

A **Special Magistrate** was held on June 18, 2025
was called to order at 2:30 PM, Adjourned 4:32 PM.

Code Enforcement and City Representatives Present:

Kevin Wagner, Special Magistrate
Lawonda Warren, Assistant City Attorney
Enrique Fernandez, Code Enforcement Administrator
Connor Lee, Code Officer for Clean & Safe
Latoya Thompson, Code Officer
Madison Brown, Development Permit Manager
Jonathan Bloom, Attorney
Jeff Wooster, Owner

Owners and/or Respondents Present:

James Thomas, Owner
Anthony Barber, Business Owner
Jennifer Perrone, Legal Representative
Roy Fitzgerald, Attorney
Rodney Mayo, Owner
Michael Bryant, Representing Owner

Minutes Approved- February 20, 2025 and March 20, 2025

Resolution of Original Agenda: Compliance or Closed Cases are as follows:
25-2360; 25-4468; 25-4950; 25-4954; 25-5093

Case 25-3887

Address: 400 W Atlantic Ave
Owners Name: 400 W Atlantic LLC
Registered Agent: Laurence Blair
Presented by: Connor Lee

Violation – Building Permits 2.4.13 (B)

Code Officer, Connor Lee testified that she observed an unpermitted oversized tent in the courtyard area which is a violation of code section 2.4.13 (B) Building Permits.

Mr. Lee presented 2 exhibits into evidence.

Lawonda Warren, Assistant City Attorney, entered 2 exhibits into evidence without objection.

James Thomas, property owner, and Anthony Barber, tenant/owner of business were present. Mr. Barber testified that a permit has been submitted but one item (elevation) was missing. The required document has been submitted multiple times. He was recently informed that a materials form was also missing from the required documents.

The city recommends 30 days to submit the items required by the Planning and Zoning department and 60 days to obtain an approved permit or \$150.00 daily fine.

Kevin Wagner, Magistrate, ruled that the violation does exist. The respondents will be given additional 30 days to submit proper paperwork, 60 days to obtain an approved permits or a daily fine of \$150.00 will place on the property.

Case IR 25-4908

Address: 302 NE 6th Ave.

Owners Name: 302 NE 6th Avenue LLC

Registered Agent: Paul A. Krasker

Presented by: Code Administrator, Enrique Fernandez

Violation – Assemblies & Special Events 101.32

Roy Fitzgerald & Jennifer Perrone legal representation was present on behalf of the Respondent.

Code Administrator, Enrique Fernandez testified that Delray Police Dept. received a complaint regarding an unpermitted special event. Code Enforcement initiated an investigation and was unable to find an approved special event permit prior to the concert. Code Enforcement staff acquired a copy of a flyer. Based on the information obtain from the investigation, the special event violated the Assemblies & Special Event ordinance Section 101.32.

Mr. Fernandez testified that he received the initial report from the Police Dept. The flyer was found posted on an Instagram page, viewed video of people in the background placing speakers in a vehicle and people leaving the premises after the event ended. In the initial report it also stated that the Police Dept. responded to a complaint and a representative at the location stated that people were packing up and leaving the event.

Mr. Fernandez presented 4 exhibits into evidence.

Lawonda Warren, Assistant City Attorney, entered 4 exhibits into evidence without objection. An additional exhibit 5 Zoning Certificate of Use was entered into evidence without any objections.

Mr. Fernandez was questioned by Roy Fitzgerald about the specifics of the Assemblies & Special Events 101.32 ordinance.

Daniel Rose testified that he witnessed the special event taking place at Subculture. He was able

to view the event from his property. Roy Fitzgerald questioned Daniel Rose.

Roy Fitzgerald motion to dismiss the violation given to Subculture. The city objects to the request to dismiss the violation and request that the Magistrate denies the motion.

Rodney Mayo testified that he was present for the event and did not witness the large crowd, parking issues and wasn't aware that the police officers responded to a complaint.

The city recommends a one-time fine in the amount of \$7,500.00 to be paid within 30 days.

Kevin Wagner, Magistrate, ruled that the violation does exist. The respondents will be given 30 days to pay a one-time fine in the of \$3,500.00 or the city has authorization to lien the property.

Case IR 25-5138

Address: 961 Iris Dr.

Owners Name: John Acunto

Presented by: Latoya Thompson and Connor Lee

Violation – Erosion Control Standards 4.6.17 (C) (1) (A)

Code Officer, Latoya Thompson testified that she observed dredging near the property, no barriers were in place to control the sediment and no proper permits on file at the city.

Ms. Thompson presented 10 exhibits into evidence.

Code Officer, Connor Lee testified he observed the dredging near the property and observed the sediment had been disrupted and moving throughout the water.

Lawonda Warren, Assistant City Attorney, entered 10 exhibits into evidence without objection.

Jonathan Bloom Esq. and Michael Bryant were present to represent the property owner.

Development Permit Manager for the City of Delray, Madison Brown testified to the dredging requirements.

The city recommends 30 days to pay a fine in the amount of \$10,000.00 for the irreversible and irrevocable violation.

Kevin Wagner, Magistrate, ruled that the violation does exist. The respondents will be given 30 days to pay a fine in the of \$10,000.00 or the city has authorization to lien the property.

OLD BUSINESS:

Case 25-3050

Address: 209 NE 5th St.

Owners Name: MJZ Properties LLC

Registered Agent: Jeffrey S. Wooster R/A

Presented by: Latoya Thompson

Violation – Erosion and Sediment Controls 4.6.17 (D) (3)- Request for Lien Reduction

Jeff Wooster, property owner, testified that the silk fence was installed correctly and is requesting a lien reduction.

The city recommends no reduction of fine.

Kevin Wagner, Magistrate, ruled that the violation does exist. The respondents will be given 30 days to pay a reduced fine in the of \$2,000.00. If not paid within the allowed time the fine will revert to the original amount of \$6,000.00. The city has authorization to lien the property.

Adjourned- 4:32 PM

Special Magistrate Hearing
June 18, 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 June 18, 2025, which minutes were formally approved and adopted by the Special Magistrate on September 17, 2025.

ATTEST:



A handwritten signature in blue ink, consisting of a large, stylized 'M' followed by a horizontal line and a few trailing strokes.

MAGISTRATE



A handwritten signature in blue ink, appearing to read 'Sarah Kent', written over a horizontal line.

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.