

**OFFICIAL MINUTES OF THE
VALUE ADJUSTMENT BOARD (VAB)
PALM BEACH COUNTY, FLORIDA**

**ADOPTION MEETING OF
SPECIAL MAGISTRATE RECOMMENDED DECISIONS**

MARCH 14, 2024

**TUESDAY
9:00 A.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

MEMBERS:

Citizen Member Elizabeth Accomando
Commissioner Michael Barnett, Chair
Commissioner Sara Baxter, Vice Chair
School Board Member Edwin Ferguson
Citizen Member Inella Odom-Williams
School Board Member Alternate Frank Barbieri

1. CALL TO ORDER

Commissioner Barnett called the meeting to order at 9:07 a.m.

A. Roll Call

PRESENT: Elizabeth Accomando, Michael Barnett, Sara Baxter, Inella Odom-Williams

ABSENT: Edwin Ferguson

STAFF PRESENT:

Liana Figueroa, Manager of Finance Services, Board Services, Clerk of the Circuit Court & Comptroller
Danielle Freeman, Deputy Clerk, Clerk of the Circuit Court & Comptroller
Felicia Landerman, Treasurer, Investments, Clerk of the Circuit Court & Comptroller
Lisa Supan, Assistant Manager of Finance Services, Board Services, Clerk of the Circuit Court & Comptroller
Aaron Thalwitzer, Esq., VAB Legal Counsel
Jillian Zalewska, Deputy Clerk

B. Pledge of Allegiance

The members recited the Pledge of Allegiance.

2. BOARD APPOINTMENTS

VALUE ADJUSTMENT BOARD

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MARCH 14, 2024

A. Temporary Appointment of Alternate School Board Member

Mr. Thalwitzer stated that the School Board had appointed Frank Barbieri to serve as an alternate member in Edwin Ferguson's absence.

B. Election of Vice Chair

Mr. Thalwitzer stated that a motion was needed to appoint the vice chair, which had to be a member of the Board of County Commissioners (BCC).

MOTION to appoint Commissioner Sara Baxter as Vice Chair of the VAB. Motion by Elizabeth Accomando, seconded by Frank Barbieri, and carried 5-0.

3. PROOF OF PUBLICATION

MOTION TO RECEIVE AND FILE Proof of Publication No. 9832410 for Notice VAB Meeting in the *Palm Beach Post*.

MOTION to receive and file the Proof of Publication No. 9832410. Motion by Commission Baxter, seconded by Frank Barbieri, and carried 5-0.

4. APPROVAL OF MINUTES

MOTION TO APPROVE the minutes of the October 4, 2023, meeting.

MOTION to approve the October 4, 2023, meeting minutes. Motion by Commissioner Baxter, seconded by Elizabeth Accomando, and carried 5-0.

5. **ADOPT** Recommended Decisions for all 2023 petitions except recommended decisions considered under Agenda Item 7.B (requests for reconsideration).

MOTION to adopt the recommended decisions for all 2023 petitions except recommended decisions considered under Agenda Item 7.B. Motion by Elizabeth Accomando, seconded by Commissioner Baxter, and carried 5-0.

6. REVISED ASSESSED VALUES MEMO – led by VAB Counsel

Mr. Thalwitzer discussed the revised assessed values memo for informational purposes.

7. Reconsideration Requests

A. Presentation by Aaron Thalwitzer, VAB Counsel

Mr. Thalwitzer provided an overview of the process for contemplating reconsideration requests.

At the request of Commissioner Barnett, Mr. Thalwitzer provided clarification on Commissioner Barnett's voting capabilities as chair.

Commissioner Barnett called the first petitioner to the lectern, and he stated that everyone would have three minutes to speak.

B. Reconsideration Requests by Petitioners

1. Yvette Donato 2023-00174

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Frank Barbieri, and carried 5-0.

2. Janis Hall 2023-00780

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to deny the request for reconsideration. Motion by Commissioner Baxter, seconded by Frank Barbieri, and carried 5-0.

3. Paula De Gregorio 2023-00031

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Elizabeth Accomando.

Discussion ensued.

UPON CALL FOR A VOTE, the motion carried 5-0.

MOTION to receive and file the documents submitted with the modification to allow the special magistrates to consider the new documents in a hearing. Motion by Commissioner Baxter, seconded by Frank Barbieri, and carried 5-0.

4. Karen Sharu 2023-04929

The petitioner was not present.

5. Mordehay Benchetrit 2023-00040

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Inella Odom-Williams, and carried 4-0. Elizabeth Accomando abstained.

6. James Himmel 2023-00021 & 2023-00022

Both parties were afforded the opportunity to address the Board regarding the petitions. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration requests (2023-00021 & 2023-00022). Motion by Commissioner Baxter, seconded by Elizabeth Accomando, and carried 5-0.

7. Sabrina Weiss, Esq. 2023-04008

The petitioner was not present.

8. Svetlana Sena 2023-04942

The petitioner was not present.

9. South Ocean Blvd., LLC 2023-00312

The petitioner was not present.

10. Brian & Elena Fleck 2023-00488

The petitioner was not present.

11. Donald Pucci 2023-00806

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Inella Odom-Williams, seconded by Commissioner Baxter, and carried 5-0.

12. Robert J. Underbrink 2023-00064

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Elizabeth Accomando, and carried 5-0.

13. Giraud Lorber 2023-04336

The petitioner was not present.

14. ReINETte Saleeby 2023-01722

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to deny the request for reconsideration. Motion by Commissioner Baxter, seconded by Inella Odom-Williams.

Discussion ensued.

UPON CALL FOR A VOTE, the motion carried 5-0.

15. Gregory Young 2023-00544

See later in the minutes.

16. Drake Dorchester 2023-02859

The petitioner was not present.

17. Ariel Dahan 2023-05125

The petitioner was not present.

18. Davender Kant 2023-00510

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to deny the reconsideration request. Motion by Commissioner Baxter, seconded by Elizabeth Accomando, and carried 5-0.

(CLERK'S NOTE: Item 7.B.15 was taken up at this time.)

15. Gregory Young 2023-00544

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to deny the reconsideration request. Motion by Commissioner Baxter, seconded by Frank Barbieri, and carried 5-0.

(CLERK'S NOTE: The order of the agenda was restored at this time.)

19. Elliot Zank 2023-00396

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Inella Odom-Williams.

Discussion ensued.

UPON CALL FOR A VOTE, the motion carried 5-0.

MOTION to grant the request, require the special magistrate to admit and consider the petitioner's late-disclosed evidence at a new hearing, and reconsider the recommended decision in light of such evidence. Motion by Commissioner Baxter, seconded by Frank Barbieri, and carried 5-0.

20. Donato Properties 2023-00303

The petitioner was not present.

21. Toni Ross, P.A. 2023-03113

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request with the modification to allow the special magistrate the option to consider the new evidence. Motion by Frank Barbieri, seconded by Commissioner Baxter, and carried 5-0.

22. Leslie Evans 2023-00044

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Elizabeth Accomando.

Discussion ensued.

UPON CALL FOR A VOTE, the motion carried 5-0.

RECESS

At 11:12 a.m., the chair declared the meeting recessed.

RECONVENE

At 11:20 a.m., the meeting reconvened with all members present.

23. Lester Pasik 2023-05637

The petitioner was not present.

24. James Clodfelter 2023-04940

The petitioner was not present.

25. James Clodfelter 2023-04901

The petitioner was not present.

26. James Clodfelter 2023-04849

The petitioner was not present.

27. James Clodfelter 2023-04847

The petitioner was not present.

28. James Clodfelter 2023-04850

The petitioner was not present.

29. James Clodfelter 2023-04851

The petitioner was not present.

30. James Clodfelter 2023-04898

The petitioner was not present.

31. James Clodfelter 2023-04900

The petitioner was not present.

32. James Clodfelter 2023-04842

The petitioner was not present.

33. James Clodfelter 2023-04843

The petitioner was not present.

34. Adriane R. Shochet 2023-00196

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Frank Barbieri, seconded by Commissioner Baxter, and carried 5-0.

35. Global Ministries 2023-00110

The petitioner was not present.

36. Douglas Mason 2023-05590

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to deny the reconsideration request. Motion by Commissioner Baxter, seconded by Frank Barbieri, and carried 5-0.

37. Gabriel Fischbarg 2023-04353

The petitioner was not present.

38. Lief White 2023-04953

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to grant the reconsideration request. Motion by Commissioner Baxter, seconded by Frank Barbieri.

AMENDED MOTION to grant the reconsideration request; to direct the special magistrate to reconsider the recommended decision in light of the established Save Our Homes cap; and to determine the just value of the improvements, which the Save Our Homes cap excluded from the subject property's just value. Motion by Frank Barbieri, seconded by Commissioner Baxter, and carried 5-0.

39. Elena Bremmer 2023-03149

Both parties were afforded the opportunity to address the Board regarding the petition. Following a discussion, the Board proceeded to a vote.

MOTION to deny the reconsideration request. Motion by Commissioner Baxter, seconded by Elizabeth Accomando, and carried 5-0.

Commissioner Barnett called for the petitioners who did not respond when called earlier.

The following petitions were denied in one motion and one vote:

MOTION to deny the reconsideration requests for Karen Sharu (2023-04929); Sabrina Weiss Esq. (2023-04008); Svetlana Sena (2023-04942); South Ocean Blvd. LLC (2023-00312); Brian & Elena Fleck (2023-00488); Giraud Lorber (2023-04336); Drake Dorchester (2023-02859); Ariel Dahan (2023-05125); Donato Properties (2023-00303); Leslie Pasik (2023-05637); James Clodfelter (2023-04940, 2023-04901, 2023-04849, 2023-04847, 2023-04850, 2023-04851, 2023-04898, 2023-04900, 2023-04842, 2023-04843); Global Ministries (2023-00110); and Gabriel Fischbarg (2023-04353). Motion by Frank Barbieri, seconded by Commissioner Baxter, and carried 5-0.

8. **ADOPT** Recommended Decisions from Agenda Item 7.B in which the Requests for Reconsideration were DENIED.

MOTION to adopt the recommended decisions from Agenda Item 7.B. in which the Requests for Reconsideration were DENIED. Motion by Elizabeth Accomando, seconded by Commissioner Baxter, and carried 5-0.

9. WRITTEN FINAL DECISIONS

Direct Clerk to the VAB to issue written final decision notices, pursuant to Sections 12D-9.031 and 12D-9.032, F.A.C., and to authorize use of the chair's electronic signature on all final decision forms.

MOTION to direct the Clerk of the VAB to issue written final decision notices, pursuant to Sections 12D-9.031 and 12D-9.032, F.A.C., and to authorize use of the chair's electronic signature on all final decision forms. Motion by Commissioner Baxter, seconded by Elizabeth Accomando, and carried 5-0.

10. PUBLIC COMMENTS

Janis Hall discussed the VAB's decision regarding her request for reconsideration.

Michael J. Ryan represented AI and Kelly Fusco regarding their petition request.

Micheline Gentile discussed her petition request.

Commissioner Baxter and Elizabeth Accomando requested that the VAB counsel assist the petitioners who were unfamiliar with the process.

11. STAFF COMMENTS

Ms. Figueroa welcomed Commissioner Baxter to the VAB Board, and she thanked Mr. Barbieri for his attendance.

12. BOARD COMMENTS

1.

Commissioner Baxter thanked staff for their assistance.

2.

Ms. Accomando thanked staff and counsel for their work.

3.

Commissioner Barnett thanked staff for their work.

13. ADJOURNMENT

At 12:30 p.m., the chair declared the meeting adjourned.

ATTESTED:

APPROVED:

Clerk 

Chair 