

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: March 19, 2008

Division: County Attorney

Bulk Item: Yes XX No

Staff Contact Person: Cynthia L. Hall

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**AGENDA ITEM WORDING:**

Authorization to institute collection proceedings and/or enter settlement negotiations with Martha Hardin c/o N. Kelley in Code Enforcement Case CE05080141.

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**ITEM BACKGROUND:**

On August 10, 2005, Ms. Hardin was cited for violation of Monroe County Code Section 6-38, working through a Stop work order issued August 5, 2005, and Code Section 9.5-111(1), adding siding and windows without a permit. The case was brought before the Special Magistrate on June 20, 2006, at which time Ms. Hardin was found in violation. The Special Magistrate set compliance for July 27, 2006, after which a fine would begin to run in the amount of \$250.00 per day. Violations were brought into compliance on October 23, 2006, and Ms. Hardin requested a mitigation of the fines due. An Amended Order Imposing Penalty/Lien was executed on February 2, 2007, indicating settlement of fines in the amount of \$3,610.00 to be paid within 90 days of the execution of same. This was not paid within the 90 days and pursuant to a clause in the amended order the fines revert back to the original amount of \$36,100.00.

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**PREVIOUS RELEVANT BOCC ACTION:** None

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:**

Approval

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**TOTAL COST:** \_\_\_\_\_

**BUDGETED:** Yes \_\_ No \_\_

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes X No \_\_ **AMOUNT PER MONTH** \_\_\_\_ **Year** \_\_\_\_

**APPROVED BY:** County Atty CX OMB/Purchasing \_\_\_\_ Risk Management \_\_\_\_

**DOCUMENTATION:** Included x Not Required \_\_\_\_

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
LARRY J. SARTIN  
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE05080141

MARTHA HARDIN

Respondent(s).

Doc# 1646879  
Bk# 2300 Pg# 2

ORDER IMPOSING PENALTY/LIEN  
\*AMENDED\*

THIS CAUSE having come on for public hearing before the Special Magistrate on June 20<sup>th</sup> 2006, after due notice to the Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §6-38 and §9.5-111(1);

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by June 20<sup>th</sup> 2006, and further, that failure to correct the violation(s) by the compliance date may result in a fine, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on January 25<sup>th</sup> 2007, testimony was heard that the violations had been corrected by October 23<sup>rd</sup> 2006.

On January 25<sup>th</sup> 2007, the Respondent(s) requested mitigation of fines due.

ACCORDINGLY, the Special Magistrate finding that the violation(s) had been corrected, as previously ordered, it is hereby:

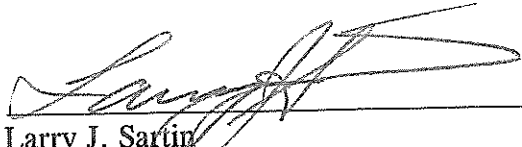
ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$3,610.00( THREE THOUSAND, SIX HUNDRED and TEN DOLLARS ), due to be paid within the next 90 (ninety) days following the date of the hearing. If payment does not occur within the next 90 days, the fines will revert to the original amount of \$36,100.00, and this lien will be recorded.

THE VIOLATION(S) EXISTED ON THE FOLLOWING DESCRIBED PROPERTY:INDIAN MOUND ESTATES, PB4-132, SUGARLOAF KEY, LOTS 35 & 36, BK 9, MONROE COUNTY, FLORIDA (RE:00171110-000000);

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of the Courts for Monroe County, Florida.

DONE AND ORDERED this 31st day of January, 2007, at the Division of Administrative Hearings, Tallahassee, Leon County, Florida.

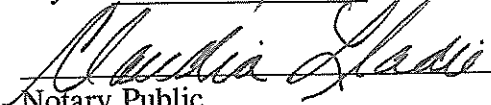
BY

  
Larry J. Sartin  
Code Enforcement Special Magistrate

STATE OF FLORIDA  
COUNTY OF LEON


I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared LARRY J. SARTIN, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31st day of January, 2007.

  
Notary Public

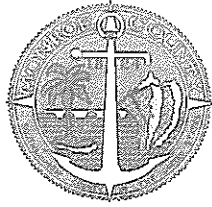


I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) Attn: N. Kelley, 328 S. Saginaw St., Citizens Bank Wealth Mgmt, NA mail Code 001061, Flint, MI 48502 and to 19560 Tequesta St., Sugarloaf Key, FL 33042, this 2nd day of February, 2007.

  
Karen L. Bass,  
Code Enforcement Liaison

~~I hereby certify this document to be a true and correct copy of the original.~~

~~Karen L. Bass  
Recording Secretary to the Special Master~~



**BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
J. JEFFERSON OVERBY  
MONROE COUNTY, FLORIDA**

**MONROE COUNTY, FLORIDA,  
Petitioner.**

**CASE NO. CE05080141**

**vs.**

**MARTHA HARDIN c/o N. KELLEY  
Respondent(s).**

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**THIS CAUSE** having come before the Code Enforcement Special Magistrate for a public hearing on June 20<sup>th</sup> 2006 ,and the Special Magistrate, having reviewed the evidence, heard testimony under oath and argument of counsel (if any), and being otherwise fully apprised of the premises, makes the following findings of fact, conclusions of law and order as follows:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 1. That the Respondent(s) is/are the owners of record of property located at INDIAN MOUND ESTATES, LOTS 35 & 36, BK 9, SUGARLOAF KEY, MONROE COUNTY, FLORIDA (RE# 00171110-000000 );**
- 2. That the Respondent(s) was/were duly noticed of this hearing; and**
- 3. That the above-named property is in violation of the Monroe County Code as more particularly described in Exhibit "A", which is attached hereto and incorporated herein.**

Therefore it is

**ORDERED AND ADJUDGED that:**

- A. Respondent(s) is/are in violation of the Monroe County Code(s) and is/are ordered to comply with the provisions of said codes by June 20<sup>th</sup> 2006. A compliance / review hearing will be held on July 27<sup>th</sup> 2006.
- B. Upon complying, Respondent(s) shall notify the Code Inspector in this case who shall re-inspect the property and notify the Code Enforcement Department of compliance.
- C. Noncompliance by the above date will result in the imposition of a fine, \$ 250.00 (TWO HUNDRED-FIFTY DOLLARS), per day, for each day thereafter that Respondent(s) is/are in violation OF §9.5-111(1). A one time fine in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS) was levied for the charge of §6-38 as irreparable. There is no compliance for this charge.
- D. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) has been levied for the administrative recovery for prosecution and investigation.
- E. In the event of nonpayment of fines/liens imposed, a certified copy of an order imposing a fine may be recorded in the public records and shall thereafter constitute a lien against the land on which the violation or violations exist and upon any other real or personal property owned by the violator(s).
- F. You have the right to appeal this order to the Circuit Court of Monroe County. If you wish to appeal, you must do so no later than thirty (30) days from the date of this Order. Failure to timely file a written Notice of Appeal will waive your right to appeal.


DONE AND ORDERED at the Marathon Government Regional Center, Marathon, Florida, this 27<sup>th</sup> day of June, 2006.

  
 J. Jefferson Overby  
 Code Enforcement Special Magistrate

STATE OF FLORIDA  
 COUNTY OF MONROE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared J. JEFFERSON OVERBY, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27<sup>th</sup> day of June, 2006.

  
 Notary Public



Karen L. Bass  
 My Commission DD333077  
 Expires June 28, 2008

## EXHIBIT "A"

### VIOLATION(S):

COUNT 1. Pursuant to Monroe County Code §9.5-111(1) A building permit is required prior to the following: (1)Any work specified in chapter 6.0;

COUNT 2. Pursuant to Monroe County Code §6-38 – Working through a stop work order / red tag..

### CORRECTION(S):

COUNT 1. Contact the Monroe County Building Department and either (1) obtain an after the fact permit and all inspections required; or (2) obtain a demolition permit and remove as directed.

COUNT 2. This is considered an irreparable charge and there is no correction.


### CONTACT YOUR CODE INSPECTOR UPON COMPLIANCE

Upper Keys (305)852-7135

Middle Keys (305)289-2810

Lower Keys (305)292-4495

I HEREBY CERTIFY that a true and correct copy of the above has been furnished to the Respondent(s) via first-class mail at 328 S. Saginaw St., Citizens Bank Wealth Mgmt. NA mail Code 001061, Flint, MI 48502, this 21<sup>st</sup> day of June, 2006.

  
Code Enforcement Liaison  
Karen L. Bass

Please make check or money order payable to Monroe County Code Enforcement and mail to 2798 Overseas Highway, Marathon, FL 33050.