



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
NOVEMBER 21, 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 Anthony Neonakis, Code Enforcement Officer Nanciann Cuenot, Code Enforcement Officer Joey Sanders, Code Enforcement Officer Nicole Tamayo, Planning, Zoning, and Building Director Iramis Cabrera, Village Attorney Ruth A. Holmes, Village Attorney Amelia Jadoo, Deputy Village Clerk Jane Worth and Records Clerk Andrea Medero.

SWORN IN

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

AGENDA CHANGES

Staff requested to continue Item #5 (Case 2024-55 – 2600 Donald Road), and Item #6 (Case 2024-67 – 4455 South Congress Avenue) to the Special Magistrate Hearing on December 19, 2024.

MOTION HEARINGS

1. **Case No. 2024-68 - 3625 Davis Road - Carlos & Caridad Fernandez**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 14-32: No residential rental permit. Obtain a rental permit for each unit.

Section 62-73: Multi-family storage areas. Dumpster must be secured inside

an enclosure.

Section 30-143: Trash/Debris/Materials. Remove all trash/debris/materials off the property.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.

Section 34-225: Fence maintenance. Repair or remove all broken fences.

Section 10-9: Exterior property maintenance. Repair or replace all damaged fascia, soffit, mailboxes, roofs, light fixtures and secure all exterior holes. Remove prohibited tarps off the roof. Remove all black discoloration off the exterior of the property.

Citation Fine: N/A

Admin Cost: \$356.60

Recommendation: \$100.00 per day, per violation

Compliance Date: December 01, 2024

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3625 Davis Road. Mr. Sanders added that the property came into compliance on November 21, 2024.

Caridad Fernandez, one of the owners, was present, and her son Ricardo Fernandez provided testimony.

Special Magistrate Davis found that the defendant had complied with Section 14-32, Section 62-73, Section 30-143, Section 34-1381, Section 34-914, Section 34-225, and Section 10-9. Special Magistrate Davis lowered the administrative cost to \$178.30, which must be paid by December 20, 2024.

2. **Case No. 2024-69 - 3629 Davis Road - Carlos & Caridad Fernandez**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 14-32: No residential rental permit. Obtain a rental permit for each unit.

Section 62-73: Multi-family storage areas. Dumpster must be secured inside an enclosure.

Section 30-143: Trash/Debris/Materials. Remove all trash/debris/materials off the property.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.

Section 34-225: Fence maintenance. Repair or remove all broken fences.

Section 10-9: Exterior property maintenance. Repair or replace all damaged fascia, soffit, mailboxes, roofs, light fixtures and secure all exterior holes.

Remove prohibited tarps off the roof. Remove all black discoloration off the exterior of the property.

Citation Fine:	N/A
Admin Cost:	\$356.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	December 01, 2024

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3629 Davis Road. Mr. Sanders added that the property came into compliance on November 21, 2024.

Caridad Fernandez, one of the owners, was present, and her son Ricardo Fernandez provided testimony.

Special Magistrate Davis found that the defendant had complied with Section 14-32, Section 62-73, Section 30-143, Section 34-1381, Section 34-914, Section 34-225, and Section 10-9. Special Magistrate Davis lowered the administrative cost to \$178.30, which must be paid by December 20, 2024.

3. **Case No. 2024-72 - 3650 Almar Road - Tzonka Hristov**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 30-143: Trash/Debris/Materials. Remove all trash/debris/materials stored around the property.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 6-3: Keeping animals/fowl/livestock. Remove all chickens/hens/roosters off the property.

Section 30-141: Overgrowth. Mow all the overgrown grass and trim all overgrown trees/bushes/vegetation.

Section 46-3: Graffiti. Remove all graffiti off the exterior walls.

Section 10-8: Weeds/parking lot. Remove all weeds off the property and repair all broken sections of concrete within the parking lot.

Section 34-223: Tree removal. Obtain a permit for all trees cut down and removed without permission.

Section 34-914: Vehicles. Remove the open trailer off the property.

Section 34-225: Fence maintenance. Repair all broken fences and remove all unpermitted fences.

Section 34-893: Canopies. Remove all prohibited canopies off the property.

Section 10-9: Exterior property maintenance. Repair or replace all damaged light fixtures, fascia (must be painted), windows, mailboxes, and doors. Secure all open/exposed electrical and meter boxes. Remove all rugs, carpets and tarps on the ground. Remove all shutters covering the windows. Post "3650" house ID numbers on the front of the property.

Citation Fine:	N/A
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Admin Cost:	\$336.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	December 01, 2024

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3650 Almar Road. Mr. Sanders mentioned that he had contacted the property owner, Tzonka Hristov, who informed him that he could not attend the hearing as Mr. Hristov was out of the country. Mr. Sanders wanted to give them more time to comply with the requirements. Additionally, he stated that Section 34-893 complied.

There was no representation from the owner.

Special Magistrate Davis found that the defendant had complied with Section 34-893. However, Special Magistrate Davis found that the defendant had violated Sections 30-143, 34-1381, 6-3, 30-141, 46-3, 10-8, 34-223, 34-914, 34-225, and 10-9, which must be corrected no later than January 01, 2025. If compliance is not achieved by January 01, 2025, the Village's recommendation of a daily fine of \$100.00 per day per violation is accepted. Special Magistrate Davis lowered the administrative cost to \$168.30, which must be paid by January 01, 2025.

4. **Case No. 2024-73 - 3620 Almar Road - Dimiter B. Hristov**
CE Officer Joey Sanders.

Violation of Village Code of Ordinances

Section 30-143: Trash/Debris/Materials. Remove all trash/debris/materials stored around the property.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 6-3: Keeping animals/fowl/livestock. Remove all chickens/hens/roosters off the property.

Section 30-141: Overgrowth. Mow all the overgrown grass and trim all overgrown trees/bushes/vegetation.

Section 46-3: Graffiti. Remove all graffiti off the exterior walls.

Section 10-8: Weeds/parking lot. Remove all weeds off the property and repair all broken sections of concrete within the parking lot.

Section 34-223: Tree removal. Obtain a permit for all trees cut down and removed without permission.

Section 34-914: Vehicles. Remove the open trailer off the property.

Section 34-225: Fence maintenance. Repair all broken fences and remove all unpermitted fences.

Section 34-893: Canopies. Remove all prohibited canopies off the property.

Section 10-9: Exterior property maintenance. Repair or replace all damaged light fixtures, fascia (must be painted), windows, mailboxes, and doors. Secure all open/exposed electrical and meter boxes. Remove all rugs, carpets and tarps on the ground. Remove all shutters covering the windows. Post "3620" house ID numbers on the front of the property.

Citation Fine:	N/A
Admin Cost:	\$336.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	December 01, 2024

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3620 Almar Road. Mr. Sanders mentioned that he had contacted the property owner, Dimiter B. Hristov, who informed him that he could not attend the hearing as Mr. Hristov was out of the country. Mr. Sanders wanted to give them more time to comply with the requirements. Additionally, he stated that Section 34-893 complied.

There was no representation from the owner.

Special Magistrate Davis found that the defendant had complied with Section 34-893. However, Special Magistrate Davis found that the defendant had violated Sections 30-143, 34-1381, 6-3, 30-141, 46-3, 10-8, 34-223, 34-914, 34-225, and 10-9, which must be corrected no later than January 01, 2025. If compliance is not achieved by January 01, 2025, the Village's recommendation of a daily fine of \$100.00 per day per violation is accepted. Special Magistrate Davis lowered the administrative cost to \$168.30, which must be paid by January 01, 2025.

5. **Case 2024-55 - 2600 Donald Road - William S. Thomas Jr. & Violet O. Zanutti Est.**

CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 34-914: Parking violation. Inoperable vehicles are in disrepair, no major repairs are allowed, and registration tags are missing.

Section 30-143: Public nuisance. Debris and items stored outside are visible to neighbors.

Citation Fine:	N/A
Admin Cost:	\$230.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	December 18, 2024

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE DECEMBER 19, 2024 HEARING).

6. **Case 2024-67 - 4455 South Congress Avenue (Units 107 & 109) - Congress Pointe Inc.**

CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 14-61: Hours of operation of establishments served.

Citation Fine:	N/A
Admin Cost:	\$361.76
Recommendation:	\$5,000.00 per day, per violation (6 violations,

irreparable) = \$30,000.00 fines owed

Compliance Date:

November 22, 2024

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE DECEMBER 19, 2024 HEARING).

7. **Case No. 2024-71 - 3595 2nd Avenue North - 3595 Second Avenue Holdings LLC**

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 70-94: Application. Local business tax receipt required for a new business and accompanied by payment of the appropriate fee. It is unlawful to engage in any business without a business tax receipt.

Section 70-124: Use and occupancy certificates and inspections required and enforcement. It is unlawful for any business to engage in or conduct business at a given location or premises without a use and occupancy inspection and certificate.

Section 70-125: Application for use and occupancy certificate for new businesses, inspection, and fees. The owner/applicant is required to file an application with the Village before engaging in or carrying on any business.

Section 34-823: Accessory uses. No outdoor storage is permitted in the Commercial General zoning district. Remove all spools of cable and other related materials stored outside.

Citation Fine: N/A

Admin Cost: \$405.45

Recommendation: \$75.00 per day, per violation

Compliance Date: Varies - see timeline in Order Finding Violation

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 3595 2nd Avenue North.

The owner of 3595 Second Avenue Holdings LLC, was not present but they authorized Jim Frogner to represent them at this hearing. Mr. Frogner gave testimony and requested for an extension of 90 days to get in compliance.

Special Magistrate Davis found that the defendant had violated Sections 34-823, which must be corrected no later than February 20, 2025, section 70-124, section 70-125, and section 70-94, which must be corrected no later than September 20, 2025, submitting site plan and change of occupancy processing, which must be corrected no later than January 20, 2025, and completing site plan and change of occupancy processing by April 20, 2025. If compliance is not achieved by the mentioned dates, the Village's recommendation of a daily fine of \$75.00 per day per

violation is accepted. Special Magistrate Davis assessed administrative costs of \$405.45 to be paid before December 05, 2024.

PETITION FOR REDUCTION OR ABATEMENT OF FINE

**8. Case No. 2018-2364 - 3133 Lake Worth Road - EMJO 66 Inc.
CE Officer Nanciann Cuenot**

Violation of Village Code of Ordinances

Section 34-262: Prohibited signs.

Section 34-916: Parking on commercial property.

Initial Violation:	July 19, 2018
Order Finding Violation:	August 16, 2018
Compliance Deadline:	August 27, 2018
Compliance Date:	December 9, 2016
Fine Amount:	\$10,000.00
Citation Fine:	Paid
Admin Cost:	Paid
Recommendation:	\$2,000.00
Compliance Date:	December 21, 2024

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 3133 Lake Worth Road.

Jose Rodriguez, the owner of EMJO 66 Inc., was present and authorized Jeff Peters to represent them at this hearing. Mr. Peters gave testimony.

Based on the evidence and testimony presented, Special Magistrate Davis has approved a reduction of the fine to \$1,000. This amount must be paid by November 21, 2025. If the reduced fine is not paid by that date, the total will revert to the original amount of \$10,000.

**9. Case No. 2022-58 - 3133 Lake Worth Road - EMJO 66 Inc.
CE Officer Nanciann Cuenot**

Violation of Village Code of Ordinances

Section 30-143: Public nuisance. Trash and debris.

Section 34-916: Parking commercial vehicles

Initial Violation:	December 27, 2022
Order Finding Violation:	January 19, 2023
Compliance Deadline:	February 15, 2023
Compliance Date:	Section 30-143 - September 24, 2024, and Section 34-916 - October 28, 2024
Fine Amount:	\$120,700.00

November 21, 2024, Special Magistrate Meeting Minutes

Citation Fine:	Paid
Admin Cost:	Paid
Recommendation:	\$24,140.00
Compliance Date:	December 21, 2024

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 3133 Lake Worth Road.

Jose Rodriguez, the owner of EMJO 66 Inc., was present and authorized Jeff Peters to represent them at this hearing. Mr. Peters gave testimony.

Based on the evidence and testimony presented, Special Magistrate Davis has approved a reduction of the fine to \$13,000. This amount must be paid by November 21, 2025. If the reduced fine is not paid by that date, the total will revert to the original amount of \$120,700.00.

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 11:39 a.m.

**Next Magistrate Hearing is
Thursday, December 19, 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 October 17, 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