

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

December 10, 2020

9:01 AM

City Hall, City Commission Auditorium, 200 E. University Ave,
Gainesville, FL

Special Magistrate Hearing

Jefferson M. Braswell (Special Magistrate)

Under the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, 201 E. University Avenue, Room 414A, Gainesville, FL 32601 at (352) 337-6237 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711. Any person desiring to appeal any decision with respect to any matter considered at these hearings will need a record of the proceedings, and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

PLEDGE TO THE FLAG

ADMINISTRATION OF OATH OF OFFICERS (Oath will be administered to Defendants/Witnesses as individual cases are heard)

REDUCTION/RESCISSION REQUESTS

[200512.](#) **[CEB 2004-012/CE-03-01406; ROWE, JOHN Rep. Realtor Helen Warren for new owner Martha Serritella](#)**

PETITION ID DENIED WITHOUT PREJUDICE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Helen Warren, Realtor on behalf of new owner (now seller) Martha Serritella, or Chello LLC asked for a reduction/ rescission of the fine accumulated by John Rowe. Neighborhood Enhancement Manager P Backhaus, indicated the City's position is not to have is reduced/rescinded. Magistrate denied the request brought without prejudice. Magistrate acknowledges administrative cost have been paid.

200514. SM 2016-152/CE-16-02923; KAJA HOLDINGS LLC/OR KAJA HOLDINGS 2, LLC New Owner JAMAL SHAER

REDUCED FINES TO ZERO

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Peter Backhaus, Neighborhood Improvement Manager indicated that the property was brought and rehabbed. He stated that the City has no objection to a rescission of fines. The new owner Mr. Jamal Shaer gave a brief timeline of his progress from buying the property, to the total rehab and what his plans are after the total rehab. He also had pictures. Magistrate rescinded all fines.

200518. SM 2016-055/CE-16-01019; FOX, LOIS Rep. Realtor MICHAEL GREENE

UNENCUMBER THE PROPERTIES AT 722 SW 5TH ST AND 730 SW 5TH ST FOR A PERIOD OF 60 DAYS TO ALLOW TIME FOR A CLOSING THROUGH REALTOR IF THE TWO LISTED PROPERTIES ARE NOT CLOSED ON WITHIN THE 60 DAYS THE LIENS WILL BE REINSTATED NO OTHER LIENS ASSOCIATED WITH THE SELLER ARE RELEASED ONLY THE TWO LIENS AT THE TWO ADDRESSES STATED FOR THE 60 DAY PERIOD

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Peter Backhaus, Neighborhood Enhancement Manager, is not inclined to support any reduction or rescission. Realtor, Mr. Mike Greene, for owners and new sellers, would like to sever 722 SW 5 ST and 730 SW 5th St from 619 Waldo Rd to allow for the sale of 722 and 730. Mr. Greene indicated that 619 NE Waldo Rd has been sold but the lien is still attached and affects the sale of the properties still owned by the now deceased Fox Heirs. Magistrate give 60 days to allow for the sale of 722 and 730 SW 5th ST. If not sold in that time (60 days from the signing of the Order), the fine of \$117,000 will reattached to 722 and 730 SW 5th St. The cost of \$135.19 have been paid.

200193. **SM 2020-094/CE-20-00462; SANTOS, INA H.**

Reduce the fine to \$1,000

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Peter Backhaus, Neighborhood Enhancement Manager wants the fines to stand. The property was in deplorable condition and should have never been rented. Code Officer N. Lardner testified that she did the initial investigation and that re-inspection was done by Supervisor T. Martin. According Mr. Martin the property is currently in compliance. Glen Crawford the son of the owner is asking for a rescission of the \$25,500 in fines. He says he was not able to get in to do the repairs due to the stand order of no evictions. The tenant had not paid rent since before the pandemic. The house was not in deplorable conditions when she moved in to the location. Magistrate reduced the fines to \$1000. Mr. Crawford has 30 days from the signing of the order to bring in the final eviction judgment and other proof of the issues he was having.

200573. **CEB 2007-154/CE-07-07894; STEWART, DAVID & LINDA new owner GLOBAZ FLORIDA LLC.**

Reduce fines to zero for 60 days if property fails to close fines will be returned to previous condition

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Peter Backhaus, Neighborhood Enhancement Manager, does not recommend a reduction or rescission due to no information about future plans for the property. Lisa Fetrow, Realtor representative for buyer, states that the property has been in compliance since 2011. The new owners are local and own other properties in the area. Magistrate reduced the fines to zero with the condition that the property sells within 60 days of the signing of the order.

CASES TO BE HEARD

200453. **SM 2020-112 BRETT POE**

MAGISTRATE GRANTED THE CITY'S MOTION FOR ATTORNEY FEE'S IN THE AMOUNT OF \$4,395 AND COSTS OF \$178.00 ORDER TO BE PREPARED BY ASSISTANT CITY ATTORNEY KATHERINE MOCKLER

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Assistant City Attorney Katherine Mockler brought before the Magistrate a Motion with itemization for attorney fees and cost incurred by the City in SM 2020-112 Nuisance Abatement case at 3241 NW 47th PL. The Motion was mailed to Mr. Poe; with no response. Motion was entered for attorney's fees of \$4395.00 and cost in the amount of \$178.25. Magistrate agreed and signed the prepared order presented by Assistant City Attorney Katherine Mockler.

200472. **SM 2020-113/CE-20-01621; GAINESVILLE HOTEL INVESTMENTS GROUP LLC**

MAGISTRATE TO TAKE THE CASE UNDER ADVISEMENT
MAGISTRATE TO REVIEW CASE FILE, POWER POINTS, AND THE GAINESVILLE CITY CODE OF ORDINANCES AND COME BACK AT A LATER TIME REGARDING THE RESOLUTION OF THIS CASE/ISSUE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

CEO J. Gates presented his case and gave testimony that included a written report from the City Arborist. The high quality Heritage Live Oak Tree was cut down by Iron Root Tree Service while they were servicing another property adjacent to the hotel. This tree should not have been cut, there was no permit pulled. The tree service admits it is their fault. This tree was apart of the landscaping for the hotel and a part of their original site plan. The Urban Forestry inspector also provided a picture of the tree when it was there previously. Attorney Alexander Scales indicated as well that the tree was not cut down at the instruction of anyone. The tree company said it was their doing. The Respondent agrees to pay the \$16,596.47 but is not willing to pay the mitigation fee because this was not her clients doing. Magistrate reserved his ruling and is taking this under advisement until after further review the ordinances.

[200474.](#) **SM 2020-114/CE-20-01688; DUDDING, CHARLES C. W.**

ADJ GUILTY
\$128.01 ADMIN COSTS
15 DAYS TO COMPLY
\$100 A DAY FINE IF PROPERTY IS NOT BROUGHT INTO
COMPLIANCE WITHIN 15 DAYS

RECOMMENDATION *The Special Magistrate hears case and takes action deemed
as necessary.*

CEO S. Norris gave her presentation of the case violations and timeline.
Staff Recommendations: Adjudication of Guilt
15 days to come into compliance
\$100 per day if not in compliance within that time
Pay administrative cost of \$128.01 plus any cost for City abatement
Magistrate Ruling:
Adjudication of guilty
15 days to come into compliance
\$100 per day if not in compliance within that time
Pay administrative cost of \$128.01 plus any cost for City abatement

[200476.](#) **SM 2020-115/CE-20-01428; SELMAN, WILLIAM BUFORD JR**

ADJ GUILTY
\$118.24 ADMIN FEES
10 DAYS TO COMPLY
IF NOT BROUGHT INTO COMPLIANCE \$75/DAY FINE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed
as necessary.*

CEO S. Norris gave her presentation of the case violations and timeline.
Staff Recommendations: Adjudication of Guilt
10 days to come into compliance
\$75 per day if not on compliance within that time.
Pay administrative cost of \$118.24 plus any cost for City abatement.
Magistrate Ruling:
Adjudication of guilty
10 days to come into compliance, \$75 per day if not in compliance within that
time
Pay administrative cost of \$118.24 plus any cost for City abatement

**200478. SM 2020-116/CE-20-01913 SMALL & SMALL & SMALL HEIRS
Requestor Ms. Betty Darity**

Attachments: 200478A_Summary Small and Small Lien_20211021

ADJ GUILTY \$120.35 ADMIN FEES
10 DAYS TO BRING INTO COMPLIANCE
IF NOT BROUGHT INTO COMPLIANCE \$100/DAILY FINE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

CEO S. Norris gave her presentation of the case violations and timeline.
Staff Recommendations: Adjudication of Guilt
10 days to come into compliance
\$100 per day if not in compliance within that time
Pay administrative cost of \$120.35 plus any cost for City abatement
Magistrate Ruling:
Adjudication of guilty
10 days to come in compliance
\$100 per day if not in compliance within that time
Pay administrative cost of \$120.35 plus any cost for City abatement

200390. SM 2020-108/CE-20-01325; BLOUNT, MUSA

ADJ GUILTY
30 DAYS TO COMPLY
\$98.74 ADMIN FEES
\$50/DAILY FINE IF NOT BROUGHT INTO COMPLIANCE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

CEO Lardner gave her presentation. Staff Recommendation: An adjudication of guilt, 10 days to come into compliance, \$25 per day there after, pay administrative cost of \$98.74 and an City Abatement.
Magistrate Ruling:
Adjudication of guilty
30 days to come in compliance
\$50 per day thereafter
Pay administrative cost of \$98.74 plus any City abatement cost.

Mr. Blount paid the administrative cost of \$98.74

200289. **SM 2020-096/CE-20-01661 NOMANBHOY FAMILY LTD PARTNERSHIP**

ADJ GUILTY
\$103.84 IN ADMIN FEES
10 DAYS TO COMPLY
IF NOT BROUGHT INTO COMPLIANCE \$25/DAILY FINE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

CEO N. Lardner gave her presentation.
Staff Recommendations: An adjudication of guilty,
10 days to comply,
if not in compliance within 10 days, a fine of \$25 per day will begin,
pay the administrative cost of \$103.84 plus any City Abatement cost.
Magistrate Ruling:
Adjudication of guilty
10 days to come in compliance
\$25 per day if not in compliance
Pay administrative cost of \$103.84 plus any City abatement cost

CONTINUANCE REQUESTS

200609. **SM 2020-120/CE-20-02394; DAVIS & JOHNSON & LAVAN ET AL**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Continued

200608. **SM 2020-119/CE-20-02396; DIDEBAN, BAHRAM**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Continued

[200607.](#) **SM 2020-121/CE-20-02400; DIX, CRYSTAL GRAVIOS**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Continued

[200602.](#) **SM 2020-123/CE-20-02169; JAGGER & JAGGER & JONES**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Continued

[200399.](#) **SM 2020-104/CE-20-01464; FILLIE, CHRISTOPHER L.**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Continued

COMPLIANCE/DISMISSAL

[200398.](#) **SM 2020-103/CE-20-01383; FILLIE, CHRISTOPHER**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200407.](#) **SM 2020-102/CE-20-01384; DOWNLOADABLE STUDIO, LLC**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200409.](#) **SM 2020-105/CE-20-01619; WASHINGTON, MAMIE M**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[191170.](#) **SM 2020-059/CE-20-00388; JAMERSON & JAMERSON**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200392.](#) **SM 2020-106/CE-20-01793; HARRIS ACQUISITIONS LLC**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200322.](#) **SM 2020-011/CE-20-01344; WILLIAMS, HENRY**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200391.](#) **SM 2020-107/CE-20-00497; REED-MITCHELL, WENDY**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200611.](#) **SM 2020-124/CE-20-02276; LASKY, BRUCE**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

[200610.](#) **SM 2020-125/CE-20-02483; GARRARD, LESLIE**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

200603. **SM 2020-122/CE-20-02347; CHAUNCEY & CHAUNCEY**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

200393. **SM 2020-110/CE-20-01724; CASTRO & GUEVARA-CASTRO H/W**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

200104. **SM 2020-085/CE-20-00674; MERCER, RUSSELL**

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

200601. **SM 2020-118/CE-20-00746; UNDERWOOD, STEPHANIE D.**

DISMISSED AS CASE IS NOW IN COMPLIANCE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Approved as Recommended as to Dismissal of Case Due to Compliance

ADJOURNMENT