



**MINUTES OF THE
ORANGE COUNTY NUISANCE ABATEMENT BOARD
MAY 23, 2019
9:00 A.M.**

CALL TO ORDER:

Chairman Jeff DeFelice called the meeting to order at 9:43 a.m.

ROLL CALL:

Members Present:

Chairman Jeffrey R. DeFelice
Vice-Chairman Gary E. Smith
Shayla M. J. Mount
Chris Roper
Blair K. Martlaro

Members Absent:

Nicole C. Soltau-Woods
Robin D. Harris
Kevin Olney

A Quorum was present.

Others Present:

Dan Mantzaris, Counselor to the Nuisance Abatement Board

Maritza Del Valle, Recording Secretary, Orange County Code Enforcement Division
Deborah Jenkins, Recording Secretary, Orange County Code Enforcement Division
Ann-Marie Delahunty, Assistant General Counsel, Orange County Sheriff's Office
Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office
Sergeant Christopher Moore, Orange County Sheriff's Office
D/S Joshua Calkins, Orange County Sheriff's Office
Wilhelmina Hirschey, Orange County Sheriff's Office
Liza Pham, Orange County Sheriff's Office

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

DISCUSSION:

Sheriff Mina, Orange County Sheriff's Office was present to introduce himself to the Board Members, thank them for their service and observe how the Board functions.

APPROVAL OF THE MINUTES OF THE MARCH 28, 2019 NUISANCE ABATEMENT BOARD HEARING

A motion was made by Blair Martlaro, second by Vice-Chairman Gary Smith, to approve the minutes of the March 28, 2019 Hearing. Motion carried unanimously.

OPENING STATEMENT: The Opening Statement was read by Chairman Jeffrey DeFelice.

HEARINGS:

NEW CASES:

1. **NAB2019-N003** **MONA'S MINIMART, LLC**
 MARATHON
 7501 University Boulevard
 Orlando, Florida

This case was continued from the March 28, 2019 Nuisance Abatement Board Hearing

05/23/19: The Respondent requested a continuance of the case until the next Board Hearing. AnnMarie Delahunty informed the Board that the Respondent was unable to attend and that the Sheriff's Office was not in opposition of the request.

Motion: Motion by Chairman Jeffrey DeFelice, second by Shayla M.J. Mount to continue the case until the June 27, 2019 Nuisance Abatement Board Hearing. Motion carried unanimously.

OTHER BUSINESS:

2. **NAB2018-N002** **HOLDEN FOODMART, LLC**
 CITGO/RIGHT WAY FOOD
 7301 S. Orange Blossom Trail
 Orlando, Florida

NON-COMPLIANCE

This case was continued from the March 28, 2019 Nuisance Abatement Board Hearing

05/23/19: Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the Notice Of Noncompliance, Request for Additional Fines, Notice Of Hearing, Affidavits of Master Deputy Mark Davis and Deputy First Class Joshua Calkins Attesting To Activity Observed On The Property and Third Consent Agreement. The Respondent was not present.

Order:

Based upon consideration and review of the aforementioned documents, the Board issues its Order as follows:

The NAB hereby incorporates the terms of the Third Consent Agreement into this Order. Except to the extent they are expressly modified by the Third Consent Agreement, Respondent is also required to comply with all conditions set out in the Consent Agreement signed April 24, 2018; NAB Order signed April 26, 2018, adopting the Consent Agreement; Second Consent Agreement signed on October 24, 2018; and Order Declaring Property A Recurring Public Nuisance signed on October 25, 2018.

The NAB retains jurisdiction of the property for one year from the effective date of this Order.

Motion:

Motion by Shayla M.J. Mount, second by Vice-Chairman Gary Smith to adopt the Third Consent Agreement into an Order, as presented by the Orange County Sheriff's Office. Motion carried unanimously.

3. NAB2016-N006

OBT CHEVRON, LLC
CHEVRON
4252 S. Orange Blossom Trail
Orlando, Florida

NON-COMPLIANCE

05/23/19: AnnMarie Delahunty, Assistant General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the Second Notice Of Noncompliance, Failure To Pay Fines, Request For Additional Fines, Notice Of Hearing and supporting Affidavits of Master Deputy Mark Davis and Deputy First Class Joshua Calkins Attesting To Activity Observed On The Property. The Respondent, Ranzan "Amin" Gulamali and Witness for Respondent Harun Khan were present, sworn in and gave testimony. Deputy First Class Joshua Calkins was also present, sworn in and gave testimony.

Order:

Based upon consideration and review of the aforementioned documents, the Board issues its Order as follows:

Respondent is required to comply with all conditions set out in its Findings of Fact, Conclusions of Law, and Order signed on December 15, 2016; its Order Declaring Property a Recurring Public Nuisance and Order Imposing Remedies Pursuant to Section 28-109(g) and (h), signed on December 15, 2016; and its

Order Determining Property is Out of Compliance and Order Imposing Additional Fines in the amount of \$400.00 signed on August 3, 2018.

Respondent is directed to take corrective action to abate the nuisance on the property and return in 30 days to report his status.

The NAB retains jurisdiction of the property for one year from the effective date of this Order.

The NAB reserves ruling on the imposition of fines and attorney's fees.

Pursuant to Section 28-111, Orange County Code, a certified copy of this Order shall be recorded in the public records of the county.

Motion:

Motion by Chairman Jeffrey DeFelice, second by Christopher Roper that the violations on the property constitute substantial non-compliance with the Board's prior Orders. Motion by Chairman Jeffrey DeFelice, second by Shayla M.J. Mount to delay ruling on the fine amount until a later date.

Foreclosure Consent Authorization Item(s):

4. **NAB2015-N005 DIVA INVESTMENT PROPERTIES, INC.
D/B/A YOUNG'S MARKET/K&R FARM PRODUCE
2601 S. Orange Blossom Trail
Orlando, Florida**

05/23/19: AnnMarie Delahunty, Assistant General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the Petitioner's Second Motion for Authorization To Foreclose On Outstanding Liens Pursuant to Orange County Code Section 28-111, Amended Third Notice Of Non-Compliance, Failure To Pay Fines and Notice Of Hearing and Affidavits of Detective Susan Hempfield and Master Deputy Mark Davis Attesting To Activity Observed On The Property. The Respondent, Catherine Chet Le and Witness for Respondent, Daniel Mengistab were present, sworn in and gave testimony.

Order:

Based upon consideration and review of the aforementioned documents, the Board issues its Order as follows:

The Respondent is directed to pay the remainder of the fine of \$1,375.00 and attorney's fees in the amount of \$3,150.00. Payments shall be made within 30 days.

The NAB retains jurisdiction of the property for one year from the effective date of this Order and all provisions of the July 24, 2015, June 28, 2016, and February 1, 2018, orders remain in effect.

The Nuisance Abatement Board authorizes Orange County to foreclose against Diva Investment Properties, Inc., Respondent(s), due to the unpaid lien (fine) filed more than three (3) months ago.

The Nuisance Abatement Board requested the Respondent be present at the June 27, 2019 Nuisance Abatement Board Hearing to provide an update of the measures taken to comply with the Board's Order.

Motion:

Motion by Chairman Jeffrey DeFelice, second by Blair Martlaro that a recurring public nuisance exists on the property which constitutes substantial non-compliance with the Board's prior Orders. Motion carried favorable with a "Nay" vote from Board Member Christopher Roper.

COMMENTS BY THE CHAIRMAN:

None.

DATE OF NEXT HEARING:

June 27, 2019 at 9:00 a.m. in the Orange County Commission Chambers located at 201 S. Rosalind Avenue, Orlando, Florida.

ADJOURNMENT:

Motion by Chairman Jeffrey DeFelice, second by Shayla Mount to adjourn the meeting at 11:19 a.m. Motion carried unanimously.

ATTEST:



Recording Secretary/Assistant



Chairman/Vice-Chairman

NOTE: This document may not include all details of the events taking place at this hearing. For full details, video recorded documentation is available.

Edited by: Deborah Jenkins
Reviewed by: Maritza Del Valle