

A **Special Magistrate** was held on April 16, 2025
was called to order at *1:31 PM*, Adjourned *4:19 PM*.

Present:

Special Magistrate Kevin Wagner
Assistant City Attorney Lawonda Warren
Moises Cuesta, Storm Water Engineer
Carl Powell, Sanitation Officer
James Easley, Code Officer
Latoya Thompson, Code Officer

Sott Woodrey, Contractor
Mark Ronald
Nick Ebert, Developer
Jamie Gavigan, Attorney
Scott Elk, Attorney
Rodney Mayo, Resident
Daniel Rose, Resident

Compliance or Closed Cases are as follows:

25-2726; 25-2741; 25-2850; 25-2852; 25-2938; 25-2994

Case 25-2120

Address: 2012 NW 2nd Avenue
Owners Name: 2012 NW 2nd LLC
Registered Agent: Sarah Benderson
Presented by: Latoya Thompson

Violation- Erosion & Sediment Control 4.6.17 (D)(3)

Code Enforcement Officer, Latoya Thompson testified that she inspected the property and observed the silt fence had not been installed and stones not placed properly. This constitutes a violation of code section 4.6.17 (D)(3).

Lawonda Warren reviewed photos and entered 9 exhibits into evidence without any objections. General contractor, Scott was present representing the case.

Moises Cuesta, Storm Water Engineer, was present to explain how the silt fence should be installed.

The city recommends 48 hours to comply and properly install the silk fence or a daily fine of \$500 thereafter.

The special Magistrate pushed for clarity to make sure he gave the defendant the correct information to be able to come into compliance. Kevin Wagner gave the defendant until April 18, 2025, until 5:00pm to install the silt fence correctly, or \$500.00 per day for noncompliance.

Case 25-2690

Address: 716 NE 2nd Street

Owners Name: Mark Ronald & Mary Ronald

Presented by: Latoya Thompson

Violation- Erosion & Sediment Control 4.6.17 (D)(3)

Builder of the property, Nick ____, who works with Azure Development was present.

Code Enforcement Officer, Latoya Thompson testified that she inspected the property and observed the silt fence had not been installed properly and stones not placed properly. This constitutes a violation of code section 4.6.17 (D)(3).

Lawonda Warren reviewed photos and entered 3 exhibits into evidence without any objections. Property owner, Mark Ronald was present representing the case.

Mark Ronald spoke about chapter 162 and making it clear that he did not receive all the proper notifications.

Moises Cuesta, Storm Water Engineer, was present to explain how the silt fence should be installed.

The special Magistrate on case 25-2690 found that the case had been at one time in violation, but has since then come into compliance.

Case 25-2693

Address: 301 NE 7th Avenue

Owners Name: Benita Goldstein

Presented by: Latoya Thompson

Violation- Erosion & Sediment Control 4.6.17 (D)(3)

Code Enforcement Officer, Latoya Thompson testified that she inspected the property and observed the silt fence had not been installed properly and stones not placed properly. This constitutes a violation of code section 4.6.17 (D)(3).

Lawonda Warren reviewed photos and entered 11 exhibits into evidence without any objections.

Keith McNeal, Senior Project Manager for the Contractor, was present to represent the case.

The special Magistrate gave the defendant until April 18, 2025, until 5:00pm to install the silt fence correctly, or \$500.00 per day for noncompliance.

Case 25-2696

Address: 234 NE 12th St

Owners Name: Palms Creative Homes LLC

Presented by: Latoya Thompson

Violation- Erosion & Sediment Control 4.6.17 (D)(3)

Scott Woody, contractor of property was present to represent the case.

Code Enforcement Officer, Latoya Thompson testified that she inspected the property and observed the silt fence had not been installed properly and stones not placed properly. This constitutes a violation of code section 4.6.17 (D)(3).

Lawonda Warren reviewed photos and entered 3 exhibits into evidence without any objections.

The city recommends 48 hours to comply or a daily fine of \$500 thereafter.

The special Magistrate pushed for clarity to make sure he gave the defendant the correct information to be able to come into compliance. The special Magistrate gave the defendant until April 18, 2025, until 5:00pm to install the silt fence correctly, or \$500.00 per day for noncompliance.

Case 25-2707

Address: 238 NE 12th St

Owners Name: Palms Creative Homes LLC

Presented by: Latoya Thompson

Violation- Erosion & Sediment Control 4.6.17 (D)(3)

Scott Woody, contractor of property was present to represent the case.

Code Enforcement Officer, Latoya Thompson testified that she inspected the property and observed the silt fence had not been installed properly and stones not placed properly. This constitutes a violation of code section 4.6.17 (D)(3).

Lawonda Warren reviewed photos and entered 5 exhibits into evidence without any objections.

The city recommends 48 hours to comply or a daily fine of \$500 thereafter.

The special Magistrate pushed for clarity to make sure he gave the defendant the correct information to be able to come into compliance. The special Magistrate gave the defendant until April 18, 2025, until 5:00pm to install the silt fence correctly, or \$500.00 per day for noncompliance.

Case 25-2986

Address: 9 NE 2nd Ave

Owners Name: Twelve Bridges V LLC

Presented by: James Easley

Violation- Discharge to Storm Water 53.012 (A&B)

James Gavigan, partner of Shutts, was present to represent the case.

Carl Powell, nuisance abatement officer with the City of Delray Beach Sanitation, was also present to represent the case.

Powell testified that he inspected the property and observed substantial flow to the stormwater drainage system. This liquid discharge derived from a said individual associated with El Camino washing out dumpsters, exterior and interior.

Lawonda Warren reviewed photos and entered 2 exhibits into evidence without any objections.

James Easley testified that he received evidence from the Delray Beach Sanitation Division which depicted a staff member of the El Camino property washing and rinsing dumpsters. Upon receiving the evidence, the city concluded that the actions of this establishment caused prohibited illicit discharge, creating a sanitary hazard. These violations are addressed under sections 53.012(A) and 53.012(B) of the City of Delray Beach ordinances.

The defendants provided photos that showed the installed drain plugs on the dumpster to prevent discharge and to attempt compliance.

The city recommends a one-time fine in the amount of \$10,000 payable within 30 days.

The special Magistrate stated that the owners' desire to come into compliance was clear and reduced fines to \$5,000, payable within 30 days.

Case 25-3050

Address: 209 NE 5th St

Owners Name: MJZ Properties LLC

Presented by: Latoya Thompson

Violation - Erosion & Sediment Control 4.6.17 (D)(3)

Code officer, Latoya Thompson, inspected the property and observed that the silk fence had not been installed properly and stones not placed properly. This is in violation of the City of Delray Beach Land Development Regulation 4.6.17 (D) (3) Erosion and Sediment Control.

Lawonda Warren reviewed photos and entered 11 exhibits into evidence without any objections.

The city recommends 48 hours to comply or a daily fine of \$500 thereafter.

The special Magistrate gave the defendant until April 18, 2025, until 5:00pm to install the silt fence correctly, or \$500.00 per day for noncompliance.

Case 24-13362

Address: 302 NE 6th Ave

Owners Name: 302 NE 6th Ave LLC

Presented by: Enrique Fernandez

Violation: Assemblies and Special Events Request for Reduction of Lien

Code enforcement administrator, Enrique Fernandez testified that the property was in violation for a special event without first updating the special event permit from the city.

Rodney Mayo, owner of the property, was present and requested that the fine be reduced because the property had only been open for 30 days since they received the violation.

Mr. Rose, the complainant, was also present and testified that Mayo has not learned from his mistakes and continues to cause issues within his community.

The special Magistrate denied the request to reduce the fine.

Case 25-2639

Address: 110 E Atlantic Ave

Owners Name: Rosebud 110, LLC

Presented by: James Easley

Violation: Discharge in Storm Sewer 53.012 (A & B)

Code enforcement officer, James Easley, was present to check the status of the case for prohibited discharge into stormwater. This is a violation of code sections 53.102 (A)(B). Violation was paid on April 1st, 2025, for \$5,000. The case was scheduled for a status check to assess the corrective actions taken and to be given update on the maintenance required.

The city did not request anything further.

The special Magistrate ordered that no action is necessary.

Special Magistrate Hearing
April 16, 2025
Meeting Minutes

The undersigned is the Secretary of the Special Magistrate, and the information provided herein is the minutes of the meeting of said Special Magistrate Hearing on April 16, 2025, which minutes were formally approved and adopted by the Special Magistrate on August 6, 2025.

ATTEST:



MAGISTRATE

MAGISTRATE 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 (Board Name). They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.