

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT SPECIAL MAGISTRATE Regular Meeting 2024-01

Held on the 10th day of January 2024 in the Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law and is on file in the Code Compliance Office, 120 Malabar Rd SE, Palm Bay, Florida.

Code Compliance Special Magistrate Frank Scaglione called the meeting to order at approximately 1:07 PM.

SWEARING IN:

All respondents, complainants, and City staff required to testify were sworn in.

REPORTS:

Authorization to Impose Fines:

1. CEB 23513-23 CITY OF PALM BAY VS JOHN M AND KARIN V GERARD
823 BAYHARBOR AVE SE, PALM BAY

This case involved a violation of City Code, Section(s) 170.119(A), 185.118 (D), 74.06(A)(4); Code of Ordinances of the City of Palm Bay for property located at 823 Bayharbor Ave SE, Lot 8, BLK 494, Unit 12, Subdivision GN, Township 29, Range 37, Section 07, Brevard County, Florida.

The Respondents were given an extension to bring the property into compliance on or before February 23, 2024.

2. CEB 24096-23 CITY OF PALM BAY VS NEW BIRTH F BAPTIST CHURCH
INC
975 MALABAR RD NW, PALM BAY

This case involved a violation of City Code, Section(s) 93.03, Code of Ordinances of the City of Palm Bay for property located at 975 Malabar Rd NW, E 341.69 FT OF W ½ OF SE ¼ OF SW ¼ EXC S 96 FT, Subdivision 00, Township 28, Range 36, Section 35, Brevard County, Florida.

The Respondents were given an extension to bring the property into compliance on or before February 9, 2024.

The City requested the Code Enforcement Special Magistrate find all respondents / cases listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on or about January 2, 2024, and the properties remained in non-compliance.

CEB 23884-23	GRIFFIN, TRAYVIS D	\$50.00 PER DAY
CEB 23983-23	KARABUT, FERITA	\$200.00 SET FINE
CEB 24071-23	SAMUEL, DON D	\$50.00 PER DAY
CEB 24072-23	KATZ, ARIEL	\$50.00 PER DAY
CEB 24073-23	BUREK, DAVID	\$50.00 PER DAY
CEB 24074-23	PALM BAY ALF INVESTMENTS	\$50.00 PER DAY
CEB 24097-23	MARLOWE, JEANNE	\$200.00 SET FINE
CEB 24098-23	ADLER, SUSAN STOUT	\$200.00 SET FINE
CEB 24099-23	MOOMAN, VINDRA M	\$200.00 SET FINE
CEB 24103-23	SCARPA, GABRIEL P&R	\$200.00 SET FINE
CEB 24108-23	BROWN, GEORGE A	\$200.00 SET FINE
CEB 24109-23	PALM BAY ALF INVEST	\$200.00 SET FINE
CEB 24130-23	FC ENCORE PALM BAY	\$200.00 SET FINE
CEB 24132-23	MCDONALD'S RESTAUR	\$200.00 SET FINE
CEB 24133-23	KIRBY HOLDINGS LLC	\$200.00 SET FINE
CEB 24135-23	PALM BAY VENTURE II L	\$200.00 SET FINE
CEB 24136-23	KIRBY HOLDINGS LLC	\$200.00 SET FINE
CEB 24137-23	KIRBY HOLDINGS LLC	\$200.00 SET FINE
CEB 24140-23	TW PALM BAY BABCOG	\$200.00 SET FINE
CEB 24141-23	ZARSKI PROPERTIES LL	\$200.00 SET FINE
CEB 24146-23	PAINTED ACRE PARTNE	\$200.00 SET FINE
CEB 24147-23	LOWE, ADEJA	\$200.00 SET FINE
CEB 24150-23	BROKERICK, JOHN D	\$200.00 SET FINE
CEB 24151-23	MAP CAPITAL LLC	\$200.00 SET FINE
CEB 24153-23	SURFSIDE REALTY GR	\$200.00 SET FINE
CEB 24155-23	LEB PROPERTIES INC	\$200.00 SET FINE
CEB 24156-23	PAINTED ACRE PARTNE	\$200.00 SET FINE

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CEB 24158-23	EDWARD GENSEN TRUS	\$200.00 SET FINE
CEB 24159-23	LOWE, ADEJA	\$200.00 SET FINE
CEB 24175-23	SET FUNDING LLC; 125 MARK	\$50.00 PER DAY
CEB 24177-23	SIMPSON, JAMES	\$50.00 PER DAY
CEB 24185-23	SABDULL-SMITH, JENICE	\$200.00 SET FINE
CEB 24187-23	BEER DE GOTTLIB, VICTORIA	\$200.00 SET FINE
CEB 24188-23	RICO, MARTA G	\$200.00 SET FINE
CEB 24191-23	DAVIS, MARY A	\$200.00 SET FINE
CEB 24192-23	DAVIS, FRANCELLA	\$200.00 SET FINE
CEB 24193-23	MUNROE, MIACHEAL & E	\$200.00 SET FINE
CEB 24210-23	PEREZ, JAVIER MARTINEZ	\$200.00 SET FINE
CEB 24212-23	AUGUSTE, MONIQUE A& JEAN	\$200.00 SET FINE
CEB 24220-23	SEIDE, MATHILDA	\$200.00 SET FINE
CEB 24222-23	HOYTE, JOHN F	\$200.00 SET FINE
CEB 24223-23	ANDERSON, MARCIA MARIA	\$200.00 SET FINE
CEB 24226-23	RAMBRICH, PATANJALI	\$200.00 SET FINE
CEB 24228-23	TELFORT, ALEX & NADING	\$200.00 SET FINE
CEB 24230-23	O'NEAL, CECILE L	\$200.00 SET FINE
CEB 24237-23	HILAIRE, DIEUDONNE	\$200.00 SET FINE
CEB 24239-23	SJEFI, YUVAL	\$200.00 SET FINE
CEB 24242-23	VASQUEZ ALVA, JUAN A	\$200.00 SET FINE
CEB 24244-23	HOSPEDALES, WENDELL	\$200.00 SET FINE
CEB 24245-23	ALTAVESTA, JOSEPH	\$200.00 SET FINE
CEB 24246-23	NEWLAND, EMILIA	\$200.00 SET FINE
CEB 24247-23	KAPOUSIS, KOSTAS	\$200.00 SET FINE
CEB 24249-23	GUEVARA, JUAN & JEANETT	\$200.00 SET FINE
CEB 24250-23	GLADY'S HERRERA LEIVA, M	\$200.00 SET FINE
CEB 24251-23	GLADY'S HERRERA LEIVA, M	\$200.00 SET FINE

HEARINGS:

1. CEB 24419-24 CITY OF PALM BAY VS ANTHONY JAIMUNGAL AND ANITA JITTA
577 MACON ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(B); 185.123(D); 93.042; 93.04, Code of Ordinances of the City of Palm Bay for property located at 577 Macon St SW, Lot 13, BLK 1433, Unit 30, Subdivision KJ, Township 29, Range 36, Section 36, Brevard County, Florida.

Ordered: Set a compliance date of February 9, 2024, or that a fine of \$50.00 per day be imposed for every day the violations continue.

2. CEB 24420-24 CITY OF PALM BAY VS RAMDATH C JITTA
587 MACON ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(B); 93.03, Code of Ordinances of the City of Palm Bay for property located at 587 Macon St SW, Lot 12, Blk 1433, Unit 30, Subdivision KJ, Township 29, Range 36, Section 36, Brevard County, Florida.

Ordered: Set a compliance date of February 9, 2024, or that a fine of \$50.00 per day be imposed for every day the violations continue.

3. CEB 24421-24 CITY OF PALM BAY VS ANITA R JITTA AND ANTHONY JAIMUNGAL
597 MACON ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(B); 185.123(D); 93.042; 179.076; 93.04, Code of Ordinances of the City of Palm Bay for property located at 597 Macon St SW, Lot 11, BLK 1433, Unit 30, Subdivision KJ, Township 29, Range 36, Section 36, Brevard County, Florida.

Ordered: Set a compliance date of February 9, 2024, or that a fine of \$50.00 per day fine be imposed for every day the violations continue.

4. CEB 24418-24 CITY OF PALM BAY VS HAROLD FRANCIS BAUMGARTNER JR
912 QUINN ST SE, PALM BAY

This case involved a violation of City Code, Section(s) 170.119(A), Code of Ordinances of the City of Palm Bay for property located at 912 Quinn St SE, Lot 14, BLK 911, Unit 22, Subdivision GS, Township 29, Range 37, Section 29, Brevard County, Florida.

Ordered: Set a compliance date of January 15, 2024, or that a fine of \$50.00 per day fine be imposed for every day the violations continue.

5. CEB 24405-24 CITY OF PALM BAY VS ANGELICA COLON
1111 DAYTONA DR NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.010, Code of Ordinances of the City of Palm Bay for property located at 1111 Daytona DR NE, PORT MALABAR UNIT 4 LOT 1 & N 17.19 FT OF LOT 2 KNOWN AS PAR K BLK 20, Subdivision FO, Township 28, Range 37, Section 25, Brevard County, Florida.

Ordered: Set a compliance date of January 25, 2024, or that a fine of \$50.00 per day fine be imposed for every day the violations continue.

6. CEB 24417-24 CITY OF PALM BAY VS CARLOS JESUS MAINERO
ARROYO AND MARIA TERESA CLARE
1086 SAPULPA RD SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.118(C); 185.181(A); 170.111; 185.010, Code of Ordinances of the City of Palm Bay for property located at 1086 Sapulpa Rd SW, Lot 3, Blk 989, Unit 20, Subdivision GI, Township 29, Range 36, Section 02, Brevard County, Florida.

Ordered: Set a compliance date of January 30, 2024, or that a fine of \$50.00 per day be imposed for every day the violations continue.

7. CEB 24410-24 CITY OF PALM BAY VS JAIME MARZAN AND JACKLINE
MAYSONET
1094 GLENDALE AVE NW, PALM BAY

This case involved a violation of City Code, Section(s) 73.21(B); 93.044(A)(1); 74.06(A)(4); 185.123(C); 93.03, Code of Ordinances of the City of Palm Bay for property located at 1094 Glendale Ave NW, Lot 2, BLK 2332, Unit 44, Subdivision KO, Township 28, Range 36, Section 27, Brevard County, Florida.

Ordered: Set a compliance date of January 17, 2024, or that a fine of \$50.00 per day fine be imposed for every day the violations continue.

The following cases were withdrawn due to voluntary compliance:

CEB 24413-24	208 TREU TER NW
CEB 24474-24	4620 BABCOCK ST NE
CEB 24416-24	572 WICKER RD SW
CEB 24455-24	536 HARRISBURG ST SW

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB 24406-24	1873 CLEVELAND ST NE
CEB 24407-24	1798 GLENWOOD ST NE
CEB 24408-24	725 JUPITER BLVD NW
CEB 24409-24	1011 POPE ST NW
CEB 24411-24	1340 ARITON AVE NE
CEB 24412-24	451 HARWOOD ST NE
CEB 24414-24	310 CRESTVIEW ST NE
CEB 24415-24	745 SEATON RD SW

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of January 25, 2024, or that a fine of \$50.00 be imposed for every case for each and every day the violations continue.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

CEB 24422-24	948 MERMAID AVE SE
CEB 24423-24	1550 LICHTY ST NE
CEB 24424-24	854 THURINGER ST NW

CEB 24425-24	5641 BABCOCK ST NE
CEB 24426-24	5661 BABCOCK ST NE
CEB 24427-24	1264 GILPIN ST NW
CEB 24428-24	312 TAMARIND CIR NW
CEB 24429-24	1130 IPSWICH ST NW
CEB 24430-24	1040 POPE ST NW
CEB 24431-24	550 JUPITER BLVD NW
CEB 24432-24	310 CRESTVIEW ST NE
CEB 24433-24	1005 IVANHOE ST NW
CEB 24434-24	606 DEGROODT RD SW
CEB 24435-24	355 DANIS RD SW
CEB 24436-24	1223 HATHAWAY RD SW
CEB 24437-24	1307 HARWICK ST SW
CEB 24438-24	1307 HARWICK ST SW
CEB 24439-24	1378 SCRANTON ST SW
CEB 24440-24	1378 SCRANTON ST SW
CEB 24441-24	425 FIREBRAND ST SW
CEB 24442-24	409 FIREBRAND ST SW
CEB 24443-24	420 FROST RD SW
CEB 24444-24	2101 DEGROODT RD SW
CEB 24445-24	1342 ELDRON BLVD SE
CEB 24446-24	251 VIN ROSE CIR SE
CEB 24447-24	550 KOUTNIK RD SE
CEB 24448-24	249 SAN LUIS ST SW
CEB 24449-24	134 TUDOR RD SW
CEB 24450-24	296 WILTON AVE SW
CEB 24451-24	1299 WING RD SW
CEB 24452-24	1282 MALABAR RD SW
CEB 24453-24	194 TUDOR RD SW
CEB 24454-24	438 SANTA MARTIA ST SW
CEB 24456-24	422 GANLEY ST SW
CEB 24457-24	525 LAFAYETTE ST SW
CEB 24458-24	537 LAFAYETTE ST SW
CEB 24459-24	580 FITCHBURG ST SW

CEB 24460-24	2749 FREEMONT AVE SE
CEB 24461-24	3267 HAINLIN AVE SE
CEB 24462-24	3130 TROPICAL CIR SE
CEB 24463-24	1697 WEIMAN RD SE
CEB 24464-24	1103 TOWER ST SE
CEB 24465-24	942 TURQUOISE ST SE
CEB 24466-24	2161 SAN FILIPPO DR SE
CEB 24467-24	2173 WHITESIDE AVE SE
CEB 24468-24	2142 WHITESIDE AVE SE
CEB 24469-24	2139 SANS SOUCI AVE SE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of January 20, 2024, or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set.

CEB 24470-24	826 HUNAN ST NE
CEB 24471-24	5108 MINTON RD NW
CEB 24472-24	380 ENGLAR AVE NE
CEB 24473-24	3212 TREE RIDGE LN NE
CEB 24475-24	4950 BABCOCK ST NE
CEB 24476-24	1184 SAPPHIRE ST SE
CEB 24478-24	2421 SAN FILIPPO DR SE
CEB 24479-24	2911 FISHER AVE SE
CEB 24480-24	1390 PALAU ST SE
CEB 24481-24	743 PAIGO ST SE
CEB 24482-24	701 AIROSO RD SE
CEB 24483-24	2521 ELDRON BLVD SE

CEB 24484-24
CEB 24477-24

727 ASHLEY AVE SE
1349 RAN RD SE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of January 20, 2024, or that a set fine of \$200.00 be imposed for the violation.

ADJOURNMENT:

The meeting adjourned at approximately 2:01 PM.

ATTEST:

Jeanne Pinsi, Secretary

Frank Scaglione, Code Enforcement Special Magistrate