

**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 James Jeanquenat and Patti Russell in Code Enforcement Case CE06050196.

ITEM BACKGROUND:

On May 24, 2006, the property owners were cited for violation of Monroe County Code Section 9.5-111(1), roof being repaired without a permit. On March 29, 2007, the Special Magistrate issued a finding of violation. The Special Magistrate set compliance for April 20, 2007, after which a fine would begin to run in the amount of \$100.00 per day. The fines as of March 25, 2008 amount to \$36,418.50. The property owner has never passed a final inspection. This is the third Code Enforcement case against the property owner.

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 ^{cut} x 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,

Doc# 1658440 08/17/2007 11:59AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

vs.

CASE NO. CE06050196

JAMES JEANQUENAT and PATTI RUSSELL
Respondent(s).

Doc# 1658440
Bk# 2315 Pg# 1447

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on March 29th 2007, 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): §9.5-111(1);

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by April 19th 2007, and further, that failure to correct the violation(s) by the compliance date may result in a fine \$100.00,(ONE HUNDRED DOLLARS) per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on June 28th 2007, Inspector Kerr testified that the violation(s) had not been corrected:

ACCORDINGLY, the Special Magistrate finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS), per day, beginning April 20th 2007, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. 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.

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:
LT 51, PORT LARGO, KEY LARGO PB5-3, MONROE COUNTY, FLORIDA

(RE:#00451820-000000);

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

That upon complying, the Respondent(s) shall notify the Code Inspector in this case, who shall reinspect the property and notify the Special Magistrate of compliance.

DONE AND ORDERED this 30th day of July, 2007, at the Division of Administrative Hearings, Tallahassee, Florida.

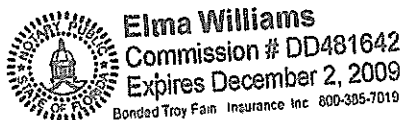
BY [Signature]
Larry J. Sartin
Code Enforcement Special Magistrate

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.

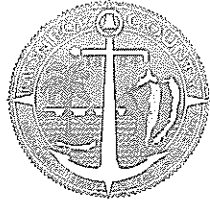
WITNESS my hand and official seal in the County and State last aforesaid this 30th day of July, 2007.

[Signature]
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 51 Bahama Ave., Key Largo, FL 33037, this 30th day of July, 2007.

[Signature]
Karen L. Bass,
Code Enforcement Liaison



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

MONROE COUNTY, FLORIDA,
Petitioner.

CASE NO. CE06050196

vs.

JAMES JEANQUENAT and PATTI RUSSELL
Respondent(s).

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE having come on for public hearing before the Code Enforcement Special Magistrate on March 29th 2007, at the Monroe County Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, the Special Magistrate, having reviewed the evidence, heard testimony under oath and being otherwise fully apprised in the premises, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That the Respondent(s) is/are the tenant of record of property located at:
LT 51, PORT LARGO, KEY LARGO PB5-3, MONROE COUNTY, FLORIDA
(RE# 00451820-000000);
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 April 19th 2007. A compliance / review hearing will be held on April 26th 2007.
- 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, \$100.00 (ONE HUNDRED DOLLARS), per day, for each day thereafter that Respondent(s) is/are in violation.
- 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 Division of Administrative Hearings, Tallahassee, Florida, this

6th day of April, 2007.

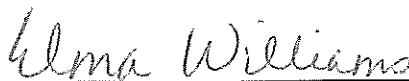


Larry J. Sartin
Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF LEON

I HEREBY CERTIFY that on this day before me, an officer duly qualified 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 6th day of April, 2007.



Notary Public



Elma Williams
Commission # DD481642
Expires December 2, 2009
Bonded Troy Fair Insurance Inc 800-365-7019

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; an after the fact permit and inspections are required for roof repair.


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.

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 51 Bahama Ave., Key Largo, FL 33037, this 10th day of April, 2007.


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.