

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

SPECIAL MAGISTRATE CHRISTOPHER E. BENJAMIN

AGENDA

October 31, 2024
10:00 AM

1. 1150 98 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: The Villas at Bay Harbor Condominium Association, Inc. **Code Officer:** Evelyn Merizalde

Registered Agent: FYVE Property Management

Citation #: 21-000958

Date Issued: 8/7/2021

Violation: 23-12(1)

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

Department's Recommendation:	Case History:
The determination of this matter shall be left to the discretion of the special magistrate.	9/29/21 Special Magistrate hearing- A continuance was granted for 60 days plus a \$150.00 administrative fee.
	3/24/22 Special Magistrate hearing- A continuance was granted for 90 days.
	3/21/24 Special Magistrate hearing-Fine assessed in the amount of \$5,000.00 plus an administrative

	fee of \$200.00. 5/15/24- Received a request to mitigate the fine assessed at the 3/21/24 hearing.
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2. 1050 92 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Harbor International Group 3, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Professional Corporate Services, LLC

Citation #: 23-000194

Date Issued: 2/7/2023

Violation: Obtain after the fact permits for the interior demolition.

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 \$5,000.00 plus a \$200.00 administrative fee for a total amount of \$5,200.00.	Case History: 11/29/23 Special Magistrate hearing-Fine assessed at \$250.00 per day until compliance is met, plus a \$200.00 administrative fee.
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3. 9961 East Broadview Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: George Bouis

Code Officer: Evelyn Merizalde

Registered Agent:

Citation #: 23-000142

Date Issued: 3/2/2023

Violation: Found the landscaping company replacing the grass with artificial turf. In the single-family district (RD) a 2-story home must be pervious landscape open space, meaning at least 35% - 40% of the site must be living landscape open space.

Code Section: 24-16(1)(a)(b)(c)(1). A property owner is responsible for ensuring that landscaping required to be planted pursuant to this section of any previous applicable ordinance(s), is: a. Installed in compliance with applicable ordinances; b. Maintained so as to represent a healthy, vigorous, and neat appearance, free from over growths, weeds, refuse and debris; c. Sufficiently fertilized and watered to maintain the plant material in a healthy condition, including appropriate use of pesticides as necessary. Daily penalty \$50.00

Department's Recommendation: Assess a fine of \$50.00 per day until the	Case History: Continuance request received for the special
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violation is abated.	magistrate hearing scheduled on 11.29.23.
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4. 10200 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: CHBH 103rd Street, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Corporate Services Company

Citation #: 23-001623

Date Issued: 10/26/2023

Violation: The vacant building's ground floor entrances and other openings are not secured.

Code Section: 24-15(i) Every owner of a building or structure that is vacant and unsecured shall secure all ground floor entrances and other openings of said building or structure including, but not limited to, windows and doorways. Such vacant building or structure shall be secured and sealed with concrete blocks or other materials of the same durability as determined by the building official. Daily Penalty \$250.00

24-15(k) Prior to the boarding of a vacant or unoccupied building, the owner or operator thereof shall apply to the chief building official of the town for approval and the issuance of a permit, and shall pay to the town a permit fee of \$1,000.00. Such permit shall be for only a six-month period, and shall be renewed for subsequent six-month periods upon the reapplication and payment of the permit fee. If a permit lapses, and such building or structure remains boarded, such permit and fee will be deemed to be automatically renewed, with the unpaid permit fees causing a lien to be placed upon the property for such unpaid fees. Such automatic renewal shall occur for the entire period which the building remains boarded. Daily Penalty \$50.00

Department's Recommendation: Close the case.	Case History: This is a new case.
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5. 10290 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: CHBH 103rd Street, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Corporation Service Company

Citation #: 23-001623

Date Issued: 10/26/2023

Violation: The vacant building ground floor entrances and other openings are not secured.

Code Section: 24-15(i) Every owner of a building or structure that is vacant and unsecured shall secure all ground floor entrances and other openings of said building or structure including, but not limited to, windows and doorways. Such vacant building or structure shall be secured and sealed with concrete block or other materials of the same durability as determined by the building official. Daily Penalty \$250.00

24-15(k) Prior to the boarding of a vacant or unoccupied building, the owner or operator thereof shall apply to the chief building official of the town for approval and the issuance of a permit, and shall pay to the town a permit fee of \$1,000.00. Such permit shall be for only a six-month period, and shall be renewed for subsequent six month periods upon the reapplication and payment of the permit fee. If a permit lapses, and such building or structure remains boarded, such permit and fee will be deemed to be automatically renewed, with the unpaid permit fees causing a lien to be placed upon the property for such unpaid fees. Such automatic renewal shall occur for the entire period which the building remains boarded. Daily Penalty \$50.00

<p><u>Department's Recommendation:</u> Assess a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.</p>	<p><u>Case History:</u> This is a new case.</p>
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6. 9550 Bay Harbor Terrace

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: W 9550 BH TERRACE LLC
WATERSTONE 2618 LLC

Registered Agent: WASERSTEIN & NUNEZ
PLLC

Citation #: 24-001232

Date Issued: 7/10/2024

Violation: Found interior renovation 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

<p><u>Department's Recommendation:</u> Assess a fine of \$250.00 per day plus a \$200.00 administrative fee.</p>	<p><u>Case History:</u> This is a new case.</p>
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7. 9424 West Broadview Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: Brett Reizen

Registered Agent:

Citation #: 24-000645

Date Issued: 4/5/2024

Violation: Workers were found operating machinery before 9:00 AM. Fine imposed in the amount of \$1,000.00.

Code Section: Ordinance 1097 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 plus eight-hour Stop Work Order Third Violation- \$3,000 plus twenty-four hour Stop Work Order Each subsequent violation- \$5,000 plus forty-eight hour Stop Work Order A Stop Work Order, when issued, shall take effect at 9 am on the next workday. If issued on a Friday, the Stop Work Order will take effect at 9 am the following Monday.

12-26(1)(a) 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>. Permissible hours of work is Monday to Friday between 09:00 AM to 06:00 PM.

<p><u>Department's Recommendation:</u> Assess a fine of \$1,000.00 plus a \$200.00 administrative fee for a total of \$1,200.00.</p>	<p><u>Case History:</u> This is a new case.</p>
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8. 1230 100 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Edward Reizen

Code Officer: Evelyn Merizalde

Registered Agent:

Citation #: 23-001990

Date Issued: 10/25/2023

Violation: The Bay Harbor Islands Police Department found construction activity in progress on Saturday, October 21, 2023, at 12:20 pm. Fine imposed in the amount of \$1,000.00 for the first violation.

Code Section: Ordinance 1097 12-29(a) For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000 Second Violation- \$2,000 plus eight-hour Stop Work Order Third Violation- \$3,000 plus twenty-four hour Stop Work Order Each subsequent violation- \$5,000 plus forty-eight hours Stop Work Order A Stop Work Order, when issued, shall take effect at 9 am on the next workday. If issued on a Friday, the Stop Work Order will take effect at 9 am the following Monday.

12-26(2) Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holiday" is defined as any day observed by the town as a legal holiday.

<p><u>Department's Recommendation:</u> Assess a fine of \$1,000.00 plus a \$200.00 administrative fee for a total amount of \$1,200.00.</p>	<p><u>Case History:</u> 2/16/24 The owner submitted a continuance request for the hearing scheduled on 2/28/24. 6/14/24- The owner submitted a continuance request for the hearing scheduled on 6/27/24.</p>
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9. 1050 93 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: STUART HOUSE CONDOMINIUM ASSOCIATION, INC.

Code Officer: Scherrie Griffin

Registered Agent: Chela Garcia

Citation #: 24-000031

Date Issued: 7/30/2024

Violation:

The parking lot is in disrepair and the wall is deteriorated.

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

<p><u>Department's Recommendation:</u> Assess a fine of \$50.00 per day until the violation is abated.</p>	<p><u>Case History:</u> This is a new case.</p>
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10. 1311 95 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: RASHA RIVKIN

Code Officer: Scherrie Griffin

Registered Agent:

Citation #: 24-000901

Date Issued: 5/14/2024

Violation: Roofing contractors were observed working before 9:00AM. Fine imposed in the amount of \$1,000.00.

Code Section: Ordinance 1097 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 plus eight-hour Stop Work Order Third Violation- \$3,000 plus twenty-four hour Stop Work Order Each subsequent violation- \$5,000 plus forty-eight hour Stop Work Order A Stop Work Order, when issued, shall take effect at 9 am on the next workday. If issued on a Friday, the Stop Work Order will take effect at 9 am the following Monday.

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, or legal holidays as defined hereinafter in subsection (2) below, except for watering in connection with dust mitigation. The arrival and departure of workers are limited to 30 minutes before and after the above stated construction activity hours. All such pre-work / post-work activities shall be restricted to areas within 100 feet of the actual construction site. The Town may designate suitable locations for workers to congregate for those early and/or late arrival or departure times, subject to rules and regulations to be promulgated by the Town. Workers shall remain in their vehicles when possible and not disturb neighboring properties or the Town in general. The Town may create and enforce rules and regulations to limit visible or outdoor worker activities, including but not limited to sanitation, the changing of clothes, cooking and eating, excessive noise, and the like. Unless a valid parking permit has been issued, all worker vehicles shall leave the designated temporary parking locations before 9:00 a.m. Noise / music emission must be in accordance with Section 12-20 through Section 12-23. Failure to comply with the above regulations may result in penalties as set forth in subsection 12-27.

<p><u>Department's Recommendation:</u> Assess a fine of \$1,000.00 plus a \$200.00 administrative fee for a total amount of \$5,200.00.</p>	<p><u>Case History:</u> This is a new case.</p>
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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.

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



NOTICE TO APPEAR #4

Date: October 15, 2024
File Number: 21-000958

RE: Notice of Violation No: 21-000958
Date of Issuance: August 07, 2021
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1150 98 Street
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

The Villas at Bay Harbor Condominium Association, Inc.
1150 98 Street
Bay Harbor Islands, FL 33154

REGISTERED AGENT

FYVE Property Management
5100 W. Copans Rd. # 410
Miami Beach, FL 33139

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: Please remove the vegetation that appears to be damaging the wall, and have the wall repaired.

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

Date: October 31, 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.*

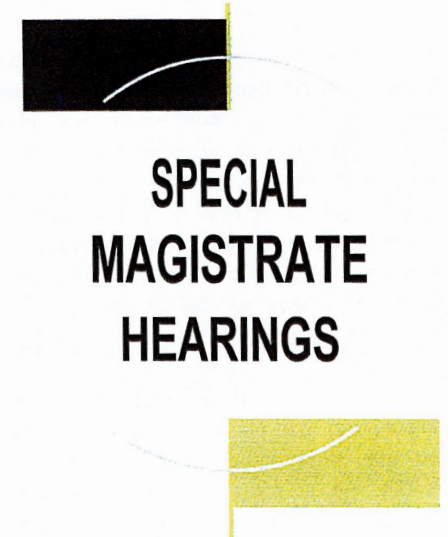
After both sides are provided an opportunity to be heard, the Special Magistrate **will** render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision 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:
codecomplianceall@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?*

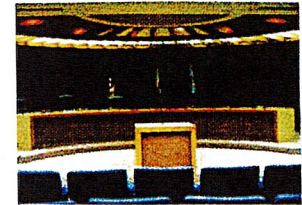
If you cannot attend the hearing, you or your representative must arrange for a continuance (a rescheduling) of the hearing. To get a continuance you must have a valid reason. The fact that you might be scheduled to work or are unprepared on the hearing date are not valid reasons for a continuance. Whether 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 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 #3

Date: October 15, 2024
File Number: 23-000194

RE: Notice of Violation No: 23-000194
Date of Issuance: February 07, 2023
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1050 92 Street
Bay Harbor Islands, FL 33154-2700

TO: VIOLATOR

HARBOR INTERNATIONAL GROUP 3 LLC
1000 BRICKELL AVENUE SUITE 201
Miami, FL 33131

REGISTERED AGENT

John Cunill
1000 Brickell Avenue , Suite 1100
Miami, FL 33131

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 permits for the interior demolition.

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

Date: October 31, 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.*

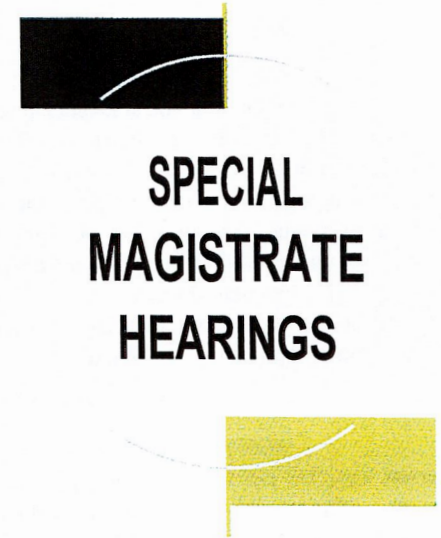
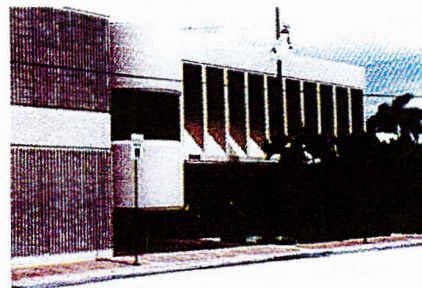
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will 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.

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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:
codecompliancecall@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?*

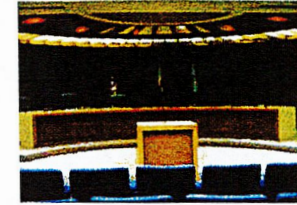
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3. *What if I do not appear at the hearing?*

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 #3

Date: October 15, 2024
File Number: 23-000142

RE: Notice of Violation No: 23-000142
Date of Issuance: March 02, 2023
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 9961 East Broadview Drive
Bay Harbor Islands, FL 33154-1118

TO: VIOLATOR

George Bouis
9961 East Broadview Drive
Bay Harbor Islands, FL 33154

REGISTERED AGENT

Jeremy Apisodrf
251 NW 23rd Street
Miami, FL 33127

Code Sections Violated and Nature of Violations:

Code: Sec. 24-16(1)(a)(b)(c)

Violation: (1). A property owner is responsible for ensuring that landscaping required to be planted pursuant to this section of any previous applicable ordinance(s), is: a. Installed in compliance with applicable ordinances;

b. Maintained so as to represent a healthy, vigorous, and neat appearance, free from over growths, weeds, refuse and debris;

c. Sufficiently fertilized and watered to maintain the plant material in a healthy condition, including appropriate use of pesticides as necessary. Daily penalty \$50.00

Corrective Action: Replace all areas of artificial turf with grass as per the approved landscape plan.

In the single-family district (RD) a 2-story home must be pervious landscape open space, meaning at least 35% - 40% of the site must be living landscape open space.

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

Date: October 31, 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.

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

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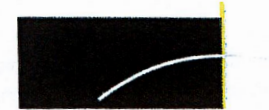
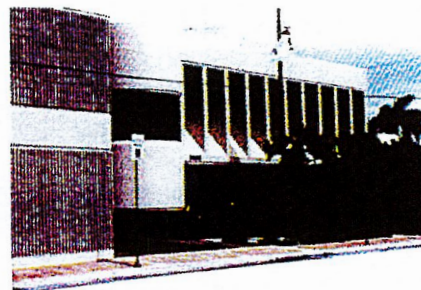
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WHAT IF I DISAGREE WITH THE SPECIAL MAGISTRATE'S DECISION?

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.

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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:
codecomplianceall@bayharborislands.org

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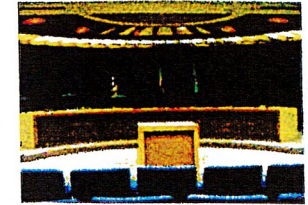
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Bay Harbor Island Town Hall
Code Compliance Division
1030 95th Street
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #2

Date: October 15, 2024
File Number: 23-001623

RE: Notice of Violation No: 23-001623
Date of Issuance: October 26, 2023
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10200 East Bay Harbor Drive
Bay Harbor Islands, FL 33154-3703

TO: VIOLATOR

CHBH 103RD STREET LLC
10201 COLLINS AVE APT #2001
BAL HARBOUR, FL 33154

REGISTERED AGENT

Maritza Salgado
200 S. Biscayne Boulevard, Suite 300
Miami, FL 33131

Code Sections Violated and Nature of Violations:

Code: Sec. 24-15 (i)

Violation: Every owner of a building or structure that is vacant and unsecured shall secure all ground floor entrances and other openings of said building or structure including, but not limited to, windows and doorways. Such vacant building or structure shall be secured and sealed with concrete block or other materials of the same durability as determined by the building official.

Corrective Action: Secure all ground floor entrances and other openings. Permit required.

Code: Sec. 24-15 (k)

Violation: Prior to the boarding of a vacant or unoccupied building, the owner or operator thereof shall apply to the chief building official of the town for approval and the issuance of a permit, and shall pay to the town a permit fee of \$1,000.00. Such permit shall be for only a six-month period, and shall be renewed for subsequent six month periods upon the reapplication and payment of the permit fee. If a permit lapses, and such building or structure remains boarded, such permit and fee will be deemed to be automatically renewed, with the unpaid permit fees causing a lien to be placed upon the property for such unpaid fees. Such automatic renewal shall occur for the entire period which the building remains boarded.

Corrective Action: Obtain a permit from the Town of Bay Harbor Islands Building Department to secure the vacant building.

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

Date: October 31, 2024

Time: 10:00AM

Place: TOWN OF BAY HARBOR ISLANDS
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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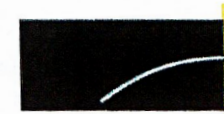
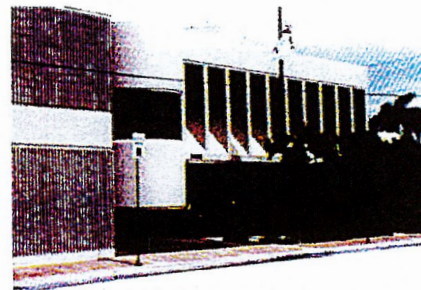
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SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

1030 95 Street
Bay Harbor Islands, Florida 33154

Phone: 305-993-1786

E-mail:
codecompliancecall@bayharborislands.org

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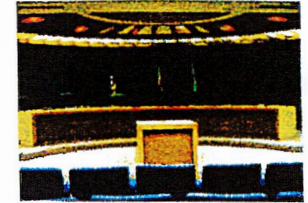
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Bay Harbor Island Town Hall
Code Compliance Division
1030 95th Street
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #2

Date: October 07, 2024
File Number: 23-001624

RE: Notice of Violation No: 23-001624
Date of Issuance: October 27, 2023
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10290 East Bay Harbor Drive
Bay Harbor Islands, FL 33154-1287

TO: VIOLATOR

CHBH 103RD STREET LLC
10201 COLLINS AVE APT #2001
BAL HARBOUR, FL 33154

REGISTERED AGENT

Corporation Services Company
1201 Hays Street
Tallahassee, FL 32301

Code Sections Violated and Nature of Violations:

Code: Sec. 24-15 (i)

Violation: Every owner of a building or structure that is vacant and unsecured shall secure all ground floor entrances and other openings of said building or structure including, but not limited to, windows and doorways. Such vacant building or structure shall be secured and sealed with concrete block or other materials of the same durability as determined by the building official.

Corrective Action: Secure all ground floor entrances and other openings. Permit required.

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Corrective Action: Obtain a permit form the Town of Bay Harbor Islands Building Department to secure the vacant building.

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

Date: October 31, 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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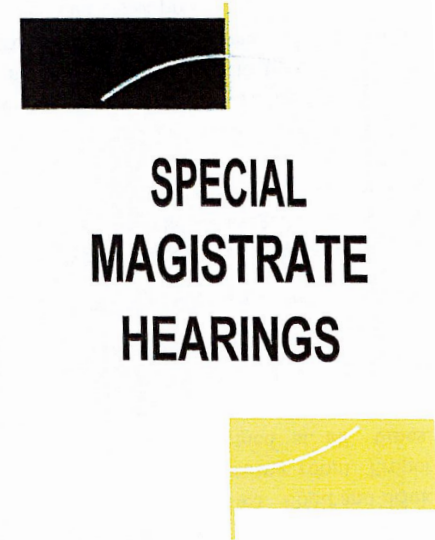
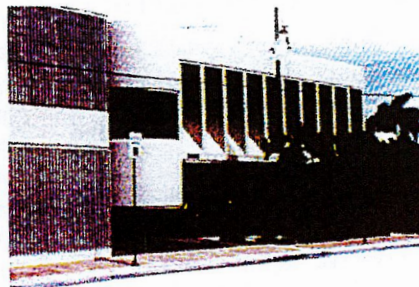
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Cases are referred to the Special Magistrate by the Code Compliance Officers, who in turn respond to other departments, agencies and/or to a citizen's or community group's complaint about an alleged violation of a local ordinance.

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?*

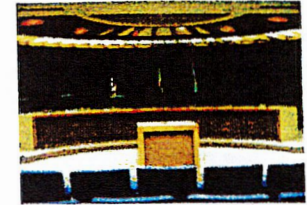
If you cannot attend the hearing, you or your representative must arrange for a continuance (a rescheduling) of the hearing. To get a continuance you must have a valid reason. The fact that you might be scheduled to work or are unprepared on the hearing date are not valid reasons for a continuance. Whether 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 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 #2

Date: October 14, 2024
File Number: 24-001232

RE: Notice of Violation No: 24-001232
Date of Issuance: Jul 10, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 9550 Bay Harbor Terrace, Suite 9580
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: Hire a licensed contractor to obtain building, plumbing, electrical and mechanical 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: October 31, 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 at 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: October 14, 2024
File Number: 24-000645

RE: Notice of Violation No: 24-000645
Date of Issuance: Apr 05, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 9424 West Broadview Drive
Bay Harbor Islands, FL 33154-1924

TO: VIOLATOR

REGISTERED AGENT

BRETT REIZEN
9424 WEST BROADVIEW DRIVE
BAY HARBOR ISLAND, FL 33154-1924

Code Sections Violated and Nature of Violations:

Code: Ordinance 1104 12-27(a)(i-iv)

Violation: For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000.00.

Second Violation-: \$2,000.00 plus one (1) workday of Stop Work Order. After a second violation, the property owner, the owner's agent, or the person performing the work shall meet with the Code officer to review the Code requirements and will be informed of the consequences for any further violations.

Third Violation:\$3,000.00 plus three (3) workdays of Stop Work Order.

Each subsequent violation: \$5,000 plus five (5) workdays of Stop Work Order.

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

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, or legal holidays as defined hereinafter in subsection (2) below, except for watering in connection with dust mitigation. The arrival and departure of workers are limited to 30 minutes before and after the above stated construction activity hours. All such pre-work / post-work activities shall be restricted to areas within 100 feet of the actual construction site. The Town may designate suitable locations for workers to congregate for those early and/or late arrival or departure times, subject to rules and regulations to be promulgated by the Town. Workers shall remain in

their vehicles when possible and not disturb neighboring properties or the Town in general. The Town may create and enforce rules and regulations to limit visible or outdoor worker activities, including but not limited to sanitation, the changing of clothes, cooking and eating, excessive noise, and the like. Unless a valid parking permit has been issued, all worker vehicles shall leave the designated temporary parking locations before 9:00 a.m. Noise / music emission must be in accordance with Section 12-20 through Section 12-23. Failure to comply with the above regulations may result in penalties as set forth in subsection 12-27.

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>. Permissible hours of work is Monday to Friday between 09:00 AM to 06:00 PM.

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

Date: October 31, 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 at 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: October 15, 2024

File Number: 23-001990

RE: Notice of Violation No: 23-001990
Date of Issuance: October 25, 2023
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1230 100 Street
Bay Harbor Islands, FL 33154-1106

TO: VIOLATOR **REGISTERED AGENT**
EDWARD M REIZEN &W VERNA
1230 100 Street
Bay Harbor Islands, FL 33154-1106

Code Sections Violated and Nature of Violations:

Code: Ordinance 1104 12-27(a)(i-iv)

Violation: For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000.00.

Second Violation-: \$2,000.00 plus one (1) workday of Stop Work Order. After a second violation, the property owner, the owner's agent, or the person performing the work shall meet with the Code officer to review the Code requirements and will be informed of the consequences for any further violations.

Third Violation:\$3,000.00 plus three (3) workdays of Stop Work Order.

Each subsequent violation: \$5,000 plus five (5) workdays of Stop Work Order.

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://www.municipalonlinepayments.com/bayharborislandsfl/easypay> .

Code: Sec. 12-26(2)

Violation: Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the town as a legal holiday.

Corrective Action: Notify all vendors, contractors and, subcontractors of the permissible hours for construction activities.

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

Date: October 31, 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 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.*

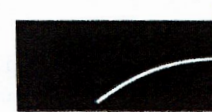
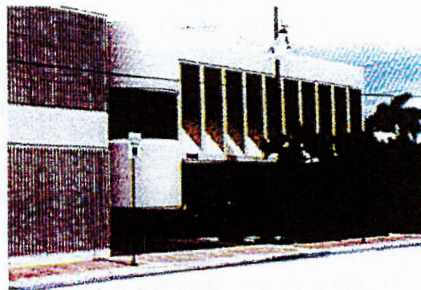
After both sides are provided an opportunity to be heard, the Special Magistrate **will** render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision 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:
codecompliancecall@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.

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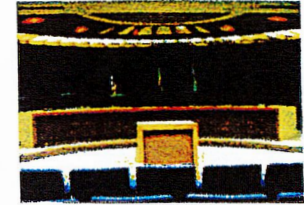
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If you do not appear at the hearing, the Special Magistrate will hold the hearing without you, and a fine or other penalties may be entered against you. This is called a default judgment.

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 #2

Date: October 14, 2024
File Number: 24-000031

RE: Notice of Violation No: 24-000031
Date of Issuance: July 30, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1050 93 Street
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

Stuart House Condominium Association, Inc
1050 93 Street
Bay Harbor Islands, FL 33154

REGISTERED AGENT

Chela Garcia
1050 93 Street
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: Repave and restripe the parking lot. Permit required from the building department. Paint the parking lot wall.

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

Date: October 31, 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 at 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: October 14, 2024

File Number: 24-000901

RE: Notice of Violation No: 24-000901
Date of Issuance: May 14, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1311 95 Street
Bay Harbor Islands, FL 33154-1904

TO: VIOLATOR REGISTERED AGENT
RASHA RIVKIN
1311 95 ST
Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Ordinance 1104 12-27(a)(i-iv)

Violation: For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000.00.

Second Violation-: \$2,000.00 plus one (1) workday of Stop Work Order. After a second violation, the property owner, the owner's agent, or the person performing the work shall meet with the Code officer to review the Code requirements and will be informed of the consequences for any further violations.

Third Violation:\$3,000.00 plus three (3) workdays of Stop Work Order.

Each subsequent violation: \$5,000 plus five (5) workdays of Stop Work Order.

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

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, or legal holidays as defined hereinafter in subsection (2) below, except for watering in connection with dust mitigation. The arrival and departure of workers are limited to 30 minutes before and after the above stated construction activity hours. All such pre-work / post-work activities shall be restricted to areas within 100 feet of the actual construction site. The Town may designate suitable locations for workers to congregate for those early and/or late arrival or departure times, subject to rules and regulations to be promulgated by the Town. Workers shall remain in

their vehicles when possible and not disturb neighboring properties or the Town in general. The Town may create and enforce rules and regulations to limit visible or outdoor worker activities, including but not limited to sanitation, the changing of clothes, cooking and eating, excessive noise, and the like. Unless a valid parking permit has been issued, all worker vehicles shall leave the designated temporary parking locations before 9:00 a.m. Noise / music emission must be in accordance with Section 12-20 through Section 12-23. Failure to comply with the above regulations may result in penalties as set forth in subsection 12-27.

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>.

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

Date: October 31, 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 Compliance Department at (305) 993-1786 or by email at sgriffin@bayharborislands-fl.gov.

Sincerely,


Yvonne Hamilton
Town Clerk