

CODE COMPLIANCE ORDER  
CITY OF PALM BEACH GARDENS, FLORIDA

**ORDER FINDING VIOLATION AND ASSESSING FINE**

**CITY OF PALM BEACH GARDENS,**

**Petitioner,**

**Case No. 09-12-3377**

**vs.**

**DEBORAH GEMMI and ANTONIO OLIVA,**

**Respondents.**

RE: Violation of Section 78-396 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 3880 Begonia Street  
Palm Beach Gardens, Florida  
Legal Description: PL NO 3 CITY OF P B GARDENS LT 33 BLK 17  
PCN: 52-43-42-18-04-017-0330

The Special Magistrate appointed by the City Council to hear code compliance cases for the City of Palm Beach Gardens, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Code Compliance Hearing held on the 19<sup>th</sup> day of March 2010, and based on the evidence and testimony presented, entered an Order Finding Violation and Assessing Fine. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

**FINDINGS OF FACT**

1. The Respondent, **ANTONIO OLIVA**, was present at the hearing; however, Respondent, **DEBORAH GEMMI**, was not present at the hearing. The Respondents were represented by attorney Aldo Beltrano, Esq. There was a finding of proper notice of the violation and of the hearing.
2. Code Officer Alex Lopez provided evidence and testimony of the violation as contained in the evidentiary case file which was accepted into evidence.
3. Karl Joyner also testified and provided evidence of the violation as contained in the evidentiary case file which was accepted into evidence.
4. The Respondent, **ANTONIO OLIVA**, testified and provided evidence.

**CONCLUSIONS OF LAW**

The above-stated facts constitute a violation of Section 78-396 of the Code of Ordinances of the City of Palm Beach Gardens. Said violation is an irreversible and irreparable violation of Section 78-396 of the Code of Ordinances of the City of Palm Beach Gardens.

**ORDER**

It is the Order of the Code Compliance Special Magistrate that Respondents, **DEBORAH GEMMI and ANTONIO OLIVA**, immediately comply with Section 78-396 of the Code of Ordinances of the City of Palm Beach Gardens. It is further Order of the Code Compliance Special Magistrate that Respondents cease and desist any and all construction, reconstruction or repair of watercraft on the property. A Fine is hereby assessed in the amount of One Thousand Five Hundred Dollars (\$1,500.00) for this violation which is irreversible and irreparable. Respondents are hereby ordered to pay said fine within forty five (45) days of the signing of this Order.

Should Respondents violate the same Section of the Code again, a Fine of Two Thousand Five Hundred Dollars (\$2,500.00) shall be assessed for each and every violation. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation, and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

A certified copy of this Order may be recorded in the Public Records of Palm Beach County, Florida, and once recorded, shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondents, pursuant to Chapter 162, *Florida Statutes*.

**Upon complying in any code compliance matter, it is always the responsibility of the Respondents to contact the Code Compliance Division at (561) 799-4245 to request a reinspection of the property.**

DONE AND ORDERED this 24 day of March, 2010.

CITY OF PALM BEACH GARDENS  
CODE COMPLIANCE

BY: \_\_\_\_\_

KEVIN WAGNER, SPECIAL MAGISTRATE

**Filed with City Clerk**

Date: 3/24/10

By: \_\_\_\_\_

Patricia Snider, CMC, City Clerk

CODE COMPLIANCE ORDER  
CITY OF PALM BEACH GARDENS, FLORIDA

**ORDER FINDING VIOLATION**

**CITY OF PALM BEACH GARDENS,**

**Petitioner,**

**Case No. 09-10-3309**

**vs.**

**DEBORAH GEMMI and ANTONIO OLIVA,**

**Respondents.**

RE: Violation of Section 78-395 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 3880 Begonia Street  
Palm Beach Gardens, Florida  
Legal Description: PL NO 3 CITY OF P B GARDENS LT 33 BLK 17  
PCN: 52-43-42-18-04-017-0330

The Special Magistrate appointed by the City Council to hear code compliance cases for the City of Palm Beach Gardens, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Code Compliance Hearing held on the 19<sup>th</sup> day of March 2010, and based on the evidence and testimony presented, entered an Order Finding Violation. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

**FINDINGS OF FACT**

1. The Respondent, **ANTONIO OLIVA**, was present at the hearing; however, Respondent, **DEBORAH GEMMI**, was not present at the hearing. Respondents were represented by attorney Aldo Beltrano, Esq. There was a finding of proper notice of the violation and of the hearing.

2. Code Officer Alex Lopez provided evidence and testimony of the violation as contained in the evidentiary case file which was accepted into evidence. Code Officer Lopez further testified that at the time of the hearing the property was in compliance with Section 78-395 of the Code of Ordinances of the City of Palm Beach Gardens.

3. Code Enforcement Operations Director David Reyes testified and provided evidence of the violation as is contained in the evidentiary case file.

**CONCLUSIONS OF LAW**

The above-stated facts establish that the Respondents were, but are no longer, in violation of Section 78-395 of the Code of Ordinances of the City of Palm Beach Gardens.

**ORDER**

It is the Order of the Code Compliance Special Magistrate that Respondents, **DEBORAH GEMMI and ANTONIO OLIVA**, shall continue to comply with Section 78-395 of the Code of Ordinances of the City of Palm Beach Gardens.

Should Respondents violate the same Section of the Code again, Respondents may be subject to a fine for such repeat violation. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation, and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

**Upon complying in any code compliance matter, it is always the responsibility of the Respondents to contact the Code Compliance Division at (561) 799-4245 to request a reinspection of the property.**

DONE AND ORDERED this 24 day of March, 2010.

CITY OF PALM BEACH GARDENS  
CODE COMPLIANCE

BY:   
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KEVIN WAGNER, SPECIAL MAGISTRATE

**Filed with City Clerk**

Date: 3/24/10

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Patricia Snider, CMC, City Clerk