

**A Special Magistrate Hearing was held on March 20, 2025.
The hearing was called to order at 1:33 PM, Adjourned at 3:21 PM**

Code Enforcement and City Representatives Present:

Kevin Wagner, Special Magistrate
Lawonda Warren, Assistant City Attorney
Enrique Fernandez, Code Enforcement Administrator
Phil Cartwright, Code Supervisor
Moises Cuesta, Storm Water Engineer
James Easley, Code Officer for Clean & Safe
Rubenson Dejadin, Code Officer

Owners and/or Respondents Present:

Ellyn L. Brown
Gary Bosco
Betty Gerosky
Cornelio Severino
Leila Rodriguez
Amanda Rosetti
Manuel Perez
Jamie Ernst
William Xiao
Dawens Pierre-Gilles
Jayme Ndeto
Abby Reich-Bennett
Lori Lucas

Changes to the agenda: - Case # 25-2375 came into compliance prior to hearing

1. Case 25-2360

Address: 2103 S. Ocean Blvd.

Owners Name: Bermuda High S. Condo Association Inc.

Registered Agent: Oxygen Assoc. Serv. LLC

Presented by: Code Officer Jude V. LeConte II

Violation- Maintenance of Building- 00010 7.1.4(C) (1) (A)

Lawonda Warren, Assistant City Attorney states that the Condo Association and the City

of Delray has come to an agreement that there is a violation and has an extension of 60 days to obtain permits or a daily fine of \$100.00.

Kevin Wagner, Magistrate, made the motion that the violation does exist. The respondent will be given additional 60 days to obtain the proper permits or a daily fine of \$100.00 will place on the property.

2. Case 24-1672 (Old Business)

Address: 1048 Sunset Avenue

Owners Name: Pierre-Gilles Dawens

Presented by: Code Officer Administrator Enrique Fernandez

Translator for owner: Code Officer: Rubenson Dejadin

Violation- Irreversible or Irreparable- Request to Reduce Penalty

Code Enforcement administrator, Enrique Fernandez testified regarding a special event that was not permitted. There was a one-time fine given in the amount of \$5,000. The owner was told to cease activity.

The owner testified that he was unaware that the other family member was selling food from the property, he doesn't live there and assumed that the traffic was friends of the family hanging out.

The city does not agree with any type of reduction request based on the nature of the violation.

Kevin Wagner, Magistrate, made the motion that the violation does exist and denied the request to reduce penalty.

3. Case 25-2618

Address: 25 N.E. 2nd Ave.

Owners Name: Delray Trio LLC

Registered Agent: James M. Lazar

Presented by: Code Officer James Easley & Stormwater Engineer Moises Cuesta

Violation- Illicit Discharge- 00010 53.012 (A) (B)

City Stormwater Engineer, Moises Cuesta and Code Enforcement officer, James Easley both testified that they've inspected the property and observed illicit discharge specifically continuous liquid runoff with oil from grease interceptor area, garbage juice and evidence of grease cleaning with chemicals causing grease to travel into cities storm water and sewer system creating a sanitary hazard. This constitutes a violation of code section 53.012 (A and B).

Lawonda Warren reviewed photos and entered 12 exhibits into evidence without any objections. Jayme Ndeto, property manager, was present.

The city recommends a one-time fine of \$5,000 payable within 30 days.

Kevin Wagner, Magistrate, made the motion that the property is in violation and a one-time fine in the amount of \$5,000 payable within 30 days.

4. Case 25-2639

Address: 110 E. Atlantic Ave.

Owners Name: Rosebud 110 LLC

Registered Agent: CM Rac, Inc.

Presented by: Code Officer James Easley & Stormwater Engineer Moises Cuesta

Violation- Illicit Discharge- 00010 53.012 (A) (B)

City Stormwater Engineer, Moises Cuesta and Code Enforcement officer, James Easley both testified that they've inspected the property and observed illicit discharge specifically continuous liquid runoff with oil from grease interceptor area, garbage juice and evidence of grease cleaning with chemicals causing grease to travel into cities storm water and sewer system creating a sanitary hazard. This constitutes a violation of code section 53.012 (A and B).

Lawonda Warren reviewed photos and entered 22 exhibits into evidence without any objections. Abby Reich-Benett, property manager, was present.

The city recommends a one-time fine of \$5,000 payable within 30 days and cleaning the storm drain.

Kevin Wagner, Magistrate, made the motion that the property is in violation and a one-time fine in the amount of \$5,000 payable within 30 days and set a status hearing, if necessary, on April 16th Special Magistrate.

5. Case 25-2650

Address: 213 E. Atlantic Ave.

Owners Name: 213 E. Atlantic, LLC

Registered Agent: Todd Herbst

Presented by: Code Officer James Easley & Stormwater Engineer Moises Cuesta

Violation- Illicit Discharge- 00010 53.012 (A) (B)

City Stormwater Engineer, Moises Cuesta and Code Enforcement officer, James Easley both testified that they've inspected the property and observed illicit discharge specifically continuous

liquid runoff with oil from grease interceptor area, garbage juice and evidence of grease cleaning with chemicals causing grease to travel into cities storm water and sewer system creating a sanitary hazard. This constitutes a violation of code section 53.012 (A and B).

Lawonda Warren reviewed photos and entered 17 exhibits into evidence without any objections. The General Manager was present.

The city recommends a one-time fine of \$5,000 payable within 30 days.

Kevin Wagner, Magistrate, made the motion that the property is in violation and a one-time fine in the amount of \$5,000 payable within 30 days and directs the city to meet with the respondent to address the water concerns.

6. Case 25-2658

Address: 32 S.E. 2nd Ave.

Owners Name: Granite Worthing, LLC

Registered Agent: Corporate Creations Network Inc.

Presented by: Code Officer James Easley & Stormwater Engineer Moises Cuesta

Violation- Illicit Discharge- 00010 53.012 (A) (B)

City Stormwater Engineer, Moises Cuesta and Code Enforcement officer, James Easley both testified that they've inspected the property and observed illicit discharge specifically continuous liquid runoff with oil from grease interceptor area, garbage juice and evidence of grease cleaning with chemicals causing grease to travel into cities storm water and sewer system creating a sanitary hazard. This constitutes a violation of code section 53.012 (A and B).

Lawonda Warren reviewed photos and entered 11 exhibits into evidence without any objections. Director of operation- Store, Assistant Store Manager and Service Supervisor were present. An additional exhibit was added, totaling 12 exhibits into evidence.

The city recommends a one-time fine of \$5,000 payable within 30 days.

Kevin Wagner, Magistrate, made the motion that the property is in violation and a one-time fine in the amount of \$5,000 payable within 30 days.