MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
APRIL 18, 2024
10:00 AM

If a person decides to appeal any decision made by the Magistrate, they will need a record of the proceeding, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

The Special Magistrate, Keith Davis, called the Code Enforcement Meeting to order at 10:00 a.m.

ROLL CALL

Present: Special Magistrate Keith Davis, Code Enforcement Officer Supervisor Thomas Gehrman, Code Enforcement Officer Henry Stout, Code Enforcement Officer Nichole Tamayo, Code Enforcement Officer Nanciann Cuenot, Planning, Zoning, and Building Tech II Ana M. Gari, Attorney Ruth A. Holmes, Deputy Village Clerk Jane Worth.
Absent: Code Enforcement Joey Sanders.

SWORN IN

Special Magistrate Davis swore in the Code Enforcement officers and witnesses.

AGENDA CHANGES

There were no changes on the agenda.

MOTION HEARINGS

1. **Case 2024-27 - 500 Lori Drive - Building 23, 711 Lori Drive, Unit 301 - Condominium Association of Lakeside Village Inc. & Triton Property Management**
   CE Officer Tom Gehrman
   Violation of Village Code of Ordinances
   Section 10-9: Exterior structure not maintained (balcony open)
   Section 10-31 (FBC 105.1): Required permits missing or expired.
   Section 10-31 (FBC 110.1): Required inspections not completed.

Section 10-31 (FBC 116.1): Unsafe structure (open balcony) per Building Official - Wayne Cameron

Citation Fine:	**NA**
Admin Cost:	**$291.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 500 Lori Drive, Building 23, 711 Lori Drive Unit 301.
The property owner did not attend the hearing.
Special Magistrate Davis found that the defendant had violated: Section 10-9, Sections 10-31 (FBC 105.1) and Section 10-31 (FBC 110.1), and Section 10-31 (116.1), which must be corrected no later than May 15, 2024. If compliance is not achieved by May 15, 2024, the Village's recommendation of a daily fine of $100.00 per day per violation until compliance is achieved is accepted. Special Magistrate Davis assessed administrative costs of $291.08, to be paid by May 15, 2024.

2. **CIT Case 2024-28 - 500 Lori Drive - Building 24, 225 Bonnie Boulevard (Units 110, 210, 211, 310, 311,410, 411 - Condominium Association of Lakeside Village Inc. & Triton Property Management**
CE Officer Tom Gehrman
Violation of Village Code of Ordinances
Section 10-9: Exterior structure not maintained (Balconies open)
Section 10-31: (FBC 105.1) Required permits missing or expired
Section 10-31: (FBC 110.1) Required inspections not completed
Section 10-31: (FBC 116.1) Unsafe structure (open balconies) per Building Official - Wayne Cameron

Citation Fine:	**NA**
Admin Cost:	**$311.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 500 Lori Drive, Building 24, 225 Bonnie Boulevard Units: 110,210,211,310,311,410,411.
The property owner did not attend the hearing.
Special Magistrate Davis found that the defendant had violated: Section 10-9, Sections 10-31 (FBC 105.1) and Section 10-31 (FBC 110.1), and Section 10-31 (116.1), which must be corrected no later than May 15, 2024. If compliance is not achieved by May 15, 2024, the Village's recommendation of a daily fine of $100.00 per day per violation until compliance is achieved is accepted. Special Magistrate Davis assessed administrative costs of $311.08, to be paid by May 15, 2024.

3. **CIT Case 2024-2780 - 3881 S. Congress Avenue - Prolacto Mich Inc.**

CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permit required for Special Event
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5,030.00**
Admin Cost:	**$ 1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3881 South Congress Avenue.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

4. **CIT Case 2024-2781 - 3917 South Congress Avenue - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permit required for Special Event
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5,030.00**
Admin Cost:	**$ 1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3917 South Congress Avenue.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

5. **CIT Case 2024-2782 - 3034 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permit required for Special Event
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5,030.00**
Admin Cost:	**$ 1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3034 2nd Avenue North.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated

that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

6. **CIT Case 2024-2783 - 3052 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permit required for Special Event
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5,030.00**
Admin Cost:	**$ 1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3052 2nd Avenue North.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

7. **CIT Case 2024-2784 - 3078 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permit required for Special Event
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5,030.00**
Admin Cost:	**$1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3078 2nd Avenue North.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

8. **CIT Case 2024-2785 - 3092 2nd Avenue North - Prolacto Mich Inc,**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permits required for Special Event.
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5030.00**
Admin Cost:	**$1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3092 2nd Avenue North.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

9. **CIT Case 2024-2786 - 3112 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permits required for Special Event.
Section 10-31 (FBC 110.1) Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5030.00**
Admin Cost:	**$1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 3112 2nd Avenue North.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated

that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by April 25, 2024.

10.

CIT Case 2024-2788 - 2nd Avenue North - Prolacto Mich Inc.
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Vacant Lot - PCN: 70-43-44-19-14-002-0111
Section 2-233: Irreparable or Irreversible
Section 10-31 (FBC 105.1): Permits required for Special Event
Section 10-31 (FBC 110.1): Required Inspections

Citation Fine:	**$5,000.00 + $30.00 = $5,030.00**
Admin Cost:	**$1,738.33**
Recommendation:	**N/A**
Compliance Date:	**May 15, 2024**

Code Enforcement Officer Ms. Cuenot testified regarding the violations cited at 2nd Avenue North.

Oscar Gonzalez, the Director of Prolacto Mich Inc., was present alongside Jessica Ramos, one of the proprietors of Circus Lena. Mr. Gonzalez indicated that due to his limited proficiency in English, Ms. Ramos would serve as the translator and would provide testimony regarding the case. Ms. Ramos's testimony addressed the status of the necessary permits and the inspections that had been conducted.

The magistrate inquired whether the permits had been secured prior to the installation of the tent. In response, Code Enforcement Officer Ms. Cuenot stated that this was not the case; the circus commenced operations without any prior inspections or permits.

Ana M. Gari, Planning, Zoning, and Building Tech II, confirmed that she was involved in processing the permits and offered relevant comments. She further recommended that the respondents postpone their event date, as it would be unfeasible for her department to review the requisite documentation within a single day.

Special Magistrate Davis found that the defendant had violated Section 2-233. Special Magistrate Davis assessed administrative costs of $1,738.33, to be paid by

April 25, 2024.

11. **Case 2024-29 - 85 Morgans Way - FYR SFR Borrowers LLC**
CE Officer Joey Sanders
Violation of Village Code of Ordinances
Section 10-8: Weeds
Section 30-141: Overgrowth
Section 34-883: Hedges
Section 30-143: Trash/Debris/Materials
Section 34-1381: Open Storage
Section 34-225: Fence Maintenance
Section 34-914: Vehicles/Parking
Section 10-9: Exterior Property Maintenance/Remove all Black Discoloration off the Front Door/Repair Damaged Gutter/Repair Broken Window/Repair Broken Mailbox

Citation Fine:	**N/A**
Admin Cost:	**$277.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**May 1st, 2024**

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 85 Morgans Way.
The property owner did not attend the hearing.
Special Magistrate Davis found that the defendant had violated: Section 10-8, Section 30-141, Section 34-883, Section 30-143, Section 34-1381, Section 34-225, Section 34-914, and Section 10-9, which must be corrected no later than May 01, 2024. If compliance is not achieved by May 01, 2024, the Village's recommendation of a daily fine of $100.00 per day per violation until compliance is achieved is accepted. Special Magistrate Davis assessed administrative costs of $277.08, to be paid by May 01, 2024.

REASONABLE ACCOMMODATION REQUESTS
PETITION FOR REDUCTION OR ABATEMENT OF FINE

12. **Case 2017-2206 - 892 Springdale Circle - Mauricio Rodriguez**
CE Officer Tom Gehrman
Violation of Village Code of Ordinances
Section 10-31 (FBC 105.1): AC installed without required permit
Section 10-31 (FBC 110.1): No Required Inspections

Initial Violation:	**July 13, 2017**
Order Finding Violation:	**August 17, 2017**

Compliance Deadline:	**September 21, 2017**
Compliance Date:	**March 5, 2024**
Fine Amount:	**Waived**
Citation Fine:	**Paid**
Admin Cost:	**Paid**
Recommendation:	**Compliance**
Compliance Date:	**Compliance**

(CASE IS IN COMPLIANCE)

13. **CIT Case No. 2014-1601 - 2000 Springdale Boulevard #F201 - Ana D. Perez**
CE Officer Nicole Tamayo
Violation of Village Code of Ordinances
FBC 105.1: Failure to obtain building permits.
FBC 109.1: Failure to obtain inspections.

Initial Violation:	**August 19, 2014**
Order Finding Violation:	**September 09, 2014**
Compliance Deadline:	**September 19, 2014**
Compliance Date:	**April 09, 2024**
Fine Amount:	**$349,000.00**
Citation Fine:	**Paid**
Admin Cost:	**Paid**
Recommendation:	**$69,800.00**
Compliance Date:	**April 30, 2024**

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 2000 Springdale Boulevard #F201. The property owner, Ana D. Perez, was present and, due to a language barrier, authorized Gladys to speak on her behalf. Ms. Gladys stated that since they discovered the violations, they have been actively working to address them. Ms. Gladys asked the magistrate for a more considerable reduction than had already been granted.

After reviewing the evidence, Special Magistrate Davis approved a significant reduction in fines, consistent with legal standards. The reduction amounts to $34,220.00, with a reasonable 12-month payment period, setting the new compliance date for April 30, 2025. If the fine is not paid by April 30, 2025, the fine will be reverted to the original $349,000.00.

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

14. **Case No. 2024-15 - 316 Alemeda Drive - Jean Joseph & Azema Elivat Joseph**
CE Officer Nicole Tamayo
Violation of Village Code of Ordinances
Section 10-8: Exterior Property Area. Driveway Maintenance/Repair Required.

Section 66-112: General Maintenance Requirements. Broken Sidewalk Repair Required, Responsibility of the Property Owner to Pressure Wash Sidewalk Use Areas.
Section 34-221: Responsibility of the Owner; Practices Enumerated. Owner is Responsible for Maintaining All Landscape in Good Condition.

Initial Violation:	**February 05, 2024**
Order Finding Violation:	**February 15, 2024**
Compliance Deadline:	**April 01, 2024**
Compliance Date:	**Not In Compliance**
Fine Amount:	**N/A**
Citation Fine:	**N/A**
Admin Cost:	**Paid**
Recommendation:	**Extend 60 days**
Compliance Date:	**June 01, 2024**

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 316 Alemeda Drive.

There was no representation from the owner.

Special Magistrate Davis granted the extension of time.

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 11:15 a.m

Next Magistrate Hearing is
Thursday, May 16, 2024,
at 10:00 a.m. in the Village Council Chambers

The undersigned is the Records Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Special Magistrate Meeting held on April 18, 2024.

Respectfully,

Andrea Medero

Records Clerk

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration welcomes input from all of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561) 584-8200 Ext. 8419

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561) 584-8200 Ext. 8421