

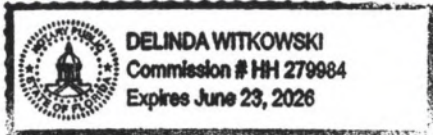
Special Magistrate
September 06, 2023

The document signed by the Special Magistrate, and the information provided herein is the minutes of our Special Magistrate on September 06, 2023. Minutes were formally approved and adopted by Kevin Wagner on September 20, 2023.

ATTEST:



Special Magistrate



ADVISORY BOARD LIAISON

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the (Special Magistrate). They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.

A Special Magistrate Hearing was held on **September 06, 2023**,
was called to order at *1:31pm*, Adjourned *1:42pm*

Present:

Kevin Wagner, Special Magistrate
Lawonda Warren, Assistant City Attorney
Phil Cartwright, Code Officer

22-8551

Owners Name: Gator Linton Partners LTD
Register Agent: James Goldsmith R/A
Property Address: 1425-1585 S Congress Avenue

City Attorney Lawonda Warren began by saying that the city was here for a reduction of lien for case 22-8551, and that we would start with the code officer before hearing from the respondent.

Phil Cartwright, supervisor for Code Enforcement testified on behalf of Case 22-8551 which was located on 1425-1585 S Congress Avenue, and the service address was 1585 S Congress Avenue. This location was originally found in violation on September 14, 2022 for not having a backflow prevention assembly installed on the property. The property owner was given thirty (30) days to apply for the permit, sixty (60) days to obtain a permit, or a daily fine of two hundred dollars would be imposed on the property with the authority to shut off the water. On April 5, 2023 a lien in the amount of thirty four thousand six hundred dollars (\$34,600.00) was authorized by the Special Magistrate to be recorded against the property. The property was placed into compliance on June 2, 2023.

Attorney Lawonda asked if anyone was present for this case. Alex Menendez and Shawn Gerald were both present to testify on behalf of Gator Linton Partners LTD. Kevin Wagner, Special Magistrate asked what their relationship was with Gator Linton Partners LTD; Alex Menendez stated he was the Director Property Manager, and Shawn Gerald stated that he was the Property Manager for the property in question. The Magistrate questioned whether the owner of the property knew that they were there on behalf of the company, which they affirmed. Kevin Wagner asked if the city was okay with them presenting the company Gator Linton Partners LTD, and the city confirmed with a yes.

Kevin Wagner, Special Magistrate asked them what reduction amount they were requesting.

The clerk requested permission to read off the case which was overlooked to start off the case, and was therefore granted permission to do so.

Alex Menendez stated that there was no denial that there was an issue with the backflow. One of the delays is that their tenants according to them are the ones responsible for the installation of the backflows. Mr. Menendez stated that when the tenants are given a chance to install the backflow, and if they don't do it then Gator Linton Partners steps in to have the backflows installed. However, in this case it was delayed, and that there was no denying it. The person who was in charge of making sure the backflow was installed is no longer with the company. In the end they commented that they are here for forgiveness, and that thirty four thousand six hundred dollars seem to be rather extreme for just a backflow installation that is not a life or safety issue. Alex Menendez commented that he understood that we have rules and laws that the city has to abide by. Mr. Menendez stated that they are there at the mercy of the city, and requested that the city would work with them. Kevin Wagner stated that he is not speaking on behalf of the city, but he assures the city most likely would look differently on the issue of it not being a life and safety issue. Also commenting that if this does not get done, it can get to the point where the city also will get fined if installments of the backflow are not done.

Putting everything aside, Magistrate Kevin Wagner asked again what their reduction amount was, and that they needed to give an amount. Alex Menendez delayed on asking the amount for fear of insulting the magistrate. Mr. Menendez asked to be able to pay one thousand dollars (\$1,000.00). Assistant City Attorney Lawonda Warren stated that the city would not agree to that amount, but the city would be willing to go down to three thousand five hundred dollars (\$3,500.00) or even three thousand four hundred dollars (\$3,400.00). Kevin Wagner commented that it wouldn't be a bad idea to take that offer, and that the city was being very generous. Alex Menendez accepted the amount of three thousand five hundred dollars (\$3,500.00). However, our Special Magistrate ended up lowering it to three thousand four hundred dollars (\$3,400.00 payable within thirty (30) days.