



NORTH BAY VILLAGE SPECIAL MAGISTRATE HEARING AGENDA VIRTUAL MEETING - AUGUST 27, 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

Ann Del Valle Gonzalez, 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: 889 2107 8080.
3. Enter the Password: 024111.
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. **Case # 18026** **1365 Bay Terrace** **OFC. ORLANDO RODRIGUEZ**
Citations 7441/7442
David Simkins
301 W 41st Street # 406
Miami Beach, Fl. 33140

CODE SECTION:

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

Section 110.01(A) of the North Bay Village Code of Ordinances. Operating a business without a business tax receipt

Section 94.15(b)(1) of the North Bay Village code of ordinances. Trash/Recycle cans stored in the front yard of the property.

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2. **Case# CE194119** **7904 West Drive #602** **OFC. ORLANDO RODRIGUEZ**
Tolga Avgoren
7904 West Drive #602
North Bay Village, Fl. 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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3. **Case # CE190042** **1880 S. Treasure Drive** **OFC. ORLANDO RODRIGUEZ**
Treasure Bay Club Condo
T.B.C. Condo Association Inc.
C/O: Urban Resource
Po Box 415700
Miami Beach, Fl. 33141

CODE SECTION:

Section 151.11(a) of the North Bay Village code of ordinances. Construction work commenced without building permit. (Structural/Pool and Deck Repair)



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4. **Case # 193098** **1865 Kennedy Causeway #PHN** **OFC. MARIA TOVAR**
Brian Gordon
8101 Lowwin Ter.
Chesterfield, Va. 23832-2079

CODE SECTION:

Section 151.11(A) / 8-1 of the North Bay Village/Miami Dade County Code of Ordinances. Work commenced without the required permits. Electrical panel replaced without permits on file.

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5. **CIT# 7432** **1550 Kennedy Causeway** **OFC. ORLANDO RODRIGUEZ**
Bms North Bay Village Llc
C/O Public Storage
Po Box 25025
Glendale, Ca 91201

CODE SECTION:

Section 8-1 of the Miami Dade County Code of Ordinances. Work commenced without permits. Electrical, Demolition, Temporary trailer installed without permits.

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6. **Case #194025** **7801 Miami View Drive** **OFC. MARIA TOVAR**
Jessam Investments Llc
3980 194 Lane
Sunny Isles Beach, Fl. 33160

CODE SECTION:

Section 151.11(a) of the North Bay Village code of ordinances. Construction work after hours or on weekends without exemption permit

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7. **CASE # 194115** **7904 West Drive #512** **OFC. MARIA TOVAR**
World Tiles Llc
1200 Brickell Bay Dr # 3319
Miami, Fl. 33131

CODE SECTION:

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

Section 110.06 of the North Bay Village Code of Ordinances. Operating a business without a Business Tax Receipt



11. **Case # 194095**

7904 West Drive #111

OFC. MARIA TOVAR

Vitali Investments Llc
7904 West Dr #111
North Bay Village, Fl. 33141

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.

12. **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.

13. **Citation # 6998/6999/7000**

7904 West Drive. #904

OFC. MARIA TOVAR

Barbara Barreiro
7904 West Dr 216
North Bay Village, Fl. 33141

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.

Section 54-13 of the North Bay Village Code of Ordinances. Failure to comply with emergency orders.



14. **Citation # 6965**

7904 West Drive #112

OFC. MARIA TOVAR

Julio Caridad Rivero Venereo
7904 West Drive #112
North Bay Village, Fl. 33141

CODE SECTION:

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

15. **Citation # 6995**

1801 S. Treasure Dr. #329

OFC. MARIA TOVAR

Simone Mascarenhas
1801 S Treasure Dr #329
North Bay Village, Fl. 33141

CODE SECTION:

Section 94.02 of the North Bay Village code of ordinances. Placing or depositing trash or litter on public property. (Cat food & water containers)
