

Code Enforcement Special Magistrate  
March 15, 2023 (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 on March 15, 2023 which minutes were formally approved and adopted by the Magistrate on April 05, 2023.

ATTEST:



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SPECIAL MAGISTRATE

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.

A Special Magistrate Hearing was held on **March 15, 2023**,  
was called to order at 2:30 PM, Adjourned 3:29 PM.

**Present:**

**Kevin Wagner, Special Magistrate**  
**Lawonda Warren, Assistant City Attorney**  
**Khatoya Wesley, Code Officer**  
**Rubenson Dejadin, Code Officer**  
**Randell Straghn, Code Officer**  
**Ryan Sahai, Code Officer**  
**Chantale Jean-Baptist, Code Officer**  
**Khatoya Wesley, Code Officer**  
**Brad Hasseler, Cross-Connection Control Program Administrator**  
**Demetrius Smith, Cross-Connection Control Specialist**  
**Sandy Weber, Delray Oaks Condo Association Inc**  
**Judit Scheuv, Delray Oaks Condo Association Inc**  
**Neil Schiller**  
**Brian Resor**

**22-4945**

**John Cineus**  
**Property Address: 313 SW 11<sup>th</sup> Avenue**

Khatoya Wesley presented case 22-4945 that had previously come to Code Board Hearing, and introduced nine (9) photos into evidence.

Lawonda Warren, the Assistant City Attorney for The City of Delray Beach, questioned Khatoya Wesley concerning the photographs that were introduced into evidence. Exhibit 1 was an older picture showing that there was a stop work order placed on his door. All other exhibits were additions that were added on, plus other stop orders that were placed and removed. Owner did attempt to pull one permit which was not approved. Khatoya Wesley did have contact on March 14, 2023 with the owners wife of property, advising her that they need to pull permits or correct the issues.

Attorney Lawonda Warren introduced into evidence exhibits 1-9 into evidence; and Special Magistrate Kevin Wagner accepted the photographs.

The Cities recommendation is \$750.00 daily fine.

Kevin Wagner made the following fact that the property continues to be in violation; building without permits concerning code section 2.4.6 (B) (1 to 5) and that the property continues to be in violation and was fined \$750.00 per day starting on the day of Special Magistrate which is March 15, 2023 until they come into compliance.

**Case 23-928, 23-969, and 23-971 were given the same recommendations since they were from the same association and same management company by the Special Magistrate Kevin Wagner. Therefore, case 23-969 and 23-971 were not heard but just adopt the same recommendation.**

**Case 23-928**

**Delray Oaks Condo Association Inc  
Konyk & Lemme PLLC R/A  
Property Address: 3134 SW 20<sup>th</sup> Terrance #11B**

Lawonda Warren, the Assistant City Attorney for The City of Delray Beach, questioned Brad Hasseler and Demetrius Smith in reference to proper notice.

Brad Hasseler, Cross Connection Control Program Administrator for The City of Delray Beach, testified that notices were sent to owner on record and customer, and that no backflow device had been installed at this location. Demetrius Smith also testified as Cross-Connection Control Specialist that no device had been installed at this location.

Attorney Lawonda Warren entered into evidence city composite exhibits into evidence; notices sent by utilities, code enforcement, and the utilities PowerPoint slide showing that no backflow was installed. The exhibits were accepted into evidence by Special Magistrate Kevin Wagner.

Rubenson Dejadin, Code Office for The City of Delray Beach, testified that notices were sent to owner of record by utilities and code enforcement, and notices were also posted at the property with the violation indicating that no backflow had yet been installed at this location.

City suggests: 30 days to apply for a permit, 60 days to obtain an approved permit. Failure to meet either deadlines could be subject to Two Hundred dollar (\$200.00) daily fine, and the city will be given authorization to disconnect water services for noncompliance.

Mr. Sandy Weber questioned Brad Hasseler as to who he spoke with, because they had changed Management Companies. Mr. Sandy is requesting more time to hire a plumber, and work things out. Judit mentioned that they are working on it, but scheduling meetings since they are a large HOA all takes time, and quotes approved which also is a process.

Special Magistrate, Kevin Wagner stated that good notice was given, and that the violation of code section 52.83 (A) (B) (C) & (D) still exists. Sixty days (60) will be given to apply for a permit, and ninety days (90) to obtain a permit. Failure to meet either deadlines will be subject to Two Hundred dollar (\$200.00) daily fine, and the city will be given authorization to disconnect water services for noncompliance. Set for a fine assessment if necessary.

**23-969**

**Delray Oaks Condo Association Inc**  
**Konyk & Lemme PLLC R/A**  
**Property Address: 2956 SW 22<sup>nd</sup> Circle 1C**  
**Service Address: 3010 SW 21<sup>th</sup> Terrance 34B**

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**23-971**

**Delray Oaks Condo Association Inc**  
**Konyk & Lemme PLLC R/A**  
**Property Address: 2956 SW 22<sup>nd</sup> Circle 1C**  
**Service Address: 2907 SW 21<sup>st</sup> Terrance 26 B1**

Lawonda Warren, the Assistant City Attorney for The City of Delray Beach, questioned Brad Hasseler and Demetrius Smith in reference to proper notice.

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**23-958**

**426 Association Inc**

**Property Address: 426 NE 7<sup>th</sup> Avenue 1A**

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Randell Straghn, Code Office for The City of Delray Beach, testified that notices were sent to owner of record by utilities and code enforcement, and notices were also posted at the property with the violation indicating that no backflow had yet been installed at this location.

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**Konyk & Lemme PLLC R/A**  
**Property Address: 2956 SW 22<sup>nd</sup> Circle 1C**  
**Service Address: 3010 SW 21<sup>th</sup> Terrance 34B**

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**Konyk & Lemme PLLC R/A**  
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**23-973**

**2222 Spanish Trail LLC**

**Michael Simon R/A**

**Property Address: 2222 Spanish Trail**

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Ryan Sah, Code Office for The City of Delray Beach, testified that notices were sent to owner of record by utilities and code enforcement, and notices were also posted at the property with the violation indicating that no backflow had yet been installed at this location.

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**23-976**

**Lakeview Greens Condo Association Inc**  
**Danny Wilson R/A**  
**Property Address: 3015 W Linton Blvd**  
**Service Address: 1700 Dover Road 101A**

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**23-977**

**Rainberry Woods Homeowners Association**  
**Jean Francique R/A**  
**Property Address: 551 NW 47<sup>th</sup> Avenue**

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Ryan Sahai, Code Office for The City of Delray Beach, testified that notices were sent to owner of record by utilities and code enforcement, and notices were also posted at the property with the violation indicating that no backflow had yet been installed at this location.

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