



**MINUTES OF THE
ORANGE COUNTY NUISANCE ABATEMENT BOARD
SEPTEMBER 26, 2019
9:00 A.M.**

CALL TO ORDER:

Vice-Chairman Gary Smith called the meeting to order at 9:04 a.m.

ROLL CALL:

Members Present:

Vice-Chairman Gary E. Smith
Shayla M. J. Mount
Chris Roper
Blair K. Martlaro
Merissa J. Battle
Rita Harris

Members Absent:

Conti J. Moore
Sonya Stevenson

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
David Porter, Senior Assistant General Counsel, Orange County Sheriff's Office
Austin Moore, General Counsel, Orange County Sheriff's Office
Lieutenant Dominick Galiano, 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

APPROVAL OF THE MINUTES OF THE MAY 23, 2019 NUISANCE ABATEMENT BOARD HEARING

A motion was made by Chris Roper, second by Blair Martlaro, to approve the minutes of the May 23, 2019 Hearing. Motion carried unanimously.

OPENING STATEMENT: The Opening Statement was read by Vice-Chairman Gary Smith.

HEARINGS:

NEW CASES:

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

This case was continued from the May 23, 2019 Nuisance Abatement Board Hearing.

09/26/19: AnnMarie Delahunty, Assistant General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the Complaint and Notice of Hearing. The Respondent was not present.

Order:

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED:

The Consent Agreement entered into between Petitioner and Respondent is hereby adopted and approved by the Nuisance Abatement Board and incorporated within this Order as though fully set forth.

Either party may petition the NAB for amendment or relief from the provisions of this Order.

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

Motion:

Motion by Shayla Mount, second by Merissa Battle, that the activity on the property constitutes a recurring public nuisance and to adopt the Consent Agreement into an Order, as presented by the Orange County Sheriff's Office. Motion carried unanimously.

2. **NAB2019-N004 7-ELEVEN, INC.
2160 Americana Boulevard
Orlando, Florida**

09/26/19: Austin Moore, General Counsel, Orange County Sheriff’s Office, presented and submitted evidence as set forth in the Complaint and Notice of Hearing. The Respondent was not present.

Order: Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED:

The Consent Agreement entered into between Petitioner and Respondent is hereby adopted and approved by the Nuisance Abatement Board and incorporated within this Order as though fully set forth.

Either party may petition the NAB for amendment or relief from the provisions of this Order.

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

Motion: Motion by Chris Roper, second by Shayla Mount, that the activity on the property constitutes a recurring public nuisance and to adopt the Consent Agreement into an Order, as presented by the Orange County Sheriff’s Office. Motion carried unanimously.

OTHER BUSINESS:

3. **NAB2016-N006 OBT CHEVRON, LLC
CHEVRON
4252 S. Orange Blossom Trail
Orlando, Florida**

NON-COMPLIANCE

09/26/19: AnnMarie Delahunty, Assistant General Counsel, Orange County Sheriff’s Office, gave the Board an update of the progress made to comply with the Board’s Order as requested in a prior Hearing. The Respondent was not present.

Order: Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the Respondent comply with the following:

The 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 14, 2017; and its

Order Determining Property Is Out Of Compliance and Order Imposing Additional Fines signed on August 3, 2018.

The Respondent is directed to pay the outstanding fine of \$400.00 Ordered on August 3, 2018.

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

Motion:

Motion by Chris Roper, second by Shayla Mount, to adopt the recommended conditions into an Order Determining Status Of Property, as presented by the Orange County Sheriff's Office. Motion carried unanimously.

4. NAB2018-N004

FIRST AMERICANA INVESTMENT, LLC
2036 Americana Boulevard
Orlando, Florida

Non-Compliance

09/26/19: Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the Notice Of Intent To Seek Administrative Sanctions and Notice Of Hearing and Affidavit Of Deputy First Class Joshua Calkins attesting To Activity Observed On The Property. The Respondent was not present.

Order:

Based upon the foregoing documents, it is hereby ORDERED:

The NAB hereby incorporates the terms of the Second Amended Consent Agreement into this Order. Except to the extent expressly modified by the Second Amended Consent Agreement, Respondent is also required to comply with all conditions set out in the Amended Consent Agreement signed On November 29, 2018, and the NAB's Finding Of Fact, Conclusions Of Law, And Order.

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

Motion:

Motion by Blair Martlaro, second by Gary Smith, to adopt the Second Amended Consent Agreement into an Order, as presented by the Orange County Sheriff's Office. Motion carried unanimously.

4. NAB2015-N005

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

09/26/19: AnnMarie Delahunty, Assistant General Counsel, Orange County Sheriff's Office, gave the Board an update of the progress made to comply with the Board's Order as requested at the May 23, 2019 Nuisance Abatement Board Hearing. Attorney Delahunty also informed the Board that the Sheriff's Office would not be pursuing Foreclosure Authorization Consent as originally planned due to payment of the fines, attorney's fees and costs. The Respondent, Catherine Chet Le was present but did not give testimony.

Dan Mantzaris, Counselor to the Board, asked Attorney Delahunty if the proposed Order submitted by the Sheriff's Office included extending the Board's jurisdiction for another year. Attorney Delahunty stated that the Sheriff's Office was requesting the Board's jurisdiction be extended, based on the May 23, 2019 NAB Order. After a discussion with the Clerk to the Board, Attorney Delahunty informed the Board that a new Order would necessary since Ms. Le had requested and received a Release Of Lien for the previously rendered and recorded NAB Orders. Based on this information, the Sheriff's Office requested the Board find the activity on the property constitutes a recurring public nuisance, retain jurisdiction of the property for a year from the effective date of the Order and that the terms and conditions of prior Orders remain in effect. Blair Martlaro asked if that action would prohibit Ms. Le from being able to sell the property. Counselor Mantzaris clarified that Ms. Le would be required to disclose to a new owner that there is a Nuisance Abatement Board Order against the property

Order:

Based upon the foregoing documents, it is hereby ORDERED:

The Respondent is out of compliance and continues to be a recurring public nuisance.

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

All provisions of the July 24, 2015, June 28, 2016, and February 1, 2018 Orders remain in effect.

Motion:

Motion by Vice-Chairman Gary Smith, second by Chris Roper that a recurring public nuisance exists on the property, to retain jurisdiction for another year and that the Respondent continue to comply with the previous Consent Agreement conditions.

PUBLIC COMMENT:

COMMENTS BY THE CHAIRMAN:

None.

ELECTION OF OFFICERS:

Motion by Christopher Roper, second by Merissa Battle to nominate Gary Smith as Chairman. No other nominations were received. Motion carried unanimously.

Blair Martlaro nominated herself to serve as Vice Chairman, second by Merissa Battle. No other nominations were received. Motion carried unanimously.

DATE OF NEXT HEARING:


October 24, 2019 at 9:00 a.m. in the Orange County Commission Chambers located at 201 S. Rosalind Avenue, Orlando, Florida.

ADJOURNMENT:

Chairman Gary Smith requested a motion to adjourn.

Motion by Shayla Mount, second by Merissa Battle to adjourn the meeting at 10:08 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