

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT SPECIAL MAGISTRATE Regular Meeting 2022-07

Held on the 13th day of July 2022 in the Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law and is on file in the Code Compliance Office, 120 Malabar Rd SE, Palm Bay, Florida.

Code Compliance Special Magistrate Frank Scaglione called the meeting to order at approximately 1:01 PM.

SWEARING IN:

All respondents, complainants, and City staff required to testify were sworn in.

ADOPTION OF MINUTES:

1. Regular Meeting 2022-06; June 8, 2022

Code Enforcement Special Magistrate adopted the minutes as presented.

REPORTS:

Authorization to Impose Fines:

1. CEB 22897-22 CITY OF PALM BAY VS DAVID L KLUEBER
466 SAN PEDRO AVE SW, PALM BAY

This case involved a violation of City Code, Section(s) 2015 IPMC 304.7 Code of Ordinances of the City of Palm Bay for property located at 466 SAN PEDRO AVE SW, Lot 13, Blk 1088, Unit 19, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

Ordered: 90-day extension granted until October 13, 2022.

The City requested the Code Enforcement Special Magistrate find all respondents / cases listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on or about July 1, 2022 and the properties remained in non-compliance.

CEB 22769-22	PAVILIONS PROPERTY	\$50.00 PER DAY
CEB 22770-22	DE FINO, MARK	\$50.00 PER DAY
CEB 22773-22	GAST, ADAM	\$50.00 PER DAY
CEB 22774-22	BAF 3 LLC	\$50.00 PER DAY

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CEB 22777-22	DAMBREVILLE, YONEL	\$50.00 PER DAY
CEB 22778-22	DAVIS, JOHN F	\$50.00 PER DAY
CEB 22781-22	JUNG, HSIEH MING	\$200.00 SET FINE
CEB 22782-22	CHIU, LI-CHUN	\$200.00 SET FINE
CEB 22783-22	THOMAS, PATRICK R	\$200.00 SET FINE
CEB 22784-22	ARANGO-HERNANDEZ, JAIME	\$50.00 PER DAY
CEB 22787-22	HUANG, JACK	\$200.00 SET FINE
CEB 22788-22	WEBSTER, DAPHNE	\$200.00 SET FINE
CEB 22789-22	CAMPBELL, JOHN	\$200.00 SET FINE
CEB 22790-22	ALMASBAHI, LATIFAH A E S R	\$200.00 SET FINE
CEB 22791-22	HUDDLESTON, JEFFREY	\$200.00 SET FINE
CEB 22793-22	MONDESIR, MARC	\$200.00 SET FINE
CEB 22798-22	PINSON, BERTHA N	\$200.00 SET FINE
CEB 22806-22	H B I ONE LLC	\$50.00 PER DAY
CEB 22807-22	TINNEY, BRIAN	\$50.00 PER DAY
CEB 22808-22	KIMREY, SYLVIA JUANITA	\$50.00 PER DAY
CEB 22812-22	ZELAZNY, ROBERT J	\$200.00 SET FINE
CEB 22813-22	PEREZ, SABRINA	\$200.00 SET FINE
CEB 22815-22	HASKELL, KYLE	\$200.00 SET FINE
CEB 22816-22	BOESE, ANDREW C	\$200.00 SET FINE
CEB 22817-22	RODRIGUEZ, TAMMY A	\$200.00 SET FINE
CEB 22818-22	BAUM, ORPHEAO J	\$50.00 PER DAY
CEB 22819-22	ROCHESTER, LAGARRION	\$50.00 PER DAY
CEB 22820-22	KELLY, JERRY J	\$50.00 PER DAY
CEB 22821-22	CLARA PROPERTIES LLC	\$200.00 SET FINE
CEB 22823-22	COOTS, ROBERT E	\$200.00 SET FINE
CEB 22825-22	CERVERA, ROBERTO	\$200.00 SET FINE
CEB 22834-22	TK & TK PROPERTIES LLC	\$50.00 PER DAY
CEB 22844-22	FKH SFR PROPCO E LP	\$200.00 SET FINE
CEB 22845-22	NORTH AMERICAN EQUITY	\$200.00 SET FINE

CEB 22846-22	AFFORDABLE STURDY HOME	\$200.00 SET FINE
CEB 22847-22	AFFORDABLE STURDY HOME	\$200.00 SET FINE
CEB 22852-22	VM PRONTO	\$200.00 SET FINE
CEB 22853-22	ECHOLS, SUZANNE	\$200.00 SET FINE
CEB 22854-22	MARION, PETER ROBERT	\$200.00 SET FINE
CEB 22856-22	MENDEZ, HIRAI SA MARIA	\$200.00 SET FINE
CEB 22859-22	HARRIOTT, PEARLENA	\$200.00 SET FINE
CEB 22862-22	CUESTA, JAIME	\$200.00 SET FINE
CEB 22863-22	BALMES, GERALD M	\$200.00 SET FINE
CEB 22864-22	HUGREN, RORY	\$200.00 SET FINE
CEB 22865-22	BUY SELL MI CASA LLC	\$200.00 SET FINE
CEB 22866-22	WOOD, JOY C	\$200.00 SET FINE
CEB 22868-22	RITCHIE, MARK ALLEN	\$200.00 SET FINE
CEB 22897-22	KLUEBER, DAVID L	\$50.00 PER DAY
CEB 22912-22	KELLY, JERRY J	\$200.00 SET FINE
CEB 22913-22	SHAW, LYLE W	\$200.00 SET FINE
CEB 22914-22	CALDWELL, LENA H	\$200.00 SET FINE
CEB 22932-22	VG COMMUNITY LLC	\$200.00 SET FINE
CEB 22934-22	MADELON, NAOMIE F	\$200.00 SET FINE
CEB 22935-22	BLAISE, JEFFERSON C	\$200.00 SET FINE
CEB 22936-22	QUEST TRUST	\$200.00 SET FINE
CEB 22938-22	WHITEFIELD, JORDAN	\$200.00 SET FINE
CEB 22941-22	GAST, ADAM	\$200.00 SET FINE

Code Enforcement Special Magistrate found all case listed above in non-compliance and approved the fines as noted above.

HEARINGS:

1. CEB 22943-22 CITY OF PALM BAY VS ANNA MAY POSEJPAL
5881 BABCOCK ST NE, PALM BAY

This case involved a violation of City Code, Section(s) 93.031(A)(1); 185.140; 93.03, Code of Ordinances of the City of Palm Bay for property located at 5881 Babcock St NE, W 170 FT E OF BABCOCK RD & N 175 S OF BIDDLE ST IN LOT 8 OF PB 1 PG 164 Subdivision 00, Township 28, Range 37, Section 34, Brevard County, Florida.

Ordered: 60-day extension granted until September 13, 2022.

2. CEB 22952-22 CITY OF PALM BAY VS LESLIE I PORCIUNCULA
339 WILTON AVE SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(C), Code of Ordinances of the City of Palm Bay for property located at 339 Wilton Ave SW, Lot 25, Blk 1067, Unit 19, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

Ordered: 60-day extension granted until September 13, 2022

3. CEB 22984-22 CITY OF PALM BAY VS CORETTA PELLEW
715 GENEVO AVE SW, PALM BAY

This case involved a violation of City Code, Section(s) 93.04, Code of Ordinances of the City of Palm Bay for property located at 715 Genevo Ave SW, Lot 4, Blk 1643, Unit 37, Subdivision KH, Township 29, Range 36, Section 11, Brevard County, Florida.

Ordered: 30-day extension granted until August 13, 2022

The following cases were withdrawn due to voluntary compliance:

CEB 22949-22	1078 HELENA AVE NW
CEB 22955-22	2144 OCEAN AVE SW
CEB 22957-22	142 INEZ ST SE
CEB 22963-22	4650 DIXIE HWY NE
CEB 22964-22	4600 DIXIE HWY NE
CEB 22976-22	510 AMERICANA BLVD NW
CEB 22989-22	755 DARBY AVE SW
CEB 23001-22	877 ONTARIO ST NW

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set

a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB 22942-22	2124 PALM BAY RD NE
CEB 22944-22	1533 GEORGIA ST NE
CEB 22945-22	1091 ROANOKE CT NE
CEB 22946-22	905 HAMPSHIRE AVE NE
CEB 22947-22	1354 HEDGE COTH ST NW
CEB 22948-22	1154 MERRICK AVE NW
CEB 22950-22	2685 SNAPDRAGON DR NW
CEB 22951-22	196 SAN LUIS ST SW
CEB 22953-22	940 DEGROODT RD
CEB 22954-22	2425 MADDEN AVE SW
CEB 22956-22	374 LANACK RD SE
CEB 22958-22	399 AINSLEY ST SE
CEB 22959-22	1491 FLORIDA AVE NE
CEB 23011-22	3250 EDGEWOOD DR NE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of July 28, 2022 or that a fine of \$50.00 be imposed for every case for each and every day the violations continue.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

CEB 22960-22	837 SADNET CIR NE
CEB 22961-22	1172 GLENHAM DR NE
CEB 22962-22	1948 COCO PLUM ST NE
CEB 22965-22	881 HUNTINGTON ST NE

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CEB 22966-22	246 PIGEON AVE NE
CEB 22967-22	1386 UNTER AVE NW
CEB 22968-22	1750 ANCHORAGE ST NW
CEB 22969-22	1841 DELKI ST NW
CEB 22970-22	1495 MADISON RD NW
CEB 22971-22	931 GANNET AVE NW
CEB 22972-22	599 BLACKHORSE ST SE
CEB 22973-22	660 CROWBERRY RD NE
CEB 22974-22	467 ELLINGTON AVE SE
CEB 22975-22	496 AVIATION AVE NE
CEB 22977-22	636 ALTAMIRA ST NW
CEB 22978-22	1306 DEFENDER ST NW
CEB 22979-22	432 WINDSWEPT AVE SW
CEB 22980-22	1265 SCHAYLER ST SW
CEB 22981-22	1259 DANFORTH ST SW
CEB 22982-22	550 WILDMER RD SW
CEB 22983-22	813 DALHART AVE SW
CEB 22985-22	772 GEARY ST SW
CEB 22986-22	1690 HAMILTON AVE SW
CEB 22987-22	1700 HAMILTON AVE SW
CEB 22988-22	550 HALLCREST ST SW
CEB 22990-22	620 SEAPORT TER SE
CEB 22991-22	620 SEAPORT TER SE
CEB 22992-22	2733 GADSHAW AVE SE
CEB 22993-22	3295 TELESCA RD SE
CEB 22994-22	2922 WILKINSON AVE SE
CEB 22995-22	951 PANDORA RD SE
CEB 22996-22	1858 PIRATE AVE SE
CEB 22997-22	986 GRANATA AVE SE
CEB 22998-22	638 CABALLERO AVE SE
CEB 22999-22	661 SAN FILIPPO DR SE
CEB 23010-22	1491 FLORIDA AVE NE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of July 23, 2022 or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set.

CEB 23000-22	407 BREVARD AVE SE
CEB 23002-22	110 DEL MONTE ST NE
CEB 23003-22	324 FIFER ST SE
CEB 23004-22	1120 WESTUNDER ST SE
CEB 23005-22	1006 FEDERAL AVE SE
CEB 23006-22	762 DIPLOMAT AVE SE
CEB 23007-22	1531 REPUBLIC ST SE
CEB 23008-22	1173 PALO ALTO ST SE
CEB 23009-22	1246 WAFFLE ST SE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of July 23, 2022 or that a set fine of \$200.00 be imposed for the violation.

ADJOURNMENT:

The meeting adjourned at approximately 1:22 PM.

ATTEST:

Jeanne Pinsi, Secretary

Frank Scaglione, Code Enforcement Special Magistrate