

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

TWIN STATES MARKETING, INC.,

and

TWIN STATES LAND HOLDING, LLC,

Petitioners,

v.

PALM BEACH COUNTY BUILDING  
AND ZONING DEPARTMENT, CODE  
ENFORCEMENT DIVISION

Respondent.

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Opinion filed: April 30, 2009

Appeal from the Palm Beach County Building and Zoning Department, Code Enforcement Division.

For Petitioner: Michael S. Weiner, Esq., Stephen B. Gebeloff, Esq., Weiner, Aronson & Mankoff, P.A., 10 Southeast 1<sup>st</sup> Avenue, Suite C, Delray Beach, FL 33444

For Respondent: Paul F. King, Esq., Palm Beach County Attorney's Office, 301 North Olive Avenue, Suite 601, West Palm Beach, FL 33401

PER CURIAM.

This is a petition requesting the Court to issue a writ of certiorari to quash an order of the Palm Beach County and Zoning Department Code Enforcement Division (the "Department"), which dismissed the case before it, reopened a prior case, and retroactively imposed fines. The parties agree that at the hearing, the special master did not permit Twin States to examine a witness, and that Twin States had no notice that the special master would reopen the 2006



violation. The Zoning Department agrees with Twin States that the special master in so doing failed to provide Twin States with procedural due process and departed from the essential requirements of the law. Accordingly, the Zoning Department confessed error and requests that this Court reverse the order and remand for consideration of the current code violation by another special master. In quasi-judicial proceedings, the parties must be able to present evidence, cross-examine witnesses, and be informed of all facts upon which the administrative body acts. *Kupke v. Orange County*, 838 So. 2d 589 (Fla. 5th DCA 2003) (holding that denial of opportunity to present evidence that backhoe was used for farming and thus not a nuisance deprived petitioner of procedural due process). *See also Evergreen Tree Treasurers of Charlotte County, Inc. v. Charlotte Board of Com'ns*, 810 So. 2d 526 (Fla. 2d DCA 2002) (holding that due process violation occurred where petitioners were not noticed of court's intent to rule on the merits of their petition). The Petition for Writ of Certiorari is **GRANTED**.

FINE, BARKDULL, and HAFELE, JJ., concur.