

**TOWN OF BAY HARBOR ISLANDS  
SPECIAL MAGISTRATE HEARING  
MORRIS N. BROAD COMMUNITY CENTER  
1175 95<sup>TH</sup> STREET  
BAY HARBOR ISLANDS, FL 33154**

**SPECIAL MAGISTRATE CHRISTOPHER E. BENJAMIN**

**AGENDA**

June 27, 2024  
10:00 AM

1. 1108 Kane Concourse

**Type of Hearing:** Special Master Hearing

**Presenter:** Mike Mesa

**Owner:** 1108 Concourse, LC

**Code Officer:**

**Registered Agent:** Richard Wasserstein

**Citation #:** 23-000037

**Date Issued:** 1/17/2023

**Violation:** Failure to obtain 40 yrs Re-Certification per Miami Dade.

**Code Section:** 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b>            | <b><u>Case History:</u></b> |
| Close the case. Assess a \$200.00 administrative fee. | This is a new case.         |

2. 1085 99 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Mike Mesa

**Owner:** The Rex Gardens Condominium

**Code Officer:**

Association, Inc.

**Registered Agent:** FYVE Property Manager, L

**Citation #:** 23-001996

**Date Issued:** 10/27/2023

**Violation:** Failure to obtain 40 Year Re-certification as required by Miami Dade.

**Code Section:** 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Non-Compliance<br>Assess the fines from 11/27/2023 to 6/27/2024, which represents 213 days at \$50.00 per day for a total of \$10,650.00 plus \$200.00 administrative fee. The fine shall continue to accrue until compliance is achieved. | <b><u>Case History:</u></b><br>This is a new case. |
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3. 9721 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Mike Mesa

**Owner:** Island Place at Bay Harbor  
Condominium Association, LC.

**Code Officer:**

**Registered Agent:** Franmar Management  
Services, Inc.

**Citation #:** 23-000041

**Date Issued:** 1/17/2023

**Violation:** Failure to obtain 40 Year Re-certification as required by Miami Dade.

**Code Section:** 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00



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| <b><u>Department's Recommendation:</u></b><br>Non-Compliance<br>Assess a fine from 1/8/2024 to 6/27/2024, which represents 171 days at \$50.00 a day for a total of \$8,550.00 and a \$200.00 administrative fee. The fine shall continue to accrue until compliance is achieved. | <b><u>Case History:</u></b><br>This is a new case. |
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4. 10001 West Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Mike Mesa

**Owner:** Ambassador Place Condominium Association, Inc.

**Code Officer:**

**Registered Agent:** Urban Resources- Javier Zuniga

**Citation #:** 22-001173

**Date Issued:** 1/17/2023

**Violation:** Failure to obtain 40 Year Re-certification as required by Miami Dade.

**Code Section:** 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Close the case. Assess a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>10/27/22 Special Magistrate hearing- Case to be continued. |
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5. 9350 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Mike Mesa

**Owner:** Dorbe Gardens Condominium, Inc.

**Code Officer:**

**Registered Agent:** Eric Stein, P.A.

**Citation #:** 22-001158

**Date Issued:** 6/14/2022

**Violation:** Failure to obtain 40 Year Re-certification as required by Miami Dade.

**Code Section:** 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Assess a fine from 11/29/23-6/7/24, which represents 191 days at \$50.00 per day for a total of \$9,550.00 plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>12/12/23 Special Magistrate Hearing-Reset case for 30 days. Owner to submit Engineer Letter. |
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6. 1331 100 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Code Officer:** Evelyn Merizalde

**Owner:** Joseph Travers

**Registered Agent:**

**Citation #:** 24-000779

**Date Issued:** 4/29/2024

**Violation:** Found a make-shift fence enclosing the driveway and side yard, the driveway is used as a storage location, a mobile home is stored on the property visible from the street, areas of missing sod,garbage containers are visible from the street, the hedges are not maintained in a neat appearance, various stuffed animals are stored within the trees visible from the street and plants are in nursery pots.

**Code Section:** 19-25(a)(2) The trailer, mobile home or stretched-out vehicle is not visible from adjoining property or the center line of the adjacent street. Daily fine \$25.00  
23-12(1) Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00  
23-12(22)(a) Approval of town. No wall or fence of any kind shall be erected or maintained at any lot except as above set forth until the height, type, design, and location thereof shall have been approved by the [town]. Notwithstanding the above, walls will require approval by the planning and zoning board. Daily fine \$25.00

24-16(4) Except in periods of officially declared drought, grass areas shall be maintained by adequate irrigation so as to remain healthy and present a good appearance. Adequate pest control shall be applied to prevent the spread of cinch bugs or other grass-damaging pests. Grass areas shall be maintained so as to prevent excessive growth and unsightly conditions. Daily Penalty \$50.00

24-16(a)(6) Hedges shall be maintained so as to have a solid appearance, with no gaps or spaces. Grass or other growths shall not be allowed to grow up into the hedge. All hedges shall be kept neatly trimmed. Daily fine \$50.00

9-23 No person shall deposit or permit any trash, landscape debris, special-handling landscape debris or container, to be deposited or remain at curbside, or in any public area, or in any area of the town adjacent to or abutting a street except on the day designated for bulk waste pick-up or by special arrangement with the town. In the event that any of the aforementioned items have not been picked up by the town or its agent by 4:00 p.m. on Fridays, said items shall be removed from public view by the owner or occupant of the property prior to 6:00 p.m. on Fridays.

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| <b><u>Department's Recommendation:</u></b><br>The owner has 30 days to comply with the violation.<br>The Special Magistrate may authorize the town attorney to file an injunction with the Miami-Dade County Clerk of Courts for this case if the owner does not comply. | <b><u>Case History:</u></b><br>Repeat violation at this property. |
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7. 10301 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** 10301 Bay Harbor Development, LLC

**Code Officer:** Evelyn Merizalde

**Registered Agent:** 9781 Bay Harbor Development, LLC - Dmitriy Melenshko

**Citation #:** 23-000403

**Date Issued:** 3/14/2023

**Violation:** Obtain approval from Town Council to operate a temporary sales center at this location. A Business Tax Receipt is required to operate a sales center. The temporary sales center must be approved by the Town Council.  
Remove the signs.

**Code Section:** 23-4(7) In the RM-1 and RM-2 Multiple Family districts, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, excepting for one or more of the following uses: Temporary sales and business offices, construction trailers, and model dwelling units, but only in connection with the construction of dwelling units, and upon specific approval and permit of the town council, including but not limited to such time limits and other any other conditions as may be imposed by the town council at its discretion. Daily Penalty

\$250.00

13-8(1) Any person who shall carry on or conduct any privilege, business, occupation or profession for which a business tax receipt is required by this chapter without first obtaining such receipt; any person who shall make a false statement, application or oath, in connection with any application for a business tax receipt. Daily Penalty \$250.00

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| <b><u>Department's Recommendation:</u></b><br>Assess a fine of \$5,000.00 plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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8. 1075 93 Street # 303

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** The Atrium Condominium Association, Inc.

**Code Officer:** Scherrie Griffin

**Registered Agent:** Atrium Condominium CO  
CAM Accounting & Property Srvs. Karen Neice

**Citation #:** 23-001092

**Date Issued:** 6/21/2023

**Violation:** Found work in progress on the swimming pool without permits.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

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| <b><u>Department's Recommendation:</u></b><br>Assess a \$250.00 fine plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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9. 1080 99 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Goodheart Ventures Incorporated

**Code Officer:** Scherrie Griffin

**Registered Agent:** Corporate Service Company

**Citation #:** 24-000081

**Date Issued:** 1/12/2024

**Violation:** Found the overhang soffit has fallen and damaged.

**Code Section:** 23-12(1) Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the

general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Grant an extension for 60 days. | <b><u>Case History:</u></b><br>This is a new case. |
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**10. 1170 Kane Concourse**

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** 1170, LLC

**Code Officer:** Evelyn Merizalde

**Registered Agent:** Oliviero Lew

**Citation #:** 24-000737

**Date Issued:** 4/17/2024

**Violation:** The Public Works Department reported a refrigeration placed out on Burt Court for bulk garbage service on Tuesday, April 16, 2024.

**Code Section:** 9-29(b)(1) The town shall have the right to remove any container, garbage or trash, landscape debris, special-handling landscape debris and trash that is in violation of this chapter, and to levy and charge the owner of the property \$100 for the First Violation, \$250 for the Second Violation, and \$500.00 for each subsequent violation, plus the costs to the town of removal and/or correction of any violation of this chapter.

9-23 No person shall deposit or permit any trash, landscape debris, special-handling landscape debris or container, to be deposited or remain at curbside, or in any public area, or in any area of the town adjacent to or abutting a street except on the day designated for bulk waste pick-up or by special arrangement with the town. In the event that any of the aforementioned items have not been picked up by the town or its agent by 4:00 p.m. on Fridays, said items shall be removed from public view by the owner or occupant of the property prior to 6:00 p.m. on Fridays.

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| <b><u>Department's Recommendation:</u></b><br>Assess a fine of \$100.00 plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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**11. 1020 94 Street**

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Chatillon Hall Condominium, Inc.

**Code Officer:** Scherrie Griffin

**Registered Agent:** Maria Luisa Taleno

**Citation #:** 23-001648

**Date Issued:** 9/5/2023

**Violation:** Found the pool deck is being replaced without a permit. There is a mini split a/c unit installed in the common area without permit.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

**Department's Recommendation:**

Grant an extension for 60 days.

**Case History:**

This is a new case.

**12.** 9500 West Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Code Officer:** Scherrie Griffin

**Owner:** RE Bella Vista LLC

**Registered Agent:** Marcelo M Re

**Citation #:** 23-001730

**Date Issued:** 9/13/2023

**Violation:** Report received about work in progress without permits.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

**Department's Recommendation:**

Grant an extension for 60 days.

**Case History:**

This is a new case.

**13.** 1075 93 Street # 303

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Code Officer:** Scherrie Griffin

**Owner:** Maria Fazzino

**Registered Agent:**

**Citation #:** 24-000240

**Date Issued:** 2/12/2024

**Violation:** Complainant about possible work without permits in progress.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures.

Daily Penalty \$250.00

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| <b><u>Department's Recommendation:</u></b><br>Assess a fine of \$250.00 plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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14. 1111 Kane Concourse

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Concourse Plaza A. Condominium Association, Inc.

**Code Officer:** Scherrie Griffin

**Registered Agent:** Alessandra Stivelman ,Esq.

**Citation #:** 23-000817

**Date Issued:** 1/23/2024

**Violation:** Failure to repair the overhang.

**Code Section:** 23-12(1) Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Assess a \$250.00 fine plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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15. 1101 98 Street # 2

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Darrin Norwood

**Code Officer:** Evelyn Merizalde

**Registered Agent:**

**Citation #:** 22-001222

**Date Issued:** 8/30/2022

**Violation:** The unit was demolished without a permit.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

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| <b><u>Department's Recommendation:</u></b><br>Grant a extension for 60 days. | <b><u>Case History:</u></b><br>10/27/22 Special Magistrate hearing- Extension granted for 90 days. |
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16. 9550 Bay Harbor Terrace

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** W 9550 BH TERRACE LLC  
WATERSTONE 2618 LLC

**Code Officer:** Scherrie Griffin

**Registered Agent:** Wasserstein & Nunez, PLLC

**Citation #:** 24-000365

**Date Issued:** 3/6/2024

**Violation:** Found a fence has been installed enclosing the alleyway between 1108 Kane Concourse and 9550 Bay Harbor Terrace without a permit.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

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| <b><u>Department's Recommendation:</u></b><br>Close the case. Assess a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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17. 1080 93 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Bay Harbor 1080 Partners, LLC

**Code Officer:** Scherrie Griffin

**Registered Agent:** Charter Realty Group, LLC

**Citation #:** 24-000560

**Date Issued:** 3/27/2024

**Violation:** Received police report #24-155-OF regarding noise of work in progress on Saturday, March 23, 2024.

**Code Section:** 12-27(a) For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000 Second Violation- \$2,000 Third Violation- \$3,000 plus 8-hour Stop Work Order Each subsequent violation- \$5,000  
12-26(1)(a) Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.



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| <b><u>Department's Recommendation:</u></b><br>Assess a \$1,000.00 fine with a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>This is a new case. |
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**18.** 9800 West Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Guildford House of Bay Harbor Condominium, Inc.

**Code Officer:** Scherrie Griffin

**Registered Agent:** Alessandra Stivelman, Esq.

**Citation #:** 19-000318

**Date Issued:** 5/9/2024

**Violation:** Failure to repair the the seawall and dock.

**Code Section:** 23-12(1) Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00  
23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Grant an extension for 60 days. | <b><u>Case History:</u></b><br>This is a new case. |
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**19.** 9431 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Bay Harbor Islands Property Owner II LLC

**Code Officer:** Scherrie Griffin

**Registered Agent:** Corporation Service Company

**Citation #:** 19-000350

**Date Issued:** 1/3/2020

**Violation:** Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

**Code Section:** 23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Impose the fine of \$31,750.00 that was ordered at a Special Magistrate's hearing on 9/29/21 plus a \$200.00 administrative fee. | <b><u>Case History:</u></b><br>2/26/20 Special Magistrate Hearing-Curative measures must be maintained until the seawall is permanently repaired and/or replaced. This case will be scheduled for another hearing if necessary.<br><br>9/29/21 Special Magistrate Hearing-The owner must submit a geological engineering report and seawall completion timeline report to Mike Mesa, Chief Building Official, within 30 days. Fines are assessed from 1/6/20-9/29/21, which represents 633 days at \$50.00 per day for a total of \$31,650.00. The daily fine will continue to accrue until compliance is met. |
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**20.** 9461 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Bay Harbor Islands Property Owner II, LLC

**Code Officer:** Evelyn Merizalde

**Registered Agent:** Corporation Service Company

**Citation #:** 19-001025

**Date Issued:** 1/6/2020

**Violation:** Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

**Code Section:** 23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

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| <b><u>Department's Recommendation:</u></b><br>Close the case. | <b><u>Case History:</u></b><br>2/26/20 Special Magistrate Hearing-Curative measures must be maintained until the seawall is |
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|  | <p>permanently repaired and/or replaced. This case will be scheduled for another hearing if necessary.</p> <p>9/29/21 Special Magistrate Hearing-The owner must submit a geological engineering report and seawall completion timeline report to Mike Mesa, Chief Building Official, within 30 days. Fines are assessed from 1/6/20-9/29/21, which represents 633 days at \$50.00 per day for a total of \$31,650.00. The daily fine will continue to accrue until compliance is met.</p> |
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**21.** 9481 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** Bay Harbor Islands Property Owner II, LLC

**Code Officer:** Scherrie Griffin

**Registered Agent:** Corporate Service Company

**Citation #:** 19-001024

**Date Issued:** 1/3/2020

**Violation:** Immediate action is required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

**Code Section:** 23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

|                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><u>Department's Recommendation:</u></b></p> <p>Close the case.</p> | <p><b><u>Case History:</u></b></p> <p>2/26/20 Special Magistrate Hearing-Curative measures must be maintained until the seawall is permanently repaired and/or replaced. This case will be scheduled for another hearing if necessary.</p> <p>9/29/21 Special Magistrate Hearing-The owner must submit a geological engineering report and seawall completion timeline report to Mike Mesa, Chief Building Official, within 30 days. Fines are assessed from 1/6/20-9/29/21, which represents 633 days at \$50.00 per day for a total of \$31,650.00. The daily fine will continue to accrue until compliance is met.</p> |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**22.** 10140 West Broadview Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Moshe Greenwald

**Code Officer:** Evelyn Merizalde

**Registered Agent:** N/A

**Citation #:** 24-000654

**Date Issued:** 4/8/2024

**Violation:** Found the seawall contractor working before 9:00 AM.

**Code Section:** 12-27(a) For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000 Second Violation- \$2,000 Third Violation- \$3,000 plus 8-hour Stop Work Order Each subsequent violation- \$5,000

12-26(1)(a) Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.

**Department's Recommendation:**

Assess a fine of \$1,000.00 plus a \$200.00 administrative fee.

**Case History:**

This is a new case.

23. 1231 98 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Carolyn Horowitz & Jeffrey Horowitz

**Code Officer:** Evelyn Merizalde

**Registered Agent:** N/A

**Citation #:** 24-000442

**Date Issued:** 3/8/2024

**Violation:** Found exterior alterations in progress without a permit. The exterior walkway and wood siding panels installed on the exterior of the house without a permit and/or approval.

**Code Section:** 5-6(a)Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

**Department's Recommendation:**

Assess a fine of \$250.00 plus a \$200.00 administrative fee.

**Case History:**

This is a new case.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Special Master with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings and that, for such purpose he or she may need to ensure that a verbatim records of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**TOWN OF BAY HARBOR ISLANDS  
BUILDING DEPARTMENT**

1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



**NOTICE TO APPEAR #3**

Date: June 03, 2024  
File Number: 23-000037

**RE: Notice of Violation No: 23-000037**  
**Date of Issuance: Jan 17, 2023**  
**Chief Building Official: Mike Mesa**  
**Location of Violation: 1108 KANE CONC**  
**Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

1108 CONCOURSE LC  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

**REGISTERED AGENT**

RICHARD WASERSTEIN  
1124 KANE CONCOURSE  
Bay Harbor Islands, FL 33154

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 24-3**

**Violation:** The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.

**Corrective Action:** Submit Engineers 40, 50, 60.... Year Re-Certification Report and \$250.00 processing fee.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**Morris N. Broad Community Center**

**Place: Town of Bay Harbor Islands**

**1175 95 Street #2-3**

**Bay Harbor Islands, Florida 33154**

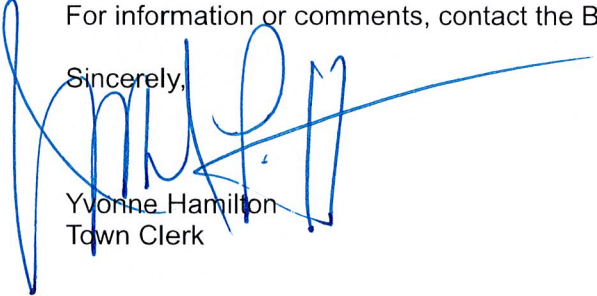
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Building Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk



**TOWN OF BAY HARBOR ISLANDS**  
**BUILDING DEPARTMENT**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 23-001996

**RE: Notice of Violation No: 23-001996**  
**Date of Issuance: Oct 26, 2023**  
**Chief Building Official: Mike Mesa**  
**Location of Violation: 1085 99 Street**  
**Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

The Rex Gardens Condominium Association, Inc.  
1234 Washington Ave Suite 305  
Miami Beach, FL 33139

**REGISTERED AGENT**

C/O PMI Sunshine State  
1111 Lincoln Road, Suite 500  
Miami Beach, FL 33139

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 24-3**

**Violation:** The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.

**Corrective Action:** Apply and obtain all permits as per the repairs indicated in your engineer's report.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**Morris N. Broad Community Center**  
**Place: Town of Bay Harbor Islands**  
**1175 95 Street #2-3**  
**Bay Harbor Islands, Florida 33154**

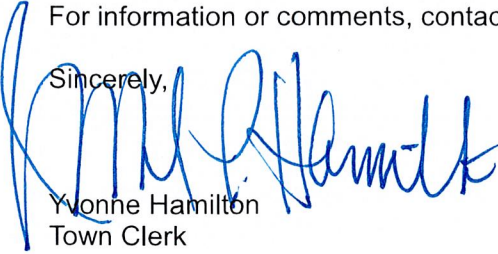
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Building Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk



**TOWN OF BAY HARBOR ISLANDS  
BUILDING DEPARTMENT**

1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



**NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 23-000041

**RE: Notice of Violation No: 23-000041**  
**Date of Issuance: Jan 17, 2023**  
**Chief Building Official: Mike Mesa**  
**Location of Violation: 9721 East Bay Harbor Drive**  
**Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

ISLAND PLACE AT BAY HARBOR CONDOMINIUM  
ASSOCIATION, INC.  
9721 East Bay Harbor  
Bay Harbor Islands, FL 33154

**REGISTERED AGENT**

FRANMAR MANAGEMENT  
SERVICES, INC.  
3550 BISCAYNE BLVD, STE. 210  
MIAMI, FL 33137

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 24-3**

**Violation:** The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.

**Corrective Action:** Submit Engineers 40, 50, 60.... Year Re-Certification Report and \$250.00 processing fee.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**Morris N. Broad Community Center**

**Place: Town of Bay Harbor Islands**

**1175 95 Street #2-3**

**Bay Harbor Islands, Florida 33154**

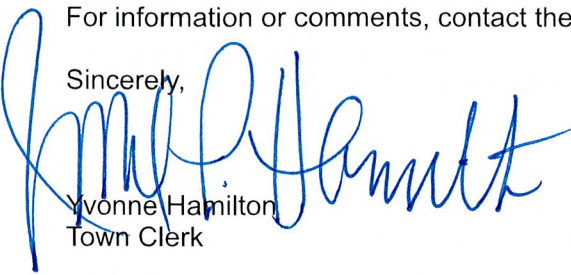
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Building Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk

**TOWN OF BAY HARBOR ISLANDS  
BUILDING DEPARTMENT**

1030 95th Street

BAY HARBOR ISLANDS, FL 33154

Phone: (305) 993-1786



**NOTICE TO APPEAR #3**

Date: June 03, 2024

File Number: 22-001173

**RE: Notice of Violation No: 22-001173**

**Date of Issuance: Jun 14, 2022**

**Chief Building Official: Mike Mesa**

**Location of Violation: 10001 West Bay Harbor Drive  
Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

Ambassador Place Condominium Association, Inc.  
10001 West Bay Harbor Drive  
Bay Harbor Islands, FL 33154

**REGISTERED AGENT**

C/O PMI Sunshine State  
1111 Lincoln Road, Suite 500  
Miami Beach, FL 33139

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 24-3**

**Violation: The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.**

**Corrective Action: Apply and obtain permit(s) for all repairs as indicated on your engineer's report.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**Morris N. Broad Community Center  
Place: Town of Bay Harbor Islands  
1175 95 Street #2-3  
Bay Harbor Islands, Florida 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

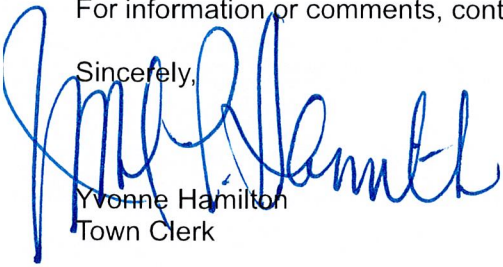
An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Building Department at (305) 993-1786 or by email.

Sincerely,

Yvonne Hamilton  
Town Clerk

A handwritten signature in blue ink, appearing to read 'Yvonne Hamilton', is written over the typed name and title.



**TOWN OF BAY HARBOR ISLANDS**  
**BUILDING DEPARTMENT**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #3**

Date: June 03, 2024  
File Number: 22-001158

**RE: Notice of Violation No: 22-001158**  
**Date of Issuance: Jun 14, 2022**  
**Chief Building Official: Mike Mesa**  
**Location of Violation: 9350 East Bay Harbor Drive**  
**Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

DORBE GARDENS CONDOMINIUM, INC.  
9350 East Bay Harbor Drive  
Bay Harbor Islands, FL 33154

**REGISTERED AGENT**

Eric Stein  
1820 NE 163 ST SUITE 100  
North Miami Beach, FL 33162

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 24-3**

**Violation:** The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.

**Corrective Action:** Apply and obtain permit(s) for all repairs as indicated on your engineer's report.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**  
**Time: 10:00AM**  
**Morris N. Broad Community Center**  
**Place: Town of Bay Harbor Islands**  
**1175 95 Street #2-3**  
**Bay Harbor Islands, Florida 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Building Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk





## **NOTICE TO APPEAR #1**

Date: June 04, 2024  
File Number: 24-000779

**RE: Notice of Violation No:** 24-000779  
**Date of Issuance:** April 29, 2024  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 1331 100 Street  
Bay Harbor Islands, FL 33154-1107

**TO: VIOLATOR** **REGISTERED AGENT**  
Joseph Travers  
1331 100 ST  
BAY HARBOR ISLANDS, FL 33154

### **Code Sections Violated and Nature of Violations:**

#### **Code: Sec. 23-12(1)**

**Violation:** Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot.  
**Daily Penalty \$50.00**

**Corrective Action:** Remove the all items stored on the driveway, remove the makeshift bamboo fence, remove the makeshift green fence, remove the plant pots, remove stuff animals placed in the trees, remove the lattice fence, remove the landscaping debris and other miscellaneous items stored on the property.

#### **Code: Sec. 24-16a.6.**

**Violation:** Hedges shall be maintained so as to have a solid appearance, with no gaps or spaces. Grass or other growths shall not be allowed to grow up into the hedge. All hedges shall be kept neatly trimmed.  
**Corrective Action:** Trim and maintain the hedges in a neat and solid appearance.

#### **Code: Sec. 19-25(a)(2)**

**Violation:** The trailer, mobile home or stretched-out vehicle is not visible from adjoining property or the center line of the adjacent street.  
**Corrective Action:** Remove the mobile home from the property.

#### **Code: Sec. 9-23**

**Violation:** No person shall deposit or permit any trash, landscape debris, special-handling landscape debris or container, to be deposited or remain at curbside, or in any public area, or in any area of the town adjacent to or abutting a street except on the day designated for bulk waste pick-up or by special arrangement with the town. In the event that any of the aforementioned items have not been picked up by the town or its agent by 4:00 p.m. on Fridays, said items shall be removed from public view by the owner or occupant of the property prior to 6:00 p.m. on Fridays.  
**Corrective Action:** Remove the garbage containers from the curbside. The containers must be kept on the property where they are not visible from the street.

#### **Code: Sec. 24-16 (4)**

**Violation:** Except in periods of officially declared drought, grass areas shall be maintained by adequate irrigation so as





to remain healthy and present a good appearance. Adequate pest control shall be applied to prevent the spread of cinch bugs or other grass-damaging pests. Grass areas shall be maintained so as to prevent excessive growth and unsightly conditions. Daily Penalty \$50.00

**Corrective Action:** Place sod on the property in missing areas.

**Code:** Sec. 23-12(22)(a)

**Violation:** Approval of town. No wall or fence of any kind shall be erected or maintained at any lot except as above set forth until the height, type, design, and location thereof shall have been approved by the [town]. Notwithstanding the above, walls will require approval by the planning and zoning board.

**Corrective Action:** Remove the makeshift bamboo wall and faux grass wall installed at the front of the property.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date:** June 27, 2024

**Time:** 10:00AM

**TOWN OF BAY HARBOR ISLANDS**  
**Place:** MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Compliance Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk



## WHAT HAPPENS WHEN MY CASE IS CALLED?

When your case is called, you should answer "here" or "present" and step up to the podium in front of the Special Magistrate. The Special Magistrate will review the Town's case. The Town must present evidence of the violation by either live testimony or documents. The Town's case will be presented by the Town's attorney or designated representative. If the Special Magistrate determines that the Town has presented sufficient evidence, you will have the opportunity to explain or rebut the Town's evidence (i.e., to tell your side of the story).

This is your opportunity to tell the Special Magistrate your side of the story. You, your witness, and/or your evidence may show the Special Magistrate why the information on the Town's violation notice is wrong or that the Town has cited the wrong person. If you have witnesses or evidence to substantiate or prove your case, you must have them or it with you at the hearing.

### 2. *Questions by the Special Magistrate.*

The Special Magistrate may ask questions of the parties and their witnesses to clarify the evidence.

### 3. *The Special Magistrate's decision.*

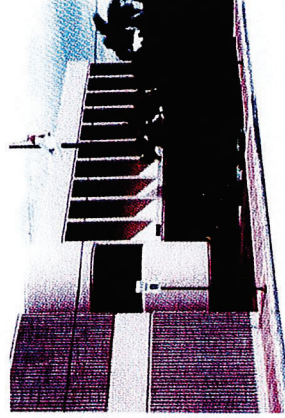
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will be in the form of a written order. If the Special Magistrate finds that a violation has occurred, he or she may impose fines or other penalties as the ordinance provides. You will be provided with a copy of the Special Magistrate's order or any other notices or documents relevant to that day's proceedings.

## WHAT IF I DISAGREE WITH THE SPECIAL MAGISTRATE'S DECISION?

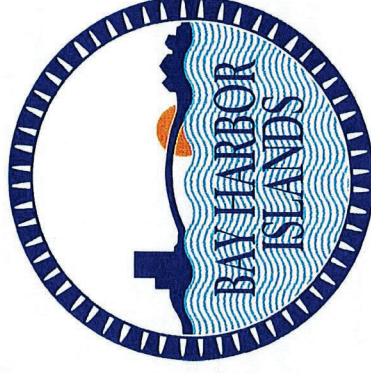
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

If you are issued a fine and would like to ask for mitigation on the amount. You can do so by requesting a Mitigation Hearing. The first step for any property owner seeking a reduction in penalties is to appear before the Special Magistrate who may grant mitigation of not more than 50% of the total amount of the civil penalty, not including administrative costs. The procedures for appearing before the Special Magistrate for such mitigation may be found in Resolution No. 855 adopted by the Town Council December 1999. A copy is available at Town Hall. Mitigation cannot be used as a substitute for an appeal.

If you go through the mitigation hearing in front of the Special Magistrate, but you still desire further reduction on the fines, you may apply for Mitigation to the Town Council. Applications for mitigation to the Town Council must be submitted within 30 days of any mitigation having been granted by the Special Master. Additional information on how to file an application for mitigation to the Town Council is available at Town Hall.



# SPECIAL MAGISTRATE HEARINGS



## Town of Bay Harbor Islands

1030 95 Street  
Bay Harbor Islands, Florida 33154  
Phone: 305-993-1786

E-mail:

[codecompliance@bayharborislands.org](mailto:codecompliance@bayharborislands.org)



# SPECIAL MAGISTRATE PROCESS-HEARINGS

The Town of Bay Harbor Islands holds Special Magistrate Hearings on matters involving alleged violations of the Town's Municipal Code. Most matters involving ordinance violations relating to real property are heard by the Department's Special Magistrate.

## HOW A CASE GETS TO THE SPECIAL MAGISTRATES

Cases are referred to the Special Magistrate by the Code Compliance Officers, who in turn respond to other departments, agencies and/or to a citizen's or community group's complaint about an alleged violation of a local ordinance.

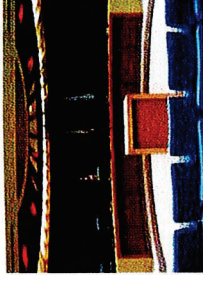
## WHAT IS A SPECIAL MAGISTRATE HEARING

A Special Magistrate Hearing is similar to a mini civil trial. There are no juries in these hearings. Hearings are held before the Special Magistrate and are open to the public. The person or entity bringing the case is called the plaintiff and the entity against whom the case is brought is called the defendant. The Town is usually the plaintiff in cases before the Special Magistrate.

Both sides have an opportunity to present their cases by sworn testimony and exhibits, with all live testimony given under oath and recorded. Since Special Magistrate hearings are civil rather than criminal in nature, the burden of proof required is "by preponderance of evidence," and not "beyond a reasonable doubt." "By a preponderance of evidence" means that it is more likely than

Arriving late for a hearing may be treated as not appearing at all.

## WHAT HAPPENS IN THE HEARING ROOM?



### 1. *Where do I go?*

Hearings are held at the Town of Bay Harbor Islands Morris N. Broad Community Center (1175 95<sup>th</sup> Street # 2-3). Your hearing notice will tell you the date and time to appear. If this information is missing, please contact the Town's Code Compliance Department at 305- 993-1786.

### 2. *What do I do in the hearing room?*

When you get to the hearing room, please sign in and have a seat. Please remain silent until your case is called. Food and drink are not allowed in the hearing room. Proper conduct must be maintained at all times. People disrupting the proceedings will be removed from the room and may risk having their cases heard without them.

### 3. *When the Special Magistrate enters the room.*

When the Special Magistrate enters the room or starts the hearing, he or she will give a few opening remarks. The Special Magistrate will then start to call the cases, usually he will call the consent cases first (where the Town agrees to an administrative fee and no fine), cases agreed to be closed, cases where the defendant is present and cases where the defendant is not present.

not that an ordinance violation has occurred. If a violation is found to have occurred, the Special Magistrate may impose a fine or other penalties, including correction of the violation. Jail time cannot be given. The Special Magistrate will put his/her decision in writing, called the "Findings of Fact". Either party may appeal a final order to the Miami Dade County Circuit Court.

## WHAT DO I DO IF I RECEIVE A NOTICE OF HEARING?

If you receive a notice of hearing, and that document orders you to appear at a hearing before the Special Magistrate, you or your representative **MUST** show up at the location, date and time specified on the notice.

### 1. *Your right to an opportunity to be heard.*

You have the right to: (a) represent yourself; (b) hire an attorney to represent you at your expense; and/or have an authorized person represent you. Your authorized representative can be a friend, family member or employee. Please note that there are no public defenders in civil matters such as Special Magistrate's Hearings.

### 2. *What if I cannot attend the hearing?*

If you cannot attend the hearing, you or your representative must arrange for a continuance (a rescheduling) of the hearing. To get a continuance you must have a valid reason. The fact that you might be scheduled to work or are unprepared on the hearing date are not valid reasons for a continuance. Whether or not you are given a continuance is up to the Special Magistrate. Continuances must be requested in writing prior to the scheduled hearing.

### 3. *What if I do not appear at the hearing?*

If you do not appear at the hearing, the Special Magistrate will hold the hearing without you, and a fine or other penalties may be entered against you. This is called a default judgment.





## **NOTICE TO APPEAR #1**

Date: June 04, 2024  
File Number: 23-000403

**RE: Notice of Violation No:** 23-000403  
**Date of Issuance:** March 13, 2023  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 10301 East Bay Harbor Drive  
Bay Harbor Islands, FL 33154-1298

**TO: VIOLATOR**

10301 BAY HARBOR DEVELOPMENT LLC  
18101 COLLINS AVE #3908  
SUNNY ISLES BEACH, FL 33160

**REGISTERED AGENT**

DMITRIY MELESHKO  
18101 COLLINS AVENUE 3908  
Sunny Isles Beach, FL 66060

**Code Sections Violated and Nature of Violations:**

**Code: 23-4(7)**

**Violation:** In the RM-1 and RM-2 Multiple Family districts, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

Temporary sales and business offices, construction trailers, and model dwelling units, but only in connection with the construction of dwelling units, and upon specific approval and permit of the town council, including but not limited to such time limits and other any other conditions as may be imposed by the town council at its discretion.  
**Daily Penalty \$250.00**

**Corrective Action:** Obtain approval from Town Council to operate a temporary sales center at this location.

For questions or concerns regarding the application process please contact Yvonne Hamilton, Town Clerk, at (305) 866-6241 or by email at [yhamilton@bayharborislands-fl.gov](mailto:yhamilton@bayharborislands-fl.gov).

**Code: Sec. 17-5(b)**

**Violation:** On property in B-1, RM-1, RM-2 and Tract zones, where construction is contemplated, one preconstruction sign not exceeding 25 square feet shall be permitted provided it has been applied for and approved as provided in section 17-3, by the town manager, and payment of a \$1,500.00 initial permit fee has been made with renewal fee payments of \$250.00 due every six months; and further provided, that preliminary building plans have been approved by the planning and zoning board and a cash bond in the amount of \$500.00 is posted with the town clerk, said bond to be forfeited in the event that final building plans are not submitted and building permit obtained within 180 days after the preconstruction sign permit is issued, or in the event that the permit lapses without renewal. The town may remove and dispose of signs in the event a permit is not renewed. No extension will be allowed, except for just cause.

**Corrective Action:** Remove the signs.

**Code: Sec. 13-8(1)**

**Violation:** Any person who shall carry on or conduct any privilege, business, occupation or profession for which a business tax receipt is required by this chapter without first obtaining such receipt; any person who shall make a false statement, application or oath, in connection with any application for a business tax receipt. **Daily Penalty \$250.00**

**Corrective Action:** A Business Tax Receipt is required to operate a sales center. The temporary sales center must be approved by the Town Council.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

  
Yvonne Hamilton  
Town Clerk



## WHAT HAPPENS WHEN MY CASE IS CALLED?

When your case is called, you should answer "here" or "present" and step up to the podium in front of the Special Magistrate. The Special Magistrate will review the Town's case. The Town must present evidence of the violation by either live testimony or documents. The Town's case will be presented by the Town's attorney or designated representative. If the Special Magistrate determines that the Town has presented sufficient evidence, you will have the opportunity to explain or rebut the Town's evidence (i.e., to tell your side of the story).

This is your opportunity to tell the Special Magistrate your side of the story. You, your witness, and/or your evidence may show the Special Magistrate why the information on the Town's violation notice is wrong or that the Town has cited the wrong person. If you have witnesses or evidence to substantiate or prove your case, you must have them or it with you at the hearing.

### 2. *Questions by the Special Magistrate.*

The Special Magistrate may ask questions of the parties and their witnesses to clarify the evidence.

### 3. *The Special Magistrate's decision.*

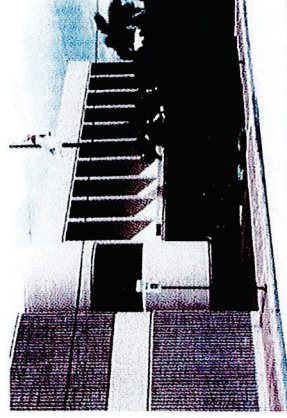
After both sides are provided an opportunity to be heard, the Special Magistrate **will** render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will be in the form of a written order. If the Special Magistrate finds that a violation has occurred, he or she may impose fines or other penalties as the ordinance provides. You will be provided with a copy of the Special Magistrate's order or any other notices or documents relevant to that day's proceedings.

## WHAT IF I DISAGREE WITH THE SPECIAL MAGISTRATE'S DECISION?

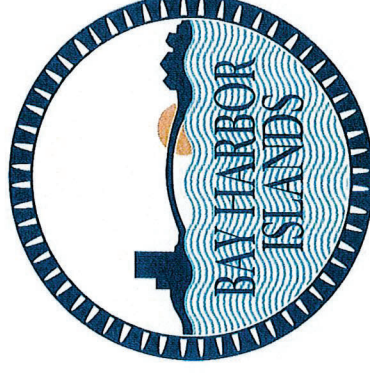
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

If you are issued a fine and would like to ask for mitigation on the amount. You can do so by requesting a Mitigation Hearing. The first step for any property owner seeking a reduction in penalties is to appear before the Special Magistrate who may grant mitigation of not more than 50% of the total amount of the civil penalty, not including administrative costs. The procedures for appearing before the Special Magistrate for such mitigation may be found in Resolution No. 855 adopted by the Town Council December 1999. A copy is available at Town Hall. Mitigation cannot be used as a substitute for an appeal.

If you go through the mitigation hearing in front of the Special Magistrate, but you still desire further reduction on the fines, you may apply for Mitigation to the Town Council. Applications for mitigation to the Town Council must be submitted within 30 days of any mitigation having been granted by the Special Master. Additional information on how to file an application for mitigation to the Town Council is available at Town Hall.



# SPECIAL MAGISTRATE HEARINGS



## Town of Bay Harbor Islands

1030 95 Street  
Bay Harbor Islands, Florida 33154  
Phone: 305-993-1786

E-mail:  
[codecompliance@bayharborislands.org](mailto:codecompliance@bayharborislands.org)

# SPECIAL MAGISTRATE PROCESS-HEARINGS

The Town of Bay Harbor Islands holds Special Magistrate Hearings on matters involving alleged violations of the Town's Municipal Code. Most matters involving ordinance violations relating to real property are heard by the Department's Special Magistrate.

## HOW A CASE GETS TO THE SPECIAL MAGISTRATES

Cases are referred to the Special Magistrate by the Code Compliance Officers, who in turn respond to other departments, agencies and/or to a citizen's or community group's complaint about an alleged violation of a local ordinance.

## WHAT IS A SPECIAL MAGISTRATE HEARING

A Special Magistrate Hearing is similar to a mini civil trial. There are no juries in these hearings. Hearings are held before the Special Magistrate and are open to the public. The person or entity bringing the case is called the plaintiff and the entity against whom the case is brought is called the defendant. The Town is usually the plaintiff in cases before the Special Magistrate.

Both sides have an opportunity to present their cases by sworn testimony and exhibits, with all live testimony given under oath and recorded. Since Special Magistrate hearings are civil rather than criminal in nature, the burden of proof required is "by preponderance of evidence," and not "beyond a reasonable doubt." "By a preponderance of evidence" means that it is more likely than

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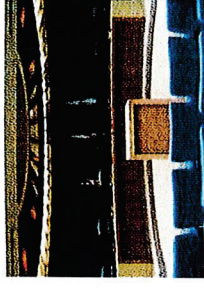
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### 3. *What if I do not appear at the hearing?*

If you do not appear at the hearing, the Special Magistrate will hold the hearing without you, and a fine or other penalties may be entered against you. This is called a default judgment.

Arriving late for a hearing may be treated as not appearing at all.

## WHAT HAPPENS IN THE HEARING ROOM?



### 1. *Where do I go?*

Hearings are held at the Town of Bay Harbor Islands Morris N. Broad Community Center (1175 95th Street # 2-3). Your hearing notice will tell you the date and time to appear. If this information is missing, please contact the Town's Code Compliance Department at 305- 993-1786.

### 2. *What do I do in the hearing room?*

When you get to the hearing room, please sign in and have a seat. Please remain silent until your case is called. Food and drink are not allowed in the hearing room. Proper conduct must be maintained at all times. People disrupting the proceedings will be removed from the room and may risk having their cases heard without them.

### 3. *When the Special Magistrate enters the room.*

When the Special Magistrate enters the room or starts the hearing, he or she will give a few opening remarks. The Special Magistrate will then start to call the cases, usually he will call the consent cases first (where the Town agrees to an administrative fee and no fine), cases agreed to be closed, cases where the defendant is present and cases where the defendant is not present.



**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024

File Number: 23-001092

**RE: Notice of Violation No: 23-001092**  
**Date of Issuance: Jun 21, 2023**  
**Code Compliance Officer: Scherrie Griffin**  
**Location of Violation: 1075 93 Street**  
**Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

THE ATRIUM CONDOMINIUM OWNERS ASSOCIATION,  
INC CO CAM Accounting & Property Svcs.  
1900 N University Drive, #102  
Pembroke Pines, FL 33024

**REGISTERED AGENT**

Cam Accounting &  
Property Services  
1900 N University Drive  
#102  
Pembroke Pines, FL  
33024

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Hire a licensed contractor to obtain a building permit from the building department. Make all repairs in order to re-open the pool.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on



their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 24-000081

**RE: Notice of Violation No:** 24-000081  
**Date of Issuance:** Jan 12, 2024  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 1080 99 Street  
Bay Harbor Islands, FL 33154-0000

**TO: VIOLATOR**

Goodheart Ventures Incorporated  
P.O. Box 409  
Princeton, NJ 08540

**REGISTERED AGENT**

Corporation Service Company  
1201 Hays Street  
Tallahassee, FL 32301

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(1)**

**Violation:** Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00  
**Corrective Action:** Remove remaining portion of the damaged overhang soffit and to repair, permit required. Provide an inspection letter from an engineer.

**Code: Sec. 24-14(o)**

**Violation:** Every owner, or owner's agent, of a building which has rental units, shall post a sign in a conspicuous place, inside the vestibule or lobby of the building, indicating the names, addresses and telephone numbers, local and foreign, of the owner or manager, except that this paragraph shall not apply where there is a resident agent on the premises. Every owner who does not maintain his principal residence within Dade County, Florida shall be required to



designate, in writing, to the town manager designee some legally competent person who shall be designated as the owner's agent and who shall reside within Dade County. Such person shall be authorized by the owner to accept notices of violation, process, and other communications relating to the enforcement of this Code. The owner shall obtain the acceptance of such designation from the person so designated in writing and file same with the town manager or designee at the time the designation is filed. In the event the designated agent resigns, retires, is terminated or the agency relationship is otherwise terminated, the owner shall forthwith appoint another agent. The code compliance officer is authorized and directed to prescribe a form for the purpose of implementing this section. The information to be provided on the form shall include the name and residence address and telephone number of the owner and designated agent, the address of the building, the designated agent's work address and telephone. The form shall be required to be acknowledged before a notary or other person authorized by law to take oaths.

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You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**

**Place: MORRIS N. BROAD COMMUNITY CENTER**

**1175 95TH STREET #2-3**

**BAY HARBOR ISLANDS, FL 33154**

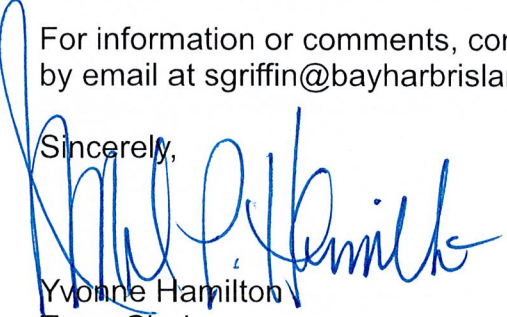
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An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharbrislands-fl.gov](mailto:sgriffin@bayharbrislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 04, 2024  
File Number: 24-000737

**RE: Notice of Violation No:** 24-000737  
**Date of Issuance:** Apr 17, 2024  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 1170 KANE CONC  
Bay Harbor Islands, FL 33154-2013

**TO: VIOLATOR**

1170 LLC  
21170 NE 22 CT  
MIAMI BEACH, FL 33180-1002

**REGISTERED AGENT**

Oliviero Lew 1170  
Kane Concourse  
Bay Harbor Islands, FL 33154

**Code Sections Violated and Nature of Violations:**

**Code: 9-29(b)(1)**

**Violation:** The town shall have the right to remove any container, garbage or trash, landscape debris, special-handling landscape debris and trash that is in violation of this chapter, and to levy and charge the owner of the property \$100 for the First Violation, \$250 for the Second Violation, and \$500.00 for each subsequent violation, plus the costs to the town of removal and/or correction of any violation of this chapter.

**Corrective Action:** Fine imposed in the amount of \$100.00. Mail a check made payable to the Town of Bay Harbor Islands in the amount of \$100.00 or make a payment online at <https://bayharborislandsfl.municipalonlinepayments.com/bayharborislandsfl/easypay> .

**Code: Sec. 9-23**

**Violation:** No person shall deposit or permit any trash, landscape debris, special-handling landscape debris or container, to be deposited or remain at curbside, or in any public area, or in any area of the town adjacent to or abutting a street except on the day designated for bulk waste pick-up or by special arrangement with the town. In the event that any of the aforementioned items have not been picked up by the town or its agent by 4:00 p.m. on Fridays, said items shall be removed from public view by the owner or occupant of the property prior to 6:00 p.m. on Fridays.

**Corrective Action:** Bulk garbage items shall be placed curbside on Wednesday for pick-up service on Thursday.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date:** June 27, 2024  
**Time:** 10:00AM  
**TOWN OF BAY HARBOR ISLANDS**  
**Place:** MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154

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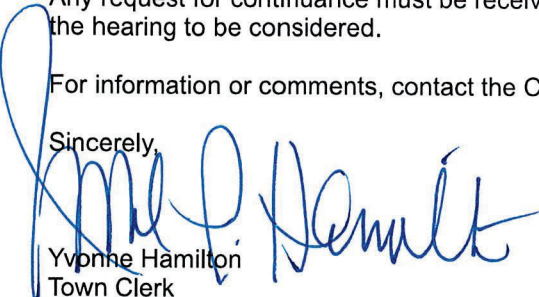




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Town Clerk



## WHAT HAPPENS WHEN MY CASE IS CALLED?

When your case is called, you should answer "here" or "present" and step up to the podium in front of the Special Magistrate. The Special Magistrate will review the Town's case. The Town must present evidence of the violation by either live testimony or documents. The Town's case will be presented by the Town's attorney or designated representative. If the Special Magistrate determines that the Town has presented sufficient evidence, you will have the opportunity to explain or rebut the Town's evidence (i.e., to tell your side of the story).

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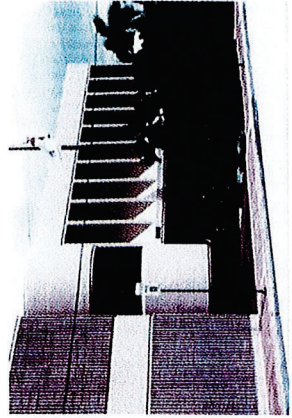
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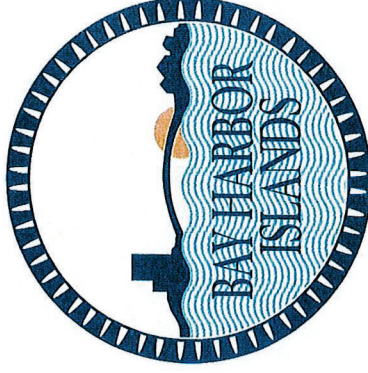
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# SPECIAL MAGISTRATE HEARINGS



## Town of Bay Harbor Islands

1030 95 Street  
Bay Harbor Islands, Florida 33154  
Phone: 305-993-1786

E-mail:

[codecompliance@bayharborislands.org](mailto:codecompliance@bayharborislands.org)





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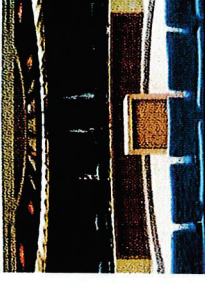
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## WHAT HAPPENS IN THE HEARING ROOM?



### 1. *Where do I go?*

Hearings are held at the Town of Bay Harbor Islands Morris N. Broad Community Center (1175 95<sup>th</sup> Street # 2-3). Your hearing notice will tell you the date and time to appear. If this information is missing, please contact the Town's Code Compliance Department at 305- 993-1786.

### 2. *What do I do in the hearing room?*

When you get to the hearing room, please sign in and have a seat. Please remain silent until your case is called. Food and drink are not allowed in the hearing room. Proper conduct must be maintained at all times. People disrupting the proceedings will be removed from the room and may risk having their cases heard without them.

### 3. *When the Special Magistrate enters the room.*

When the Special Magistrate enters the room or starts the hearing, he or she will give a few opening remarks. The Special Magistrate will then start to call the cases, usually he will call the consent cases first (where the Town agrees to an administrative fee and no fine), cases agreed to be closed, cases where the defendant is present and cases where the defendant is not present.



**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 23-001648

**RE: Notice of Violation No:** 23-001648  
**Date of Issuance:** Sep 05, 2023  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 1020 94 Street  
Bay Harbor Islands, FL 33154-0000

**TO: VIOLATOR**

Chatillion Hall Condominium, Inc  
1020 94th Street  
Bay Harbor Islands, FL 33154

**REGISTERED AGENT**

Maria Taleno  
1020 94 Street, #403  
Bay Harbor Islands,, FL 33154

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Hire a licensed contractor to obtain a building permit and after-the-fact mechanical permit.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

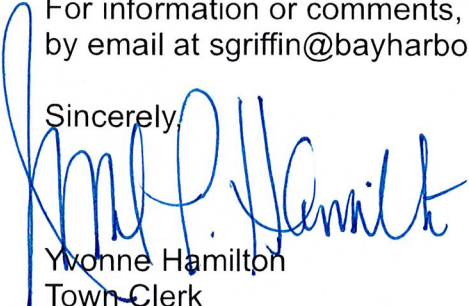


An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 23-001730

**RE: Notice of Violation No:** 23-001730  
**Date of Issuance:** Sep 13, 2023  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 9500 West BAY Harbor Drive 4B  
Bay Harbor Islands, FL 33154-2049

**TO: VIOLATOR**

Re Bella Vista LLC  
9500 West Bay Harbor Drive, 4B  
Bay Harbor Islands, FL 33154

**REGISTERED AGENT**

Marcelo M Re  
9721 East Bay Harbor Drive, APT 6B  
Town of Bay Harbor Islands, FL 33154

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Hire a licensed contractor to obtain a building, plumbing and electrical permit from the building department.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

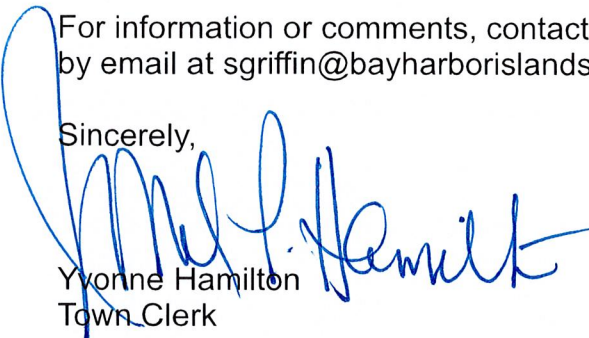
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 24-000240

**RE: Notice of Violation No:** 24-000240  
**Date of Issuance:** Feb 12, 2024  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 1075 93 Street 303  
Bay Harbor Islands, FL 33154-2389

**TO: VIOLATOR**

**REGISTERED AGENT**

MARIA FAZZINGO  
1075 93 ST #303  
BAY HARBOR ISLANDS, FL 33154-2351

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Hire a licensed contractor to obtain a building, plumbing, and electrical permits from the building department.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

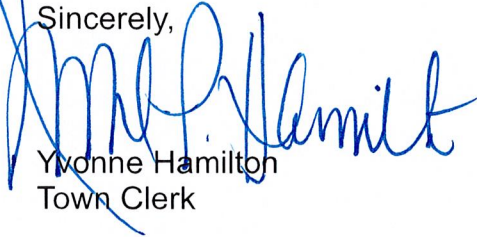


An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Yvonne Hamilton", is written over the typed name and title.

Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: May 30, 2024  
File Number: 23-000817

**RE: Notice of Violation No:** 23-000817  
**Date of Issuance:** January 23, 2024  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 1111 Kane Concourse  
Bay Harbor Islands, FL 33154-0000

**TO: VIOLATOR**

Concourse Plaza A Condominium Association, Inc.  
4000 HOLLYWOOD BLVD. SUITE 265-S  
HOLLYWOOD, FL 33021

**REGISTERED AGENT**

Alessandra Stivelman  
4000 Hollywood Blvd. Ste.265-S  
Hollywood, FL 33021

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(1)**

**Violation:** Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00  
**Corrective Action:** Renew permit #B23-000341 from the building department and repair the overhang.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**  
**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

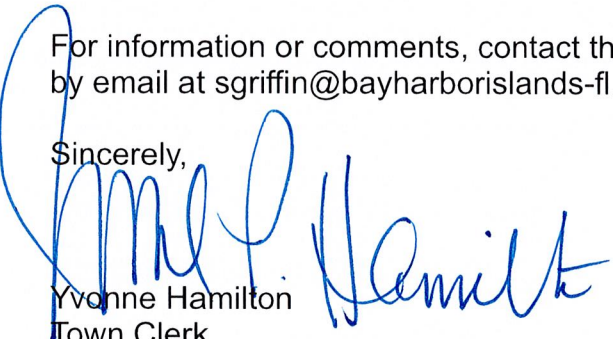
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk



**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #2**

Date: June 04, 2024  
File Number: 22-001222

**RE: Notice of Violation No:** 22-001222  
**Date of Issuance:** August 30, 2022  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 1101 98 Street 2  
Bay Harbor Islands, FL 33154-1749

**TO: VIOLATOR** **REGISTERED AGENT**  
DARRIN NORWOOD  
PO BOX 5331  
ALPHARETTA, GA 30023

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Obtain building, plumbing and electrical permits for the interior alterations. Contact the Town of Bay Harbor Islands Building Department at (305) 993-1786 for more information.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**  
**Time: 10:00AM**  
**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

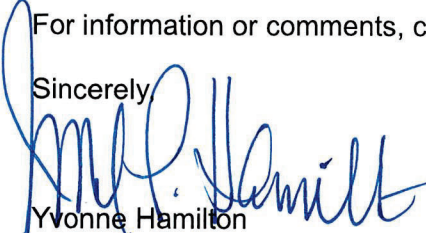
An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.



For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

  
Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024

File Number: 24-000365

**RE: Notice of Violation No: 24-000365**  
**Date of Issuance: March 06, 2024**  
**Code Compliance Officer: Scherrie Griffin**  
**Location of Violation: 9550 Bay Harbor Terrace**  
**Bay Harbor Islands, FL 33154-2024**

**TO: VIOLATOR**

W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

**REGISTERED AGENT**

Waserstein & Nunez PLLC  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL  
33154

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Obtain an after the fact permit from the building department.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

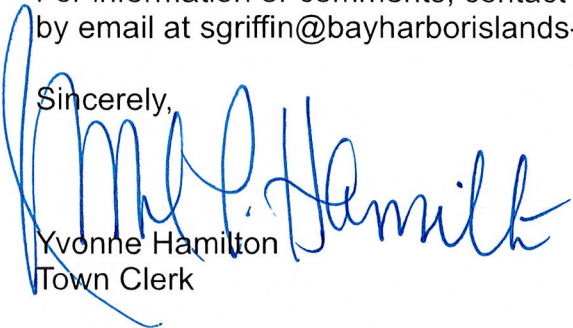
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

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Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024

File Number: 24-000560

**RE: Notice of Violation No:** 24-000560  
**Date of Issuance:** Mar 27, 2024  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 1080 93 Street  
Bay Harbor Islands, FL 33154-2388

**TO: VIOLATOR**

BAY HARBOR 1080 PARTNERS LLC  
9 TERRACE CT  
Old Westbury, NY 11568

**REGISTERED AGENT**

CHARTER REALTY GROUP LLC  
90 ALTON ROAD # 3209  
Miami Beach, FL 33139

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 12-26(1)(a)**

**Violation:** Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.

**Corrective Action:** Make a check payable to the Town of Bay Harbor Islands in the amount of \$1,000.00 or make a payment online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay>.

**Code: 12-27(a)**

**Violation:** For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000

**Second Violation-** \$2,000

**Third Violation-** \$3,000 plus 8-hour Stop Work Order

**Each subsequent violation-** \$5,000

**Corrective Action:** Fine imposed in the amount of \$1,000.00 First Notice of Violation.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**



**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

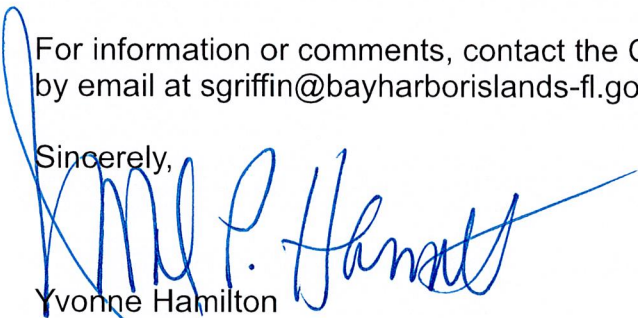
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An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 03, 2024  
File Number: 19-000318

**RE: Notice of Violation No:** 19-000318  
**Date of Issuance:** Jan 31, 2019  
**Code Compliance Officer:** Scherrie Griffin  
**Location of Violation:** 9800 West Bay Harbor Drive Drive  
Bay Harbor Islands, FL 33154-0000

**TO: VIOLATOR**

Guilford House of Bay Harbor Condominium,  
Inc  
9800 West Bay Harbor Drive  
Bay Harbor Islands, FL 33154

**REGISTERED AGENT**

Stivelman, Alessandra, Esq.Esinger  
Law  
4000 Hollywood Blvd Suite 265-S  
Hollywood, FL 33021

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(11)**

**Violation:** It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

**Corrective Action:** Hire a licensed contractor to repair the seawall. Permit required from the Building Department

**Code: Sec. 23-12(1)**

**Violation:** Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats,

poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00  
Corrective Action: Hire a licensed contractor to repair the dock. Permit required from the Building Department. Caution off the dock area.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS  
Place: MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgriffin@bayharborislands-fl.gov](mailto:sgriffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #3**

Date: June 03, 2024

File Number: 19-000350

**RE: Notice of Violation No: 19-000350**  
**Date of Issuance: January 03, 2020**  
**Code Compliance Officer: Scherrie Griffin**  
**Location of Violation: 9431 East Bay Harbor Drive**  
**Bay Harbor Islands, FL 33154-2339**

**TO: VIOLATOR**

Bay Harbor Islands Property Owner II LLC c/o Continuum  
Company, LLC  
49 West 23rd Street, 4th Floor  
New York, NY 10010

**REGISTERED AGENT**

Corporation Service  
Company  
1201 Hays Street  
Tallahassee, FL 32301

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(11)**

**Violation: It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00**

**Corrective Action: Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.**

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date: June 27, 2024**

**Time: 10:00AM**

**TOWN OF BAY HARBOR ISLANDS**  
**Place: MORRIS N. BROAD COMMUNITY CENTER**  
**1175 95TH STREET #2-3**  
**BAY HARBOR ISLANDS, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please



provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

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Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email at [sgrffin@bayharborislands-fl.gov](mailto:sgrffin@bayharborislands-fl.gov).

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #3**

Date: June 04, 2024  
File Number: 19-001025

**RE: Notice of Violation No:** 19-001025  
**Date of Issuance:** January 06, 2020  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 9461 East Bay Harbor Drive  
Bay Harbor Islands, FL 33154-2340

**TO: VIOLATOR**

Bay Harbor Islands Property Owner II LLC  
30 W. 21ST ST.  
11TH Floor  
New York, NY 10010

**REGISTERED AGENT**

Corporate Service Company  
1201 Hays Street  
Tallahassee, FL 32301

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(11)**

**Violation:** It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

**Corrective Action:** Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date:** June 27, 2024  
**Time:** 10:00AM  
**TOWN OF BAY HARBOR ISLANDS**  
**Place:** MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154

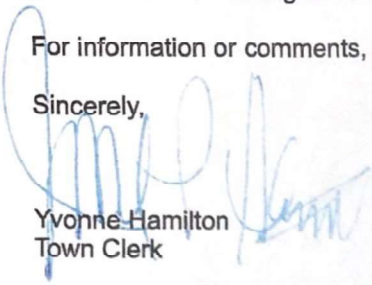
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk



**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #3**

Date: June 04, 2024  
File Number: 19-001024

**RE: Notice of Violation No:** 19-001024  
**Date of Issuance:** January 03, 2020  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 9481 East Bay Harbor Drive  
Bay Harbor Islands, FL 33154-2341

**TO: VIOLATOR**

Bay Harbor Islands Property Owner II LLC c/o Continuum Company,  
LLC  
49 West 23rd Street, 4th Floor  
New York, NY 10010

**REGISTERED AGENT**

Corporation Service  
Company  
1201 Hays Street  
Tallahassee, FL 32301

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(11)**

**Violation:** It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

**Corrective Action:** Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date:** June 27, 2024  
**Time:** 10:00AM  
**TOWN OF BAY HARBOR ISLANDS**  
**Place:** MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.



Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: June 04, 2024  
File Number: 24-000654

**RE: Notice of Violation No:** 24-000654  
**Date of Issuance:** Apr 08, 2024  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 10140 West Broadview Drive  
Bay Harbor Islands, FL 33154-1134

**TO: VIOLATOR** **REGISTERED AGENT**  
Moshe Greenwald  
10140 W BROADVIEW DR  
BAY HARBOR ISLANDS, FL 33154

### **Code Sections Violated and Nature of Violations:**

**Code: 12-27(a)**

**Violation:** For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000

**Second Violation-** \$2,000

**Third Violation-** \$3,000 plus 8-hour Stop Work Order

**Each subsequent violation-** \$5,000

**Corrective Action:** Fine imposed in the amount of \$1,000.00. Mail a check made payable to the Town of Bay Harbor Islands in the amount of \$1,000.00 or make a payment online at

<https://bayharborislandsfl.municipalonlinepayments.com/bayharborislandsfl/easypay> .

**Code: Sec. 12-26(1)(a)**

**Violation:** Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.

**Corrective Action:** Work within the permissible construction hours. This information is provided on the permit.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date:** June 27, 2024

**Time:** 10:00AM

**TOWN OF BAY HARBOR ISLANDS**  
**Place:** MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Yvonne Hamilton', with a long horizontal flourish extending to the right.

Yvonne Hamilton  
Town Clerk



## NOTICE TO APPEAR #1

Date: June 04, 2024  
File Number: 24-000442

**RE: Notice of Violation No:** 24-000442  
**Date of Issuance:** Mar 08, 2024  
**Code Compliance Officer:** Evelyn Merizalde  
**Location of Violation:** 1231 98 Street  
Bay Harbor Islands, FL 33154-1910

**TO: VIOLATOR**

CAROLYN HOROWITZ & JEFFREY HOROWITZ  
1231 98 ST  
BAY HARBOR ISLANDS, FL 33154

**REGISTERED AGENT**

**Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation:** Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00  
**Corrective Action:** Obtain after the fact permit for the exterior walkway and wood siding panels installed on the exterior of the property.

You are hereby notified that a hearing before the Town's Special Magistrate on the described violation will be held as follows:

**Date:** June 27, 2024

**Time:** 10:00AM

**TOWN OF BAY HARBOR ISLANDS**  
**Place:** MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET #2-3  
BAY HARBOR ISLANDS, FL 33154

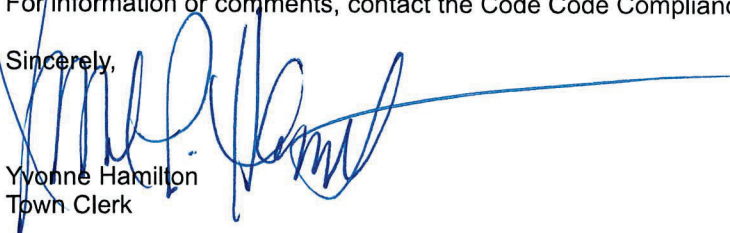
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Magistrate.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

  
Yvonne Hamilton  
Town Clerk





## WHAT HAPPENS WHEN MY CASE IS CALLED?

When your case is called, you should answer "here" or "present" and step up to the podium in front of the Special Magistrate. The Special Magistrate will review the Town's case. The Town must present evidence of the violation by either live testimony or documents. The Town's case will be presented by the Town's attorney or designated representative. If the Special Magistrate determines that the Town has presented sufficient evidence, you will have the opportunity to explain or rebut the Town's evidence (i.e., to tell your side of the story).

This is your opportunity to tell the Special Magistrate your side of the story. You, your witness, and/or your evidence may show the Special Magistrate why the information on the Town's violation notice is wrong or that the Town has cited the wrong person. If you have witnesses or evidence to substantiate or prove your case, you must have them or it with you at the hearing.

### 2. *Questions by the Special Magistrate.*

The Special Magistrate may ask questions of the parties and their witnesses to clarify the evidence.

### 3. *The Special Magistrate's decision.*

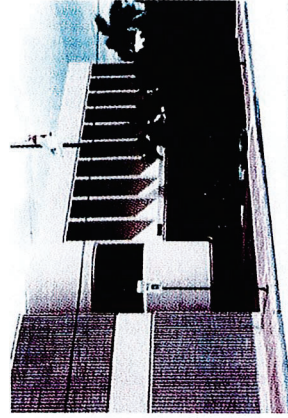
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will be in the form of a written order. If the Special Magistrate finds that a violation has occurred, he or she may impose fines or other penalties as the ordinance provides. You will be provided with a copy of the Special Magistrate's order or any other notices or documents relevant to that day's proceedings.

## WHAT IF I DISAGREE WITH THE SPECIAL MAGISTRATE'S DECISION?

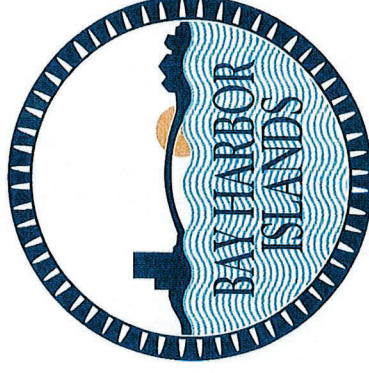
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

If you are issued a fine and would like to ask for mitigation on the amount. You can do so by requesting a Mitigation Hearing. The first step for any property owner seeking a reduction in penalties is to appear before the Special Magistrate who may grant mitigation of not more than 50% of the total amount of the civil penalty, not including administrative costs. The procedures for appearing before the Special Magistrate for such mitigation may be found in Resolution No. 855 adopted by the Town Council December 1999. A copy is available at Town Hall. Mitigation cannot be used as a substitute for an appeal.

If you go through the mitigation hearing in front of the Special Magistrate, but you still desire further reduction on the fines, you may apply for Mitigation to the Town Council. Applications for mitigation to the Town Council must be submitted within 30 days of any mitigation having been granted by the Special Master. Additional information on how to file an application for mitigation to the Town Council is available at Town Hall.



# SPECIAL MAGISTRATE HEARINGS



## Town of Bay Harbor Islands

1030 95 Street  
Bay Harbor Islands, Florida 33154  
Phone: 305-993-1786

E-mail:  
[codecompliance@bayharborislands.org](mailto:codecompliance@bayharborislands.org)



# SPECIAL MAGISTRATE PROCESS-HEARINGS

The Town of Bay Harbor Islands holds Special Magistrate Hearings on matters involving alleged violations of the Town's Municipal Code. Most matters involving ordinance violations relating to real property are heard by the Department's Special Magistrate.

## HOW A CASE GETS TO THE SPECIAL MAGISTRATES

Cases are referred to the Special Magistrate by the Code Compliance Officers, who in turn respond to other departments, agencies and/or to a citizen's or community group's complaint about an alleged violation of a local ordinance.

## WHAT IS A SPECIAL MAGISTRATE HEARING

A Special Magistrate Hearing is similar to a mini civil trial. There are no juries in these hearings. Hearings are held before the Special Magistrate and are open to the public. The person or entity bringing the case is called the plaintiff and the entity against whom the case is brought is called the defendant. The Town is usually the plaintiff in cases before the Special Magistrate.

Both sides have an opportunity to present their cases by sworn testimony and exhibits, with all live testimony given under oath and recorded. Since Special Magistrate hearings are civil rather than criminal in nature, the burden of proof required is "by preponderance of evidence," and not "beyond a reasonable doubt." "By a preponderance of evidence" means that it is more likely than

not that an ordinance violation has occurred. If a violation is found to have occurred, the Special Magistrate may impose a fine or other penalties, including correction of the violation. Jail time cannot be given. The Special Magistrate will put his/her decision in writing, called the "Findings of Fact". Either party may appeal a final order to the Miami Dade County Circuit Court.

## WHAT DO I DO IF I RECEIVE A NOTICE OF HEARING?

If you receive a notice of hearing, and that document orders you to appear at a hearing before the Special Magistrate, you or your representative **MUST** show up at the location, date and time specified on the notice.

### 1. *Your right to an opportunity to be heard.*

You have the right to: (a) represent yourself; (b) hire an attorney to represent you at your expense; and/or have an authorized person represent you. Your authorized representative can be a friend, family member or employee. Please note that there are no public defenders in civil matters such as Special Magistrate's Hearings.

### 2. *What if I cannot attend the hearing?*

If you cannot attend the hearing, you or your representative must arrange for a continuance (a rescheduling) of the hearing. To get a continuance you must have a valid reason. The fact that you might be scheduled to work or are unprepared on the hearing date are not valid reasons for a continuance. Whether or not you are given a continuance is up to the Special Magistrate. Continuances must be requested in writing prior to the scheduled hearing.

### 3. *What if I do not appear at the hearing?*

If you do not appear at the hearing, the Special Magistrate will hold the hearing without you, and a fine or other penalties may be entered against you. This is called a default judgment.

Arriving late for a hearing may be treated as not appearing at all.

## WHAT HAPPENS IN THE HEARING ROOM?



### 1. *Where do I go?*

Hearings are held at the Town of Bay Harbor Islands Morris N. Broad Community Center (1175 95<sup>th</sup> Street # 2-3). Your hearing notice will tell you the date and time to appear. If this information is missing, please contact the Town's Code Compliance Department at 305- 993-1786.

### 2. *What do I do in the hearing room?*

When you get to the hearing room, please sign in and have a seat. Please remain silent until your case is called. Food and drink are not allowed in the hearing room. Proper conduct must be maintained at all times. People disrupting the proceedings will be removed from the room and may risk having their cases heard without them.

### 3. *When the Special Magistrate enters the room.*

When the Special Magistrate enters the room or starts the hearing, he or she will give a few opening remarks. The Special Magistrate will then start to call the cases, usually he will call the consent cases first (where the Town agrees to an administrative fee and no fine), cases agreed to be closed, cases where the defendant is present and cases where the defendant is not present.



