

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 16, 2008 Division: County Attorney

Bulk Item: Yes XX No

Staff Contact Person: Cynthia L. Hall x3470

AGENDA ITEM WORDING:

Authorization to institute collection proceedings and/or enter settlement negotiations with Donald Brown and Glenda Rentz in Code Enforcement Case Nos. CE06010245 and CE06010246.

ITEM BACKGROUND:

In Case No. CE06010245 and CE06010246 (for adjacent lots), Donald Brown and Glenda Rentz were cited for violation of Monroe County Code Section 9.5-111(1), roof being repaired without a permit; 6-34, no final inspection was obtained for permit #05101601, installing chain link fence; and 9.5-2(a), expanding the use of property by using it to store trailers, boats and vehicles, without planning approval. The property owners were found to be in violation on May 25, 2006, and given until July 20, 2006, to correct, after which a fine would begin to run in the amount of \$500.00 per count per day. The fines as of March 25, 2008, amount to \$77,618.50 in each case. On May 25, 2006, property owners were found to be in violation and were given until July 20, 2006, to correct, after which a fine would begin to run in the amount of \$500.00 per count per day. The fines were mitigated on October 19, 2006, by the Special Magistrate provided they were paid in 30 days, however, no portion of the fines were ever paid. Total fines due on both cases total \$155,237.00. This is the third Code Enforcement case against these property owners.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes ___ No ___

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty *CH* OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included x Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE06010245

DONALD BROWN and GLENDA RENTZ

Respondent(s).

ORDER IMPOSING PENALTY

AMENDED

THIS CAUSE having come on for public hearing before the Special Magistrate on May 25th 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): §6-34 §9.5-111(1) §9.5-2(a);

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by July 20th 2006, and further, that failure to correct the violation(s) by the compliance date may result in a fine, \$500.00 (FIVE HUNDRED DOLLARS), per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on October 19th 2006, testimony was heard that the violations had been corrected by September 7th 2006 - §6-34 and September 11th 2006 §9.5-111(1) §9.5-2(a). The Respondent(s) requested mitigation of fines due which amounted to \$76,100.00.

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 \$11,415.00 (ELEVEN THOUSAND FOUR HUNDRED-FIFTEEN DOLLARS), or 15% of the original amount due, to be paid within the next 30 (thirty) days following the date of the hearing. If not paid, the fines would revert to the original amount owing. Fines have remained unpaid.

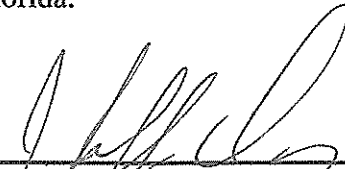
THEREFORE, IT IS ORDERED that the fines revert to the original amount owing of \$76,100.00 (SEVENTY SIX THOUSAND ONE HUNDRED DOLLARS).

THE VIOLATION(S) EXISTED ON THE FOLLOWING DESCRIBED PROPERTY: BK 11, LT 10, COPPITT SUB AMENDED PLAT, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, (RE# 00150970-000000)

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 10th day of January, 2007, at the Monroe County Government Regional Center, Marathon, Florida.

BY

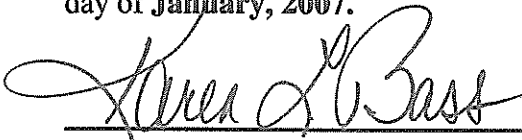


J. Jefferson Overby, Esquire
Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF MONROE

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 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 10th day of January, 2007.




Notary Public



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

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished to the Respondent(s) via first class U.S. mail at 245 Overseas Highway, Key West, Fl 33040, this 10th day of January, 2007.



Karen L. Bass,
Code Enforcement Liaison

MONROE COUNTY
OFFICIAL RECORDS

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

MONROE COUNTY, FLORIDA
Petitioner,

Doc# 1658438 08/17/2007 11:59AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

vs.

CASE NO. CE06010245

DONALD BROWN and GLENDA RENTZ
Respondent(s).

Doc# 1658438
Bk# 2315 Pg# 1443

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on May 25th 2006, at the Marathon Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, 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): §6-34, §9.5-111(1), and §9.5-2(a).

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by July 20th 2006, and further, that failure to correct the violation(s) by the compliance date would result in a fine \$500.00, (FIVE HUNDRED DOLLARS) per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on October 19th 2006, testimony was heard that the violation of

§6-34 had been corrected on September 7th 2006, and the remainder of the violations §9.5-111(1) and §9.5-2(a) had been corrected on September 11th 2006. The Respondent(s) requested mitigation of the fines. Fines were mitigated to 15% of the original amount due, and it was ordered that the fines be paid within 30 days or the fines would revert to the original amount owed. Fines were not paid, and on January 10th 2007, an order was signed by the Special Magistrate which ordered the fines reverted back to the original amount due.

At a hearing held on June 28th 2007, it was ordered that a lien be imposed for the full amount due which is \$76,000.00 (SEVENTY SIX THOUSAND DOLLARS).

Therefore it is

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$76,000.00 (SEVENTY SIX THOUSAND DOLLARS). Pursuant to Florida Statutes Section 162.07, a cost in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

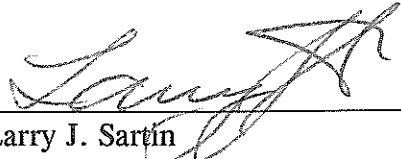
Doc# 1658438
BK# 2315 P## 1444

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY: BK 11, LT 10, COPPITT SUB, AMENDED PLAT, BIG COPPITT KEY, MONROE COUNTY, FLORIDA (RE:#00150970-000000)

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

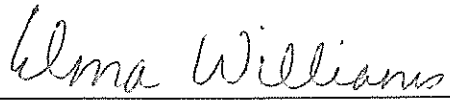
DONE AND ORDERED this 21 day of July 2007, at the Division of Administrative Hearings, Tallahassee, Florida.

BY 
Larry J. Sartin
Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF LEON

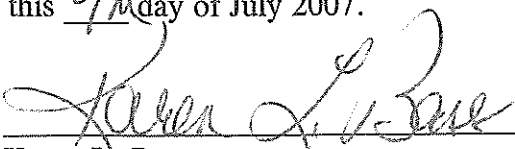
I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Larry J. Sartin, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

21 WITNESS my hand and official seal in the County and State last aforesaid this day of July 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) at 245 Overseas Hwy., Key West, FL 33040, this 21 day of July 2007.


Karen L. Bass,
Code Enforcement Liaison

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE06010246

DONALD BROWN and GLENDA RENTZ

Respondent(s).

ORDER IMPOSING PENALTY
AMENDED

THIS CAUSE having come on for public hearing before the Special Magistrate on May 25th 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): §6-34 §9.5-111(1) §9.5-2(a);

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by July 20th 2006, and further, that failure to correct the violation(s) by the compliance date may result in a fine, \$500.00 (FIVE HUNDRED DOLLARS), per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on October 19th 2006, testimony was heard that the violations had been corrected by September 7th 2006 - §6-34 and September 11th 2006 §9.5-111(1) §9.5-2(a). The Respondent(s) requested mitigation of fines due which amounted to \$76,100.00.

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 \$19,025.00 (NINETEEN THOUSAND- TWENTY FIVE DOLLARS), or 25% of the original amount due, to be paid within the next 30 (thirty) days following the date of the hearing. If not paid, the fines will revert to the original amount owing. Fines have remained unpaid.

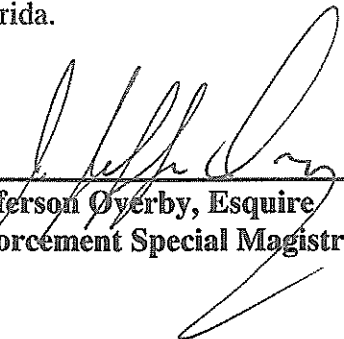
THEREFORE, IT IS ORDERED that the fines revert to the original amount owing of \$76,100.00 (SEVENTY SIX THOUSAND ONE HUNDRED DOLLARS).

THE VIOLATION(S) EXISTED ON THE FOLLOWING DESCRIBED PROPERTY: BK.11, LT 9, COPPITT SUB AMENDED PLAT, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, (RE# 00150960-000000)

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 10th day of January, 2007, at the Monroe County Government Regional Center, Marathon, Florida.

BY

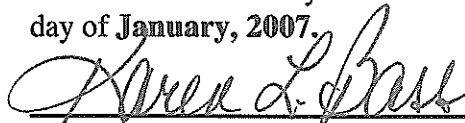


J. Jefferson Overby, Esquire
Code Enforcement Special Magistrate


STATE OF FLORIDA
COUNTY OF MONROE

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 J. Jefferson Overby, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

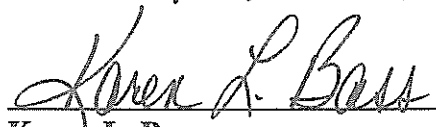
WITNESS my hand and official seal in the County and State last aforesaid this 10th day of January, 2007.



Notary Public

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

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished to the Respondent(s) via first class U.S. mail at 245 Overseas Highway, Key West, Fl 33040, this 10th day of January, 2007.



Karen L. Bass,
Code Enforcement Liaison

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

MONROE COUNTY, FLORIDA
Petitioner,

Doc# 1658439 08/17/2007 11:59AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLMAGE

vs.

CASE NO. CE06010246

DONALD BROWN and GLENDA RENTZ
Respondent(s).

Doc# 1658439
Bk# 2315 Pg# 1445

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on May 25th 2006, at the Marathon Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, 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): §6-34, §9.5-111(1), and §9.5-2(a).

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by July 20th 2006, and further, that failure to correct the violation(s) by the compliance date would result in a fine \$500.00, (FIVE HUNDRED DOLLARS) per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on October 19th 2006, testimony was heard that the violation of

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Therefore it is

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$76,000.00 (SEVENTY SIX THOUSAND DOLLARS). Pursuant to Florida Statutes Section 162.07, a cost in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

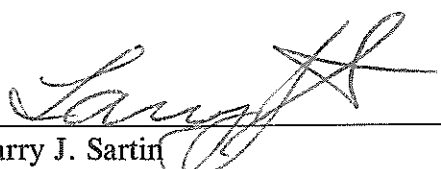
Doc# 1658439
BK# 2315 Pg# 1446

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY: BK 11, LT 9, COPPITT SUB, AMENDED PLAT, BIG COPPITT KEY, MONROE COUNTY, FLORIDA (RE:#00150960-000000)

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

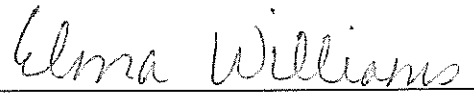
DONE AND ORDERED this 22 day July of 2007, at the Division of Administrative Hearings, Tallahassee, Florida.

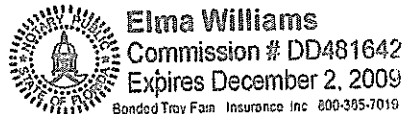
BY 
Larry J. Sartin
Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF LEON

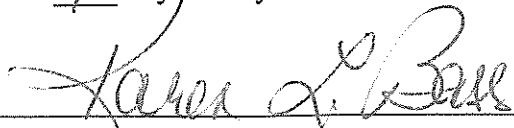
I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Larry J. Sartin, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

22 WITNESS my hand and official seal in the County and State last aforesaid this day of July 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) at 245 Overseas Hwy., Key West, FL 33040, this 9th day of July 2007.


Karen L. Bass,
Code Enforcement Liaison