

A Code Board Hearing was held on **June 9, 2022**,  
was called to order at *1:35 PM*, Adjourned *2:15 PM*.

**Present:**

Nicholas Coppola  
Michael Schiff  
Courtney G. Tito  
Stephen Butera  
Lawonda Warren, Assistant City Attorney  
Keven Wagner, Code Board Attorney  
  
Mrs. Panchas, Owner Representative  
David Tribnikov, Owner  
Robert Burr, Attorney  
Walter Morgan, Attorney

**Absent:** Christina Godbout, Ingrid Lee, Wayne Pasik, Jonathan Jonas

**Resolution of Original Agenda:**

**Minutes Approved – April 14, 2022 (7-0)**

Courtney Tito made a motion to approve the minutes, seconded by Michael Schiff

**Postponed Cases** are as follows:

17-96525; 17-97878; 20-7495; 21-1877; 21-3144; 21-3656; 21-8992; 21-11786; 21-12049; 21-12056; 21-12066; 22-251; 22-1519; 22-1910; 22-1913; 22-1910; 22-1913; 22-2112; 22-2432; 22-3437

**Compliance Cases** are as follows:

21-937; 21-11787; 22-1063; 22-1521; 22-1905; 22-2127; 22-2135; 22-2519; 22-2890; 22-2937

**Closed or Voided Cases** are as follows:

07-75129; 21-9754; 21-12194

**Case 20-8681 – 1638 NE 3<sup>rd</sup> Avenue**

Code Officer Thomas Story testified regarding Permits, Procedures & Approvals, which is a violation of 2.4.6 (B)(1 to 5). Mr. Story reviewed photographs 1-6. Mr. Story stated that the permit was applied for, but three inspections were disapproved. The city is recommends postponing the case 45 days to allow owner time to schedule re-inspections.

Nicholas Coppola, Board Chair questioned the violation. The violation was written with a violation for the garage door not plumbing which was shown on slides as inspection disapprovals.

Lawonda Warren, Assistant City Attorney, questioned to code officer about the photos and admitted exhibits into evidence without objection. Ms. Warren recommended postponing the case for 45 days.

Ms. Panchis, the representative for the property stated that she was told by the building department that she needs to get an engineer's letter because the work was completed prior to the permits being pulled. She came by the office and spoke to Thomas Story about the case to get clarification on what needed to be done to come into compliance.

Courtney Tito made a motion to postpone case 45 days. Seconded by Stephen Butera

The Board ruled to postpone case 45 days.

#### **Case 22-3243 – 15925 SW 8<sup>th</sup> Avenue**

Code Officer Khatoya Wesley testified regarding Permits, Procedures & Approvals, which is a violation of 2.4.6 (B)(1 to 5). Mr. Wesley reviewed photographs 1-11. Ms. Wesley stated that she had received complaints from neighbors stating that they had no privacy with the pavilion because the owner could see over the fence. Ms. Wesley testified that there are several A/C units on the property without permits. The city is recommends postponing the case 30 days to apply for permits or \$100.00 daily fine.

David Tribukov, owner testified that he was unaware of any privacy issues and stated that he put up the pavilion to get more privacy on his property. Mr. Tribnikov was unaware that permits were needed for A/C units installed. He claimed that during Covid he was unable to get supplies needed to replace air units and decided to purchase multiple split units to cool his home.

Michael Schiff made a motion that a violation exist and the property owner has 30 days to apply for permits for the new A/C's and Pavilion come or a \$100.00 daily fine. Seconded by Stephen Butera

The Board ruled unanimously for that a violation exist and the owner has 30 days to apply for permits or daily fine of \$100.00

#### **OLD BUSINESS**

#### **Case 13-37931 – 625 SW 20<sup>th</sup> Court**

Code Officer Thomas Story testified regarding a landlord, which is a violation of 117.01 Mr. Story reviewed photographs for reference.

Lawonda Warren, Assistant City Attorney, questioned to code officer about the photos and asked what the owner was asking for a reduction.

Robert Burr, Represents the Condo Association, Mr. Burr explained that the condo association only received ownership of the property last year and was unaware of the lien on the property. He believes the association received the property due to nonpayment of fees. Mr. Burr asked that the lien be reduced to \$1,250.00 and that accrued fines be removed.

Lawonda Warren, Assistant City Attorney, stated that the city was okay with \$2,000.00 reduction of lien.

The board questioned why the city was reducing the lien when nothing had been done in seven years. Stephen Butera, board member, suggested that the board consider the original lien amount for payment.

Courtney Tito made a motion to reduce the lien to \$2,150.00 and to pay within 30 days or pay the original fine. Seconded by Michael Schiff

The Board ruled unanimously to reduce the lien and accrued fine to \$2,150.00

#### **Case 17-94632 – 2809 Frederick Blvd**

Code Officer Thomas Story asked the board member to release the current on the property.

Courtney Tito made a motion to release the lien in the amount of \$13,450.00 Seconded by Michael Schiff

The Board ruled unanimously to release lien on property.

#### **Case 18-121488 – 230 SW 6<sup>th</sup> Avenue**

Courtney Tito, board member, abstained from the case and left the chambers. Form 8B was completed and signed. (pg. 4 and pg. 5).

Nicholas Coppola, Chair, stated that due to Courtney Tito having to excuse herself from case a quorum can not be reached. Suggested that we reschedule case until next code board.

Walter Morgan, attorney for owner was not available in July and asked to be rescheduled for August.

## FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>Tito, Courtney</u>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Code Enforcement</u>
MAILING ADDRESS <u>441 West Dr</u>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <u>Delray Beach</u>	COUNTY <u>Palm Beach</u>
DATE ON WHICH VOTE OCCURRED <u>6/9/22</u>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 183.356 or 183.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Courtney Tito, hereby disclose that on June 9, 2022:

(a) A measure came or will come before my agency which (check one or more)

☐ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;

☐ inured to the special gain or loss of my relative, \_\_\_\_\_;

☒ inured to the special gain or loss of Nelson Mullins' client, by

~~whom I am retained; or~~

☐ inured to the special gain or loss of \_\_\_\_\_, which

is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

This is a code enforcement violation before the code Enforcement board involving parties that are potential conflicts with current and former matters of my employer, Nelson Mullins (lawfirm)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

6/14/22  
Date Filed

Courtney Tito  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Adjourned 2:15pm