

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
June 4, 2013

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty., Lt. Hutchins, and Officer Savino.

Meeting called to order at approximately 10:05 A.M.

Special Magistrate Lara Donlon explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. She added that the Town would present their case and she would render a decision and issue a Final Order or Order of Assessment.

At this point all individuals intending on providing testimony were sworn in.

**A. ADOPTION OF MAY 7, 2013 MINUTES**

The minutes were adopted.

**B. FINE ASSESSMENT/STATUS HEARING**

**CASE NO. CE#2013-005 Lourdes Morejon, Republic Argentina 76, Quinto Piso Puerta 14 Gandia 46701 Spain**  
**RE: Lot 14, Ocean Ridge Beach (28 Ixora Way)**  
**NATURE OF VIOLATION**

Violate Sections 67-174(a)(1) of the Town's Code of Ordinances by not conducting property maintenance and appearance standards on the structure as well as Section 34-6(a) by not conducting proper maintenance on the lawn located at 28 Ixora Way

The Respondent was not present.

Atty Baker stated that this case was found in violation at the last hearing and the violations continue to exist. She requested that a daily fine of \$50.00 be assessed and also recovery of the \$284.56 administrative costs.

Special Magistrate Donlon accepted the following Town exhibits: the Final Order as #1, the proof of mailing as #2; 6 pages of photographs taken by Officer Savino on June 4, 2013 as #3; and the Administrative Recovery Sheet in the amount of \$284.56 as #4.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations continue to exist. She stated the Order Assessing Fine would be prepared requiring a \$50.00 daily fine commencing June 1, 2013 until brought into compliance,

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along with the immediate reimbursement of administrative fees in the amount of \$308.76 for the May 7, 2013 hearing and also \$284.56 for the June 3, 2013 hearing and at this point the property can be liened.

**C. VIOLATION HEARINGS**

**CASE NO. CE#2013-009 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435**

**RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way)**

**NATURE OF VIOLATION**

Violate Sections 34-6(a) and 67-174(a)(1) by allowing grass and weeds to grow in excess of 12 inches in height and not maintaining the pool as it contains green water

The respondent was not present.

Nancy Hogan, 37 Hibiscus Way, who planned on speaking as a witness, was sworn in.

Atty Baker summarized the violations and advised that they continue to exist and requested that it be found in violation with proper notice.

Officer Savino testified that she originally observed the violation on May 6<sup>th</sup> and left a door hanger and followed up ten days later by speaking with both Mr. Kafka and Ms. Pastore on May 17<sup>th</sup>, who both advised that the home was in foreclosure and they will not be taking care of the property. She then prepared the Affidavit and Notice of Violation and took photographs on May 19<sup>th</sup>. She stated that while taking photographs today she observed the violations are actually worse.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation along with the certified mail and tracking as #1, 5 pages of photographs taken by Officer Savino on May 19, 2013 as #2; 5 pages of photographs taken by Officer Savino on June 4, 2013 as #3; and the Administrative Recovery Sheet in the amount of \$289.06 as #4.

Nancy Hogan stated that she was an immediate neighbor to this property and she has appeared and spoke regarding these continual violations for the past 2-4 years. She stated she did not know the condition of the pool today but she is aware of the high grass. She then mentioned prior code enforcement cases that included a 2<sup>nd</sup> floor balcony separating from the structure that is dangerous during hurricane season, a dock violation (commenting that without the proper permitting seadoos should not be permitted on the structure), and concrete decking that was built atop of a raised elevation that was also not permitted. She stated that water flows onto her property damaging her seawall to the point it was replaced. She concluded by stating that there should be proper oversight by the Town and the financial institution should be contacted.

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Special Magistrate Donlon stated that she did find there was proper notice and that the violations existed and continue to exist. She stated the Final Order would require compliance by June 27, 2013 failing which the property could be assessed up to a \$250 daily fine. She added that she would also grant the reimbursement of administrative fees in the amount of \$289.06 to be paid by June 27, 2013. A Fine Assessment Hearing is scheduled for July 2, 2013 at 10:00 AM if necessary.

**CASE NO. CE#2013-007      Gerald Bruce Wismer, 2750 SE 9<sup>th</sup> Street,  
Pompano Beach, FL 33062  
RE:    Lot 110, McCormick Mile Addition No. 1  
(110 Bonito Drive)**

**NATURE OF VIOLATION**

Violate Sections 34-6(a), 67-179(b)(1) and 67-174(a)(1) of the Town's Code of Ordinances by allowing grass and weeds in excess of 12 inches in height and a dead tree on the property, and not maintaining the property. There is stucco missing on parts of the house, the fascia needs to be painted, there is a hole in the soffit on the right side of residence, the spa needs to be repaired, and the pool contains green water

The respondent was not present.

Atty Baker summarized the violations and requested that it be determined that there was proper notice and that the violations continue to exist. She advised that it was customary for the officer to observe the violations and take photographs that they date and sign. The Town was requesting compliance by June 27, 2013 and also reimbursement of the administrative costs in the amount of \$288.67.

Officer Savino testified that Sgt. Eubanks originally observed the violations on April 20, 2013 and took photographs. She stated that she observed the property still in violation and took photographs of the property.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation along with the Affidavit of Service by Posting and returned unclaimed certified mail as #1, 9 pages of photographs taken by Sgt. Eubanks on April 20, 2013 as #2; 7 pages of photographs taken by Officer Savino on June 4, 2013 as #3; and the Administrative Recovery Sheet in the amount of \$288.67 as #4.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations existed and continue to exist. She stated the Final Order would require compliance by June 27, 2013 failing which the property could be assessed up to a \$250 daily fine. She added that she would also grant the reimbursement of administrative fees

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in the amount of \$288.67 to be paid by June 27, 2013. A Fine Assessment Hearing is scheduled for July 2, 2013 at 10:00 AM if necessary.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:35 AM.

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Town Clerk