for going in front of the Town Commission that was not necessary) so the \$750 would be taken off of the mitigated amount. The check amount would be \$8,000 minus any prior fees paid that did not have to be paid. It was also stated all administrative fees that had to be paid were already paid.

Building Official Mansor left the hearing at approximately 5:26PM.

The Special Magistrate said that there was no one present now in the Hearing Chambers to represent any properties starting with this case #7.

OLD BUSINESS**ITEM #V.7*****TAKEN OUT OF SEQUENCE**

Case #: 25040002 - Inoperative Vehicles
Property Owner: Dailey, Chester A Reese, Melissa M
Address/Folio: 2100 Bel-Air Dr
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-41(a)(12)
- Maintenance of exterior of premises.

For the record, no one was in attendance to represent the property. Code Officer Williams testified that the Town would like to certify the fines. He answered the Special Magistrate that the car without a license plate was still on the property and in violation of maintenance of exterior of

premises. They received notice, etc. and still have not gotten a registered license plate for the car or moved it off the property or transported it into garage. The fines have accumulated as of today to \$3,700 since the Final Order. The Special Magistrate ordered certification of \$3,700 fines plus \$100 hearing costs to be recorded as a lien in thirty days and the fines were to continue running. He answered the Special Magistrate about a previous conversation with Melissa Reese.

NEW BUSINESS

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 25060007 - Property Maintenance (General)
Property Owner: 5 Sunset Development LLC
Address/Folio: 5 Sunset Ln
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-36(f) – General structural specifications.
Chapter 6 - Building and Building Regulations Section 6-41(a)(18)
- Maintenance of exterior of premises.

For the record, no one was in attendance to represent the property. Code Officer Williams testified the Notice of Violation was issued June 14, 2025. Service was achieved by posting the property on June 14, 2025. The property was in compliance now for both violations. The Town was recommending a Finding of Fact that should these violations reoccur in the future within 5 years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines. He answered the Special Magistrate that the property was an open lot. In case there was a need for a fence in the future, the owner told the code officer that he would put up a proper fence. The Special Magistrate ordered a Finding of Fact that the two violations existed but were in compliance now but if these violation(s) should re-occur in the future within five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines plus \$100 hearing costs due immediately or payable within thirty days. The Code Officer gave the Special Magistrate a list of multiple prior overgrowth violations, photos from the initial time of the violation, and a photo of proof of service for evidence and the Special Magistrate accepted them without objection as City (Town) Exhibit 1 (two pages of past violations), Composite Exhibit 2 (four pages of photos signifying the state of the violation supporting the facts presented).

SPECIAL SET

ITEM #V.27**

***TAKEN OUT OF SEQUENCE**

Case #: 25060010 -
Property Owner: 2031 House Buyer LLC
Address/Folio: 2031 Coco Palm Pl
Code Section(s):

For the record, no one was in attendance to represent the property. Code Officer Williams testified that on March 27, 2025, a Final Order was issued for this property for case #25010004 for maintenance of exterior of premises. On June 12, June 14, and June 17, 2025 he observed the violations again for three non-consecutive days at this property under the same property ownership for maintenance of exterior premises and a Notice of Repeat Violation was issued on June 17, 2025. The property was posted on June 25, 2025. Photos were submitted of his observations of the violation and a copy of the Final Order signed March 31, 2025 was given to the Special Magistrate. The Special Magistrate accepted the Final Order from a previous case into evidence without objection as City (Town) Exhibit 1 and Composite Exhibit 2 was three pages of photos showing the current violation(s). He answered the Special Magistrate that the property was in compliance now. The Town's recommendation was \$500/day fine for each of the three repeat violations observed. The Special Magistrate ordered \$500/day fine for the three days

(6/12, 6/14, and 6/17/25) totaling \$1,500 that the repeat violation was observed by the code officer pursuant to the March Final Order plus \$100 hearing costs due immediately but payable within thirty days. Assistant Director Boyd explained that this fine amount was because it was a repeat violation at that property. The Special Magistrate said that if the property under the same ownership should repeat this same violation again in the future within the next five years under the same ownership, it could be fined at a higher amount.

OLD BUSINESS

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

Case #: 24050073 - Building Permit Violation
Property Owner: Aquirre 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. Assistant Director Boyd testified that the Town was asking for an extension to the July 24, 2025 hearing with a new, extended comply-by date of July 23, 2025. The Assistant Director answered Special Magistrate Clerk Small that there were fines. Special Magistrate Secher ordered the comply-by date extended to July 23, 2025 and return to the July hearing.

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 25040005 - Building Code (FBC) Violation
Property Owner: 34 Elm LLC
Address/Folio: 4520 El Mar Dr 19
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 this case was just a bit of house cleaning. At the last hearing, the Town asked the Special Magistrate to certify the lien. Today, the Town was asking for the Special Magistrate to vacate that certification of lien due to further review from the Building Department. This case actually came into compliance on May 7, 2025, which was prior to the May hearing. This Administrative Request was to just vacate that order of imposition. The Special Magistrate ordered the lien which was entered into May 22, 2025 vacated and this case was closed.

NEW BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 25040033 - Vacation Rental Regulation
Property Owner: Hook, Charles H Jr
Address/Folio: 250 Miramar Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d)-Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this property's violation was for offering the property for less than a seven consecutive day rental (required duration of stay for vacation rental). The property was given until June 25, 2025 to come into compliance and they did not. The Town was recommending tonight to certify the fines which total \$350 and fines would continue to run until the Town had verification that there was compliance. The Assistant Director answered the Special Magistrate that they still have not changed their advertising. She submitted to the Special Magistrate a Certificate of Non-

Compliance plus information showing that they were still not in compliance as the Airbnb advertisement was not corrected (showing a minimum of 3-night stay instead of minimum of 6-night stay). The Special Magistrate accepted the evidence into the file without objection as City (Town) Exhibit 1 which was an advertisement for less than a seven consecutive day rental and Exhibit 2 was the Affidavit of Non-Compliance signed by Megan Small on June 26, 2025. The Assistant Director requested \$100 Administrative Fee for today's hearing. The Special Magistrate ordered certification of fines to record in thirty days and fines would continue to run until the Town had verification that there was compliance plus she imposed \$100 hearing costs due immediately or payable within thirty days.

ITEM #V.20

***TAKEN OUT OF SEQUENCE**

Case #: 25040039 - Vacation Rental Regulation
Property Owner: 268 Imperial Lane Inc. Mercier, Jean-Francois
Address/Folio: 268 Imperial Ln
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d)-Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that the Town was seeking today a Finding of Fact. They were in violation of advertising the property for rental for less than the required minimum of seven consecutive days. It was verified that this property was in compliance and the Town would just request a Finding of Fact with no hearing costs for today. The Special Magistrate ordered a Finding of Fact that the violation existed but was in compliance and if this violation should reoccur in the future within the next five years under the same ownership, this could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.21

Case #: 25050003 - Vacation Rental Regulation
Property Owner: Serpin, Nida Serpin, Adnan & Kilic, Koray
Address/Folio: 226 Corsair Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(e)-Vacation rentals and short term rentals. Rental Certificate.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this was a single-family rental property. On May 1, 2025, the property was inspected and violations were observed including operating without the required rental certificate. She explained what transpired including the property's reinspection on June 25, 2025 concluding that only one violation still remained. It was operating without the required rental certificate. The Assistant Director submitted into evidence proof of service and also the Affidavit of Non-Compliance. She said the Town recommended that the property come into compliance within thirty days or a fine of \$250/day with \$100 for late costs. The Special Magistrate ordered a Final Order for compliance by obtaining the required rental certificate in twenty-seven days by July 23, 2025 or a fine of \$250/day to commence July 24, 2025 plus \$100 for hearing costs due immediately or payable within twenty-seven days and return to the July 24, 2025 hearing, if needed. The Special Magistrate accepted the evidence into the file without objection as City (Town) Exhibit 1 – Affidavit of Service and Exhibit 2 – Affidavit of Non-Compliance and she said this case was not running a fine yet.

The Assistant Director asked if she could present agenda item #25.

WITHDRAWN

ITEM #V.25

Case #: 25050005 - Vacation Rental Other

Property Owner: Estihomes LLC

Address/Folio: 224 Codrington Dr

Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d)-Vacation rentals and short term rentals. Rental Duration.
Chapter 30 - Unified Land Development Regulations Section 30-327(f)10 -Vacation rental agreement.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that today was for some administrative clean-up. This case number has been withdrawn because there was a change in property ownership. The new owner would be cited. It was clarified by the Assistant Director that withdrawn was the same as closed. The Special Magistrate ordered this case closed but it would be re-opened under a different case number for the new owner.

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

COMPLIED CASES		
Item #	Case #	Property Address
1	25050009	4632 Bougainvilla Dr 1-4
2	25040020	1949 Windward Dr
3	25010001	223 Commercial Blvd
8	25040019	1751 S Ocean Blvd 205W
12	25040029	1967 S Ocean Blvd 307
13	25050004	268 Codrington Dr
14	25050007	3210 S Terra Mar Dr

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

CONTINUED TO JULY 24, 2025		
Item #	Case #	Property Address
6	25040032	5200 N Ocean Blvd 111
10	25040006	4644 Bougainvilla Dr 1-5
11	25040030	1967 S Ocean Blvd 108
16	25040009	1624 Bel-Aire Ave
17	25040025	250 Oceanic Ave
19	25040035	241 Bombay Ave
22	25050002	1480 S Ocean Blvd

Special Magistrate Clerk Small then read into the record the cases that were continued to the September 25, 2025 Hearing.

CONTINUED TO SEPTEMBER 25, 2025		
Item #	Case #	Property Address
4	18020015	2 E Commercial Blvd
15	24120001	228 Imperial Ln

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

WITHDRAWN		
Item #	Case #	Property Address
26	25060005	2031 Coco Palm Pl (This case was replaced with item #27 Special Set)**

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on June 26, 2025 at approximately 5:57PM.

APPROVED BY:



Special Magistrate Judith Secher

ATTEST:



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