John Moriarty

From:

Amanda Quirke <AQuirke@Lehtinen-Schultz.com>

Sent:

Monday, March 25, 2019 2:18 PM

To:

Benjamin Alma; John Moriarty; Paul Castro; Joshua Martin; John Lindgren; John (Skip) C.

Randolph

Cc:

Amanda Quirke

Subject:

Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Attachments:

1236 no hitting walls.pdf; 1236 hitting wall permit comments.pdf; Illegal hitting wall

aerial.pdf

Officer Moriarty, Officer Alma, Josh, Paul, John, and Skip,

As I was reviewing aerials of the properties on Emerald Beach Way, I realized that a hitting wall was, in fact, constructed at 1236 South Ocean Boulevard without a special exception. As you may recall, the Thorntons originally submitted an application to construct a hitting wall, but when they were advised that a hitting wall would require a special exception, they then said the area would be a "basketball/service area" instead. All the Town of Palm Beach said was – via a special condition – that the "walls shall not be used as hitting walls." (see attached)

As you can plainly see from the aerial, the Thorntons built a hitting wall and, in fact, even striped a half tennis court on the wall. The application was for a hitting wall. They built a hitting wall. The special condition is ridiculous. A special exception was required.

Would you please investigate this matter and enforce any existing violations related to the illegal hitting wall.

Amanda Quirke Hand

Of Counsel

Board Certified in City, County, and Local Government Law

Lehtinen Schultz Attorneys

Lehtinen Schultz Riedi de la Fuente

Sabadell Financial Center, 1111 Brickell Avenue, Suite 2200, Miami, FL 33131

Direct: 305.733.2800 Fax: 305.356.5720

www.Lehtinen-Schultz.com

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John Moriarty

From: Benjamin Alma

Sent: Friday, April 12, 2019 8:07 AM
To: Police Code Enforcement

Subject: FW: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

From: Joshua Martin < jmartin@TownOfPalmBeach.com>

Sent: Thursday, April 11, 2019 6:35 PM

To: John Lindgren < JLindgren @TownofPalmBeach.com >; Paul Castro < PCastro @TownofPalmBeach.com >; John Moriarty

<JMoriarty@PalmBeachPolice.com>

Cc: Benjamin Alma <BAlma@PalmBeachPolice.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>; Wayne

Bergman < wbergman@TownOfPalmBeach.com >; Joshua Martin < jmartin@TownOfPalmBeach.com >

Subject: RE: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

They are not using it as a hitting or rebound wall.

Josh

Josh Martin, AICP, CNU-A Director

Town of Palm Beach Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480 Office: 561-227-6401 Mobile: 843-247-2057

www.townofpalmbeach.com

From: John Lindgren < JLindgren@TownofPalmBeach.com>

Sent: Thursday, April 11, 2019 9:06 AM

To: Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>; Paul Castro < <u>PCastro@TownofPalmBeach.com</u>>; John Moriarty < <u>JMoriarty@PalmBeachPolice.com</u>>

Cc: Benjamin Alma <<u>BAlma@PalmBeachPolice.com</u>>; Carla Marcote <<u>CMarcote@PalmBeachPolice.com</u>>; Wayne Bergman bergman@TownOfPalmBeach.com>; Carla Marcote <<u>CMarcote@PalmBeachPolice.com</u>>; Wayne

Subject: RE: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Josh et. al.,

Paul confirmed with me that they need a special exception if they are using the wall as a hitting or rebound wall. It was not permitted as a hitting/rebound wall, so if code enforcement finds that they are using the wall as a hitting/rebound wall, then they should cite them.

John

John Lindgren, AICP **Planning Administrator**

Town of Palm Beach Planning, Zoning & Building Department 360 S. County Road Palm Beach, FL 33480

Phone: 561-227-6414

www.townofpalmbeach.com

From: Joshua Martin < imartin@TownOfPalmBeach.com>

Sent: Wednesday, April 10, 2019 6:23 PM

To: John Lindgren < JLindgren@TownofPalmBeach.com >; Paul Castro < PCastro@TownofPalmBeach.com >; John Moriarty <JMoriarty@PalmBeachPolice.com>

Cc: Benjamin Alma <BAlma@PalmBeachPolice.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>; Wayne Bergman < wbergman@TownOfPalmBeach.com>; John (Skip) C. Randolph < JRandolph@jonesfoster.com>; Joshua Martin <imartin@TownOfPalmBeach.com>

Subject: RE: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

John: Please coordinate with Paul first thing tomorrow morning on this matter.

Thank you, Josh

Josh Martin, AICP, CNU-A Director

Town of Palm Beach Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480 Office: 561-227-6401 Mobile: 843-247-2057 www.townofpalmbeach.com

From: John Lindgren <JLindgren@TownofPalmBeach.com>

Sent: Wednesday, April 10, 2019 10:11 AM

To: Joshua Martin < imartin@TownOfPalmBeach.com>; Paul Castro < PCastro@TownofPalmBeach.com>; John Moriarty <JMoriarty@PalmBeachPolice.com>

Cc: Benjamin Alma < BAlma@PalmBeachPolice.com >; Carla Marcote < CMarcote@PalmBeachPolice.com >; Wayne Bergman < wbergman@TownOfPalmBeach.com >; John (Skip) C. Randolph@jonesfoster.com > Subject: RE: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Josh,

I believe Code Enforcement is still investigating what is going on at the site. Previous approvals noted that the wall wouldn't be used as a tennis hitting wall. If they are using the wall as a tennis hitting wall, then I believe they need a special exception for this (see code Sec. 134-1759(d) below), but Paul should probably confirm.

Sec. 134-1759. - Tennis, shuffleboard and racquetball courts.

- (a) Tennis, shuffleboard and racquetball courts and similar uses shall not be counted in lot coverage computations.
- (b) Tennis courts or shuffleboard courts and similar accessory' uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard and required street rear yard as prescribed by this chapter.
- (c) Tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court. Such fence or wall enclosures are to be at least ten feet in height. Said fence or wall enclosure shall be out of the required principal structure setback if said enclosure exceeds the maximum height allowed in section 134-1666 through 134-1670 of the Code. Where visible from adjacent properties or the public or private street right-of-way, tennis courts shall be screened with plantings at least the same height as the tennis court fence enclosure.
- (d) The construction of any facility involving the use of a ball backboard or rebound wall in any district of the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.
- (e) The construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception as specified in <u>section 134-227</u>through <u>section 134-227</u>through <u>section 134-223</u>.
- (f) Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception. Racquetball courts shall be screened with plantings,

where visible from adjacent properties or the public or private street right-of-way.

(g) The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and racquetball courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or racquetball court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection.

(Ord. No. 2-74, § 6.15, 3-26-74; Ord. No. 3-77, § 6, 3-29-77; Ord. No. 6-81, § 4, 3-31-81; Ord. No. 2-83, § 5(a), 2-23-83; Ord. No. 1-84, § 4(c), 3-1-84; Ord. No. 1-90, § 4(a), 2-5-90; Ord. No. 1-97, § 6, 2-17-97; Ord. No.04-2018, § 25, 4-11-18)

John Lindgren, AICP Planning Administrator

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Joshua Martin < imartin@TownOfPalmBeach.com>

Sent: Tuesday, April 09, 2019 9:52 AM

To: Paul Castro <<u>PCastro@TownofPalmBeach.com</u>>; John Moriarty <<u>JMoriarty@PalmBeachPolice.com</u>>; Cc: Benjamin Alma <<u>BAlma@PalmBeachPolice.com</u>>; Carla Marcote <<u>CMarcote@PalmBeachPolice.com</u>>; Wayne Bergman <<u>wbergman@TownOfPalmBeach.com</u>>; John Lindgren <<u>JLindgren@TownofPalmBeach.com</u>>; John (Skip) C. Randolph <<u>JRandolph@jonesfoster.com</u>>; Joshua Martin <<u>jmartin@TownOfPalmBeach.com</u>> Subject: RE: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

This matter has been resolved, correct?

Josh Martin, AICP, CNU-A Director

Town of Palm Beach

Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480 Office: 561-227-6401

Office: 561-227-6401 Mobile: 843-247-2057

www.townofpalmbeach.com

From: Paul Castro < PCastro@TownofPalmBeach.com>

Sent: Friday, April 05, 2019 11:32 AM

To: John Moriarty < JMoriarty@PalmBeachPolice.com>

Cc: Benjamin Alma < BAlma@PalmBeachPolice.com >; Carla Marcote < CMarcote@PalmBeachPolice.com >; Joshua Martin

<imartin@TownOfPalmBeach.com>; Wayne Bergman < wbergman@TownOfPalmBeach.com>; John Lindgren

<JLindgren@TownofPalmBeach.com>; John (Skip) C. Randolph@jonesfoster.com>

Subject: RE: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

John,

The property owner was not required to obtain special exception approval before the building permit was issued. Both John Lindgren and Logan Elliot reviewed and signed off on the wall and plans before the permit was issued. I believe they were assured at that time that the wall was going to be used a perimeter wall and was not going to be used as a rebound or hitting wall before the permit was issued. Is there any evidence that they are using the wall to the contrary?

Kindest regards,

Paul Castro, AICP

Zoning Administrator

360 South County Road
Palm Beach, FL 33480
561-227-6406
www.pcastro@townofpalmbeach.com

From: John Moriarty < JMoriarty@PalmBeachPolice.com >

Sent: Friday, April 05, 2019 9:27 AM

To: John Lindgren < <u>JLindgren@TownofPalmBeach.com</u>>; Paul Castro < <u>PCastro@TownofPalmBeach.com</u>> Cc: Benjamin Alma < <u>BAlma@PalmBeachPolice.com</u>>; Carla Marcote < <u>CMarcote@PalmBeachPolice.com</u>> Subject: FW: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Hello,

Need some help / direction here – please.

Permit B-17-66813 for wall & slab passed final inspection on 5-2-18.

Do the property owners need a special exception?

Thanks.

John Moriarty
Town of Palm Beach

Police Department Code Enforcement Unit Office: 561-227-6422

From: Amanda Quirke < AQuirke@Lehtinen-Schultz.com>

Sent: Monday, March 25, 2019 2:18 PM

To: Benjamin Alma <BAlma@PalmBeachPolice.com>; John Moriarty <JMoriarty@PalmBeachPolice.com>; Paul Castro

<<u>PCastro@TownofPalmBeach.com</u>>; Joshua Martin <<u>imartin@TownOfPalmBeach.com</u>>; John Lindgren

<<u>JLindgren@TownofPalmBeach.com</u>>; John (Skip) C. Randolph <<u>JRandolph@jonesfoster.com</u>>

Cc: Amanda Quirke < AQuirke@Lehtinen-Schultz.com > Subject: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Officer Moriarty, Officer Alma, Josh, Paul, John, and Skip,

As I was reviewing aerials of the properties on Emerald Beach Way, I realized that a hitting wall was, in fact, constructed at 1236 South Ocean Boulevard without a special exception. As you may recall, the Thorntons originally submitted an application to construct a hitting wall, but when they were advised that a hitting wall would require a special exception, they then said the area would be a "basketball/service area" instead. All the Town of Palm Beach said was – via a special condition – that the "walls shall not be used as hitting walls." (see attached)

As you can plainly see from the aerial, the Thorntons built a hitting wall and, in fact, even striped a half tennis court on the wall. The application was for a hitting wall. They built a hitting wall. The special condition is ridiculous. A special exception was required.

Would you please investigate this matter and enforce any existing violations related to the illegal hitting wall.

Amanda Quirke Hand

Of Counsel

Board Certified in City, County, and Local Government Law

Lehtinen Schultz | Attorneys

Lehtinen Schultz Riedi de la Fuente

Sabadell Financial Center, 1111 Brickell Avenue, Suite 2200, Miami, FL 33131

Direct: 305.733.2800 Fax: 305.356.5720

www.Lehtinen-Schultz.com

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John Moriarty

From: Carla Marcote

Sent: Friday, May 24, 2019 12:03 PM

To: Benjamin Alma; John Moriarty; Paul Castro; John Lindgren; John (Skip) C. Randolph

Cc: Amanda Quirke

Subject: FW: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Please see Josh Martins reply.

Carla Marcote
Code Enforcement Specialist

Palm Beach Police Department 345 S. County Road Palm Beach, FL 33480

From: Joshua Martin < jmartin@TownOfPalmBeach.com>

Sent: Friday, May 24, 2019 11:50 AM

To: Carla Marcote < CMarcote@PalmBeachPolice.com>

Subject: Re: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Carla. Yes. It needs to be continued. I apologize if I was unclear.our staff said it had not been permitted to be a hitting wall and it should not be used as a hitting wall. I think I sent a short message before that was not cogent. I apologize. Yes please continue the code complaint case. It should not be closed from our department's perspective. Thanks again Carla and have a great weekend. Josh

Josh Martin, AICP, CNU-A Director

Town of Palm Beach Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480

Office: 561-227-6401 Mobile: 843-247-2057 www.townofpalmbeach.com

Sent from my iPhone

On May 24, 2019, at 11:42, Carla Marcote < CMarcote@palmbeachpolice.com > wrote:

Josh,

Just to be clear you are stating that the case needs to be continued, are they in violation?

Carla Marcote Code Enforcement Specialist

Palm Beach Police Department 345 S. County Road Palm Beach, FL 33480

From: Joshua Martin < imartin@TownOfPalmBeach.com>

Sent: Friday, May 24, 2019 11:00 AM

To: Carla Marcote < CMarcote@PalmBeachPolice.com>

Cc: Amanda Quirke <<u>AQuirke@lehtinen-schultz.com</u>>; Benjamin Alma <<u>BAlma@PalmBeachPolice.com</u>>; John Moriarty <<u>JMoriarty@PalmBeachPolice.com</u>>; Paul Castro <<u>PCastro@TownofPalmBeach.com</u>>; John Lindgren <<u>JLindgren@TownofPalmBeach.com</u>>; John (Skip) C. Randolph

<JRandolph@jonesfoster.com>

Subject: Re: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Carla. Good morning. I hope this email finds you well. I apologize for any confusion here. My comment was relaying I formation from our Staff that the structure was not permitted to be built/used as a hitting wall. I apologize if there was confusion. The case should not be closed from our perspective. Please proceed accordingly. Thank you. Josh

Josh Martin, AICP, CNU-A Director

Town of Palm Beach Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480 Office: 561-227-6401

Mobile: 843-247-2057

www.townofpalmbeach.com

Sent from my iPad

On May 24, 2019, at 10:15 AM, Carla Marcote < CMarcote@palmbeachpolice.com > wrote:

Good Morning Ms. Quirke,

Code Enforcement case 19-365 regarding 1236 S Ocean Blvd and a hitting wall has been closed. The Code Enforcement office received and email on April 12, 2019 from Director Josh Martin that the wall in question is not being used as a hitting or rebound wall.

Carla Marcote
Code Enforcement Specialist

Palm Beach Police Department 345 S. County Road Palm Beach, FL 33480 From: Benjamin Alma <BAlma@PalmBeachPolice.com>

Sent: Friday, May 24, 2019 9:43 AM

To: Carla Marcote < CMarcote@PalmBeachPolice.com>; John Moriarty

<JMoriarty@PalmBeachPolice.com>

Subject: FW: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Carla,
Please address this request.
Thank you,
Ben

From: Amanda Quirke < AQuirke@Lehtinen-Schultz.com >

Sent: Thursday, May 23, 2019 2:14 PM

To: Benjamin Alma < BAlma@PalmBeachPolice.com >; Joshua Martin

<imartin@TownOfPalmBeach.com>; Paul Castro < PCastro@TownofPalmBeach.com>;

Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>; John Lindgren < <u>JLindgren@TownofPalmBeach.com</u>>; John (Skip) C. Randolph

</pre

Cc: Amanda Quirke <AQuirke@Lehtinen-Schultz.com>

Subject: FW: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Officer Moriarty, Officer Alma, Josh, Paul, John, and Skip, Can I please get an update on this complaint?

Amanda Quirke Hand

Of Counsel

Board Certified in City, County, and Local Government Law

Lehtinen Schultz | Attorneys

Lehtinen Schultz Riedi de la Fuente

Sabadell Financial Center, 1111 Brickell Avenue, Suite 2200, Miami, FL 33131

Direct: 305.733.2800 Fax: 305.356.5720

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From: Amanda Quirke < AQuirke@Lehtinen-Schultz.com>

Sent: Monday, March 25, 2019 2:18 PM

To: balma@palmbeachpolice.com; jmoriarty@palmbeachpolice.com; Paul Castro

<<u>PCastro@TownofPalmBeach.com</u>>; Joshua Martin <<u>imartin@TownOfPalmBeach.com</u>>;

ilindgren@townofpalmbeach.com; John (Skip) C. Randolph

<JRandolph@jonesfoster.com>

Cc: Amanda Quirke < AQuirke@Lehtinen-Schultz.com > Subject: Complaint: Illegal Hitting Wall 1236 S. Ocean Blvd.

Officer Moriarty, Officer Alma, Josh, Paul, John, and Skip,

As I was reviewing aerials of the properties on Emerald Beach Way, I realized that a hitting wall was, in fact, constructed at 1236 South Ocean Boulevard without a special exception. As you may recall, the Thorntons originally submitted an application to construct a hitting wall, but when they were advised that a hitting wall would require a special exception, they then said the area would be a "basketball/service area" instead. All the Town of Palm Beach said was – via a special condition – that the "walls shall not be used as hitting walls." (see attached)

As you can plainly see from the aerial, the Thorntons built a hitting wall and, in fact, even striped a half tennis court on the wall. The application was for a hitting wall. They built a hitting wall. The special condition is ridiculous. A special exception was required.

Would you please investigate this matter and enforce any existing violations related to the illegal hitting wall.

Amanda Quirke Hand

Of Counsel

Board Certified in City, County, and Local Government Law

Lehtinen Schultz | Attorneys

Lehtinen Schultz Riedi de la Fuente

Sabadell Financial Center, 1111 Brickell Avenue, Suite 2200, Miami, FL 33131

Direct: 305.733.2800 Fax: 305.356.5720

www.Lehtinen-Schultz.com

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<josh Martin email.pdf>



TOWN OF PALM BEACH POLICE DEPARTMENT



DEDICATED TO EXCELLENCE

May 29, 2019

John & Margaret Thornton P.O. Box 3163 Palm Beach, FL 33480

CODE VIOLATION WARNING
1236 S. Ocean Blvd., Palm Beach
Case # CE 19-365 Property Control Number: 50-43-44-02-09-000-0020

Dear Property Owner(s),

It has come to the attention of this office that a rebound wall has been installed without obtaining a special exception permit.

Chapter 134, Section 134-1759(d) of the Town of Palm Beach Code of Ordinances, states the construction of any facility involving the use of a ball backboard or rebound wall in any district of the town shall be subject to an application for special exception.

Please obtain the special exception permit by **June 11, 2019.**

Should compliance with the Town Ordinances not be met within this time frame, you will be issued a **Notice of Code Violation and Hearing,** requiring you to come into compliance.

If you have any questions, please do not hesitate to call me at (561) 227-6422. Your immediate attention to this matter is appreciated.

Sincerely,

John T. Moriarty
Code Enforcement Officer

cc: Code Enforcement File Property File



TOWN OF PALM BEACH POLICE DEPARTMENT



DEDICATED TO EXCELLENCE

June 18, 2019

John & Margaret Thornton P.O. Box 3163 Palm Beach, FL 33480 CERTIFIFED MAIL: 9314 8699 0430 0060 3607 80

John & Margaret Thornton 1236 S. Ocean Blvd. Palm Beach, FL 33480 CERTIFIFED MAIL: 9314 8699 0430 0060 3609 33

NOTICE OF CODE VIOLATION AND HEARING

1236 S. Ocean Blvd., Palm Beach

Case # CE 19-365 Property Control Number: 50-43-44-02-09-000-0020

Dear Property Owner(s),

It has come to the attention of this office that a rebound wall has been installed without obtaining a special exception permit.

Chapter 134, Section 134-1759(d) of the Town of Palm Beach Code of Ordinances, states the construction of any facility involving the use of a ball backboard or rebound wall in any district of the town shall be subject to an application for special exception.

Please obtain the special exception permit by July 5, 2019.

Should compliance with the Town Ordinances not be met within this time frame, you are hereby notified there will be a public hearing before the Code Enforcement Board on **July 18, 2019 at 2:00 p.m**. in the second floor Town Council Chambers at City Hall, 360 S. County Road, Palm Beach.

If you decide not to be present, the hearing will be held in your absence. If you are found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines up to Two Hundred Fifty (\$250.00) Dollars a day against you and your property for every day any violation continues beyond the date set in the order for compliance. An administrative fee of One Hundred Fifty (\$150.00) Dollars for the cost of the hearing may be assessed to you should your case be heard.

If you have any questions, please do not hesitate to call me at (561) 227-6422. Your immediate attention to this matter is appreciated.

Sincerely,

John T. Moriarty Code Enforcement Officer

cc: Code Enforcement File/Property File

From: John Moriarty
To: Joshua Martin

Cc: Wayne Bergman; Benjamin Alma; Carla Marcote; John (Skip) C. Randolph

 Subject:
 RE: 1236 S. Ocean Blvd. - Case # CE 19-365

 Date:
 Thursday, June 27, 2019 9:53:17 AM

Attachments: <u>image004.png</u>

1236 S Ocean Blvd. - Email chain A Quirke - J Martin to Code.pdf

email chain.pdf

Mr. Martin,

I hope this email finds you well.

On March 28, 2019, Code Enforcement opened case CE 19-365 based on a complaint regarding a hitting wall from Attorney Amanda Hand.

On April 11, 2019, you informed our office, "They are not using it as a hitting or rebound wall". The case was closed.

On May 24, 2019, the case was re-opened at your direction.

Based on your email dated, June 26, 2019 the case been closed.

Should you have any additional information regarding this issue – please email me.

John Moriarty
Town of Palm Beach
Police Department
Code Enforcement Unit
Office: 561-227-6422

From: Joshua Martin < jmartin@TownOfPalmBeach.com>

Sent: Wednesday, June 26, 2019 3:54 PM

To: John Moriarty <JMoriarty@PalmBeachPolice.com>

Cc: Wayne Bergman < wbergman@TownOfPalmBeach.com>; Benjamin Alma

<BAlma@PalmBeachPolice.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>

Subject: FW: 1236 S. Ocean Blvd. - Case # CE 19-365

John:

Good afternoon. I hope this email finds you well.

I spoke with Skip regarding this matter and he said you were waiting to hear from me on the hitting wall? I am unsure what you need from me. I let you know that the subject structure was not permitted as a hitting wall but I am unsure of how it is being used, so I suggest you proceed with your typical code enforcement route etc. But I will leave this up to you.

As for the wall complaint, Wayne, please give John a call and advise him on this matter?

Thanks everyone!!!

Josh

Josh Martin, AICP, CNU-A Director

Town of Palm Beach Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480 Office: 561-227-6401

Mobile: 843-247-2057

www.townofpalmbeach.com

From: Marisol Alers < malers@lawclc.com > Sent: Tuesday, June 11, 2019 3:34 PM

To: Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>; John Moriarty

<<u>JMoriarty@PalmBeachPolice.com</u>>; John (Skip) C. Randolph <<u>JRandolph@jonesfoster.com</u>>

Cc: Robert D. Critton Jr. < <u>RCritton@lawclc.com</u>> **Subject:** 1236 S. Ocean Blvd. - Case # CE 19-365

Good afternoon,

As per Mr. Critton's instructions, please find enclosed his correspondence in response to the Code Violation Warning sent on May 29, 2019 for the above subject address.

Thank you.



Marisol Alers – Litigation Paralegal to Robert D. Critton, Jr. and J. Chris Bristow 303 Banyan Boulevard | Suite 400 | West Palm Beach | FL 33401

Phone: (561) 515-3134 | Fax: (561) 844-6929

malers@lawclc.com | www.lawclc.com

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From: John Moriarty
To: Benjamin Alma

Cc: Joshua Martin; Wayne Bergman; Carla Marcote; John (Skip) C. Randolph; Amanda Quirke; RCritton@lawclc.com

Subject: RE: 1236 S. Ocean Blvd. - Case # CE 19-365

Date: Friday, June 28, 2019 7:05:39 AM

All,

Code Enforcement case 19-365 / 1236 S. Ocean Blvd. has been closed as unfounded.

John Moriarty
Town of Palm Beach
Police Department
Code Enforcement Unit
Office: 561-227-6422

From: Benjamin Alma <BAlma@PalmBeachPolice.com>

Sent: Thursday, June 27, 2019 12:06 PM

To: John Moriarty < JMoriarty@PalmBeachPolice.com>

Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>; Wayne Bergman

<wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>; John

(Skip) C. Randolph < JRandolph@jonesfoster.com> **Subject:** Re: 1236 S. Ocean Blvd. - Case # CE 19-365

J. Moriarty, please advise if this case is closed as unfounded and have the attorneys been notified?

Thank you.

On Jun 27, 2019, at 11:08, John Moriarty < <u>JMoriarty@palmbeachpolice.com</u> > wrote:

Hello Manager Alma,

Alberto Dumit (property manager) stated the wall in question is not being used as a hitting / rebound wall.

Notes added to the case.

John Moriarty
Town of Palm Beach
Police Department
Code Enforcement Unit

Office: 561-227-6422

From: Benjamin Alma < <u>BAlma@PalmBeachPolice.com</u>>

Sent: Thursday, June 27, 2019 10:11 AM

To: John Moriarty < <u>JMoriarty@PalmBeachPolice.com</u>>; Joshua Martin

<imartin@TownOfPalmBeach.com>

Cc: Wayne Bergman < <u>wbergman@TownOfPalmBeach.com</u>>; Carla Marcote

<<u>CMarcote@PalmBeachPolice.com</u>>; John (Skip) C. Randolph

<JRandolph@jonesfoster.com>

Subject: RE: 1236 S. Ocean Blvd. - Case # CE 19-365

John Moriarty,

As we discussed, please ask the resident or their lawful agent, what is the wall in question being used for.

Thank you,

From: John Moriarty < <u>JMoriarty@PalmBeachPolice.com</u>>

Sent: Thursday, June 27, 2019 9:53 AM

To: Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>

Cc: Wayne Bergman wbergman@TownOfPalmBeach.com>; Benjamin Alma

<BAlma@PalmBeachPolice.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>;

John (Skip) C. Randolph < <u>JRandolph@jonesfoster.com</u>>

Subject: RE: 1236 S. Ocean Blvd. - Case # CE 19-365

Mr. Martin,

I hope this email finds you well.

On March 28, 2019, Code Enforcement opened case CE 19-365 based on a complaint regarding a hitting wall from Attorney Amanda Hand.

On April 11, 2019, you informed our office, "They are not using it as a hitting or rebound wall". The case was closed.

On May 24, 2019, the case was re-opened at your direction.

Based on your email dated, June 26, 2019 the case been closed.

Should you have any additional information regarding this issue – please email me.

John Moriarty
Town of Palm Beach
Police Department
Code Enforcement Unit

Office: 561-227-6422

From: Joshua Martin < imartin@TownOfPalmBeach.com>

Sent: Wednesday, June 26, 2019 3:54 PM

To: John Moriarty < JMoriarty@PalmBeachPolice.com>

Cc: Wayne Bergman < <u>wbergman@TownOfPalmBeach.com</u>>; Benjamin Alma

<BAlma@PalmBeachPolice.com>; Joshua Martin <<u>imartin@TownOfPalmBeach.com</u>>

Subject: FW: 1236 S. Ocean Blvd. - Case # CE 19-365

John:

Good afternoon. I hope this email finds you well.

I spoke with Skip regarding this matter and he said you were waiting to hear from me on the hitting wall? I am unsure what you need from me. I let you know that the subject structure was not permitted as a hitting wall but I am unsure of how it is being used, so I suggest you proceed with your typical code enforcement route etc. But I will leave this up to you.

As for the wall complaint, Wayne, please give John a call and advise him on this matter?

Thanks everyone!!!

Josh

Josh Martin, AICP, CNU-A Director

Town of Palm Beach Planning, Zoning, Building 360 S. County Road Palm Beach, FL 33480

Office: 561-227-6401 Mobile: 843-247-2057

www.townofpalmbeach.com

From: Marisol Alers < malers@lawclc.com > Sent: Tuesday, June 11, 2019 3:34 PM

To: Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>; John Moriarty

<<u>JMoriarty@PalmBeachPolice.com</u>>; John (Skip) C. Randolph

<JRandolph@jonesfoster.com>

Cc: Robert D. Critton Jr. < <u>RCritton@lawclc.com</u>> **Subject:** 1236 S. Ocean Blvd. - Case # CE 19-365

Good afternoon,

As per Mr. Critton's instructions, please find enclosed his correspondence in response to the Code Violation Warning sent on May 29, 2019 for the above subject address.

Thank you.

<image001.png>

Marisol Alers – Litigation Paralegal to Robert D. Critton, Jr. and J. Chris Bristow

303 Banyan Boulevard | Suite 400 | West Palm Beach | FL 33401

Phone: (561) 515-3134 | Fax: (561) 844-6929

malers@lawclc.com | www.lawclc.com

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Amanda Quirke Hand 305.733.2800 AQUIRKE@LEHTINEN-SCHULTZ.COM

July 16, 2019



Town Clerk Town of Palm Beach 360 South County Road Palm Beach, Florida 33480

Re:

Appeal letter dated July 2, 2019 re the Illegal Hitting Wall at 1236 South Ocean

Boulevard

Dear Madame Clerk:

Consistent with the attached email from the Town Attorney, Skip Randolph, the July 2 appeal regarding the Illegal Hitting Wall at 1236 South Ocean Boulevard will proceed to Town Council on August 14. Therefore, I am returning the check for the appeal fee. Please contact me at 305-733-2800 if you need anything further.

Sincerely,

LEHTINEN SCHULTZ PLLC

By:/s/ Amanda Quirke Hand Amanda Quirke Hand, P.A.

Enclosures: Email, check for Appeal Fee

THE LAG

RECEIVED

JUL 19 2019

TOWN CLERK

(awn y leck Lay a of Palm Beach 1915 evelft County Road calm: **Beach, Florida 3348**0

Dear Madagge Clerk

Consider with the state of each from the Town Afrence. Stop Randolph, the Jaly Rappeal of the fill of the Same State of the fill of the Same State of the Same State of the Same State of the Same State of the Same Same Same of the Same Same of the Same Same of the Same o

CONTRACTOR OF TABLE

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Mosures, Emell, et al. for Appen Fee

Antoinette Salmon

From:

Amanda Quirke

Sent:

Tuesday, July 16, 2019 7:57 AM

To:

Antoinette Salmon

Subject:

FW: Appeal Letter dated July 2, 2019

Amanda Quirke Hand

Of Counsel

Board Certified in City, County, and Local Government Law

Lehtinen Schultz | Attorneys

Lehtinen Schultz Riedi de la Fuente

Sabadell Financial Center, 1111 Brickell Avenue, Suite 2200, Miami, FL 33131

Direct: 305.733.2800 Fax: 305.356.5720

www.Lehtinen-Schultz.com

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From: Randolph, John C. <JRandolph@jonesfoster.com>

Sent: Monday, July 15, 2019 2:19 PM

To: Amanda Quirke <AQuirke@Lehtinen-Schultz.com>

Cc: Joshua Martin < jmartin@TownOfPalmBeach.com>; Paul Castro < PCastro@TownofPalmBeach.com>; Benjamin Alma

<BAlma@PalmBeachPolice.com>; John Moriarty <JMoriarty@PalmBeachPolice.com>;

'KDominguez@TownofPalmBeach.com' <KDominguez@TownofPalmBeach.com>; Wayne Bergman

<wbergman@TownOfPalmBeach.com>

Subject: RE: Appeal Letter dated July 2, 2019

Amanda,

I stand corrected. Based upon your clarification that you are appealing the decision of Officer Moriarty in regard to the enforcement of Chapter 134, Section 1759, the appeal is authorized and will proceed to hearing before the Town Council at its August 14 meeting.

Thank you.

John C. Randolph

Attorney

Jones Foster P.A.

561 650 0458 - D

561 650 5300 - F

561 659 3000 - O

jrandolph@jonesfoster.com

JONES FOSTER

Flagler Center Tower 505 South Flagler Drive, Suite 1100 West Palm Beach, Florida 33401 jonesfoster.com

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From: Amanda Quirke <AQuirke@Lehtinen-Schultz.com>

Sent: Thursday, July 11, 2019 2:47 PM

To: Randolph, John C. <JRandolph@jonesfoster.com>

Cc: Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>; Paul Castro < <u>PCastro@TownofPalmBeach.com</u>>; Benjamin Alma

<BAlma@PalmBeachPolice.com>; John Moriarty <JMoriarty@PalmBeachPolice.com>;

'KDominguez@TownofPalmBeach.com' < KDominguez@TownofPalmBeach.com' ; Amanda Quirke < AQuirke@Lehtinen-

Schultz.com>

Subject: RE: Appeal Letter dated July 2, 2019

This Message originated outside your organization.

Skip,

I respectfully disagree.

Section 134-141 states: The town council shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by **an administrative official in the enforcement of this chapter**.

Section 134-141, et. Seq. is not limited to administrative officials in Planning and Zoning- it is any administrative official of the Town. Code enforcement officials enforce Chapter 134, including 134-1759. In this matter, Officer Moriarty made a decision or determination in the enforcement of Chapter 134, Section 1759. Therefore, the appeal is authorized pursuant to 134-141, et. Seq. and should proceed to hearing before the Town Council.

For these reasons, I respectfully request that the July 2 appeal proceed accordingly on August 14. Thank you for your consideration of this matter.

Amanda Quirke Hand

Of Counsel

Board Certified in City, County, and Local Government Law

Lehtinen Schultz | Attorneys

Lehtinen Schultz Riedi de la Fuente

Sabadell Financial Center, 1111 Brickell Avenue, Suite 2200, Miami, FL 33131

Direct: 305.733.2800 Fax: 305.356.5720

www.Lehtinen-Schultz.com

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From: Randolph, John C. <JRandolph@jonesfoster.com>

Sent: Thursday, July 11, 2019 11:14 AM

To: Amanda Quirke < AQuirke@Lehtinen-Schultz.com>

Cc: Joshua Martin < <u>imartin@TownOfPalmBeach.com</u>>; Paul Castro < <u>PCastro@TownofPalmBeach.com</u>>; Benjamin Alma < BAlma@PalmBeachPolice.com>; John Moriarty < JMoriarty@PalmBeachPolice.com>;

'KDominguez@TownofPalmBeach.com' < KDominguez@TownofPalmBeach.com > Subject: Appeal Letter dated July 2, 2019

Amanda,

Josh Martin has provided me with a copy of your July 2, 2019 letter which purports to be an appeal pursuant to Palm Beach Code Section 134-141, which allows for an appeal of the decision of an administrative official under any section of that chapter. I am unable to discern from this letter of appeal what decision of an administrative official is being challenged pursuant to Section 134-141. Your ultimate objection appears to be that CE 19-365 should not have been dismissed. As far as I can determine, the decision to dismiss that appeal was not an administrative decision by anyone in the Planning & Zoning department pursuant to the terms of Chapter 134. Indeed, everything I see within the correspondence referenced in your letter relates to Josh Martin's advice to Code Enforcement officials that the case should not be closed from the standpoint of the Planning & Zoning department and that the case should proceed the typical Code Enforcement route. Although there is an allegation in your letter of appeal regarding a response from John Moriarty that, "Based on your email dated June 26, 2019, the case has been closed." I do not see anything in Josh Martin's email of June 26th suggesting that the case be closed. Indeed, that email leaves the decision up to the Code Enforcement officer.

Based on the above, it appears that this appeal relates to a decision by the Town's Code Enforcement officer to close the case. That decision is not appealable pursuant to Section 134-141, which allows appeals relating to decisions of an administrative official under any section of Chapter 134. The Code Enforcement procedures are set forth in Chapter 2 of the Town Code relating to Administration at Article V, Sections 2-366 through 2-439. The only appeal provision set forth in that code provides that an aggrieved party may file an appeal from a final administrative order of the enforcement board to the circuit court. There has not been a decision of the enforcement board in regard to this matter. Rather, the decision related to a Code Enforcement officer who elected not to proceed with the case. The Code Enforcement officer's decisions are not appealable pursuant to the Town Code and, specifically, are not appealable pursuant to Code Section 134-141 as alleged in your letter of appeal.

On the basis set forth herein, I have advised Josh Martin that your appeal is not appropriate and that the check filed with the appeal should be returned.

Please feel free to contact me if you have any questions, clarifications, or wish to discuss this matter further.

Thank you.

John C. Randolph

Attorney
Jones Foster P.A.

561 650 0458 - D

561 650 5300 - F

561 659 3000 - O

jrandolph@jonesfoster.com

JONES FOSTER

Flagler Center Tower 505 South Flagler Drive, Suite 1100 West Palm Beach, Florida 33401 jonesfoster.com

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SPARK

AMANDA QUIRKE HAND PA 743 NW 7TH STREET RD. MIAMI, FL 33136

2034

62-7611/311

MIAMI, FL 33136

DATE 7/2/19

PAY TO THE ORDER OF_

Journ of Palm Beach

\$ 1500.00

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DOLLARS

Security Features Details on Back.

FOR Appeal Feb

am

Capital One

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Print

Close

CE Case CE 19-365

CE Case #: CE 19-365 Status: Closed: Unfounded

eFM Case #: N/A Date Opened-Closed: 03/28/2019 - 06/27/2019

Case assigned to: Moriarty, John Follow Up Date
Case initiated by: Complaint - E-mail Follow Up Action
Priority: Med Open Violations

Location APN: 50434402090000020 1236 S OCEAN Blvd Palm Beach, FL 33480

Palm Beach, FL 33480 Property Type: Residential

Location

Validated: Yes 💜

Last Validated on: 2019-03-28 09:30:30

OCEAN Blvd Palm Beach, FL 33480

Custom Field

Stage: WW to NOV Ltr. 0780 0933 - July 2019

Violations

Date Violation Submitted By Status Disposition Notes CDBG Eligible

03/28/2019 18 - General - Buildings and building reg. Moriarty, John Closed Yes

History

Date Entered By Action/Note/Activity

04/24/2019 08:36:19 AM Moriarty, John Change violation status from: Open to: Closed

03/28/2019 09:30:30 AM Moriarty, John Added: 18 - General - Buildings and building reg.

Status and Follow Up

Status Follow Up Date Follow Up Action

Closed: Unfounded		
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History

Entry Date	Employee	Description
06/27/2019 09:57:12 AM	Marcote, Carla	Case Status changed to Closed: Unfounded
06/27/2019 09:57:12 AM	Marcote, Carla	Followup Date removed.
06/27/2019 09:57:12 AM	Marcote, Carla	Closing all violations for closed case
06/18/2019 08:02:30 AM	Moriarty, John	Case Status changed to Notice of Violation/Hearing Letter
06/18/2019 08:02:30 AM	Moriarty, John	Followup Date edited from: 06/18/2019 to 07/05/2019.
06/12/2019 11:16:54 AM	Moriarty, John	Followup Date edited from: 06/11/2019 to 06/18/2019.
05/24/2019 12:27:20 PM	Moriarty, John	Case Status changed to Written Warning Letter
05/24/2019 12:27:20 PM	Moriarty, John	Followup date added: 2019-06-11 00:00:00
04/24/2019 08:36:19 AM	Moriarty, John	Case Status changed to Closed: Unfounded
04/24/2019 08:36:19 AM	Moriarty, John	Followup Date removed.
04/24/2019 08:36:19 AM	Moriarty, John	Closing all violations for closed case
04/16/2019 08:07:47 AM	Moriarty, John	Followup Date edited from: 03/26/2019 to 04/26/2019.
03/28/2019 09:30:29 AM	Moriarty, John	Initial Case Status Pending Investigation

lotes			
Entry Date	Entered By	Action Date	Note
06/27/2019 10:51:20 AM	Moriarty, John	06/27/2019	Alberto Dumit (property manager) stated - the wall in question has not and is not being used as a hitting or rebound wall.
06/21/2019 01:59:18 PM	Marcote, Carla	06/21/2019	On 6/21/19 Code Enforcement office received a records request from Amanda Quirke Hand for a copy of the Notice Letter. A cop of the letter was emailed to her the same day.
06/18/2019 10:02:50 AM	Marcote, Carla	06/18/2019	NOV Letter sent certified mail to property owners address in PAPA and the violation address.
06/18/2019 08:02:15 AM	Moriarty, John	06/18/2019	Please send notice letter.
06/15/2019 09:11:40 AM	Moriarty, John	06/15/2019	No evidence a violation exists.
06/12/2019 11:16:43 AM	Moriarty, John	06/12/2019	Push forward.
06/12/2019 07:11:53 AM	Moriarty, John	06/12/2019	Had a detailed conversation with Mr. Critton.
05/29/2019 10:08:28 AM	Marcote, Carla	05/29/2019	Warning Letter mailed regarding the rebound wall.
05/28/2019 01:30:37 PM	Marcote, Carla	05/28/2019	Email chain from A. Quirke to J. Martin and Code Enforcement regarding the status of the hitting wall is added as an attachement to the case. J. Martin informed Code Enforcement that the case should continue that the wall is in violation.
04/24/2019 08:36:14	Moriarty, John	04/24/2019	Close.

AM			
04/16/2019 08:07:41 AM	Moriarty, John	04/16/2019	Unable to determine if a violation exists. PZB J. Martin reported wall is not being used as a hitting wall.
04/06/2019 07:49:40 AM	Moriarty, John	04/06/2019	Wall (area in question) is not visible. Not in plain view.
04/05/2019 09:28:12 AM	Moriarty, John	04/05/2019	Permit B-17-66813 for "wall and slab" passed final inspection on 5-2-18. Sent email to PZB to see if a special exception is required.
03/28/2019 09:30:30 AM	Moriarty, John	03/28/2019	Complaint of a hitting wall (back board / racquetball court) installed without special exception. Waiting for direction from PZ&B.

History

Entry Date Employee Description

Atta	ch	m	en	ts

Upload Date	<i>Title</i>	Description	Uploaded By	Selected for Printing
07/02/2019	1236 S Ocean	Email Closing the case	Marcote, Carla	
06/27/2019	1236 S Ocean Blvd	email closing rebound wall case	Marcote, Carla	
06/18/2019	1236 S Ocean Blvd	NOV Letter	Marcote, Carla	
05/29/2019	1236 S Ocean Blvd	Warning Letter	Marcote, Carla	
05/28/2019	1236 S Ocean Blvd	Email Chain Quick,Martin,Code Enforce.	Marcote, Carla	
04/22/2019	1236 S Ocean Blvd	email from Josh Martin	Marcote, Carla	
03/29/2019	1236 S Ocean Blvd.	Email from A. Hand	Marcote, Carla	

^{*}Images marked as Selected are included on View/Print Images page, in the Field Report and in forms. View/Print images button has option to "Include all" if checked.

History

Upload date	Employee	Description
07/02/2019 11:32:18 AM	Marcote, Carla	Case file titled "1236 S Ocean" added.
06/27/2019 10:51:20 AM	Moriarty, John	Attachment 1236_SOcean_Blvd _email_closing_rebound_wall.pdf edited: marked inactive
06/27/2019 09:57:12 AM	Marcote, Carla	Case file titled "1236 S Ocean Blvd" added.
06/21/2019 01:59:18 PM	Marcote, Carla	Attachment 1236_SOcean_BlvdHitting_WallNotice06-19.pdf edited: marked inactive
06/18/2019 10:02:49 AM	Marcote, Carla	Case file titled "1236 S Ocean Blvd" added.
06/12/2019 07:12:49 AM	Moriarty, John	Attachment 1236_SOcean_BlvdHitting_Wallwarning _05-19.pdf edited: marked inactive
05/29/2019 10:08:28 AM	Marcote, Carla	Case file titled "1236 S Ocean Blvd" added.
05/28/2019 01:30:37 PM	Marcote, Carla	Attachment 1236 S Ocean Blvd Email chain A Quirke -

		_J_Martin_to_Code.pdf edited: marked inactive
05/28/2019 01:28:45 PM	Marcote, Carla	Case file titled "1236 S Ocean Blvd" added.
04/24/2019 08:36:19 AM	Moriarty, John	Attachment 1236_S_Ocean_Blvdemail_from_Josh_Martin _not_a_hitting_wall_19-365.pdf edited: marked inactive
04/22/2019 11:40:57 AM	Marcote, Carla	Case file titled "1236 S Ocean Blvd" added.
04/05/2019 09:28:48 AM	Moriarty, John	Attachment 1236_S_Ocean_Blvd _Email_from_Amanda_Hand_3-25-19.pdf edited: marked inactive
03/29/2019 12:55:34 PM	Marcote, Carla	Case file titled "1236 S Ocean Blvd." added.

Forms

History

Name Generation Date Generated By Link

Contact Role	Name/Business	Address	Phone	Open Cases
Property Owner	THORNTON JOHN L & THORNTON MARGARET B,	PO BOX 3163, PALM BEACH, FL 33480 1363		0
Complainant	Hand, Amanda / Lehtinen & Schultz	, Palm Beach, FL 33480	Work: 305- 733-2800	1
Attorney	Critton, Bob	, Palm Beach, FL 33480	Cell: 561.515.3135	0
Property Manager	Dumit, Alberto	, Palm Beach, FL 33480	Cell: 202-460- 4084	0

Entry Date	Employee	Description
06/27/2019 10:52:43 am	Moriarty, John	Dumit, Alberto
06/12/2019 07:12:42 am	Moriarty, John	Critton, Bob
03/28/2019 09:30:30 am	Moriarty, John	THORNTON JOHN L & THORNTON MARGARET B,
03/28/2019 09:30:30 am	Moriarty, John	Hand, Amanda / Lehtinen & Schultz

Time Tracking

Employee Date Worked Hours Rate Type Date Entered Entered By

Total	0.00
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