

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

SPECIAL MAGISTRATE TERRYANN S. HOWELL, ESQ.

AGENDA

January 29, 2026
10:30 AM

1. 1160 Kane Concourse # 101

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Owner: Bay Harbor Professional Center, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Sara Smith

Citation #:
26-000012

Date Issued: 1/5/2026

Violation:

The Well Sale Center is operating without an active Business Tax Receipt. Business Tax Receipt #36325 expired on December 31, 2025. Police report #26-000008 attached.

Code Section: 13-8 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. Daily Penalty: \$250.00

<p>Department's Recommendation: Assess a fine of \$500.00. Close the case provided the tenant is no longer occupying the premises.</p>	<p>Case History: This is a new case.</p>
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2. 1150 93 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Owner: Horizon at Casa Verde, LLC

Code Officer: Scherrie Griffin

Registered Agent: Registered Agents of Florida, LLC

Citation #: 25-002241

Date Issued: 10/20/2025

Violation: The temporary construction parking provision at 1150 93 Street for construction workers is prohibited.

Code Section: Sec. 5-5(m) Nature of Violation and Details: Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the site, shall not be parked off of the construction site.

Parking areas within the site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public streets or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated. Effective as of 10/8/25, all existing projects utilizing off-site parking shall have thirty (30) calendar days to bring such parking arrangements into full compliance with this section. Daily Penalty: First Violation \$5,000.00
Second Violation \$10,000.00

Department's Recommendation: Asses a fine of \$5,000.00 per day until the violation is abated and a \$200.00 administrative fee.	Case History: This is a new case.
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3. 1170 102 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: SAMAN L L C

Registered Agent: Shevlin & Atkins

Citation #: 24-002048

Date Issued: 10/15/2024

Violation: Failure to comply with Ordinance 1098 to install 8 foot high chain link fence around the perimeter of the property and install the decorative mesh.

Code Section: Ordinance 1098 Sec. 5-5(f) A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences

(street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development. Daily Penalty: \$250.00

<p><u>Department's Recommendation:</u> Close the case.</p>	<p><u>Case History:</u> This is a new case.</p>
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4. 1170 102 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: Samn, LLC

Registered Agent: Shevlin & Atkins Attorneys
at Law

Citation #: 25-002244

Date Issued: 10/20/2025

Violation: The temporary construction parking provision at 1170 102 Street for construction workers is prohibited.

Code Section: Sec. 5-5(m) Nature of Violation and Details: Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the site, shall not be parked off of the construction site.

Parking areas within the site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public streets or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated. Effective as of 10/8/25, all existing projects utilizing off-site parking shall have thirty (30) calendar days to bring such parking arrangements into full compliance with this section. Daily Penalty: First Violation \$5,000.00
Second Violation \$10,000.00

<p><u>Department's Recommendation:</u> Assess a fine of \$5,000.00 plus a \$200.00 administrative fee.</p>	<p><u>Case History:</u> This is a new case.</p>
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5. 1075 95 Street

Type of Hearing:
Special Master Hearing

Presenter: Evelyn Merizalde

Owner: W 1075 95TH STREET LLC

Code Officer: Evelyn Merizalde

Registered Agent: WASERSTEIN & NUNEZ
PLLC

Citation #: 25-001460

Date Issued: 8/11/2025

Violation:

On Friday, August 8, 2025, at approximately 6:21 PM, I was dispatched to the property in reference to a report of construction activity in progress. Upon arrival, I observed that a delivery of construction materials was actively taking place.

Code Section: Sec. 12-26(1)(b) Repair and maintenance activity inside a dwelling is permitted from 9:00 a.m to 6:00 p.m. Monday through Friday... Saturdays between the hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible noise outside the dwelling. Sec. 12-27(b) However, notwithstanding the foregoing, for violation of section 12-26.1(b) and (c), the violator shall receive, for the first violation, a notice of violation imposing a fine of \$250.00, and for any subsequent violations, a notice of violation imposing a fine of \$500.00.

<p>Department's Recommendation: Assess a fine of \$250.00 and a \$200.00 administrative fee.</p>	<p>Case History: This is a new case.</p>
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6. 9961 East Broadview Drive

Type of Hearing:
Special Master Hearing

Presenter: Evelyn Merizalde

Owner: George Bousis

Code Officer: Evelyn Merizalde

Registered Agent:

Citation #:
23-000142

Date Issued: 3/2/2023

Violation: Found a landscaping company replacing the grass with artificial turf

Code Section: Sec. 24-16(1)(a)(b)(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;
Maintained so as to represent a healthy, vigorous, and neat appearance, free from over growths, weeds, refuse and debris; Daily Penalty: \$50.00

<p>Department's Recommendation: The violation has not been abated. A fine of \$50.00 per day, effective January 29, 2025, will accrue daily until the violation is abated.</p>	<p>Case History: 11/29/23 Special Magistrate hearing- Continuance request granted. 10/31/24 Special Magistrate hearing- Continuance granted for 90 days. The owner shall contact the zoning inspector to</p>
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	<p>discuss any other potential alternatives. 10/30/25 Special Magistrate hearing- The owner is granted a 90-day extension to abate the violation. If the violation is not fully abated within the 90-day extension period, a fine of \$50.00 per day will be imposed retroactively from 1/29/25 and will continue to accrue daily until the violation is abated.</p>
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7. 10290 East Bay Harbor Drive

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: CHBH 103RD STREET LLC

Registered Agent: Corporation Service Company-

Citation #: 25-002245

Date Issued: 10/20/2025

Violation: The temporary construction parking provision at 10290 East Bay Harbor Drive is prohibited.

Code Section: Sec. 5-5(m) Nature of Violation and Details: Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the site, shall not be parked off of the construction site.

Parking areas within the site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public streets or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated. Effective as of 10/8/25, all existing projects utilizing off-site parking shall have thirty (30) calendar days to bring such parking arrangements into full compliance with this section. Daily Penalty: First Violation \$5,000.00
Second Violation \$10,000.00

<p>Department's Recommendation: Assess a fine of \$5,000.00 and a \$250.00 administrative fee.</p>	<p>Case History: This is a new case.</p>
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8. 9781 East Bay Harbor Drive

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: 9781 BAY HARBOR DEVELOPMENT LLC

Registered Agent: Dmitriy Meleshko

Citation #: 25-001085

Date Issued: 6/12/2025

Violation: Construction activity in progress after 6:00 PM on June 5, 2025. Call #25-19331.

Code Section: 12-27(a)(i-iv)

Nature of Violation and Details: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.

Department's Recommendation: Assess a fine of \$1,000.00 and a \$200.00 administrative fee.	Case History: This is a new case.
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9. 9455 Bay Harbor Terrace

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Owner: Town House Gardens Condo c/o Quality Association Managers Inc

Code Officer: Scherrie Griffin

Registered Agent: Yaffe, Robert H, ESQ.

Citation #: 25-000643

Date Issued: 3/25/2025

Violation: Found a bulk item placed out for bulk pickup prior to Wednesday. Call #25-9494

Code Section: 9-29(b)(1)Nature of Violation and Details: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.

Sec. 9-23Nature of Violation and Details: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.

<p><u>Department's Recommendation:</u> Assess a fine of \$500.00 and a \$200.00 administrative fee.</p>	<p><u>Case History:</u> This is a new case.</p>
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10. 1055 93 Street

Type of Hearing:
Special Master Hearing

Presenter: Evelyn Merizalde

Owner: DDG 1055 BHI LLC

Code Officer: Evelyn Merizalde

Registered Agent: MARK ALHADEFF

Citation #: 25-002251

Date Issued: 10/20/2025

Violation: The construction project permit B23-000548 expired on 10.17.25. The project is hereby determined to be abandoned, and the property is declared a public nuisance.

Code Section: 5-3.1A demolition bond shall be required to obtain a building permit on an approved site development plan for single-family; multi-family and commercial projects. The demolition bond shall be in an amount required to demolish the project and, in a form, acceptable to the Town Manager. The demolition bond may be used by the town in order to demolish the project in the event that: (a) the work authorized by a building permit is suspended or abandoned for six (6) months after the time that the construction work commenced (and, thus, the building permit expires), or the building permit is revoked, or the building permit becomes null and void; and b) a new building permit is not obtained within six (6) months after the building permit expired, was revoked, or became null and void. The demolition bond shall not be used by the town if the building permit has received an approved inspection within six (6) months or if the construction of the project was halted as a direct result of an injunction or court order. Daily Penalty: First violation \$250.00

5-10(2)(a-d)A) Base Expiration. All permits shall expire 180 days after issuance unless substantial progress has been made or an inspection has been approved within that time frame, as required by the Florida Building Code.

(B) Progress Requirement. Following commencement, no more than 180 consecutive days may elapse without a completed inspection verifying substantial progress. Failure to meet this condition will result in automatic expiration.

(C) Automatic Expiration. Expired permits shall be null and void. Any further work shall require a new permit application and payment of all associated fees. All subsequent work must comply with the codes and ordinances in effect at the time of reapplication.

(D) Impact on Related Permits. Expiration of a master permit may result in the expiration or suspension of associated sub-permits (e.g., mechanical, electrical, plumbing) at the discretion of the Building Official. Daily Penalty: First violation \$250.00 daily fine

5-10(g)(i)(ii)(1-5)i. Upon determination by the Building Official that a project poses a risk to public safety due to prolonged inactivity or noncompliance, the Town may require the permit holder

to post a cash bond in the amount of \$10,000 as a condition to continue construction.

ii. The bond shall be held in escrows by the Town and may be used to cover:

1. Administrative fees; (twenty-five percent (25%) surcharge)
2. Enforcement fines;
3. Site stabilization;
4. Building demolition;
5. Remediation of public nuisances or unsafe conditions if the property is abandoned or remains inactive

Department's Recommendation:

Assess a fine from 11/5/25 to 1/29/26, which represents 85 days at \$500.00 per day for a total of \$42,500.00. The fine shall continue to accrue at \$500.00 per day until the violation is abated. Authorize the Town Attorney to file an injunction in Miami-Dade County to permit the Town to demolish the abandoned project and file a lien against the property to cover all costs incurred for the demolition and related abatement actions.

Case History:

This is a new case.

11. 1060 95 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 #: 24-002029

Date Issued: 10/14/2024

Violation: Failure to comply with Ordinance 1098 to install 8 foot high chain link fence around the perimeter of the property and install the decorative mesh.

Code Section: Ordinance 1098Sec. 5-5(f)A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for

the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development. Daily Penalty: \$250.00

<u>Department's Recommendation:</u> Assess a \$200.00 administrative fee and close the case.	<u>Case History:</u> 3/13/25 Special Magistrate hearing- Revisit the case in 30 days. 10/30/25 Special Magistrate hearing- The case has been reset for 90 days.
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12. 1060 95 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 #: 24-002069

Date Issued: 10/17/2024

Violation: 1. Found debris around the structure. 2. The windows and window screens are missing around the structure. 3. 4. The window frames are broken. 5. The soffit is in disrepair. 6. The structure needs to be painted. 7. The grass appears to be overgrown. 8. The vacant building is not secured.

Code Section: 24-15(g) All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion. Daily Penalty \$50.00 Daily Penalty: \$50.00

24-15(j): All materials used to secure a vacant building or structure shall be painted in a workmanlike fashion in the same color as its other exterior walls. Daily Penalty:

Sec. 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

Sec. 24-15 (k) Nature of Violation and Details: 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

Sec. 24-15(b) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public and shall be in the sole judgment of the town. Daily Penalty: \$50.00

Sec. 23-12(1) Nature of Violation and Details: 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> Grant an extension for 60 days.</p>	<p><u>Case History:</u> 3/13/25- The case has been continued for 30 days. 10/30/25- The case has been reset for 90 days.</p>
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13. 1080 93 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Owner: Bay Harbor 1080 Partner, LLC

Code Officer: Scherrie Griffin

Registered Agent: Charter Realty Group, LLC

Citation #: 24-002032

Date Issued: 10/14/2024

Violation: Failure to comply with Ordinance 1098 to install an 8-foot high chain link fence around the perimeter of the property and install the decorative mesh \.

Code Section: Ordinance 1098Sec. 5-5(f) A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development. Daily Penalty: \$250.00

<p><u>Department's Recommendation:</u> Assess a \$200.00 administrative fee and close the case.</p>	<p><u>Case History:</u> 3/13/2025 Special Magistrate hearing - Revisit case in 30 days</p>
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	10/30/25 Special Magistrate hearing- The case was reset for 90 days.
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14. 1025 Kane Concourse # 1029

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: Alan Cohen Trust &

Registered Agent: Howard Cohen

Citation #: 25-000257

Date Issued: 1/31/2025

Violation: Suite 1029 - Found demolition in progress without a permit. Call #253018

Code Section: Sec. 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 and a \$200.00 administrative fee. Close the case.	Case History: 3/19/25 Special Magistrate hearing - Extension granted for 120 days. 10/30/25 Special Magistrate hearing - Extension granted for 30 days.
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15. 1040 94 Street

Type of Hearing:
Special Master Hearing

Presenter: Alexander Garcia

Owner: Bay Harbor Gardens Condominium, Inc **Code Officer:**

Registered Agent: Uri Bublil

Citation #: 26-000033

Date Issued: 1/12/2026

Violation:

1. Active roof water intrusion affecting occupied dwelling units.
2. Observable sagging of the roof structure and floor framing.
3. Compromised ceiling assemblies and loss of required fire-resistance separation between dwelling units.
4. Conditions indicating possible unpermitted and/or unverified structural or roof work.
5. The above conditions constitute a threat to life safety and structural stability.DETERMINATION In accordance with Florida Building Code Existing Building Code Sections 305.1 and 305.1.1, the building is hereby declared an UNSAFE STRUCTURE.ORDER
6. The building shall be vacated immediately and shall not be occupied until written approval is granted by the Building Official.
7. No person shall enter or occupy the structure except for purposes of inspection, stabilization, or repair as authorized.
8. The unsafe conditions shall be corrected, including elimination of water intrusion, structural evaluation and repair by a licensed Florida professional engineer, restoration of required fire-

resistance assemblies, and permitting and inspection of all work.

9. The structure shall not be reoccupied until compliance is verified pursuant to Florida Building Code Existing Building Code Section 307.1.

Code Section: Sec. 5-1 The Florida Building Code is hereby adopted as the building code of the town
Daily Penalty: First violation \$250.00 Daily Penalty
Repeat violation \$500.00 Daily Penalty

Department's Recommendation: Assess a fine of \$250.00 per day until the violation is abated. Authorize the Town Attorney to file an injunction in Miami-Dade County to permit the Town to secure the unsafe structure and lien the property for all costs incurred related to the abatement actions.	Case History: This is a new case.
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16. 9700 East Bay Harbor Drive

Type of Hearing:
Special Master Hearing

Presenter: Alexander Garcia

Owner: THE SUMMIT CONDOMINIUM ASSOCIATION, INC.

Code Officer:

Registered Agent: Quest Management Group of Florida LLC

Citation #: 25-000989

Date Issued: 5/28/2025

Violation: Submit an updated letter from the Engineer of Record so that the Building can be recertified.

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: \$250.00

Department's Recommendation: The violation has not been abated and remains in noncompliance. Assess a fine of \$250.00 per day from 6/30/25, and continuing until the violation is fully abated.	Case History: 10/30/25 Special Magistrate hearing- 60 days to submit an engineers report. 30 days to submit a progress report. If there is no compliance within the next 60 days, a \$250.00 fine per day will commence.
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17. 1111 Kane Concourse

Type of Hearing:
Special Master Hearing

Presenter: Alexander Garcia

Owner: Concourse Plaza A Condominium Association, Inc.

Code Officer:

Registered Agent: Stivelman, Alessandra, Esq.
Eisinger Law

Citation #: 25-000987

Date Issued: 5/28/2025

Violation: Submit updated letter from the Engineer of Record that the Building can be recertified.

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: \$250.00

<p>Department's Recommendation: Assess a fine of \$250.00 per day from 6/30/25 and shall continue to accrue until the violation is abated. A current Forty-Year Recertification Report shall be submitted within 30 days to ensure the building is in compliance with Miami-Dade County requirements.</p>	<p>Case History: 10/30/25 Special Magistrate hearing- 7 days to submit the 1st milestone. 90 days to apply and acquire permits to start repairs as per engineers report. If no compliance within the next 90 days, a \$250.00 fine per day will commence.</p>
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18. 1111 Kane Concourse # 610

Type of Hearing:
Special Master Hearing

Presenter: Evelyn Merizalde

Owner: THE RINGER, LLC DMR AMERICA INC BAY HARBORLAND LLC FEE LEASEHOLD VIC GROUP LLC (FEE LEASEHOLD) 1111 BHGL LLC (FEE LEASEHOLD) BROWNIE TWO LLC FEE LEASEHOLD LP GOLD TOP LLC (FEE LEASEHOLD)

Code Officer: Evelyn Merizalde

Registered Agent: Yonaton Almagor

Citation #: 24-000229

Date Issued: 3/4/2024

Violation: Interior alterations were completed without required permits. There are no permits on file for the removal of a wall, flooring and new ceiling lighting.

Code Section: Sec. 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:

The violation has not been abated and remains in noncompliance. Assess a fine of \$250.00 per day until the violation is abated and a \$200.00 administrative fee.

Case History:

3/13/25 Special Magistrate hearing- Continuance granted.

19. 1047 92 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: BHI THE CLUB 2 LLC

Registered Agent:

Citation #:
24-002494

Date Issued: 1/15/2025

Violation: The property address is not visible from the street. Call #24-311-55.

Code Section: Sec. 17-23(e) All properties, whether residential or commercial, shall have address numbers clearly marked and visible from the street and, in the case of business properties, from the rear as well. In business districts B-1, properties may have three-dimensional plastic numbers. Daily Penalty: \$25.00

Department's Recommendation:

Assess a \$200.00 administrative fee and close the case.

Case History:

3/13/25 Special Magistrating hearing- The case has been reset for 30 days.

20. 1047 92 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: BHI THE CLUB 2 LLC

Registered Agent:

Citation #: 24-002077

Date Issued: 10/18/2024

Violation: The vacant/abandoned property is not registered.

Code Section: Sec. 24-17(i)(1)... If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town. A registration is required for each vacant property. Daily Penalty \$250.00

<p>Department's Recommendation: Assess a fine of \$4,500.00 and a \$200.00 administrative fee.</p>	<p>Case History: 3/13/25 Special Magistrate hearing- The vacant/abandoned property is not registered.</p>
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21. 1047 92 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Owner: BHI THE CLUB 2 LLC

Code Officer: Scherrie Griffin

Registered Agent:

Citation #: 24-002027

Date Issued: 10/14/2024

Violation: Failure to comply with Ordinance 1098 to install 8 foot high chain link fence around the perimeter of the property and install the decorative mesh.

Code Section: Ordinance 1098Sec. 5-5(f) A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development.Daily Penalty: \$250.00

<p>Department's Recommendation: Assess a \$200.00 administrative and close the case.</p>	<p>Case History: 3/13/25 Special Magistrate hearing -The case has been reset for 30 days.</p>
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22. 1165 102 Street

Type of Hearing:
Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Wedgewood Apartments, Inc.

Code Officer: Evelyn Merizalde

Registered Agent: Bary Lebowitz

Citation #: 24-001434

Date Issued: 9/12/2024

Violation: Found the pool is not properly maintained on a regular basis and the pool deck is dirty.

Code Section: Sec. 23-12(1)Nature of Violation and Details: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:

Grant a continuance for 30 days.

Case History:

10/30/25- The property owner has seven (7) days to schedule a meeting with the Town to discuss the violation.The case is continued to the next hearing date.

23. 1165 102 Street

Type of Hearing:
Special Master Hearing

Presenter: Scherrie Griffin

Owner: Wedgewood Apartments, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Barry Liebowitz

Citation #: 24-001358

Date Issued: 11/18/2024

Violation: The exterior of the structure needs to be painted and pressured cleaned.

Code Section: Sec. 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> Grant a continuance for 30 days.</p>	<p><u>Case History:</u> This is a new case.</p>
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24. 10180 West Bay Harbor Drive

Type of Hearing:
 Special Master Hearing

Presenter: Evelyn Merizalde

Owner: HAVAYA HOLDINGS, LLC

Code Officer: Evelyn Merizalde

Registered Agent:

Citation #: 24-001369

Date Issued: 7/31/2024

Violation: Exceeding scope of construction work under permit B24-000011 issued for the flooring.

Code Section: Sec. 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> Grant a 30-day extension. The owner must reactivate the permits and pass final inspections within this timeframe.</p>	<p><u>Case History:</u></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 #1

Date: January 06, 2026
File Number: 26-000012

RE: Notice of Violation No: 26-000012
Date of Issuance: Jan 05, 2026
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1160 Kane Concourse Suite 101
Bay Harbor Islands, FL 33154-2020

TO: VIOLATOR
BAY HARBOR PROFESSIONAL CENTER
9509 HARDING AVE
SURFSIDE, FL 33154-2501

REGISTERED AGENT
Sara Smith
1160 Kane Concourse
Town of Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Sec. 13-8

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.

Corrective Action: Cease and desist operations immediately.

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

Date: January 29, 2026
Time: 10:30AM
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,



Evelyn Herbello
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.*

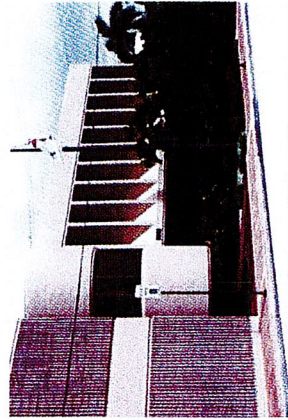
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will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

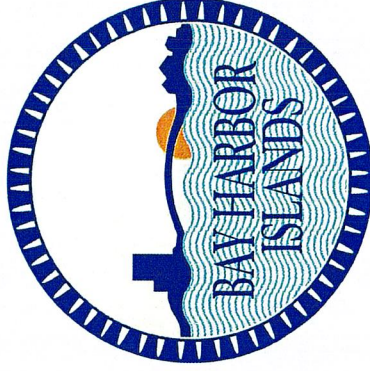
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

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

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 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.

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.

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: January 06, 2026
File Number: 25-002241

RE: Notice of Violation No: 25-002241
Date of Issuance: Oct 20, 2025
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1150 93 Street
Bay Harbor Islands, FL 33154-2300

TO: VIOLATOR

HORIZON AT CASA VERDE, LLC
53 BROADWAY
BROOKLYN, NY 11249

REGISTERED AGENT

REGISTERED AGENTS OF FLORIDA, LLC
100 SE 2ND STREET, 29TH FLOOR
MIAMI, FL 33131

Code Sections Violated and Nature of Violations:

Code: Ordinance 1124 Sec. 5-5(p)(1-3)

Violation: Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the site, shall not be parked off of the construction site.

Parking areas within the site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public streets or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated. Effective as of 10/8/25, all existing projects utilizing off-site parking shall have thirty (30) calendar days to bring such parking arrangements into full compliance with this section. Corrective Action: Please remove the construction fence, equipment, materials, machinery, litter, and sod the lot.

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

Date: January 29, 2026
Time: 10:30AM
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,

A handwritten signature in black ink, appearing to read 'Evelyn Herbello', written in a cursive style.

Evelyn Herbello
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: January 06, 2026
File Number: 24-002048

RE: Notice of Violation No: 24-002048
Date of Issuance: Oct 15, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1170 102 Street
Bay Harbor Islands, FL 33154-1210

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
SAMAN L L C	Barry Shevlin
7657 NW 50 ST	1111 Kane Concourse # 619
MIAMI, FL 33166-4701	Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Ordinance 1124 5-5(h)

Violation: A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development.

Corrective Action: Install an 8 foot high chain link fence around the perimeter of the property and install the decorative mesh on the construction fence.

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

Date: January 29, 2026

Time: 10:30AM
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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For information or comments, contact the Code Compliance Department at (305) 993-1786 or by email.

Sincerely,



Evelyn Herbello
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: January 06, 2026
File Number: 25-002244

RE: Notice of Violation No: 25-002244
Date of Issuance: Oct 20, 2025
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1170 102 Street
Bay Harbor Islands, FL 33154-1210

TO: VIOLATOR
SAMAN L L C
7657 NW 50 ST
MIAMI, FL 33166-4701

REGISTERED AGENT
Shevlin & Atkins Attorneys at Law
1111 Kane Concourse, Suite 619
Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Ordinance 1124 Sec. 5-5(p)(1-3)

Violation: Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the site, shall not be parked off of the construction site.

Parking areas within the site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public streets or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated. Effective as of 10/8/25, all existing projects utilizing off-site parking shall have thirty (30) calendar days to bring such parking arrangements into full compliance with this section. Corrective Action: Please remove the construction fence, equipment, materials, machinery, litter, and sod the lot. Ordinance attached.

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

Date: January 29, 2026
Time: 10:30AM
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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Evelyn Herbello
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.

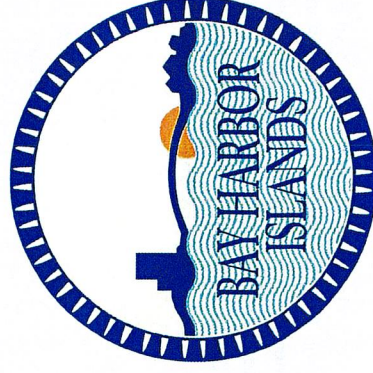
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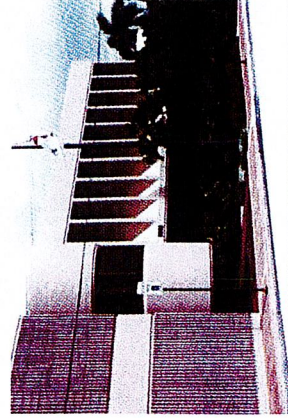
SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail:
codecompliance@bayharborislands.org



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

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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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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 #1

Date: January 08, 2026
File Number: 25-001460

RE: Notice of Violation No: 25-001460
Date of Issuance: August 11, 2025
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1075 95 Street
Bay Harbor Islands, FL 33154-2108

TO: VIOLATOR

W 1075 95th Street, 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. 12-26(1)(b)

Violation: Repair and maintenance activity inside a dwelling is permitted from 9:00 a.m to 6:00 p.m. Monday through Friday... Saturdays between the hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible noise outside the dwelling.

Corrective Action: All interior activities must occur during the permissible hours.

Code: Sec. 12-27(b)

Violation: However, notwithstanding the foregoing, for violation of section 12-26.1(b) and (c), the violator shall receive, for the first violation, a notice of violation imposing a fine of \$250.00, and for any subsequent violations, a notice of violation imposing a fine of \$500.00.

Corrective Action: Fine imposed in the amount of \$250.00. Mail a check made payable to the Town of Bay Harbor Islands in the amount of \$250.00 or make a payment online at <https://bayharborislandsfl.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: January 29, 2026

Time: 10:30AM

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,



Evelyn Herbello
Interim 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.*

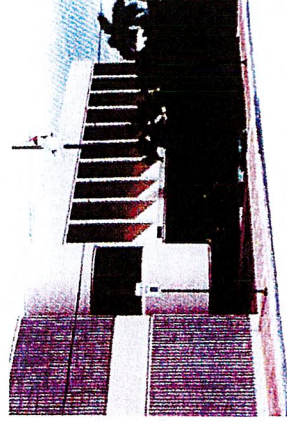
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will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

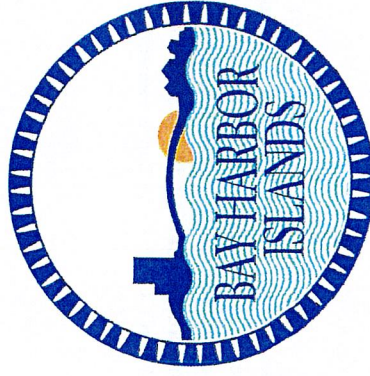
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

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

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.

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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.

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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 #5

Date: January 08, 2026
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: January 29, 2026
Time: 10:30AM
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,

Evelyn Herbello
Interim 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: January 06, 2026
File Number: 25-002245

RE: Notice of Violation No: 25-002245
Date of Issuance: Oct 20, 2025
Code Compliance Officer: Scherrie Griffin
Location of Violation: 10290 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-1287

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
CHBH 103RD STREET LLC 10201 COLLINS AVE APT #2001 BAL HARBOUR, FL 33154	Corporation Service Company 1201 Hays Street Tallahassee, FL 32301

Code Sections Violated and Nature of Violations:

Code: Ordinance 1124 Sec. 5-5(p)(1-3)

Violation: Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the site, shall not be parked off of the construction site.

Parking areas within the site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public streets or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated. Effective as of 10/8/25, all existing projects utilizing off-site parking shall have thirty (30) calendar days to bring such parking arrangements into full compliance with this section. Corrective Action: Please remove the construction fence, equipment, materials, machinery, litter, and sod the lot.

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

Date: January 29, 2026
Time: 10:30AM
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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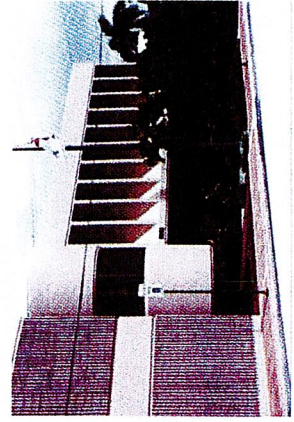
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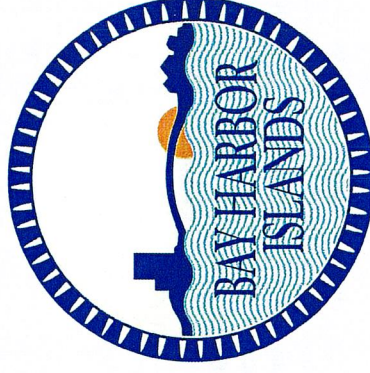
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SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail:

codecompliance@bayharborislands.org

SPECIAL MAGISTRATE PROCESS-HEARINGS

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HOW A CASE GETS TO THE SPECIAL MAGISTRATES

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1. *Where do I go?*

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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 #1

Date: January 06, 2026
File Number: 25-001085

RE: Notice of Violation No: 25-001085
Date of Issuance: Jun 12, 2025
Code Compliance Officer: Scherrie Griffin
Location of Violation: 9781 East Bay Harbor Drive
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

9781 BAY HARBOR DEVELOPMENT LLC
18101 COLLINS AVENUE#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: 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. Mail a check made payable to the Town of Bay Harbor Islands in the amount of \$1,000.00or make a payment online at <https://bayharborislandsfl.municipalonlinepayments.com/bayharborislandsfl/easypay>.

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Date: January 29, 2026
Time: 10:30AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
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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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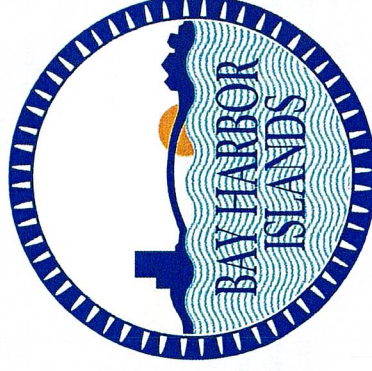
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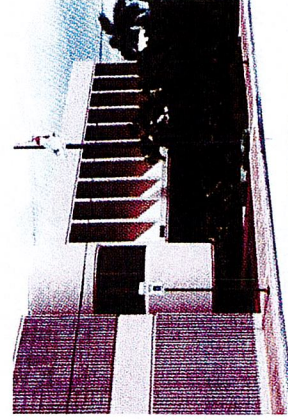
SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail: codecompliance@bayharborislands.org



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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.

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.

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: January 06, 2026
File Number: 25-000643

RE: Notice of Violation No: 25-000643
Date of Issuance: Mar 25, 2025
Code Compliance Officer: Scherrie Griffin
Location of Violation: 9455 Bay Harbor Terrace
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

Town House Gardens Condo c/o Quality Association
Managers Inc
P.O. BOX 160763
Miami, FL 33116

REGISTERED AGENT

Yaffe, Robert H, Esq
1135 Kane Concourse, Third
Floor
Town of 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 \$500.00. Make a check payable to the Town of Bay Harbor Islands in the amount of \$500.00 or make a payment online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay>. Remove the toilet and Christmas tree today.

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 items shall be placed out on Wednesdays for Thursdays pick up.

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

Date: January 29, 2026

Time: 10:30AM

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,



Evelyn Herbello
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: January 08, 2026
File Number: 25-002251

RE: Notice of Violation No: 25-002251
Date of Issuance: Oct 20, 2025
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1055 93 Street
Bay Harbor Islands, FL 33154-2302

TO: VIOLATOR

DDG 1055 BHI LLC
138 Pioneer Street
Brooklyn, NY 11231

REGISTERED AGENT

MARK ALHADEFF
11900 Biscayne Blvd., Suite 289
North Miami, FL 33181

Code Sections Violated and Nature of Violations:

Code: 5-3.1

Violation: A demolition bond shall be required to obtain a building permit on an approved site development plan for single-family; multi-family and commercial projects. The demolition bond shall be in an amount required to demolish the project and, in a form, acceptable to the Town Manager. The demolition bond may be used by the town in order to demolish the project in the event that: (a) the work authorized by a building permit is suspended or abandoned for six (6) months after the time that the construction work commenced (and, thus, the building permit expires), or the building permit is revoked, or the building permit becomes null and void; and b) a new building permit is not obtained within six (6) months after the building permit expired, was revoked, or became null and void. The demolition bond shall not be used by the town if the building permit has received an approved inspection within six (6) months or if the construction of the project was halted as a direct result of an injunction or court order.

Corrective Action: Post a demolition bond shall be in an amount required to demolish the project.

Code: 5-10(2)(a-d)

Violation: A) Base Expiration. All permits shall expire 180 days after issuance unless substantial progress has been made or an inspection has been approved within that time frame, as required by the Florida Building Code.

(B) Progress Requirement. Following commencement, no more than 180 consecutive days may elapse without a completed inspection verifying substantial progress. Failure to meet this condition will result in automatic expiration.

(C) Automatic Expiration. Expired permits shall be null and void. Any further work shall require a new permit application and payment of all associated fees. All subsequent work must comply with the codes and ordinances in effect at the time of reapplication.

(D) Impact on Related Permits. Expiration of a master permit may result in the expiration or suspension of associated sub-permits (e.g., mechanical, electrical, plumbing) at the discretion of the Building Official.

Corrective Action: The owner shall submit and comply with all conditions outlined in the Chief Building Official's report attached hereto.

Code: 5-10(g)(i)(ii)(1-5)

Violation: i. Upon determination by the Building Official that a project poses a risk to public safety due to prolonged inactivity or noncompliance, the Town may require the permit holder to post a cash bond in the amount of \$10,000 as a condition to continue construction.

ii. The bond shall be held in escrows by the Town and may be used to cover:

1. Administrative fees; (twenty-five percent (25%) surcharge)
2. Enforcement fines;
3. Site stabilization;
4. Building demolition;
5. Remediation of public nuisances or unsafe conditions if the property is abandoned or remains inactive

Corrective Action: Post a cash bond in the amount of \$10,000 as a condition to continue construction.

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

Date: January 29, 2026

Time: 10:30AM

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,



Evelyn Herbello
Interim 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: January 06, 2026
File Number: 24-002029

RE: Notice of Violation No: 24-002029
Date of Issuance: Oct 14, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1060 95 Street
Bay Harbor Islands, FL 33154-2112

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: Ordinance 1124 5-5(h)

Violation: A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development.

Corrective Action: Install 8 foot high chain link fence around the perimeter of the property and install the decorative mesh to the construction fence.

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

Date: January 29, 2026

Time: 10:30AM
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,

A handwritten signature in black ink, appearing to read 'Evelyn Herbello', written in a cursive style.

Evelyn Herbello
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.*

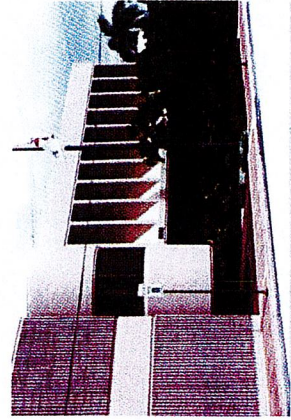
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will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

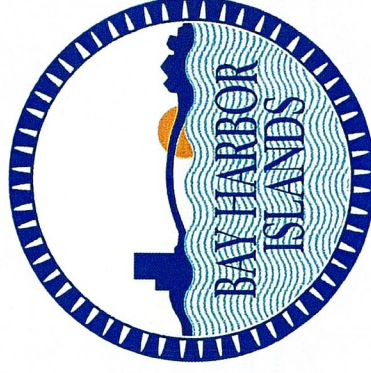
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

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

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 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.

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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.*

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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.

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: January 06, 2026
File Number: 24-002069

RE: Notice of Violation No: 24-002069
Date of Issuance: Oct 17, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1060 95 Street
Bay Harbor Islands, FL 33154-2112

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: 24-15(g)

Violation: All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion. Daily Penalty \$50.00

Corrective Action: Paint the exterior of the structure and provide paint sample to the building department.

Code: 24-15(j)

Violation: All materials used to secure a vacant building or structure shall be painted in a workmanlike fashion in the same color as its other exterior walls.

Corrective Action: All materials used to secure a vacant building or structure shall be painted in a workmanlike fashion in the same color as its other exterior walls.

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 of said building or structure including, but not limited to, windows and doorways with wood.

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 building department prior to securing the vacant structure.

Code: Sec. 24-15(b)

Violation: Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public and shall be in the sole judgment of the town.

Corrective Action: Remove all debris from the property. Cut the grass.

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 \$250.00

Corrective Action: Replace all missing windows, install window screens and repair all broken window frames. Repair the soffit. Permit required.

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

Date: January 29, 2026

Time: 10:30AM

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

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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,

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Evelyn Herbello
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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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.

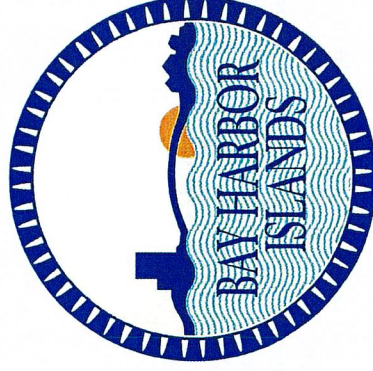
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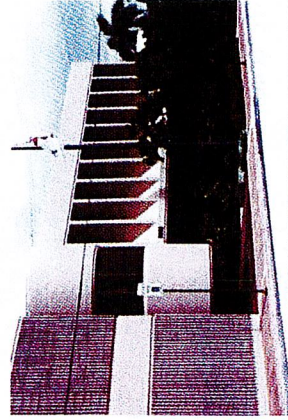
SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail: codecompliance@bayharborislands.org



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

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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?

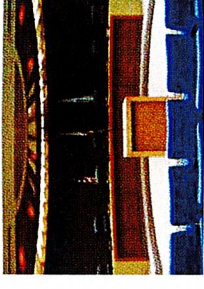
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3. What if I do not appear at the hearing?

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: January 06, 2026
File Number: 24-002032

RE: Notice of Violation No: 24-002032
Date of Issuance: Oct 14, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1080 93 Street
Bay Harbor Islands, FL 33154-2388

TO: VIOLATOR

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

REGISTERED AGENT

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

Code Sections Violated and Nature of Violations:

Code: Ordinance 1124 5-5(h)

Violation: A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development.

Corrective Action: Install 8 foot high chain link fence around the perimeter of the property and install the decorative mesh to the construction fence.

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

Date: January 29, 2026

Time: 10:30AM

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,

A handwritten signature in black ink, appearing to read 'Evelyn Herbello', written in a cursive style.

Evelyn Herbello
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.*

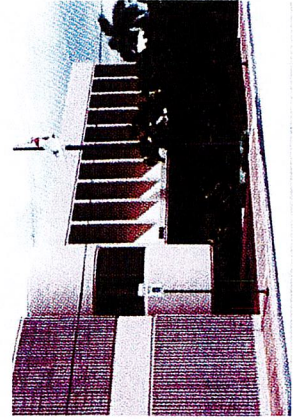
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will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

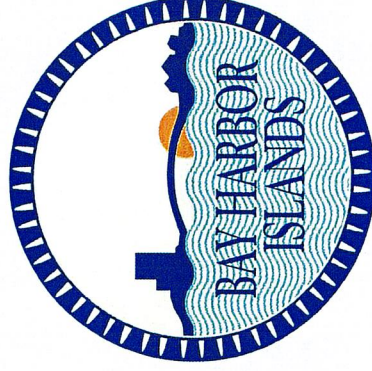
If you disagree with the Special Magistrate's decision, it will not help you to continue to argue your case, but you do have the right to appeal the decision to the Circuit Court of Miami-Dade County.

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

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 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.

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.

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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.

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: January 06, 2026
File Number: 25-000257

RE: Notice of Violation No: 25-000257
Date of Issuance: Jan 31, 2025
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1025 Kane Concourse, Suite 1029
Bay Harbor Islands, FL 33154-2118

TO: VIOLATOR

ALAN COHEN TR &
1025 KANE CONCOURSE #215
BAY HARBOR ISLANDS, FL 33154

REGISTERED AGENT

HOWARD D. COHEN
161 NW 6 Street #1020
MIAMI, FL 33136

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: January 29, 2026

Time: 10:30AM

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,



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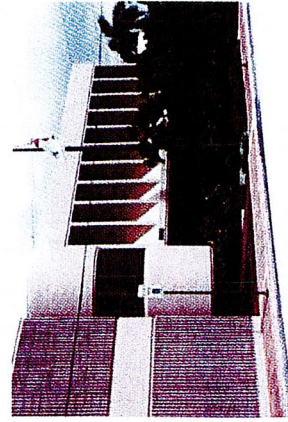
After both sides are provided an opportunity to be heard, the Special Magistrate will render a decision. The Special Magistrate's decision will be based on a preponderance of evidence; that means whether it is more likely than not that an ordinance violation occurred or did not occur. The decision will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

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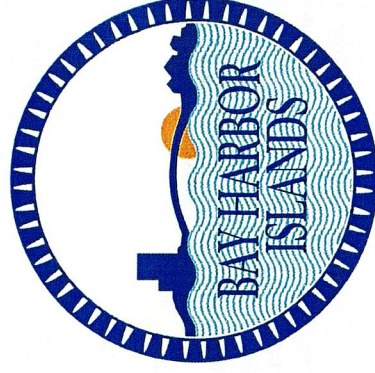
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SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail:

codecompliance1@bayharborislands.org

SPECIAL MAGISTRATE PROCESS-HEARINGS

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**TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT**

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



NOTICE TO APPEAR #1

Date: January 20, 2026
File Number: 26-000033

RE: Notice of Violation No: 26-000033
Date of Issuance: Jan 12, 2026
Chief Building Official: Alexander Garcia
Location of Violation: 1040 94 Street
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

Bay Harbor Gardens Condominium, Inc
19790 W DIXIE HIGHWAY, SUITE 902
MIAMI, FL 33180

REGISTERED AGENT

Uri Bublil
19790 West Dixie Highway, #902
Miami, FL 33180

Code Sections Violated and Nature of Violations:

Code: Sec. 5-1

Violation: The Florida Building Code is hereby adopted as the building code of the town
Corrective Action: 1. Within 72 hours: install temporary weatherproofing, shore or brace if directed by a licensed engineer, and stop active water intrusion.
2. Within 14 days: submit a structural engineer's report identifying required repairs and habitability determination, apply for all required permits, and resolve any unpermitted work issues

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

Date: January 29, 2026
Time: 10:30AM
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,



Evelyn Herbello
Town Clerk

**TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT**

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



NOTICE TO APPEAR #2

Date: January 08, 2026
File Number: 25-000989

RE: Notice of Violation No: 25-000989
Date of Issuance: May 23, 2025
Chief Building Official: Alexander Garcia
Location of Violation: 9700 East Bay Harbor Drive
Bay Harbor Islands, FL 33154-0000

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
SUMMIT CONDO	Jorge Gonzalez
9700 East Bay Harbor Drive	2550 NW 72 Avenue
Bay Harbor Islands, FL 33154	Miami, FL 33122

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 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: January 29, 2026
Time: 10:30AM
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,

A handwritten signature in blue ink, appearing to read "Evelyn Herbell". The signature is fluid and cursive, with the first name being more prominent.

Evelyn Herbell
Town Clerk

**TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT**

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



NOTICE TO APPEAR #2

Date: January 08, 2026
File Number: 25-000987

RE: Notice of Violation No: 25-000987
Date of Issuance: May 23, 2025
Chief Building Official: Alexander Garcia
Location of Violation: 1111 KANE CONC
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. 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 updated letter from the Engineer of Record that the Building can be recertified.

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

Date: January 29, 2026

Time: 10:30AM

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.

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

Sincerely,



Evelyn Herbello
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 #4

Date: January 08, 2026
File Number: 24-000229

RE: Notice of Violation No: 24-000229
Date of Issuance: March 04, 2024
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1111 Kane Concourse 610
Bay Harbor Islands, FL 33154-2029

TO: VIOLATOR

THE RINGER, LLC DMR AMERICA INC BAY HARBORLAND LLC FEE
LEASEHOLD VIC GROUP LLC (FEE LEASEHOLD) 1111 BHGL LLC
(FEE LEASEHOLD) BROWNIE TWO LLC FEE LEASEHOLD LP GOLD
TOP LLC (FEE LEASEHOLD)
7140 NW MIAMI CT
Miami, FL 33150

REGISTERED
AGENT

Yonaton Almagor
1135 99 Street

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: Obtain after the fact permits for the interior alterations. There are no permits on file for the removal of an interior wall, flooring and new ceiling lighting.

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

Date: January 29, 2026

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,

A handwritten signature in blue ink, appearing to read 'Evelyn Herbello', written in a cursive style.

Evelyn Herbello
Interim 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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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.*

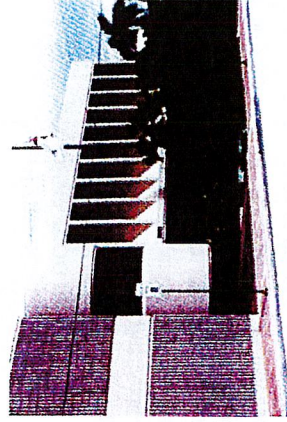
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WHAT IF I DISAGREE WITH THE SPECIAL MAGISTRATE'S DECISION?

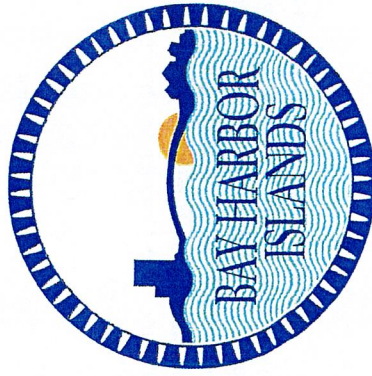
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SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail:
codecompliance@bayharborislands.org

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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 #3

Date: January 06, 2026
File Number: 24-002494

RE: Notice of Violation No: 24-002494
Date of Issuance: Dec 10, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1047 92 Street
Bay Harbor Islands, FL 33154-2719

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
BHI THE CLUB 2 LLC	INCORP SERVICES, INC
50 Briar Hollow Lane, Suite 500E	3458 LAKESHORE DRIVE
Houston, TX 77027	TALLAHASSEE, FL 32312

Code Sections Violated and Nature of Violations:

Code: Sec. 17-23(e)

Violation: All properties, whether residential or commercial, shall have address numbers clearly marked and visible from the street and, in the case of business properties, from the rear as well. In business districts B-1, properties may have three-dimensional plastic numbers. Corrective Action: Install the property address numbers (1047) on the construction fence where is is visible from the street. The size of the numbers must be between 6 and 12 inches.

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

Date: January 29, 2026
Time: 10:30AM
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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Town Clerk

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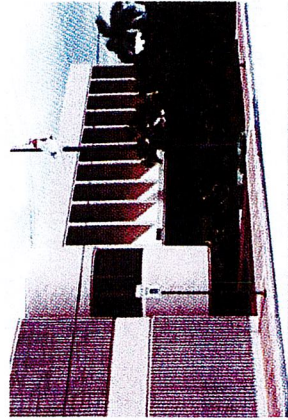
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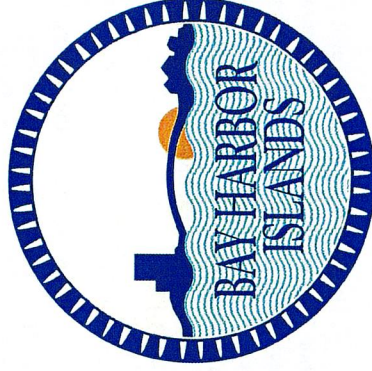
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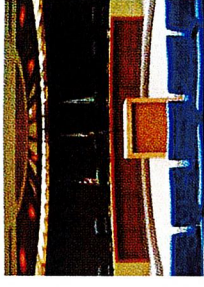
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Code Compliance Division
1030 95th Street
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #3

Date: January 06, 2026
File Number: 24-002077

RE: Notice of Violation No: 24-002077
Date of Issuance: Oct 18, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1047 92 Street
Bay Harbor Islands, FL 33154-2719

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
BHI THE CLUB 2 LLC	INCORP SERVICES, INC
50 Briar Hollow Lane, Suite 500E	3458 LAKESHORE DRIVE
Houston, TX 77027	TALLAHASSEE, FL 32312

Code Sections Violated and Nature of Violations:

Code: Sec. 24-17(i)(1)

Violation: ... If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town. A registration is required for each vacant property. Daily Penalty \$250.00

Corrective Action: Register the property and make a payment in the amount of \$150.00 for the annual registration fee.

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Date: January 29, 2026
Time: 10:30AM
TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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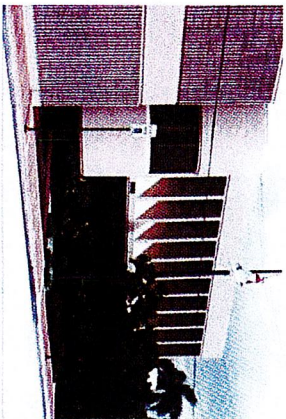
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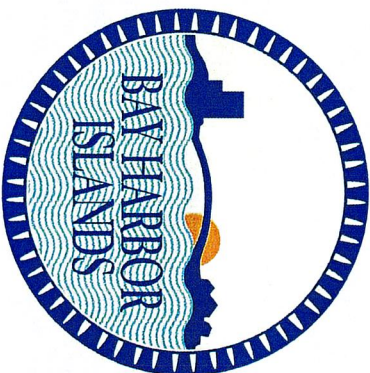
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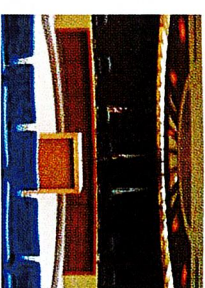
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Code Compliance Division
1030 95th Street
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #3

Date: January 06, 2026
File Number: 24-002027

RE: Notice of Violation No: 24-002027
Date of Issuance: Oct 14, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1047 92 Street
Bay Harbor Islands, FL 33154-2719

TO: VIOLATOR

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

REGISTERED AGENT

INCORP SERVICES, INC
3458 LAKESHORE DRIVE
TALLAHASSEE, FL 32312

Code Sections Violated and Nature of Violations:

Code: Ordinance 1124 5-5(h)

Violation: A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development.

Corrective Action: Install an 8 foot high chain link fence around the perimeter of the property and install the decorative mesh on the construction fence.

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Time: 10:30AM
TOWN OF BAY HARBOR ISLANDS
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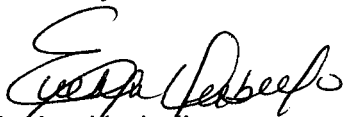
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Town Clerk

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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.

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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.

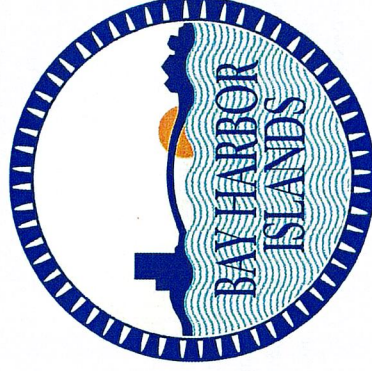
WHAT IF I DISAGREE WITH THE SPECIAL MAGISTRATE'S DECISION?

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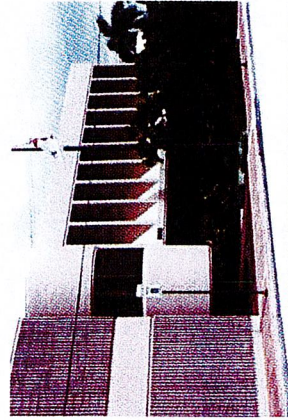
SPECIAL MAGISTRATE HEARINGS



Town of Bay Harbor Islands

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

E-mail:
codecompliance@bayharborislands.org



SPECIAL MAGISTRATE PROCESS-HEARINGS

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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 #3

Date: January 07, 2026
File Number: 24-001434

RE: Notice of Violation No: 24-001434
Date of Issuance: September 12, 2024
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1165 102 Street
Bay Harbor Islands, FL 33154-3700

TO: VIOLATOR

WEDGEWOOD APARTMENTS INC
1165-102 ST
BAY HARBOR ISLANDS, FL 33154-0000

REGISTERED AGENT

Christopher Kelly
11098 Biscayne Boulevard, Suite 205
Miami, FL 33161

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 \$250.00
Corrective Action: Hire a licensed pool vendor to clean/maintain the pool on a regular basis.
Have the pool deck pressure cleaned.
Provide a copy of the current Florida Health Department pool operating permit.

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

Date: January 29, 2026
Time: 10:30AM
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.

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Sincerely,



Evelyn Herbello
Interim Town Clerk

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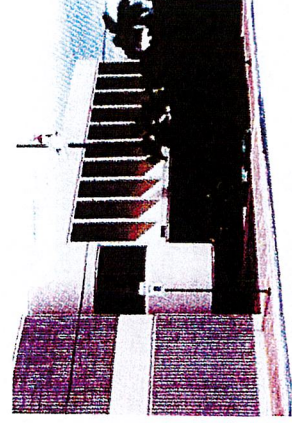
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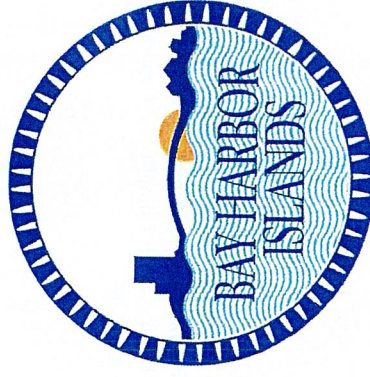
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1030 95th Street
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Phone: (305) 993-1786



NOTICE TO APPEAR #2

Date: January 02, 2026
File Number: 24-001358

RE: Notice of Violation No: 24-001358
Date of Issuance: Jul 24, 2024
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1165 102 Street
Bay Harbor Islands, FL 33154-3700

TO: VIOLATOR

WEDGEWOOD APARTMENTS INC
PO BOX 402391
MIAMI BEACH, FL 33140

REGISTERED AGENT

Barry Liebowitz
1165 102ND Street
Town of 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 \$250.00

Corrective Action: Pressure clean and paint the exterior of the structure. Permit required from the building department. Provide paint sample color.

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Date: January 29, 2026
Time: 10:30AM

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.

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Sincerely,



Evelyn Herbello
Town Clerk



PROPERTY APPRAISER OF MIAMI-DADE COUNTY

Summary Report

Generated On: 01/02/2026

PROPERTY INFORMATION	
Folio	13-2227-001-1180
Property Address	1165 102 ST BAY HARBOR ISLANDS, FL 33154-0000
Owner	WEDGEWOOD ARMS APARTMENTS INC
Mailing Address	PO BOX 402391 MIAMI BEACH, FL 33140
Primary Zone	4500 MULTI-FAMILY - 4 STORY
Primary Land Use	0303 MULTIFAMILY 10 UNITS PLUS : MULTIFAMILY 3 OR MORE UNITS
Beds / Baths /Half	24 / 14 / 0
Floors	2
Living Units	14
Actual Area	16,444 Sq.Ft
Living Area	16,444 Sq.Ft
Adjusted Area	13,945 Sq.Ft
Lot Size	20,850 Sq.Ft
Year Built	1958



ASSESSMENT INFORMATION			
Year	2025	2024	2023
Land Value	\$4,170,000	\$4,170,000	\$4,378,500
Building Value	\$10,000	\$10,000	\$10,000
Extra Feature Value	\$0	\$0	\$0
Market Value	\$4,180,000	\$4,180,000	\$4,388,500
Assessed Value	\$2,767,149	\$2,515,590	\$2,286,900

BENEFITS INFORMATION				
Benefit	Type	2025	2024	2023
Non-Homestead Cap	Assessment Reduction	\$1,412,851	\$1,664,410	\$2,101,600

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
BAY HARBOR ISLAND PB 46-5 LOTS 9 & 10 LESS S11FT FOR ST BLK 5 LOT SIZE 150.000 X 139

TAXABLE VALUE INFORMATION			
Year	2025	2024	2023
COUNTY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,767,149	\$2,515,590	\$2,286,900
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$4,180,000	\$4,180,000	\$4,388,500
CITY			
Exemption Value	\$0	\$0	\$0
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REGIONAL			
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SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
02/28/1968	\$0	5851-0178	Sales which are qualified
09/12/2022	\$100	33385-1969	Corrective, tax or QCD; min consideration

The information contained herein is for ad valorem tax assessment purposes only. The Property Appraiser of Miami-Dade County is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser of Miami-Dade County and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <https://www.miamidadepa.gov/pa/disclaimer.page>

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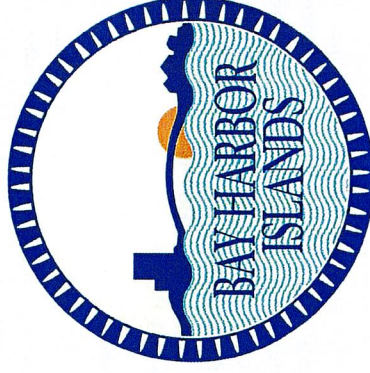
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SPECIAL MAGISTRATE HEARINGS

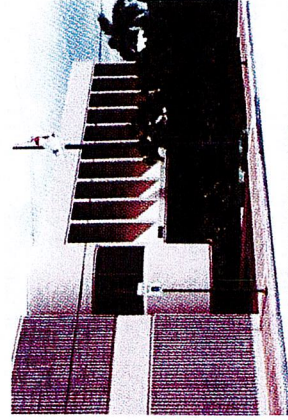


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NOTICE TO APPEAR #2

Date: January 08, 2026
File Number: 24-001369

RE: Notice of Violation No: 24-001369
Date of Issuance: Jul 31, 2024
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10180 West Bay Harbor Drive 3C
Bay Harbor Islands, FL 33154-1292

TO: VIOLATOR REGISTERED AGENT
HAVAYA HOLDINGS, LLC
2606 AVENUE S
BROOKLYN, NY 11229

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 building permit, electrical permit, plumbing permit for the interior alterations in two bathrooms and the kitchen.

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

Date: January 29, 2026
Time: 10:30AM
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,

Evelyn Herbello
Interim Town Clerk