

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, May 28, 2026 at 5:00PM

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

Special Magistrate Judith Secher called the hearing to order at approximately 5:11PM on Thursday, May 28, 2026 with Building Official Simo Mansor, Assistant Director Code Compliance Terry-Ann Boyd, Code Compliance Officer Donovan Williams and Code Compliance Officer Ralph DesRoches.

II. SWEARING OF WITNESSES

Assistant Director Code Compliance Terry-Ann Boyd also officiated in the capacity of Acting Special Magistrate Clerk administered the oath to whomever would be testifying today other than to lawyers who would be speaking. The Special Magistrate administered the oath to the Assistant Director.

III. OPENING STATEMENT

Acting Special Magistrate Clerk Terry-Ann Boyd would call the agenda items.

IV. PUBLIC COMMENTS

There was no one requesting to speak on items not on the agenda.

For the record, the item number for some cases called did not match the agenda item number.

V. CODE CASES

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

NEW BUSINESS

ITEM #V. 18

***TAKEN OUT OF SEQUENCE**

Case #: 26030010 - Building Code (FBC) Violation
Property Owner: Common Area
Address/Folio: 1431 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

ITEM #V. 19

Case #: 26030012 - Building Code (FBC) Violation
Property Owner: Buquo, Edward Lee & Stephanie M
Address/Folio: 1431 S Ocean Blvd 16
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

Assistant Director Terry-Ann Boyd explained that attorneys were present to represent both cases. Attorney Jeremy Apisdorf was representing the association, Palm Yacht & Beach Club, and Attorney Michael Simon was representing the homeowners, Edward and Stephanie Buquo. The Assistant Director gave the background regarding these two cases that were related to the violation of work without permits violation. A permit was submitted to Lauderdale-By-The-Sea (LBTS) but at this time, it was not approved. However, a generator was installed. They spoke about an issue with the tank and not the generator itself. A moratorium was placed on the permit due to the location of the tank. The Special Magistrate was answered that this was a co-op. All the land was owned by the association. The owners have rights/memberships in the association and have leases for the land that their properties/houses were on. The Town was aware of the complexity of this situation.

There was another situation regarding this case. Information about this situation was given to the Town by the homeowners. It depicted that there would be a trial which was re-set to January 15, 2027. The Town wanted to learn all the facts today about this situation and have the representatives inform as to where they were in the process. Then the Town requested that these agenda items be placed on the agenda for future status updates. The Special Magistrate inquired as to what the trial was about. Attorney Simon explained that the Buquo family applied to their cooperative association to install a generator and propane tank next to their single-family home which was leased. They received permission from the association, Palm Yacht and Beach Club, which was put on hold as Pompano Beach wanted to install a water line and a fire hydrant next to the home. The Assistant Director explained that Pompano provided water to that section of LBTS. Attorney Simon gave the Assistant Director a current, true picture of the property depicting among other things the generator and the fire hydrant. The Assistant Director gave the picture to the Special Magistrate who accepted it into the record. The Special Magistrate was informed that the City of Pompano Beach has an easement on this property as well. Once the water line and the fire hydrant were installed, the homeowners could not put the generator near the original approved location by the fire hydrant and there was a dispute as to whether or not the association approved the relocation. LBTS did all the inspections per the permit and prior to the final inspection, LBTS received notification from the club that this location was not approved. The homeowners received notification that the generator was blocking an emergency egress for people to leave the community in the case of an emergency. The homeowners moved the generator. Now the generator and the propane tank encroach into an easement area. The hydrant and water line were already installed and about a year after the project started, the club granted a fifteen foot utility easement to the City of Pompano. The homeowners found out about this utility easement after the lawsuit was filed and they got the records. They saw that the president of the club signed off on the easement.

Attorney Simon answered the Special Magistrate that granting the fifteen foot easement was never discussed with the Buquo family. Being able to see the water line and the fire hydrant, the generator was installed. Then the club informed that it could not be located where it was installed because it was blocking an emergency egress point (egress easement). Attorney Simon said that easement was not recorded anywhere. He responded and then a lawsuit was filed. The club was suing to evict his client for not following lease rules. They were defending it. The City of Pompano was informed about the encroachment of the easement and wanted the generator and propane tank moved. Attorney Simon said they understand today that the generator and propane tank have to be moved. Plans were submitted and the last plan shifted the generator and propane tank closer to the house away from the egress easement and off the utility easement. These plans were expected to be approved by Pompano. However, the club was scheduling a meeting for Monday to see if they would agree to this new location. The little glitch now was that the shrubbery to enclose the generator area would have its roots in the easement about seven and a

half feet away from the water line. The City of Pompano Beach just needed the club to consent that if the shrubs died or needed to be trimmed, the City would not be responsible. An Easement Approval Application needed to be filled out.

Attorney Simon pointed out that even though this was work without a permit violation, the permit package from 2023 was in the Buquo's home. He was asking for ninety days to try to get things resolved. If it was not resolved, he would be able to inform about the status of the litigation then. He said that Edward and Stephanie Buquo would be scheduled for depositions in mid-June. He gave other specifics that were planned. They have worked hard and understand all the issues.

The City of Pompano Beach did not want them in the easement, even though they did not know how the easement got there and why the club let them install everything without stopping them. His clients continue to have contact with the City of Pompano Beach. They were on the right path to relocate the generator and the propane tank. Attorney Apisdorf would have to make sure this was the correct path for the club. Then amended permits would be submitted to the City of Pompano Beach. Attorney Apisdorf felt that not everything would be resolved as there was underlying litigation that was not related to this. The association would be reviewing the location and making sure it complied with the Town's code. He testified that since the association allowed for the generator, it has been moved twice. Pompano had an issue with the easement and LBTS had an issue with distance from the building. He said that since the generator and tank would be in a common area, the association had the right to say yay or nay.

The Assistant Director testified that until all these matters were settled, the Building Department could not complete the final approval. That was why everyone was here today and then had to come back again for a status hearing. The Town was fine with ninety days to return on August 27, 2026. Building Official Simo Mansor testified that there were two problems: 1) the tank was in the easement and 2) the situation with the generator was still not settled. He spoke to the homeowner and the association's attorney and said that they both know what needed to be done and they have to come up with the correct solution. The Special Magistrate was answered that there were no fines running. Today was the mechanism to try to find a resolution to this lengthy, ongoing problem. This should be put on the August 27, 2026 agenda for a status hearing. The Special Magistrate ordered a status hearing for both cases #26030010 and #26030012 to return to the August 27, 2026 Special Magistrate Hearing with no fines and no costs for today's hearing.

OLD BUSINESS

ITEM #V. 13 (CALLED #14) *TAKEN OUT OF SEQUENCE

Case #: 25060008 - Building Code (FBC) Violation

Property Owner: McKim, Shaun

Address/Folio: 4652 Poinciana St 4

Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

For the record, no one was present to represent this property. The Assistant Director explained that this case was previously presented as Unit 4 being split into 4A and 4B creating a density issue. Based on the original plans that were found, there were nine units originally. At some point in time, unit 5 was merged with unit 4 creating one unit, which made a total of eight units. Remembering this case, the Special Magistrate said that she recalled that unit 4 had an A and B on the door because it was split in half to make two units out of unit 4. The Assistant Director said that the split happened prior to the new owner having possession of the building. As it is today, unit 4 may have an A and B on the door, but it was one unit. The Town did not know what

happened in the past and were going by the plans that they have now found. It indicated that it was nine units but unit 5 was no more as it was merged with unit 4. The Assistant Director asked the Special Magistrate to dismiss the violation for work without permits as unit 4 was not separated into two units, did not create more density, and work was not done. As unit 4 was not currently rented, the second violation for a lack of Business Tax Receipt would be complied as it related to the BTR. She further stated that though there was an A and B on the door of unit 4, that in itself was not a violation. For the BTR violation that was now in compliance, she requested a Finding of Fact that the violation was in compliance but if the unit became restored and resumed renting without a BTR within five years under the same ownership, it may be deemed a repeat violation subject to immediate and higher fines. In summary, the density violation (Work Without Permits) was to be dismissed by the Special Magistrate and for the BTR which the Assistant Director would comply, the Assistant Director requested a Finding of Fact. The building was being fixed, so if the owner wanted to come back with two units (#4 and #5) or if he wanted to stay with one unit 4 (A and B), the Town would be fine with that but plans have to be submitted. The owner had to come back with signed and sealed plans from the engineer and a signed association approval.

Dr. Rosen testified that she had plans from almost two years ago that did not match what the plans that the Town had today. She has been in the building almost 14 years and unit 4 was not a two-unit setup. She spoke about all the work that was done in unit 4 without permits by the previous owner. She also questioned the plans showed today by the Town which did not look like anything she saw before. The Special Magistrate asked that Dr. Rosen be provided with a copy of the plans spoken about today by staff. Dr. Rosen questioned why the new owner continuously received extensions at previous hearings. The Special Magistrate asked about a timeline of when the new owner would get things done. The Building Official was hoping the new owner would be here today to ask him how he would comply. The plans shown tonight were given to the Assistant Director and/or the Building Official by David Lee. Dr. Rosen can come in and see the original whether it was paper or a digitally preserved copy. The Assistant Director reminded that fines were running in the background in case Mr. McKim did not come into compliance. Unfortunately, with the dismissal of both violations, fines would be dismissed as well. Assistant Director Boyd reminded that Mr. McKim's attorney was at the last hearing. She has been in contact with the attorney. He knew what was to take place today which was to dismiss the density violation and comply the BTR violation. Maybe that was why no one showed up tonight. She was also in contact with the contractor and the Town has had plumbing inspections, etc. Dr. Rosen just wanted to know why the plans used tonight did not surface until now. Those plans would allow for all the fines to be dismissed that have been accumulating for a while.

The Special Magistrate wanted to know about a new case and was told that Mr. McKim would be cited for work without permits on the washer, dryer, and the a/c unit. Dr. Rosen also added the electrical. She further stated that Mr. McKim serves on the board that gave approvals. She mentioned that they just won and got a final order from the Division of Florida Condominiums, Timeshares and Mobile Homes for their petition for non-binding arbitration. She would continue to fight for what was right. Discussion ensued and the Town said the new owner was blamed for things that were not his fault and Dr. Rosen said that he knew what he was getting into as she told him herself. The Assistant Director said that the new violation charges would be on the June 24th hearing agenda. The Special Magistrate ordered (1) that both violations would be dismissed as no BTR was needed for the Licenses Sec. 12-2.(a) violation which was compliant and (2) there was no work done that needed permits for the FBC BCA Section 105.1 work without permit violation plus a Finding of Fact that the BTR violation existed and was in compliance but if the unit became restored and renting was resumed within five years under the same ownership, it may be deemed a repeat violation subject to immediate and higher fines.

ITEM #V. 11 (CALLED #12) *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).
Maintenance appearance standards

For the record, no one was present to represent this property. The Assistant Director explained that this was an update as it related to work done on the pier. She read into the record the next steps to be done for the pier that were provided to the Town. This agenda item would be continued to the September hearing for another status update. The Special Magistrate ordered this agenda item to be on the September 24, 2026 Hearing Agenda for a status update.

ITEM #V. 15 (CALLED #16) *TAKEN OUT OF SEQUENCE

Case #: 26040008 - Garbage Carts
Property Owner: Lee, John C
Address/Folio: 4616 Bougainvillea Dr 1-3
Code Section(s): Chapter 10 - Garbage and Refuse Section 10-28(e) - Maintenance.

For the record, no one was present to represent this property. Code Compliance Inspector DesRoches testified that this was a short-term rental at a duplex dwelling. On April 4, 2026, the respondent, John C Lee, was issued a Notice of Violation for violating Garbage and Refuse Section 10-28 (e) – the garbage receptacle was on the street curb the day after collection day. On April 10, 2026, service was achieved by posting the property and Town Hall. On May 9, 2026 a reinspection was conducted and the respondent was found to have complied the violation. The Town recommended a Finding of Fact that the violation existed and was complied but if this violation should reoccur within the next five years at this location under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines plus \$100 costs for today's hearing. He gave his evidence to the Special Magistrate. The Special Magistrate accepted the photo and the posting into evidence without objection as Exhibit #1. The Special Magistrate ordered a Finding of Fact that the violation existed and was complied but if this violation should reoccur within the next five years at the same location under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines plus \$100 costs for today's hearing due immediately but payable within thirty days.

ITEM #V. 16 (CALLED #17)

Case #: 26040009 - Garbage Carts
Property Owner: Hook, Charles H Jr
Address/Folio: 250 Miramar Ave
Code Section(s): Chapter 10 - Garbage and Refuse Section 10-28(e) - Maintenance.

For the record, no one was present to represent this property. Code Compliance Inspector DesRoches testified that this was a single-family dwelling used as a vacation rental. On April 7, 2026, the respondent, Charles H Hook Jr, was issued a Notice of Violation for violating Garbage and Refuse Section 10-28 (e) – the garbage receptacle was on the street curb the day after collection day. On April 10, 2026, service was achieved by posting the property and Town Hall. On April 25, 2026 a reinspection was conducted and the respondent was found to have complied the violation. The Town recommended a Finding of Fact that the violation existed and was complied but if this violation should reoccur within the next five years at this location under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines plus \$100 costs for today's hearing. He gave his evidence to the Special Magistrate. The Special

Magistrate accepted the photo and the posting into evidence without objection as Exhibit #1. The Special Magistrate ordered a Finding of Fact that the violation existed and was complied but if this violation should reoccur within the next five years at the same location under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines plus \$100 costs for today's hearing due immediately but payable within thirty days.

ITEM #V. 21 (CALLED #22) *TAKEN OUT OF SEQUENCE

Case #: 26050007 - Landscape Violation
Property Owner: Orlando Deluca Tr Capalbo, Richard M Trstee
Address/Folio: 1 Sunset Ln
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-477(a)- Maintenance of landscaped areas
Chapter 6 - Building and Building Regulations Section 6-41(a)(1) - Maintenance of exterior of premises (case had unutilized construction materials)
Chapter 6 - Building and Building Regulations Section 6-41(a)(18) - Maintenance of exterior of premises.

For the record, no one was present to represent this property. Code Compliance Inspector Williams testified that the Notice Of Violation was issued on May 14, 2026. Notice was achieved by posting to the property. He submitted his evidence of photos from March 2026 when the violation was in the initial state and then photos from mid-May and even from today to the Special Magistrate. He answered the Special Magistrate that the property was a single-family home. He also answered that he gave them a courtesy notice in March. When the property was posted, the posting was removed. This case was in front of the Special Magistrate today because it has to get resolved. The Town was recommending a Final Order with a \$200/day/violation fine, if the property was not complied by June 24, 2026 plus \$100 hearing costs. He answered the Special Magistrate that work has not been done on the property as of late. The Special Magistrate entered without objection the photos into evidence marked per the case number. The Special Magistrate ordered a Final Order for compliance of all three violations by June 24, 2026 or a fine of \$200/day/violation to start on June 25, 2026 and continue until compliance was reached plus \$100 cost for today due immediately but payable within thirty days.

ITEM #V. 20 (CALLED #21) *TAKEN OUT OF SEQUENCE

Case #: 26040019 - Nuisance/Abandoned Homes
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr 1-4
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-41(a)(7) - Maintenance of exterior of premises.

For the record, no one was present to represent this property. Assistant Director Boyd testified that this was a certification of lien. She explained that this was the seventh repeat for this violation. The bees were back again on the property and the Town did remediate those bees. The Town was seeking today to certify fines and the cost for the remediation of \$495.17. Luckily, this time the bees were in a tree and not in the structure itself. The Town was requesting a continuing order for any future remediation, as she felt this bee situation could happen again. The homeowner did not live in the United States (lives in Thailand) and they communicate via email. He was hoping to make it back to the US to take care of the property. There were other items, like landscaping, that were deteriorating. The landscaping could need to be remediated again. She gave her evidence to the Special Magistrate. For today, the Town was requesting certification of the fine with the cost of the recent bee remediation (health and safety issue) and a continuing

order for any future remediation. She answered the Special Magistrate that this was a four-unit property that was vacant. The Special Magistrate ordered certification of the fine, pay back of the cost for the last bee remediation in the amount of \$495.17, and a continuing order for any future remediation for this property.

Acting Special Magistrate Clerk Boyd read into the record the case numbers that were continued to the June 25, 2026 Hearing.

CONTINUED TO THE JUNE 25, 2026 HEARING	
Case #	Property Address
25050002	1480 S Ocean Blvd
26020010	1751 S Ocean Blvd 104W
25120008	3270 Spanish River Dr
26050008	1461 S Ocean Blvd 223
25070007	4025 Thomas Way
26030003	245 Algiers Ave

Acting Special Magistrate Clerk Boyd read into the record the case number that was granted an extension to the July 23, 2026 Hearing.

EXTENSION TO JULY 23, 2026 HEARING	
Case #	Property Address
21100022	1620 S Ocean Blvd

Acting Special Magistrate Clerk Boyd read into the record the case numbers that were complied.

COMPLIED CASES	
Case #	Property Address
25100008	1597 Blue Water Terrace
26040014	1967 Ocean Mist Drive
25120014	220 Imperial Ln
26020003	4109 N Ocean Dr 1-9
25120004	232 Codrington Dr
26040016	3240 Seaward Dr
26020009	1461 S Ocean Blvd 318

As all business was concluded, Special Magistrate Secher adjourned the hearing at approximately 6:27PM.

APPROVED BY:



 Special Magistrate Judith E. Secher

ATTEST:



 Acting Special Magistrate Clerk Terry-Ann Boyd
 Lauderdale-By-The-Sea, Florida