



**MINUTES OF THE
ORANGE COUNTY NUISANCE ABATEMENT BOARD
SEPTEMBER 24, 2020
9:00 A.M.**

Pursuant to Governor Ron DeSantis's Emergency Executive Order No. 20-69, as amended, related to the Covid-19 state of emergency, this public hearing was held "virtually," utilizing communications media technology. The Nuisance Abatement Board conducted the public hearing from a remote location via WebEx. The Clerk to the Nuisance Abatement Board and Representatives from the Orange County Sheriff's Office who prosecuted the cases were present in separate remote locations. During the public hearing, the Respondent(s) and/or their Representative(s) were able to communicate with the Nuisance Abatement Board and Sheriff's Office personnel via WebEx from a kiosk equipped with a laptop in Room 105 on the First Floor of the Orange County Administration Center.

CALL TO ORDER:

Chairman Gary Smith called the meeting to order at 9:07 a.m.

ROLL CALL:

Members Present:

Chairman Gary E. Smith
Vice-Chairman Blair K. Martlaro
Shayla M. J. Mount
Chris Roper
Conti J. Moore

Members Absent:

Merissa J. Battle
Rita Harris
Sonya Stevenson
Raymond Rios

A Quorum was present.

Others Present:

Dan Mantzaris, Counselor to the Nuisance Abatement Board

Bradley Campbell, Assistant Manager, Orange County Code Enforcement Division
Kelley Rose, Program Manager, Orange County Code Enforcement Division
Tracey Greene, Senior CEO, Commercial Enforcement, Orange County Code Enforcement Division
Maritza Del Valle, Recording Secretary, Orange County Code Enforcement Division
Deborah Jenkins, Recording Secretary, Orange County Code Enforcement Division
Karen Bourgeois, 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
D/S Joshua Calkins, Orange County Sheriff's Office
Liza Pham, Orange County Sheriff's Office

PLEDGE OF ALLEGIANCE

The Pledge Of Allegiance was waived by Chairman Gary Smith.

APPROVAL OF THE MINUTES OF THE FEBRUARY 27, 2020 NUISANCE ABATEMENT BOARD HEARING

A motion was made by Vice-Chairman Blair Martlaro, second by Conti J. Moore, to approve the minutes of the February 27, 2020 Hearing. Motion carried unanimously.

OPENING STATEMENT: The Opening Statement and information regarding the virtual procedures for the Hearing were read by Chairman Gary Smith.

HEARINGS:

OTHER BUSINESS:

1. **NAB2015-N005 DIVA INVESTMENT PROPERTIES, INC.
 YOUNG'S MARKET
 2601 S. Orange Blossom Trail
 Orlando, Florida**

Non-Compliance

09/24/20: Ann Marie Delahunty, General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the Amended Fourth Notice Of Non-Compliance, Request to Close Property and Notice of Hearing, and Affidavits of Deputy Calkins and Corporal Hansen, Pursuant to Orange County Code Section 28-109. The Respondent, Catherine Le appeared virtually via WebEx from the kiosk equipped with a laptop in Room 105 of the 1st Floor of the Orange County Administration Building and was sworn in.

Order:

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

The Respondent's property located at 2601 S. Orange Blossom Trail and operating as Young's Market is in violation of this Board's October 10, 2019 Order, declaring the property a recurring public nuisance and adopting the provisions of the Board's previous Orders dated July 24, 2015, June 28, 2016, and February 1, 2018.

The owner of the property located at 2601 S. Orange Blossom Trail, Orlando, Florida, shall be prohibited from operating any business located on that property and shall take the steps necessary to close the business operating as Young's Market, or a business operating by any other name, for a period not less than 90 days commencing immediately upon entry of this Order.

Petitioner shall bring the property before the Board for a status Hearing at the December 10, 2020 Nuisance Abatement Hearing or at the first Nuisance Abatement Hearing held after that date.

Pursuant to Orange County Code Section 28-109, a certified copy of this order shall be recorded in the public records of Orange County and thereafter shall constitute notice to any subsequent purchasers, successors in interest or assigns and the findings herein shall be binding upon the owner and any subsequent purchasers, successors in interest or assigns.

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

Motion:

Motion by Conti J. Moore, second by Chairman Gary Smith, to adopt the ORDER DIRECTING IMMEDIATE CLOSURE OF THE PROPERTY PURSUANT TO ORANGE COUNTY CODE SECTION 28-109(g) AND (h) as presented by the Orange County Sheriff's Office. Motion carried unanimously.

2. NAB2018-N004

**FIRST AMERICANA INVESTMENT, LLC
FOOD LOTTO
2036 Americana Boulevard
Orlando, Florida**

Non-Compliance

09/24/20: Eric Dunlap, 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. The Respondent was not present.

Order:

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

The NAB hereby adopts and approves the terms of the Third Consent Agreement and incorporates the terms of that agreement into this Order as though fully set forth. Respondent shall comply with each of the terms of the Third Consent Agreement. Except to the extent expressly modified by the Third Consent Agreement and this Order, Respondent is also required to comply with all conditions set out in prior NAB Orders and Consent Agreements.

In the Second Amended Consent Agreement signed in August of 2019, the Respondent agreed to pay a fine in the amount of \$1,500.00 for failing to comply with the NAB's Order issued in March 2019. The Petitioner and Respondent agreed, with the support of the NAB, to waive the payment of the fine, provided the Respondent maintained substantial compliance with the NAB's Order and the Second Amended Consent Agreement.

The NAB finds, and the Respondent does not dispute, that the uncontested allegations in the Notice of Intent to Seek Administrative Sanctions (dated September 9, 2020) establish that Respondent failed to maintain substantial compliance with the NAB Order issued on September 27, 2019 and the terms of the Second Amended Consent Agreement.

Respondent signed a Third Consent Agreement in September 2020 and stipulated to the payment of the \$1,500.00 fine for failing to maintain substantial compliance with the NAB's prior Order. The Respondent is hereby directed to pay a fine in the amount of \$1,500.00 which shall be paid as follows:

- a. First payment of \$500.00 – due no later than October 1, 2020.
- b. Second payment of \$500.00 – due no later than November 1, 2020.
- c. Third payment of \$500.00 – due no later than December 1, 2020.

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

Motion:

Motion by Vice-Chairman Blair Martlaro, second by 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. NAB2019-N0007 DK OF ORLANDO, INC
DBA CHRIS FOOD MART AKA CORNER KING
1316 44th Street
Orlando, Florida

Non-Compliance

09/24/20: Eric Dunlap, 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. The Respondent was not present.

Order:

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

The Second 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 Chairman Gary Smith, second by Conti J. Moore, to adopt the Second Consent Agreement into an Order, as presented by the Orange County Sheriff's Office. Motion carried unanimously.

PUBLIC COMMENT: None

COMMENTS BY THE CHAIRMAN: None

DATE OF NEXT HEARING:

October 22, 2020 at 9:00 a.m.

ADJOURNMENT:

Motion to adjourn by Chairman Gary Smith, second by Conti J. Moore to adjourn the meeting at 10:33 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