

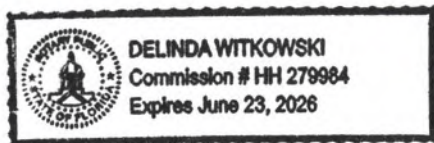
Special Magistrate
June 07, 2023

The document signed by the Special Magistrate, and the information provided herein is the minutes of our Special Magistrate on June 07, 2023. Minutes were formally approved and adopted by Kevin Wagner on June 29, 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 **June 07, 2023**,
was called to order at *1:32pm*, Adjourned *1:58pm*

Present:

Kevin Wagner, Special Magistrate
Lawonda Warren, Assistant City Attorney
Khatoya Wesley, Code Officer
Chantale Jean-Baptist, Code Officer
Brad Hasseler, Cross-Connection Control Program Administrator
Demetrius Smith, Cross-Connection Control Specialist

23-6830

Owners Name: Russell Helene
Property Address: 809 SW 8th Avenue /1

This case was on the agenda; however, it had come into compliance early that morning.

Kevin Wagner, our Special Magistrate recognized that the case was in compliance.

23-6854

Owners Name: CDS Restaurants LLC
Register Agent: CDS International Holdings
Property Address: 551 SE 8th Street /2

This case was taken to Special Magistrate Hearing and a postponement was given for 180 days; permits have been pulled through the building department.

Kevin Wagner, our Special Magistrate postponed case 23-6854 for 180 days.

23-6855

Owners Name: Lip I & Lip II & Lip III LLC
Register Agent: Kats Baskies
Property Address: 660 W Linton Blvd
Service Address: 800 W Linton Blvd /1

Brad Hasseler, Cross Connection Control Program Administrator for The City of Delray Beach, testified that notices were sent to owner of record and customer and that no passing test has been submitted to the city. Mr. Hasseler had communication with the customer informing him that a passing test needed to be submitted. Brad Hasseler confirmed that the backflow is installed, but not testing has yet been done. First and second notices were sent by utilities letting the customer know that the annual testing was do.

Assistant City 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.

Khatoya Wesley, Code Office for The City of Delray Beach, testified that notices were sent to owner of record by utilities and code enforcement and notice was posted at the property and that no passing test has been submitted, and the violation still exists.

City suggests: 30 days to submit a passing test or apply for a permit if replacement is required; \$200.00 daily fine and authority to disconnect water.

Special Magistrate, stated that good notice was given and that the violation of code section 52.83 (A) (B) (C) & (D) still exists. 30 days to submit a passing test or apply for a permit if replacement is needed; if compliance is not met within the 30 days the city will be given authorization to disconnect water and a \$200.00 per day until they come into compliance.

23-6856

Owners Name: Stevens Herman Jr Trust

Property Address: 75 SW 5th Avenue /1

This case was taken to Special Magistrate Hearing and asked for a continuance by owner.

This case was postponed for the next Special Magistrate Hearing.