



CITY OF GREENACRES, FLORIDA

**OFFICIAL MINUTES
SPECIAL MAGISTRATE HEARING**

Thursday, April 6, 2017 – 2:00 p.m.

I. Call to Order

The regular Special Magistrate Hearing was called to order by Special Magistrate Eugene Steinfeld at 2:00 p.m. on Thursday, April 6, 2017.

Staff Present

Eugene Steinfeld, Special Magistrate
Michael Grimm, Chief Building Official
Donna Frandon, Code Enforcement Officer
Shirley Diamond, Code Enforcement Officer
George Yerkes, Building Inspector/Code Officer
Melody Larson, Assistant to the City Clerk

Audience: 2

II. Pledge of Allegiance

Special Magistrate Steinfeld led the Pledge of Allegiance to the Flag.

Special Magistrate Steinfeld requested all witnesses in the audience who would provide testimony to stand and be sworn in. Everyone in the audience who planned to provide testimony was sworn in.

III. Minutes of the Special Magistrate Hearing– None.

IV. Cases:

APPEAL OF FINE

**3. Case #1-15-5061
104 Swain Boulevard
Greenacres, FL 33463**

**Oscar Castellanos
1080 SW Mantilla Avenue
Port St. Lucie, FL 34953-3420**

Issued: 1-6-15

Initiated By: Officer Donna Frandon

Code Section: 8-47

Code Section: 506.2

Code Section: 7-27.7

Code Section: 7-27.11

Required

Maintenance

Property Maintenance Nuisance Declared

Property Maintenance Nuisance Declared

Testimony:

Oscar Castellanos with the assistance of Marco Gutierrez serving as a translator, testified that they were working with the City to meet compliance.

Officer Donna Frandon explained that the violations consisted of the owner not securing a rental license and having a broken septic tank that leaked into an alleyway.

Special Magistrate Steinfeld and Officer Frandon discussed the Board's order, the total number of days the property was not in compliance (150 days) and the total fine amount of \$105,600. Officer Frandon stated that the Board ordered compliance by February 28, 2015, and the property complied on February 2, 2017. She emphasized that the owner obtained a permit from the County Health Department that took a while to receive.

Special Magistrate Steinfeld learned that the dwelling unit under review consists of two duplexes.

Building Director Michael Grimm explained that new regulations caused a 3-4 month delay by the County Health Department. One of the new regulations require all property owners of duplexes that are located on one lot and that share a septic tank, to sign easement agreements. Additionally, due to the septic tank being located under an asphalt driveway, that portion of the driveway had to be removed.

Special Magistrate Steinfeld called on Mr. Gutierrez to elaborate. He asked why he believed it took close to two years to comply.

Mr. Gutierrez explained that in January 2017, he began handling the Health Department permit for Mr. Castellanos; he was not aware of other violations at the time. He explained that his company was hired to repair the drain field. He was later asked by the Mr. Castellanos to address the other existing violations.

Special Magistrate Steinfeld asked when was the original Notice of Violation issued. Officer Frandon reported, "in February 2015". He asked Mr. Gutierrez to ask Mr. Castellanos why it took him so long to contact your company.

Mr. Gutierrez confirmed that Mr. Castellanos received the first Notice of Violation in January 2017. It is the only notice Mr. Castellanos recalled receiving.

Special Magistrate Steinfeld wanted confirmation from Mr. Castellanos that he did not receive the original Notice of Violation or the Notice to Appear.

Again, Mr. Gutierrez confirmed that Mr. Castellanos received only the January 2017 notice.

Officer Frandon confirmed posting the Notice of Violation/Notice of Hearing and mailing the Board Order and Notice of Violation to the Port St. Lucie address via Certified Mail.

Special Magistrate Steinfeld asked Officer Frandon to show Mr. Castellanos the signed notices to verify his signature and mailing address.

Mr. Castellanos denied that being his signature. Mr. Gutierrez confirmed that the address on file was correct for Mr. Castellanos.

Special Magistrate Steinfeld explained that the law requires service must to be sent to the correct address, not signed by the property owner. Not only was it sent to the correct address, it was also posted on the property.

Officer Frandon confirmed meeting with Mr. Castellanos before. She believed that the confusion could be that because Mr. Castellanos was required by the Health Department to pull a permit for the septic tank, a City permit would also be required. A City permit was not applied for.

Special Magistrate Steinfeld asked when the Health Department permit was issued.

Mr. Gutierrez confirmed approximately 2 years ago; however, a final inspection was not conducted by the Health Department which was required in order to obtain a City permit. The work was completed but not finalized by the County until recently.

Officer Frandon noted that a copy of the City permit was applied for in April 2015 and she believed the work was done.

Order of Enforcement:

Special Magistrate Steinfeld reduced the fine to \$5000 and ordered payment within 120 days or the fine will revert back to the original amount of \$105,600.

Mr. Castellanos asked if the City has a payment plan.

Director Grimm confirmed partial payments are permitted.

CERTIFICATION OF FINE

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| 1. Case #11-16-5956
4725 Empire Way
Greenacres, FL 33463
Issued: 11-15-16

Code Section: 304.3
Code Section: 16-656 | Wileine Norreus & Hilarion Bernard
4725 Empire Way
Greenacres, FL 33463
Initiated By: Officer Donna Frandon

Premises Identification
Maintenance |
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Testimony:

Special Magistrate Steinfeld asked if the property was in compliance. Officer Frandon confirmed it was not.

Order of Enforcement:

Special Magistrate Steinfeld ordered the lien to be certified.

APPEAL OF FINE

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| 2. Case #8-16-5865
201 Leland Lane
Greenacres, FL 33463
Issued: 10-13-16

Code Section: 304.4
Code Section: 304.1 | Jessica Jividen
201 Leland Lane
Greenacres, FL 33463
Initiated By: Building Director Michael Grimm

Structural Members
General |
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Testimony:

Special Magistrate Steinfeld asked if the property was in compliance. Director Grimm confirmed it was not.

Order of Enforcement:


Special Magistrate Steinfeld ordered the lien to be certified.

V. City Staff Report.**VI. Next Meeting.**

The next Special Magistrate Hearing is scheduled for June 7, 2017.

VII. Adjournment.

Special Magistrate Steinfeld adjourned the meeting at 2:24 p.m.



Eugene Steinfeld, Special Magistrate



Melody Larson, Assistant to the City Clerk

Date Approved: 7-26-17

Attachments