

SPECIAL MAGISTRATE

BOARD AGENDA

Special Magistrate Hearing - Tuesday, May 21, 2019 - 9:00 a.m.

City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ADMINISTRATIVE BUSINESS**

A. **ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES**

B. **IDENTIFICATION OF CASES IN COMPLIANCE OR RESCHEDULED**

4. **PUBLIC HEARINGS - CITATIONS**

A.	19-580	2400 S Ocean Drive 2348	Miret, Jeff	Will Carbonell
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5. **PUBLIC HEARINGS - VIOLATION CASES**

A.	12-231	610 N 14th Street	Tomjack Investments LLC	Will Carbonell
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B.	18-1546	528 N 11th Street	Cruickshank, Cephus	Will Carbonell
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C.	18-2309	617 S 17th Street	Rai, Digbijai & Betty	Paul Julin
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D.	18-2405	508 Palm Avenue	Martin County Properties LLC	Will Carbonell
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E.	18-2624	707 N 19th Street	George, Portia	Will Carbonell
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F.	18-2672	110 S Ocean Drive	Ft Pierce Inlet Beach Resort	Will Carbonell
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G.	18-2969	617 Ixoria Ave #33A	Wetzel, Michael	Will Carbonell
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H.	19-636	2621 S Indian River Drive	Shearhouse, Ross	Will Carbonell
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6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

A.	18-188	132 N 11th Street	Perullo, Domingo	Shaun Coss
B.	18-316	1405 N 22nd Street	B & B Management Services Inc.	Shaun Coss
C.	18-1726	2105 Avenue Q	B & B Business Management	Paul Julin

7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

A.	16-1310	2108 Barcelona Avenue	Howard, John	Shaun Coss
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8. **OTHER CASES**

9. **NEW BUSINESS**

10. **OLD BUSINESS**

Any person seeking to appeal any decision by the Special Magistrate with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Code Enforcement Office at (772) 467-3149, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Special Magistrate Hearing - Building**4.A.****Meeting Date:** 05/21/2019**Re:** 19-580 CT- Jeff Miret**Submitted For:** Will Carbonell, Building Inspector/Investigator, Building**Information****SUBJECT:**

19-580	2400 S Ocean Drive 2348	Miret, Jeff	Will Carbonell
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CASE INFORMATION:

Case Initiated:	March 4, 2019	Type of Presentation:	Citation
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OWNER:

VIOLATOR: Jeff Miret PO Box 881083 Port St Lucie, FL 34988	UNLICENSED CONTRACTOR: Cit #327
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VIOLATIONS:

Citation #	Code Section	Fine / Counts	Total Due
327	5-53(a)(6) - Unlicensed contractor 5-53(a)(8) - Doing work without a permit	1 @ \$500.00	\$500.00

CORRECTIVE ACTIONS:

N/A

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation(s) exist, the violator be assessed the total due as indicated above. Failure to pay such fine will result in the citation being forwarded to the County Court System.

Form Review

Form Started By: Elizabeth Beck
 Final Approval Date: 05/16/2019

Started On: 05/16/2019 10:26 AM

Special Magistrate Hearing - Building

5.A.

Meeting Date: 05/21/2019

Re: Case #12-231 - 610 N 14th Street

Submitted For: Will Carbonell, Building Inspector/Investigator, Building

Information

SUBJECT:

12-231	610 N 14th Street	Tomjack Investments LLC	Will Carbonell
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CASE INFORMATION:

Case Initiated:	February 26, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: Tomjack Investments LLC c/o Jack Arias 3426 Dijon Avenue Ocean Springs, MS	OCCUPIED BY:
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VIOLATIONS:

IPMC 304.13 Windows, Doors & Frames, IPMC 304.13.1 Glazing, IPMC 304.13.1 Insect Screens, IPMC 506.2 Sanitary Drainage System Maintenance, IPMC 605.1 Electrical Equipment, Section 5-1.105.1 Permit Required, IPMC 605.3 Luminaires, IPMC 704.2.2 Smoke Alarms

CORRECTIVE ACTIONS:

1. Repair/replace all damaged windows and window glazing.
2. Replace all missing insect screens.
3. Repair all faulty plumbing.
4. Electrical work was performed without obtaining permits and was installed incorrectly. Obtain a permit to correct all electrical deficiencies and unpermitted work.
5. Repair/replace the light fixture in the hallway.
6. Repair/replace all damaged or missing smoke detectors.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$100.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Final Approval Date: 05/16/2019

Special Magistrate Hearing - Building**5.B.****Meeting Date:** 05/21/2019**Re:** Case #18-1546 - 528 N 11th Street**Submitted For:** Will Carbonell, Building Inspector/Investigator, Building**Information****SUBJECT:**

18-1546	528 N 11th Street	Cruickshank, Cephus	Will Carbonell
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CASE INFORMATION:

Case Initiated:	December 13, 2018	Type of Presentation:	Repeat (12/6/17)
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OWNER:

OWNER: Cephus Cruickshank 2312 N 44th Street Ft. Pierce, FL 34946	OCCUPIED BY:
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VIOLATIONS:

IPMC 604.3 Electrical System Hazards, IPMC 504.1 Plumbing Fixtures, IPMC 305.3 Interior Surfaces, IPMC 309.1 Infestation, IPMC 304.13 Windows, Doors & Frames

CORRECTIVE ACTIONS:

1. Repair/replace exposed electrical wiring to fixtures that are not working properly.
2. Repair/replace plumbing fixtures that are not working properly.
3. Repair wall adjacent to the AC window unit.
4. Repair/replace holes in kitchen cabinets and treat property for pest infestation.
5. Repair/replace back door making it weather tight.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$250.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Form Started By: Elizabeth Beck

Started On: 05/15/2019 01:39 PM

Final Approval Date: 05/16/2019

Special Magistrate Hearing - Building

5.C.

Meeting Date: 05/21/2019

Re: Case #18-2309 - 617 S 17th Street

Submitted For: Paul Julin, Building Inspector/Investigator, Building

Information

SUBJECT:

18-2309	617 S 17th Street	Rai, Digbijai & Betty	Paul Julin
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CASE INFORMATION:

Case Initiated:	September 12, 2018	Type of Presentation:	Repeat (11/9/16)
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OWNER:

OWNER: Digbijai & Betty Rai 105 S 21st Street Ft Pierce, FL 34950	OCCUPIED BY:
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VIOLATIONS:

IPMC 304.13 Windows, Doors & Frames, IPMC 305.3 Interior Surfaces, IPMC 502.1 Required Facilities, IPMC 504.1 Plumbing Fixtures, IPMC 605.2 Electrical Receptacles

CORRECTIVE ACTIONS:

1. Repair door frames that are in need of repair, making them weathertight.
2. Repair/replace walls that have holes, and where paint is chipping and flaking.
3. Repair/replace lavatory.
4. Repair/replace plumbing fixtures that are not functioning in a safe and sanitary condition.
5. Repair/replace electrical receptacle in the bathroom upgrading it to a ground fault receptacle.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$250.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 05/16/2019

Started On: 05/15/2019 01:57 PM

Special Magistrate Hearing - Building**5.D.****Meeting Date:** 05/21/2019**Re:** Case #18-2405 - 508 Palm Avenue**Submitted For:** Will Carbonell, Building Inspector/Investigator, Building**Information****SUBJECT:**

18-2405	508 Palm Avenue	Martin County Properties LLC	Will Carbonell
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CASE INFORMATION:

Case Initiated:	September 25, 2018	Type of Presentation:	Regular
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OWNER:

OWNER: Martin County Properties LLC 265 Bermuda Beach Drive Ft Pierce, FL 34949	REG. AGENT: J. B. Jones, Jr. 1717 S US Highway 1 Unit 5 PMB-720 Ft Pierce, FL 34950
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VIOLATIONS:

IPMC 304.13 Windows, Doors & Frames, IPMC 504.1 Plumbing Fixtures, IPMC 506.2 Sanitary Drainage System Maintenance, IPMC 305.3 Interior Surfaces

CORRECTIVE ACTIONS:

1. Repair/replace windows so that they are weathertight.
2. Repair/replace non-working plumbing fixtures. Repair sewer line so that it functions properly.
3. Repair/replace drywall that is missing behind the stove in the kitchen, and the molded drywall in the bathroom.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$100.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Form Started By: Elizabeth Beck
 Final Approval Date: 05/16/2019

Started On: 05/15/2019 02:10 PM

Special Magistrate Hearing - Building

5.E.

Meeting Date: 05/21/2019

Re: Case #18-2624 - 707 N 19th Street

Submitted For: Will Carbonell, Building Inspector/Investigator, Building

Information

SUBJECT:

18-2624	707 N 19th Street	George, Portia	Will Carbonell
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CASE INFORMATION:

Case Initiated:	October 19, 2018	Type of Presentation:	Regular
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OWNER:

OWNER: Portia George Donella Crenshaw 707 N 19th Street Ft. Pierce, FL 34950	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for the shed in the backyard.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$100.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 05/16/2019

Started On: 05/15/2019 02:43 PM

Special Magistrate Hearing - Building

5.F.

Meeting Date: 05/21/2019

Re: Case #18-2672 - 110 S Ocean Drive

Submitted For: Will Carbonell, Building Inspector/Investigator, Building

Information

SUBJECT:

18-2672	110 S Ocean Drive	Ft Pierce Inlet Beach Resort	Will Carbonell
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CASE INFORMATION:

Case Initiated:	February 25, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: Fort Pierce Inlet Beach Resort c/o Causeway Covd Marina LLC 601 Seaway Dr Ft Pierce, FL 34949	REG. AGENT: Brandon Sellari Divine, Blalock, Martin & Sellari LLC 580 Village Blvd., Suite 110 West Palm Beach, FL 33409
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VIOLATIONS:

IPMC 504.1 Plumbing Fixtures, IPMC 604.3 Electrical System Hazards, IPMC 304.12 Handrails & Guards, FPC 502.5 Clearances for maintenance and replacement, NEC 110.26 Condition 1 Depth of Working Space

CORRECTIVE ACTIONS:

1. Repair/replace P-traps/drain system which is in poor condition.
2. Repair/replace exposed electrical wires, fluorescent lamps, and electrical disconnect boxes.
3. Repair/replace handrails which need to be strengthened.
4. Correct clearances in utility closet.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$100.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Final Approval Date: 05/16/2019

Special Magistrate Hearing - Building

5.G.

Meeting Date: 05/21/2019

Re: Case #18-2969 - 617 Ixoria Avenue Unit 33A

Submitted For: Will Carbonell, Building Inspector/Investigator, Building

Information

SUBJECT:

18-2969	617 Ixoria Ave #33A	Wetzel, Michael	Will Carbonell
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CASE INFORMATION:

Case Initiated:	December 18, 2018	Type of Presentation:	Regular
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OWNER:

OWNER: Michael Wetzel PO Box 12699 Ft Pierce, FL 34949	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for the installation of a water heater.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$100.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 05/16/2019

Started On: 05/15/2019 03:20 PM

Special Magistrate Hearing - Building

5.H.

Meeting Date: 05/21/2019

Re: Case #19-636 - 2621 S Indian River Drive

Submitted For: Will Carbonell, Building Inspector/Investigator, Building

Information

SUBJECT:

19-636	2621 S Indian River Drive	Shearhouse, Ross	Will Carbonell
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CASE INFORMATION:

Case Initiated:	March 12, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: Ross Shearhouse 2621 S Indian River Drive Ft Pierce, FL 34950	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for the fence installation of a fence.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to comply or a fine of \$100.00 per day be assessed and order all utilities to the premises be suspended while the violation continues.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 05/16/2019

Started On: 05/15/2019 03:27 PM

Information

SUBJECT:

18-188	132 N 11th Street	Perullo, Domingo	Shaun Coss
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CASE INFORMATION:

Case Initiated:	January 22, 2018	Type of Presentation:	Regular
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OWNER:

OWNER: Domingo E Perullo Adela E Macera Anio 1852 N 820, Codf 1684 Palomar, ARGENTINA	OCCUPIED BY:
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VIOLATIONS:

IPMC 506.2 Sanitary Drainage System Maintenance, IPMC 605.4 Wiring

FINDINGS/ORDER:

Order Determining Violation - September 21, 2018

ACTION DATES:

1. Special Magistrate Hearing - September 19, 2018. The owner was not present. An Order Determining Violation was issued providing 30 days to remedy the violations or a daily fee of \$100.00 per day would begin to accrue.
2. An Affidavit of Non-Compliance was sent along with a Massey Letter on November 20, 2018.
3. The owner called the Building Department and explained that he never received the notices sent. The notices were sent to the address recorded with the Property Appraiser's Office. The correct address for the owner was recently updated with the Property Appraiser.
4. A receipt dated July 7, 2018 for the plumbing repair (not requiring a permit) was supplied to our department.

RECOMMENDATION:

Stop the accrual of fines to allow the owner to make necessary repairs, and obtain permitting for those repairs if necessary.

Form Review

Final Approval Date: 05/16/2019

Information

SUBJECT:

18-316	1405 N 22nd Street	B & B Management Services Inc.	Shaun Coss
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CASE INFORMATION:

Case Initiated:	February 7, 2018	Type of Presentation:	Regular
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OWNER:

OWNER: B & B Business Management Services Inc. 1216 York Avenue B Ft Pierce, FL 34982	OCCUPIED BY:
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VIOLATIONS:

IPMC 304.7 Roofs & Drainage, IPMC 305.4 Walking Surfaces, IPMC 602.2 Residential Heat Supply, IPMC 603.1 Mechanical Equipment

FINDINGS/ORDER:

Special Magistrate Hearing - October 17, 2018
Order Determining Violation - October 17, 2018
Notice of Extension of Time (90 days) - December 17, 2018
Affidavit of Non-Compliance - March 19, 2019

ACTION DATES:

1. Special Magistrate Hearing - October 17, 2018. The owner(s) were not present. An Order Determining Violation dated October 17, 2018 was issued providing the owner 60 days to cure the violations or a fine of \$100.00 per day would begin to accrue.
2. A Notice of Extension of Time dated December 17, 2018, granting a 90 day extension.
3. Affidavit of Non-Compliance was issued on March 19, 2019 and the fines began.
4. Staff received a letter dated, April 10, 2019, contesting the accruing fines, and stating the violations have been addressed.

RECOMMENDATION:

To Be Determined.

Form Review

Final Approval Date: 05/16/2019

Information

SUBJECT:

18-1726	2105 Avenue Q	B & B Business Management	Paul Julin
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CASE INFORMATION:

Case Initiated:	June 26, 2018	Type of Presentation:	Regular
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OWNER:

OWNER: B & B Management Services Inc. 1216 York Avenue #B Ft Pierce, FL 34982	OCCUPIED BY:
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VIOLATIONS:

IPMC 603.1 Mechanical Equipment

FINDINGS/ORDER:

Order Determining Violation - January 16, 2019
Affidavit of Non-Compliance (Mechanical Equipment) - April 2, 2019

ACTION DATES:

1. Special Magistrate Hearing - January 15, 2019. It was determined that the plumbing violations had been addressed. An Order Determining Violation was issued dated January 16, 2019, providing the owner 60 days to cure the violation for the Mechanical Equipment, or a fine of \$100.00 per day would begin to accrue.
2. An Affidavit of Non-Compliance (Mechanical Equipment) was issued on April 2, 2019.
3. Staff received a letter from the owner, dated April 10, 2019, contesting the accruing fees, and that the violation has been addressed.

RECOMMENDATION:

To Be Determined.

Attachments

Cost Estimate

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 05/16/2019

Started On: 05/16/2019 02:58 PM

Administrative Cost Estimator

5/16/2019

Property Address: 2105 Avenue Q

Date case originated: 6/26/2018

Date case complied: 5/16/2019

Total time: 10 months

Number of Hearings

Violation Hearings: 1

Massey Hearings: 1

Lien Reduction Hearings:

Mailing Expense

Regular 1st Class:	\$0.44	<u>4</u>	\$1.76
Certified Mail:	\$5.10	<u>1</u>	\$5.10

Photographs (per page)	\$0.50	<u>6</u>	\$3.00
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Filing Fees	\$10.00	<u>3</u>	\$30.00
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Months Open	\$50.00	<u>10</u>	\$500.00
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Covers code officer's monthly inspections and follow-up, file maintenance, correspondence/communications with property owner / tenant / management and other departments.

Building Dept. Assistant

Up to three Hearings	\$150.00	<u>1</u>	\$150.00
Each additional Hearing	\$75.00	<u> </u>	\$0.00

Covers hearing prep: NOV, postings, notarizations, order preparation, minutes, summary sheets, correspondence, filings with Clerk of Court.

Building Dept. Coordinator	\$75.00	<u>1</u>	\$75.00
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Covers review of initial notice, review of case file for recommendation and review with attorney

City Attorney (per hour)	\$125.00	<u>0</u>	\$0.00
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Covers the cost of case preparation (written & oral communication) for appeals, disputed cases or those with legal representation requiring review above & beyond the norm.

Hearings	\$150.00	<u>2</u>	\$300.00
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Covers SM review and hearing time, recording secretary, building staff & management hearing time, attorney hearing time, and IT set up.

Commission Meeting	\$250.00	<u>0</u>	\$0.00
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Fee set by the City Commission

Total Estimated Cost: \$1,064.86

Information

SUBJECT:

16-1310	2108 Barcelona Avenue	Howard, John	Shaun Coss
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CASE INFORMATION:

Case Initiated:	May 23, 2016	Type of Presentation:	Regular
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OWNER:

OWNER: John Howard 2108 Barcelona Avenue Ft Pierce, FL 34946	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.1 Permit Required

FINDINGS/ORDER:

Order Determining Violation - November 17, 2016
Affidavit of Non-Compliance - April 25, 2017
Order Assessing Fine and Imposing Lien - June 6, 2018
Affidavit of Compliance - October 15, 2018

ACTION DATES:

1. Special Magistrate Hearing - November 15, 2016, the owner was not present. An Order Determining Violation was sent on November 17, 2016, providing the owner 60 days to comply, or a fine of \$100.00 per day would begin to accrue.
2. An Affidavit of Non-Compliance was issued on April 25, 2017, and fines began to accrue on that date.
3. An Order Assessing Fine and Imposing Lien dated June 6, 2018 was issued.
4. An Affidavit of Compliance dated October 15, 2018 was issued and the fines were stopped on that date.
5. Request for Reduction or Rescindment of Fines/Liens dated October 15, 2018 was received from the owner.
6. Special Magistrate Hearing for the Request for Reduction or Rescindment of Fines/Liens - December 5, 2018. The total amount of the lien was \$52,440.00. The administrative costs were estimated to be \$2,204.72. Staff agreed to waive \$1,400.00 of those costs, and make a recommendation to the City Commission of reducing the lien to \$804.72. The Special Magistrate made this recommendation to the City Commission.
7. City Commission Meeting was held on January 7, 2019. The request for the reduction to \$804.72 was approved. The owner was given 60 days to pay.
8. On April 16, 2019, Mr. Howard came into the office to pay. Since he was well past the 60

days allotted to pay the reduced amount, he re-applied for the Request for Reduction or Rescindment of Fines/Liens.

RECOMMENDATION:

To reaffirm the previous recommendation and make a recommendation to the City Commission of reducing the lien to \$804.72 payable within 60 days.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 05/16/2019

Started On: 05/16/2019 11:31 AM