

DRAFT



TOWN OF HIGHLAND BEACH TOWN SPECIAL MAGISTRATE HEARING MINUTES

Town Hall Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: February 11, 2025
Time: 1:00 PM

1. CALL TO ORDER

Special Magistrate Kevin Wagner called the meeting to order.

2. EXPLANATION OF PROCEEDINGS

Special Magistrate Wagner explained the process of the proceedings.

3. SWEARING OF WITNESSES

Deputy Clerk DeHart swore in those giving testimony.

4. APPROVAL OF MINUTES

A. January 14, 2025

Special Magistrate Wagner approved the minutes of January 14, 2024.

5. VIOLATIONS

CASE NO. CC-24-482

A. CASE NO. CC-24-482

Deborah Acosta Trust
3407 S. Ocean Blvd PH A
Highland Beach FL, 33487
PCN: 24-43-46-33-22-000-0111
Legal Description: CLARENDON COND UNIT PH-A

Code Sections: 30-122 (B) - Expiration of building permit.

Violations: Permit 1) BR21-0259 Full Condo Renovation 2) P21-0274 plumbing for new condo renovation, bathrooms, kitchen, laundry 3) E21-0247 electrical work for new condo renovation and 4) M21-0195 new a/c layout and vents for condo renovation NOVA 4S have all expired.

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky stated that the property has been brought into compliance since the Notice of Hearing and the case is closed.

B. CASE NO. CC-24-446

Shulman Roberta Personal Res Trust II
2727 S. Ocean Blvd 306
Highland Beach FL, 33487
PCN: 24-43-46-28-51-000-0306
Legal Description: VILLA MAGNA COND UNIT 306

Code Sections: 30-122 (A) - Building Permits Required.

Violations: Repair/remodel in both bathrooms without permits. Including but not limited to plumbing and electrical. Violation remains 30-122(A) two bathroom remodels without permits

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He entered submittals of evidence into the record that included proof of service, and supporting documents.

Code Compliance Officer Adam Osowsky mentioned that the violations remain. Therefore, the Town recommended that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and be given 30 days to come into compliance or be fined \$250 per day for each day that the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable within 30 days.

Joshua Benrubi, of McDonald Hopkins Law firm, was present for the property owner and provided an update on the sub permit status.

Special Magistrate Wagner found the respondent in violation of Section 30-122(A) of the Town Code of Ordinances, for failure to obtain building permits for repair/remodel of two (2) bathrooms; including, but not limited to, plumbing and electrical, the respondent shall comply with the Town Code by March 11, 2025 or be fined in the amount of \$250 per day. The Respondent is assessed prosecution costs in the amount of \$250 payable by the date set for compliance.

C. CASE NO. CC-24-160
FINE REDUCTION REQUEST

Michael Quinlivan
3420 S. Ocean Blvd. Apt. 8Y

**Highland Beach FL, 33487
PCN: 24-43-46-33-24-000-0825**

Legal Description: CORONADO AT HIGHLAND BEACH COND UNIT 8-Y

Code Sections: 30-122 (B) - Expiration of building permit.

Violations: Permit E23-0221 Electrical/Tub to Shower conversion has expired due to missing inspections.

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky reviewed the history of the case. He mentioned that the respondent paid the \$250 cost of prosecution, and the property was in violation for 115 and the fines total is \$28,570. Therefore, the Town recommended an 85% reduction on the fine bringing the total to \$4312.50 payable within 30 days or the fine will revert to the original amount.

Gavin McClean, of McClean law, was present for the respondent and asked for a find reduction of 95% to \$1437.50.

The parties agreed that a fine in the amount of \$28,750 has accrued and should be reduced to \$2,875.

Special Magistrate Wagner granted the respondent's request for a fine reduction in the amount of \$2,875 to be paid by April 11, 2025, or revert to the original amount of \$28, 570.

**D. CASE NO. CC-24-172
FINE REDUCATION REQUEST**

**Michael Quinlivan
3420 S. Ocean Blvd. 8Y
Highland Beach FL, 33487
PCN: 24-43-46-33-24-000-0825**

Legal Description: CORONADO AT HIGHLAND BEACH COND UNIT 8-Y

Code Sections: 30-122 (B) - Expiration of building permit.

Violations: 1) Permit P23-0199 Tub remodel has expired due to missing inspections and unpaid fees. 2) Permit BR23- 0230 BUILDING - REMODELING has expired due to missing inspections and unpaid fees.

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky reviewed the history of the case. He mentioned that the respondent paid the \$250 cost of prosecution, and the

property was in violation for 82 days and the fines total is \$20,500. Therefore, the Town recommended the fine be reduced to \$2,050 payable within 30 days or the fine will revert to the original amount.

Gavin McClean, of McClean law, was present for the respondent and requested 60 days to pay the fine.

The parties agreed that a fine in the amount of \$20,500 has accrued and should be reduced to \$2,050.

Special Magistrate Wagner granted the respondent's request for a fine reduction in the amount of \$2,050 to be paid by April 11, 2025, or revert to the original amount of \$20,500.

**E. CASE NO. CC-24-86
STATUS UPDATE**

**Seth Fishman
2575 S. Ocean Blvd., Apt 303S
Highland Beach FL, 33487
PCN: 24-43-46-28-47-002-3030**

**Legal Description: TOWNHOUSES OF HIGHLAND BEACH CONDO BLDG
SOUTH UNIT 303-S**

Code Sections: 30-122 (B) - Expiration of building permit.

Violations: Permit E21-0047 Electrical Sub-permit has expired.

Special Magistrate Wagner opened the hearing.

Code Compliance Officer Adam Osowsky gave a brief overview of the case and stated the respondents are requesting an extension on the stay of fines because the appellate court has not made a ruling.

Robert fishman, Power of Attorney (POA) for the respondent, was present and gave an update on the case and requested an extension of 60 days on the stay of fines.

Jeff Remus, Town of Highland Beach Building Official, requested an extension of 90 days on the stay of fines.

Special Magistrate Wagner granted Respondent's request for a stay of fines and the fines are stayed from June 26, 2024 through May 13, 2025. A status hearing will be held on May 13, 2025, at 1:00 p.m., at the Town of Highland Beach Town Hall, 3614 S. Ocean Blvd., Highland Beach, Florida 33487.

6. ADJOURNMENT

The meeting adjourned at 1:28 PM.

APPROVED: April 08, 2025, Special Magistrate Hearing

ATTEST:

Kevin Wagner,
Code Enforcement Magistrate

Transcribed by
Jaclyn DeHart

Jaclyn DeHart
Deputy Town Clerk

04/08/2025

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.