

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN
AND FOR LAKE COUNTY, FLORIDA**

**OREGON LLC,
Appellant,**

vs.

**APPELLATE CASE NO.: 2025-AP-02
LOWER CASE NO. 2025030142**

**CITY OF LEESBURG, FLORIDA,
Appellee.**

Decision filed October 23, 2025

Appeal from Code Enforcement
Special Magistrate Kimberly A. Schulte
Leesburg, Florida

Attorney for Appellant:
Ryan A. Abrams, Esq.
Ariel Grosfeld, Esq.
888 SE 3rd Avenue, Suite 400
Fort Lauderdale, Florida 33316
rabrams@abrams-law.com
agrosfeld@abrams-law.com

Attorney for Appellee:
William G. Watson, Esq.
4850 N. Highway 19A
Mount Dora, Florida 32757
grant@stoneandgerken.com

OPINION

PER CURIAM

The issue is whether there was insufficient evidence for the Special Magistrate to determine Appellant was a repeat code violator, which violated the unambiguous language of §1.01(3) and §162.04(5), Fla. Stat. We reverse.

At the time of the code violation investigation, Appellant was the owner of a property located at 114 N. Chester Street, Leesburg, Florida. The April 16, 2025, Special Magistrate Order

imputed violations on Appellant from different properties and different LLC names. In determining that the various LLCs are the same “person” to find repeat code violations under §162.04(5), Fla. Stat., the Special Magistrate referenced the overlapping Managers, Registered Agents, and Members of the various Limited Liability Companies, along with transfers of properties between the LLCs for little or no consideration.

A repeat violation is defined as a violation of a code “by a person who has been previously found...to have violated...the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.” §162.04(5), Fla. Stat. Section 1.01(3), Florida Statutes, includes limited liability companies as a “person.” While not explicitly listed, case law supports the position that limited liability companies are “persons”. A limited liability company is “an autonomous legal entity, separate and distinct from its members.” *Palma v. South Florida Pulmonary & Critical Care, LLC*, 307 So. 3d 860, 866 (Fla. 3d DCA 2020). To pierce the veil of protection for an LLC, it must be shown that members (1) “dominated and controlled the LLC to such an extent that the LLC had no existence independent of” the members and it was merely an instrumentality or alter-ego of them; (2) the LLC was used “fraudulently or for an improper purpose;” and (3) that use caused injury. *Segal v. Forastero, LLC*, 322 So. 3d 159, 162-62 (Fla. 3d DCA 2021). “[T]he mere fact that one or more individuals controls the corporate activities is not sufficient to justify” piercing the veil. *Sirmons v. Arnold Lumber Co.*, 167 So. 2d 588, 589 (Fla. 2d DCA 1964). The record before this Court is insufficient to show Appellant used the LLC for a fraudulent or improper purpose, other than the Special Magistrate’s “finding” of such an implication. Thus, finding Appellant as a repeat code violator is contrary to the unambiguous language of §1.01(3) and §162.04(5), Fla. Stat.

Because the Special Magistrate's Order is reversed and remanded on other grounds, it is not necessary to discuss Appellant's third argument regarding ex parte communication, other than to state ex parte communication is inherently improper in quasi-judicial proceedings. *See Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991).

We REVERSE the Special Magistrate's April 16, 2025 Order of Enforcement and Findings of Fact, Conclusions of Law, Order of Fine and REMAND for new proceedings.

TAKAC, M., EINEMAN, T., HERNDON, L., J.J., concur.