

**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 Orlando E. Ramos, Sr. in Code Enforcement Case CE06100027.

ITEM BACKGROUND:

On October 26, 2006, Orlando E. Ramos, Sr., was cited for violation of Monroe County Code Section 9.5-122.1(J)(3), ROGO necessary cistern was removed after certificate of occupancy was issued. The cistern was used for ROGO points on the application. The case was brought before the Special Magistrate on February 22, 2007, at which time Mr. Ramos was still not in compliance. The Special Magistrate set compliance for March 22, 2007, after which a fine would begin to run in the amount of \$150.00 per day. The fines as of March 25, 2008 amount to \$59,368.50.

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 Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** _____

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

MONROE COUNTY, FLORIDA
Petitioner,

vs.

CASE NO. CE06100027

ORLANDO E. RAMOS, SR.
Respondent(s).

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on February 22nd 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): §9.5-122.1(j)(3).

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by March 22nd 2007, and further, that failure to correct the violation(s) by the compliance date may result in a fine \$150.00(ONE HUNDRED-FIFTY DOLLARS) per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on March 29th 2007, Inspector McCabe testified that the following violation(s) had not yet been corrected: §9.5-122.1(j)(3).

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 \$0.00 (DOLLARS), per day, beginning , 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 fine 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:
LOT 5, VACATION HARBOUR, SUGARLOAF KEY, MONROE COUNTY,
FLORIDA (RE:00172061-000500);

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 6th day of April, 2007, at the Division of
Administrative Hearings, Tallahassee, Florida.

BY

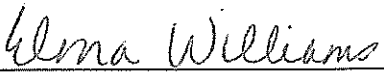


Larry J. Sartin
Code Enforcement Special Magistrate

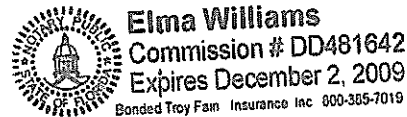
STATE OF FLORIDA
COUNTY OF LEON

I HEREBY CERTIFY that on this day, before me, 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.

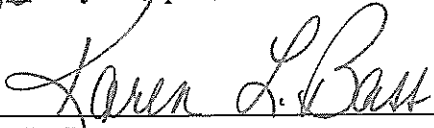
WITNESS my hand and official seal in the County and State last aforesaid this 6th
day of April, 2007.



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
26 Key Haven Road, Key West, FL 33040, this 10th day of April, 2007.



Karen L. Bass,
Code Enforcement Liaison

MONROE COUNTY
OFFICIAL RECORDS



Doc# 1637149 04/12/2007 1:19PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLMAGE

Doc# 1637149
Bk# 2286 Pg# 578

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

MONROE COUNTY, FLORIDA,
Petitioner.

CASE NO. CE06100027

vs.

ORLANDO E. RAMOS, SR.
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 February 22nd 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

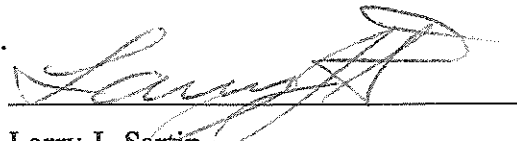
1. That the Respondent(s) is/are the owners of record of property located at :
LOT 5, VACATION HARBOUR, SUGARLOAF KEY, MONROE COUNTY,
FLORIDA (RE#00172061-000500);
2. That the Respondent(s) was/were duly noticed of this hearing; and
3. That the above-named property is in violation of the Monroe County 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 March 22nd 2007. A compliance / review hearing will be held on March 29th 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, \$150.00 (ONE HUNDRED-FIFTY DOLLARS) per day, for each day thereafter that Respondent(s) is/are in violation.
- D. Pursuant to Florida Statutes Section 162.07, a cost 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 March, 2007.

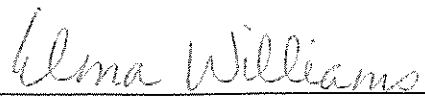


 Larry J. Sartin
 Code Enforcement Special Magistrate

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 March, 2007.



 Notary Public

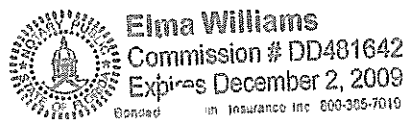


EXHIBIT "A"

Doc# 1637149
Bk# 2286 Pg# 580

VIOLATION(S):

COUNT 1. Pursuant to Monroe County Code §9.5-122.1(j)(3) Application procedures for residential ROGO. Revisions to applications and awards: After the receipt of an allocation award, a building permit and certificate of occupancy, no revision shall be made to any aspect of the completed residential development which formed the bass for the evaluation, review, determination of points and allocation rankings, unless such revisions are accomplished pursuant to a new building permit and unless such revisions would have the net effect of either maintaining or increasing the number of points originally awarded.

CORRECTION(S):

COUNT 1. Contact the Monroe County Planning Department and the Monroe County Building Department and obtain any necessary permits and inspections required to bring the property into compliance.

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) at 26 Key Haven Road, Key West, FL 33040, this 8th day of March, 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.

MONROE COUNTY
OFFICIAL RECORDS

Receipt# 10236:

DANNY L. KOLHAGE
CLERK OF THE CIRCUIT COURT
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FL
33040-

Doc# 1637149 Pgs: 3
Doc Type: CRDP
Book 2286 Page 579-580
RECORDING \$ 27.00
Doc# 1637150 Pgs: 3
Doc Type: CRDP
Book 2286 Page 581-583
RECORDING \$ 27.00

Total \$ 54.00
Escrow \$ 24.00
Change Due \$ 0.00
Balance \$ 0.00

Total Documents: 2
Total Fees: 0

Clerk Home MONROE COUNTY CODE ENFORCEMENT
I

Escrow Credits: 1977.00

04/17/2007 01:19:44 AM

Owner: PA