



NORTH BAY VILLAGE SPECIAL MAGISTRATE HEARING AGENDA VIRTUAL MEETING - NOVEMBER 19, 2020

LOCATION:

Virtual Meeting

TIME:

2:00 P.M.

SPECIAL MAGISTRATE:

Regine Monestime Esquire

NORTH BAY VILLAGE STAFF:

Daniel A Espino Esquire, Village Attorney

Elora Riera CMC, Village Clerk

Amy Henderson, Deputy Village Clerk

Orlando Rodriguez, Code Enforcement Supervisor

Maria Tovar, Code Enforcement Officer

NOTICE OF PROCEDURES

Due to a declaration of emergency adopted by the Village Commission on April 22, 2020, North Bay Village (the "Village") will be conducting its Special Master hearings by video conference. Video conference hearings shall be conducted by the use of the platform Zoom. Anyone wishing to attend a hearing may do so by following these instructions:

1. Go to <https://zoom.us/>.
2. Enter the Meeting ID: 853 5065 5010.
3. Enter the Password: 227351.
4. Click "Join."
5. Upon commencement of the hearing, the Special Master shall provide an explanation of the hearing procedures.
6. Those who will be speaking during the hearing shall be sworn in.
7. The Special Master shall proceed to call the cases listed in the agenda.
8. Each case before a Special Master shall be presented by the Village staff.
9. All hearings before the Special Master shall be conducted as quasi-judicial hearings. All witnesses shall be sworn to tell the truth under penalty of perjury. Although the Florida Rules of Evidence shall not be applied to the proceedings strictly, due process and fundamental fairness shall be accorded to all alleged violators. Hearsay testimony may be considered to give weight or credibility to other evidence, but no order

shall be entered based solely on hearsay testimony.

10. IF YOU WISH TO INTRODUCE EXHIBITS AS EVIDENCE, YOU MUST PROVIDE THE VILLAGE WITH A COPY OF THOSE EXHIBITS AT LEAST 3 DAYS PRIOR TO THE HEARING. PLEASE EMAIL YOUR EXHIBITS TO code@nbvillage.com AND INCLUDE THE PROPERTY ADDRESS AND CASE NUMBER IN YOUR EMAIL.

a. For all quasi-judicial hearings, a list of all proposed exhibits and a copy of the proposed exhibits shall be provided to the Clerk for the Special Master, in a format that is easily viewable on the Zoom platform. All exhibits shall be clearly labeled so as to allow for efficient retrieval and display on the Zoom platform during the hearing.

11. In determining appeals, the Special Master shall determine whether:

- a. The person and, or, the property owner were properly served with the civil citation and notice of hearing.
- b. The citation adequately identifies facts constituting reasonable cause and the section or paragraph of the applicable law violated.
- c. The Special Master shall consider all the evidence presented during the hearing.

12. The record shall consist of the code enforcement file, the testimony of the Code Enforcement Officer who issued the civil citation and any other evidence accepted by the Special Master.

13. The Special Master shall base its determination on substantial, competent evidence in the record and shall issue an order containing a statement of facts, conclusions of law and order. The order may affirm in whole or in part, or reverse, the charge of violation, affirm or modify the fine levied in the ticket, direct additional corrective action by the violator and, or, property owner, request corrective action by the Village, include the cost of repairs incurred, or that might be incurred by the Village, in correcting the violation, request the initiation of enforcement proceedings and take any other action consistent with the powers of the Special Master.

14. Any person who might seek judicial review of the order of the Special Master must arrange for a court reporter to transcribe the hearing.



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1. **CIT # 6553** **1872 Kennedy Causeway** **OFC. ORLANDO RODRIGUEZ**
Nbv Corp
Norman Ciment
1665 Washington Ave # 4 Fl.
Miami Beach, Fl. 33139-3172

CODE SECTION:

Section 8-1 of the Miami-Dade County code of ordinances. Work commenced without required building permits. (Demolition, Electrical, Plumbing)

2. **CIT # 6566** **7925 West Drive** **OFC. ORLANDO RODRIGUEZ**
Valleyview Reit Llc
7925 West Drive
Miami, Fl. 33142

CODE SECTION:

Section 8-1 of the Miami Dade County code of ordinances. Commencing work on the seawall cap without permits.

3. **CASE # 200013** **7900 Harbor Island Dr. #PH17** **OFC. MARIA TOVAR**
Ramces Guy Dufresne
1835 E Hallandale Beach Blvd 646a
Hallandale, Fl. 33009

CODE SECTION:

Section 13.3(A) of the North Bay Village Code of Ordinances. Operating and advertising a short term rental without a license.

Section 110.06 of the North Bay Village Code of Ordinances. Operating a business without a business tax receipt.

4. **CIT # 6994/6997** **7548 W Treasure Drive** **OFC. MARIA TOVAR**
Luis E Gavignano
8996 Fern Park Drive
Burke, Va. 22015

CODE SECTION:

Section 8-1 of the Miami Dade County code of ordinances. Commencing demolition and interior renovation without permits. (structural, electrical, plumbing, mechanical, dumpster)

Section 96.15 of the North Bay Village code of ordinances. Construction noise prohibited on weekend. (Saturday)



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5. **CIT# 7222/7231/7243** **1441 S Treasure Drive** **OFC. MARIA TOVAR**
Yair Massri
4141 Nautilus Dr. 5b
Miami Beach, Fl. 33140

CODE SECTION:

Section 54.13 of the North Bay Village Code of Ordinances. Failure to comply with emergency order/STVR prohibited.

Section 94.02(A)(1) of the North Bay Village code of ordinances. Landscape not maintained, grass/hedges overgrown on the property.

Section 94.15(B)(1) of the North Bay Village code of ordinances. Trash / recycling containers stored in front of the property

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6. **Case: 194090** **7904 West Drive #101** **OFC. ORLANDO RODRIGUEZ**
Giles Daniere
7904 West Drive #101
North Bay Village, FI 33141

CODE SECTION:

Section 13.3(A) of the North Bay Village Code of Ordinances. Operating a short term rental without a license.

Section 110.06 of the North Bay Village Code of Ordinances. Operating a business without a business tax receipt.

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7. **CIT# 7226** **7904 West Drive #CU12** **OFC. MARIA TOVAR**
Bayshore Yacht Club Llc
7904 West Drive
North Bay Village, FI 33141

CODE SECTION:

Section 110.06 of the North Bay Village code of ordinances. Operating a business without a business tax receipt. (Operating marina without a BTR)

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8. **CIT# 6583** **7556 W Treasure Drive** **OFC. ORLANDO RODRIGUEZ**
Jesus Moreno &W Daisy
7556 W Treasure Drive
North Bay Village, FI 33141

CODE SECTION:

Section 8-1 of the Miami-Dade County code of ordinances. Commenced work without the required permits for installation of mooring piles.



9. **CIT# 7223** **1701 N Treasure Drive#6** **OFC. MARIA TOVAR**
Sonilex Llc
495 Brickell Ave Tower 2 #3401
Miami, FI 33131

CODE SECTION:

Section 94.02(A)(1) of the North Bay Village code of ordinances. Landscape not maintained, grass/hedges overgrown on the property.

10. **CIT# 6594** **1580 Kennedy Causeway** **OFC. MARIA TOVAR**
Entelequia Group Llc
12550 Biscayne Blvd Ste 311
North Miami, FI 33181

CODE SECTION:

Section 8-11 of the Miami Dade County code of ordinances. Failure to obtain (40) year recertification permits.

11. **CIT# 6975** **7536 W Treasure Drive** **OFC. MARIA TOVAR**
7536 W Treasure Dr Llc
488 Ne 18 St Unit 4601
Miami, FI 33132

CODE SECTION:

Section 8-1 of the Miami Dade County code of ordinances. Commenced work without the required building permits. Repairs to 2nd floor balcony/terrace.

12. **CIT # 7230** **7544 W Treasure Drive** **OFC. MARIA TOVAR**
Paul M Ducharme
7544 W Treasure Dr
North Bay Village, FI 33141

CODE SECTION:

Section 8-1 of the Miami-Dade County code of ordinances. Commenced work without the required permits. Electrical, plumbing, structural.
