

TOWN OF WINDERMERE

Code Enforcement Special Magistrate Meeting Minutes

December 3, 2019

The hearing was called to order at 6:30 p.m.

Present were Magistrate Ernest Myers, Code Officer Theresa Rodriguez, Sergeant Jayson Bonk, and Town Clerk Dorothy Burkhalter. Town Manager Robert Smith was absent.

Magistrate Myers questioned Officer Rodriguez if she has been designated to represent the Town regarding code cases. Officer Rodriguez stated yes.

COMPLIANCE & NON-COMPLIANCE CASES

1. Case Number 089-01997-19: Matthew James Betsinger 8627 Via Tavoleria Way – Unpaid Violation Notice #15031

Magistrate Myers introduced the case. He then stated for the record that Mr. Betsinger is not present. Magistrate Myers further noted that notice of the rescheduled hearing was mailed to PO Box 108, Windermere, FL 34786 which was delivered and signed for on October 28, 2019 via electronic confirmation. He explained that the PO Box was obtained by a uniform traffic citation toll road incident issued by the Central Florida Expressway on July 24, 2019. Magistrate Myers then administered the Oath and swore in Code Officer Theresa Rodriguez and Sgt Bonk. Officer Rodriguez reported on the history of this case. She stated that the property was posted in October due to the certified mail being returned. Magistrate Myers requested that Sgt Bonk give him a recount of the incident. Sgt Bonk explained that while he was patrolling, he noticed a grey Toyota vehicle, illegally parked with a boat trailer in the public parking lot located at 5th Avenue and Forest Street. He stated that this is a violation of the Town's Ordinances 36-21. Sgt Bonk stated that he left the citation on the window. Magistrate Myers questioned if Sgt Bonk has had any contact with Mr. Betsinger. Sgt Bonk stated yes and commented on the phone conversation he had with Mr. Betsinger approximately 3-4 hours after the citation was issued. He stated that Mr. Betsinger was very argumentative. Sgt Bonk further stated that he went to Fernwood Park and spoke with a resident who had been there, and who also had said Mr. Betsinger was unpleasant. He commented that he noticed that the key was still in the lock and removed it. Sgt Bonk commented that had Mr. Betsinger obtained the key lawfully, he would have had the pass, which he did not. Magistrate Myers questioned the boat ramp location. Sgt Bonk stated 7th Avenue and Butler Street, also known as Fernwood Park. He also stated that he witnessed Mr. Betsinger unloading his boat into the water and noticed the parked vehicle a short time after while patrolling. Discussion followed regarding the pass/key, displaying of the pass, and the application form to obtain a Park Pass. Magistrate Myers questioned Sgt Bonk that if when he was speaking with Mr. Betsinger on the phone, did he ask if he obtained the key from a resident. Mr. Betsinger stated yes. Magistrate Myers questioned how Sgt Bonk obtained the driver's license number listed on the citation. Sgt Bonk explained it was obtained through the mobile dispatch system when the tag is being run. Magistrate Myers stated for the record that the traffic citation from the Expressway Authority also has the same tag number. He then questioned Sgt Bonk if he has had any further conversation with Mr. Betsinger. Sgt Bonk stated later in the same afternoon, Mr. Betsinger called regarding his keys. Sgt Bonk further stated that he removed the ramp key from the key ring, and Mr. Betsinger's girlfriend picked the keys up a day or two later. Magistrate


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Myers questioned if Sgt Bonk has had any further conversation with Mr. Betsinger. Sgt Bonk stated no. Magistrate Myers then questioned if the \$200.00 fine had been paid. Sgt Bonk stated that the fine has not been paid. Magistrate Myers questioned if the truck and trailer were parked in the parking lot or on the street. Sgt Bonk stated they were parked in the lot and provided a picture. Magistrate Myers accepted the photo as evidence, Exhibit 1. He then questioned Sgt Bonk if he is aware of the application for the Park Pass and key. Sgt Bonk stated yes and gave a copy to the Magistrate. Magistrate Myers accepted the application as evidence, Exhibit 2. He then questioned if Mr. Betsinger had any written permission from the Town Manager to be parked there. Sgt Bonk stated no, Mr. Betsinger did not have permission. Magistrate Myers questioned Officer Rodriguez if she had any knowledge of Mr. Betsinger having written permission from the Town Manager to park there. Officer Rodriguez stated no. Magistrate Myers then questioned if the address of 8627 (correct numbered address 8637 per Magistrate Myers 01/07/2020) Via Tavolera Way, Windermere, FL, is within the Town limits. Sgt Bonk stated no, but Unincorporated Orange County. Magistrate Myers stated that he will uphold the citation, give Mr. Betsinger 30 days to pay the citation by 5:00pm January 6, 2020 and if the citation is not paid, beginning January 7, 2020 a fine of \$25.00 per day will be added until all fines are paid. He then stated he will re-set this item for the January 7, 2020 hearing.

There being no further business, Magistrate Myers closed the hearing at 6:48pm.



Dorothy Burkhalter, Town Clerk



Ernest J. Myers, Magistrate