

SPECIAL MAGISTRATE

BOARD AGENDA

Special Magistrate Hearing - Tuesday, August 20, 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. APPROVAL OF MINUTES
 - C. **IDENTIFICATION OF CASES IN COMPLIANCE OR RESCHEDULED**
4. PUBLIC HEARINGS - CITATIONS
5. **PUBLIC HEARINGS - VIOLATION CASES**

A.	19-283	3205 Kentucky Avenue	Caneus, Edris	Will Carbonell
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B.	19-423	212 Gardenia Avenue	Evans, Jimmy D. & Rosie L.	Will Carbonell
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C.	19-738	217 N 10th Street	Lazare, Ermith	Will Carbonell
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D.	19-755	2108 Avenue E	2108 Avenue E Inc.	Will Carbonell
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E.	19-884	953 Revels Lane	VIP Home Improvement Inc.	Will Carbonell
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F.	19-947	1801 St. Lucie Court	Jeethan, Narindra & Sheena	Will Carbonell
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G.	19-988	711 S Ocean Drive	Fond De Blanc, Inc.	Will Carbonell
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6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

A.	17-753	927 N US Highway 1	TTT Utopia Inc.	Shaun Coss
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7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

A.	17-1194	315 S 17th Street	Lazare, Ermith	Shaun Coss
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8. **OTHER CASES**

A.	17-972	1116 Hernando Street	Albers, Nathan	Shaun Coss
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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

5.A.

Meeting Date: 08/20/2019

Re: Case #19-283 - 3205 Kentucky Avenue

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

Information

SUBJECT:

19-283	3205 Kentucky Avenue	Caneus, Edris	Will Carbonell
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CASE INFORMATION:

Case Initiated:	January 31, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: EDRIS CANEUS 5832 NW BEGONIA AVENUE PORT ST. LUCIE, FL 34986	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.1 Permit Required, IPMC 305.3 Interior Surfaces, IPMC 306.1.1(4)4.3 Unsafe Conditions

CORRECTIVE ACTIONS:

1. Obtain permits for installation of a water heater, and electrical outlets and switches.
2. Paint walls left unfinished after being patched, and other areas that are peeling.
3. Repair/replace cracked support column on front porch.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 08/16/2019

Started On: 08/14/2019 10:24 AM

Special Magistrate Hearing - Building

5.B.

Meeting Date: 08/20/2019

Re: Case #19-423 - 212 Gardenia Avenue

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

Information

SUBJECT:

19-423	212 Gardenia Avenue	Evans, Jimmy D. & Rosie L.	Will Carbonell
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CASE INFORMATION:

Case Initiated:	February 11, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: JIMMY D & ROSIE L EVANS 212 GARDENIA AVENUE FT PIERCE, FL 34982	OCCUPIED BY:
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VIOLATIONS:

IPMC 108.1.1 Unsafe Structure, Section 8.5-47 Defects Constituting Dwelling Unfit

CORRECTIVE ACTIONS:

1. Have the utilities in the dwelling turned on or vacate the property.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form Review

Form Started By: Elizabeth Beck

Started On: 08/14/2019 10:32 AM

Final Approval Date: 08/16/2019

Special Magistrate Hearing - Building

5.C.

Meeting Date: 08/20/2019

Re: Case #19-738 - 217 N 10th Street

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

Information

SUBJECT:

19-738	217 N 10th Street	Lazare, Ermith	Will Carbonell
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CASE INFORMATION:

Case Initiated:	March 18, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: Ermith Lazare 315 S 17th Street Ft. Pierce, FL 34950	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.4.1.2 Expired Permit

CORRECTIVE ACTIONS:

1. Renew permits 18-2130, and 18-367, and complete work described in the scopes of those permits.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form Review

Form Started By: Elizabeth Beck

Started On: 08/15/2019 02:34 PM

Final Approval Date: 08/16/2019

Special Magistrate Hearing - Building**5.D.****Meeting Date:** 08/20/2019**Re:** Case #19-755 - 2108 Avenue E**Submitted For:** Will Carbonell, Building Inspector/Investigator, Building**Information****SUBJECT:**

19-755	2108 Avenue E	2108 Avenue E Inc.	Will Carbonell
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CASE INFORMATION:

Case Initiated:	March 21, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: 2108 Avenue E Inc. 3569 Forest Hill Blvd., Apt 110 West Palm Beach, FL 33406	REG. AGENT: Alfonso Duque Same Address
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VIOLATIONS:

IPMC 504.1 Plumbing Fixtures, IPMC 304.13 Windows, Doors & Frames, IPMC 309.1 Infestation

CORRECTIVE ACTIONS:

1. Make necessary plumbing repairs to plumbing and/or plumbing fixtures not working properly.
2. Repair/replace exterior door that does not seal properly, making it weather tight.
3. Treat property for pest infestation (rodents).

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form Review

Form Started By: Elizabeth Beck
 Final Approval Date: 08/16/2019

Started On: 08/15/2019 02:26 PM

Special Magistrate Hearing - Building

5.E.

Meeting Date: 08/20/2019

Re: Case #19-884 - 953 Revels Lane

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

Information

SUBJECT:

19-884	953 Revels Lane	VIP Home Improvement Inc.	Will Carbonell
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CASE INFORMATION:

Case Initiated:	April 8, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: VIP Home Management Inc. 1172 SW Alcantarra Blvd. Port St. Lucie, FL 34953	REG. AGENT: Eduardo S Almodovar Same Address
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

1. Obtain a permit for the AC unit installation applied for but never issued.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 08/16/2019

Started On: 08/16/2019 01:12 PM

Special Magistrate Hearing - Building

5.F.

Meeting Date: 08/20/2019

Re: Case #19-947 - 1801 St. Lucie Court

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

Information

SUBJECT:

19-947	1801 St. Lucie Court	Jeethan, Narindra & Sheena	Will Carbonell
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CASE INFORMATION:

Case Initiated:	April 15, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: Narindra & Sheena Jeethan 1201 Cypress Key Way Royal Palm Beach, FL 33411	OCCUPIED BY:
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

1. Obtain a permit for the installation of an electrical panel.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form Review

Form Started By: Elizabeth Beck
 Final Approval Date: 08/16/2019

Started On: 08/15/2019 01:33 PM

Special Magistrate Hearing - Building**5.G.****Meeting Date:** 08/20/2019**Re:** Case #19-988 - 711 S Ocean Drive**Submitted For:** Will Carbonell, Building Inspector/Investigator, Building

Information**SUBJECT:**

19-988	711 S Ocean Drive	Fond De Blanc, Inc.	Will Carbonell
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CASE INFORMATION:

Case Initiated:	April 18, 2019	Type of Presentation:	Regular
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OWNER:

OWNER: Fond De Blanc, Inc. 275 SW Lost River Road Stuart, FL 34997	REG. AGENT: Jermaine LeClerc
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

1. Obtain a permit for the remodel, and interior work done without a permit.

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 60 days to obtain a permit; obtain approval for all required inspections at least every 180 days until the permit has been closed; comply with all other permit conditions; and, cure all other violations described in the Order not requiring a permit or a fine of \$100.00 per day be assessed.

Form ReviewForm Started By: Elizabeth Beck
Final Approval Date: 08/16/2019

Started On: 08/15/2019 01:21 PM

Information

SUBJECT:

17-753	927 N US Highway 1	TTT Utopia Inc.	Shaun Coss
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CASE INFORMATION:

Case Initiated:	April 10, 2017	Type of Presentation:	Regular
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OWNER:

OWNER: TTT UTOPIA INC. 927 N US HIGHWAY 1 FT PIERCE FL 34950	REG. AGENT: CARMEN SOHAN
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VIOLATIONS:

Section 5-1.101.2.1 Unsafe Building, Section 5-1.105.1 Permit Required

FINDINGS/ORDER:

Order Determining Violation - July 21, 2017
Extension of Time (90 days) - September 19, 2017
Affidavit of Non-Compliance - December 20, 2017
Massey Hearing - August 15, 2018 - letter to owner stopping fines for 60 days to obtain permit and comply the property.
Extension of Time (90 days) - October 19, 2018.

ACTION DATES:

1. Special Magistrate Hearing - July 19, 2017 - owner was given 5 days to remove an exterior door or a fine of \$250.00 per day would begin to accrue. The owner was also provided 60 days to obtain a permit or a fine of \$100.00 would begin to accrue. The Order Determining Violation was sent July 21, 2017.
 2. A 90 day Extension of Time was approved and sent September 19, 2017.
 3. Affidavit of Non-Compliance was issued on December 20, 2017.
 4. Letter dated August 1, 2018, received from the owner stating that they were awaiting the completion of engineered drawings. A Massey Letter was sent on August 3, 2018 for August Special Magistrate Hearing.
 5. Special Magistrate Massey Hearing - August 15, 2018, found that the door issue was resolved, and that the fines would be stopped for 60 days to obtain permitting.
 6. Special Magistrate Hearing - October 17, 2018 - 90 day extension was granted.
 7. Demo Permit was issued on 7/17/19 and final inspection was approved on 7/25/2019, which complied the case.
- Total fines due: \$23,850.00

RECOMMENDATION:

To Be Determined.

Attachments

Administrative Costs

Request for Reduction in Fines

Form Review

Form Started By: Elizabeth Beck

Final Approval Date: 08/16/2019

Started On: 08/14/2019 01:50 PM

Administrative Cost Estimator

8/16/2019

Property Address: 927 N US Highway 1

Date case originated: 4/10/2017

Date case complied: 7/25/2019

Total time: 27 months

Number of Hearings

Violation Hearings: 3

Massey Hearings: 1

Lien Reduction Hearings:

Mailing Expense

Regular 1st Class:	\$0.44	<u>7</u>	\$3.08
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Certified Mail:	\$5.10	<u>1</u>	\$5.10
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Photographs (per page)	\$0.50	<u>8</u>	\$4.00
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Filing Fees	\$10.00	<u>4</u>	\$40.00
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Months Open	\$50.00	<u>27</u>	\$1,350.00
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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
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Each additional Hearing	\$75.00	<u> </u>	\$0.00
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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: \$1,927.18



REQUEST FOR A REDUCTION OR RESCINDMENT OF
BUILDING VIOLATION FINES

Date:	7/25/2019		
Property address:	927 N US HWY 1 FT PIERCE FL 34950		
Owner(s) of record:	CARMEN ROGERS SOHAN / SANJAE S. SOHAN		
Mailing address:	927 N US HWY 1 FT PIERCE FL 34950		
Property tax ID #:	66-8017211492-5		
Original purchase date:	04/22/17	Original purchase price:	\$225,000.00
Property is used for:	<input type="checkbox"/> Single Family	<input type="checkbox"/> Multi-family	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant Lot
Name of person requesting reduction:	SANJAE S. SOHAN	Relationship to owner(s)	HUSBAND
Telephone #:	772-999-4199	Mobile phone #:	
E-mail:	SSSINLETBAITTACHLE@G-MAIL	Preferred contact method:	
What are owner(s) intentions for property:	RETAIL		
Are there current code violations?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Explain: (please attached notice)	
Is property listed for sale?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	If yes, what is listing price?	
Is property under contract for sale?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	If yes, what is the sale price?	

AMOUNT OF FINE / LIEN

\$ 23,850.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 23,000.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 850.00

Sanjae S. Sohan
Signature of Owner or Representative

7/25/19
Date

REQUEST FOR REDUCTION OF PENALTY FOR BUILDING VIOLATIONS

By completing this form, you are making statements under oath. Failure to be truthful is a violation of Fort Pierce City Code and Florida Statutes pertaining to perjury, which is a felony punishable by up to fifteen (15) years imprisonment.

INSTRUCTIONS:

1. Please fill in blanks completely.
2. Be specific when writing your statement. Use additional pages if necessary.
3. If you are claiming medical or financial hardship, attach supporting documentation (i.e. doctor's statement or proof of income).
4. Complete the appropriate application for lien reduction / rescindment.
5. For lot clearing or demolition liens, contact Kathy D'Arton in the Finance Department (772-467-3076) for cost / fees breakdown.
6. For code enforcement liens (those imposed by a Special Magistrate or Code Enforcement Board), contact Colleen Greer (772-467-3149) for cost / fees breakdown.
7. For building violation liens (those imposed by a Special Magistrate or Code Enforcement Board), contact Elizabeth Beck (772-467-3718) for cost / fees breakdown.
8. If you do not have access to a Notary Public, one will be provided to you by the Department at no charge. All forms must be signed in the presence of the Notary to be valid.
9. Return this form, the application and any other pertinent documentation to the Building Department.
10. Requests for Reduction / Rescindment of building violation liens are governed by Rule 17 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 927 N US HWY 1 FT PEECE FL 34950

Property Owner: CARMEN ROGERS SOHAN

Mailing Address: 927 N US HWY 1 FT PEECE FL 34950

Telephone #: 772-999-4199 Cell Phone #: _____

E-Mail Address: SSSINLETBAITACHLE@GMAIL.COM

Is the property in compliance? YES If not, please explain in the narrative of your request.

I, SANTAI S-SOHAN, do hereby submit this Petition in request for a reduction in the total amount of the penalty imposed and in support offer the following statement:

I was layoff in Dec'15 unable to find work. Jan'17 together with private lending and Selling my home I was able to get a Mortgage on Property 927 N.V.S. HWY1 FT. Pierce, FL 34950. Shortly after we were fined for a pre-existing shed as it was found to be not in Compliance. (shed was rebuilt from Hurricane disaster in 2017) this shattered the shrimp. It is very costly to keep shrimp alive, we struggle to get more finance to run the bait shop.

We currently obtaining a permit for new shed replacement Cost \$9,000.00 with interest paid in full it will be \$24,000.00. The City of Fort Pierce says it welcomes new businesses, we are one struggling to be in compliant and is asking for a reduction in fine from \$23,850.00 to \$850.00. We honestly do not have the money; I am pleading to you.

Signed: Sanjai S. Sohan Date: 7/26/19

Print Name: SANJAI S-SOHAN

STATE OF FLORIDA

COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Sanjai Sudesh Sohan who acknowledged before me that the information contained herein is true and correct. He or She is / is not personally known to me and has produced FL Driver License as identification.

SWORN TO AND SUBSCRIBED before me this 26th day of July, 2019.

Linda W Cox

Notary Public, State of Florida
Linda W. Cox
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG121327
Expires 9/9/2021



Information

SUBJECT:

17-1194	315 S 17th Street	Lazare, Ermith	Shaun Coss
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CASE INFORMATION:

Case Initiated:	June 6, 2017	Type of Presentation:	Regular
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OWNER:

OWNER: Ermith Lazare 3406 Menendez Avenue Ft Pierce, FL 34947	OCCUPIED BY:
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VIOLATIONS:

IPMC 108.1.2 Unsafe Equipment, IPMC 108.1.3 Structure Unfit for Human Occupancy, IPMC 304.6 Exterior Walls, IPMC 304.7 Roofs & Drainage, IPMC 304.10 Stairways, Decks, Porches & Balconies, IPMC 304.13 Windows, Doors & Frames, IPMC 305.2 Structural Members, IPMC 305.3 Interior Surfaces, IPMC 305.4 Walking Surfaces, IPMC 309.1 Infestation, IPMC 504.1 Plumbing Fixtures, IPMC 504.3 Plumbing System Hazards, IPMC 603.1 Mechanical Equipment, IPMC 605.1 Electrical Equipment, IPMC 605.2 Electrical Receptacles, IPMC 704.1 Fire Protection Systems, IPMC 704.2.1 Smoke Alarms

FINDINGS/ORDER:

Order Determining Violation - December 12, 2017
Notice of Extension of Time - 90 days - February 7, 2018
Affidavit of Non-Compliance and Massey Letter - May 7, 2018
2nd Massey Notice - July 12, 2018
Order Assessing Fine and Imposing Lien - August 30, 2018
Affidavit of Compliance - June 4, 2019

ACTION DATES:

1. Special Magistrate Hearing - December 6, 2017 - owners were provided 60 days to comply violation or a fine of \$250.00 per day would begin to accrue.
2. Notice of Extension of Time - 90 days was granted - February 7, 2018.
3. Affidavit of Non-Compliance was issued and sent along with a Massey Letter - May 7, 2018.
4. A 2nd Massey Notice was sent on July 12, 2018.
5. Order Assessing Fine and Imposing Lien was issued August 30, 2018.
6. Affidavit of Compliance was issued on June 4, 2019. Fines accrued from May 7, 2018 to March 18, 2019 and total \$78,790.00 including recording fees.

RECOMMENDATION:

To Be Determined.

Attachments

7 Crit - 315 S 17th St

Admin Costs - 315 S 17th St

Req for Lien Reduction

Lien

Form Review

Form Started By: Elizabeth Beck

Final Approval Date: 08/14/2019

Started On: 08/14/2019 01:28 PM

**LIEN REDUCTION HEARING
CONTESTING OF FINE/NON-COMPLIANCE**

Case No: 17-1194

Date: July 10, 2019

1.) The gravity or seriousness of the violation:	Moderate
2a.) Any and all actions taken by the violator to correct the violations; OR	Permit obtained, and received necessary inspections.
2b.) If the violations were not corrected by the original violator, what action was taken by any other owner or interested party to bring the violation into compliance:	N/A
3.) The length of time necessary to bring the property into compliance:	21 months
4.) The number of times the violator was previously found in violation by either the CEB, SM or other quasi-judicial or judicial process, or otherwise admitted guilt in any such proceeding:	2
5.) The number of violation notices the violator has received in the past, as well as their nature and final disposition of each notice:	6
6.) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship:	None
7.) Whether or to what extent there are pending violation proceedings on the subject property or any other property within the city owned by the respondent:	None

Administrative Cost Estimator

7/12/2019

Property Address: 315 S 17th Street

Date case originated: 6/6/2017

Date case complied: 3/18/2019

Total time: 21 months

Number of Hearings

Violation Hearings: 1
 Massey Hearings:
 Lien Reduction Hearings: 1

Mailing Expense

Regular 1st Class:	\$0.44	<u>5</u>	\$2.20
Certified Mail:	\$5.10	<u>1</u>	\$5.10

Photographs (per page)	\$0.50	<u>18</u>	\$9.00
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Filing Fees	\$10.00	<u>4</u>	\$40.00
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Months Open	\$50.00	<u>21</u>	\$1,050.00
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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: \$1,631.30



JUN 11 2019

REQUEST FOR A REDUCTION OR RESCINDMENT OF
BUILDING VIOLATION LIENS

CITY OF FORT PIERCE
COMMUNITY RESPONSE
Code Enforcement
& Animal Control

Date:	6-10-19			
Property address:	315 S 17 Street			
Owner(s) of record:	Erwith LAZARRE			
Mailing address:	3406 menendez st Fort pierce			
Property tax ID #:				
Original purchase date:		Original purchase price:		
Property is used for:	<input type="checkbox"/> Single Family	<input checked="" type="checkbox"/> Multi-family	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial <input type="checkbox"/> Vacant Lot
Name of person requesting reduction:	Erwith LAZARRE		Relationship to owner(s)	Owner
Telephone #:	786-317-6916		Mobile phone #:	-
E-mail:	ermliz1500@yo		Preferred contact method:	786-317-6916
What are owner(s) intentions for property:	Keep property			
Are there current code violations?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	Explain: (please attached notice)	
Is property listed for sale?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, what is listing price?	
Is property under contract for sale?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, what is the sale price?	

AMOUNT OF FINE / LIEN

\$ 78,790.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 78,790.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 00

Erwith Lazarre
Signature of Owner or Representative

6-10-19
Date

REQUEST FOR REDUCTION OF PENALTY FOR BUILDING VIOLATIONS

By completing this form, you are making statements under oath. Failure to be truthful is a violation of Fort Pierce City Code and Florida Statutes pertaining to perjury, which is a felony punishable by up to fifteen (15) years imprisonment.

INSTRUCTIONS:

1. Please fill in blanks completely.
2. Be specific when writing your statement. Use additional pages if necessary.
3. If you are claiming medical or financial hardship, attach supporting documentation (i.e. doctor's statement or proof of income).
4. Complete the appropriate application for lien reduction / rescindment.
5. For lot clearing or demolition liens, contact Kathy D'Arton in the Finance Department (772-467-3076) for cost / fees breakdown.
6. For code enforcement liens (those imposed by a Special Magistrate or Code Enforcement Board), contact Colleen Greer (772-467-3149) for cost / fees breakdown.
7. For building violation liens (those imposed by a Special Magistrate or Code Enforcement Board), contact Elizabeth Beck (772-467-3718) for cost / fees breakdown.
8. If you do not have access to a Notary Public, one will be provided to you by the Department at no charge. All forms must be signed in the presence of the Notary to be valid.
9. Return this form, the application and any other pertinent documentation to the Building Department.
10. Requests for Reduction / Rescindment of building violation liens are governed by Rule 17 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 315 S 17 Street

Property Owner: Ermitth LAZARE

Mailing Address: 3406 menendez st Fort pierce FL

Telephone #: 786-317 6916 Cell Phone #:

E-Mail Address: ermLiz1500@yahoo.com

Is the property in compliance? yes If not, please explain in the narrative of your request.

I, Ermith LAZARE, do hereby submit this Petition in request for a reduction in the total amount of the penalty imposed and in support offer the following statement:

Signed: Ermith Lazare Date: 6-10-19

Print Name: Ermith LAZARE

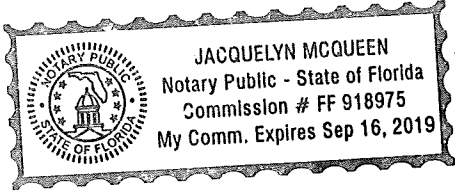
STATE OF FLORIDA

COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Ermith Lazare who acknowledged before me that the information contained herein is true and correct. He or She is / is not personally known to me and has produced Florida Drivers License. as identification.

SWORN TO AND SUBSCRIBED before me this 11 day of June, 2019.

Jacquelyn McQueen
Notary Public, State of Florida



OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION

Property Address: 315 S 17 Street

I acknowledge that I have been provided a copy of Rule 17 of the Rules of Procedure for the City of Fort Pierce Code Enforcement Board and Special Magistrates and that I have read the rules and being advised as such make the following request:

I am requesting that my application for lien reduction be processed administratively through the Rules of Procedure Sec. 17(b), I understand the requirements to be met and that I waive my right to a hearing before either the Special Magistrate or City Commission.

I am requesting that my application for lien reduction be processed through the Rules of Procedure Sec. 17(c), I understand the requirements to be met and that my request will be heard and determination made by the Special Magistrate that authorized Order Assessing Fine and Imposing Lien.

I am requesting that my application for lien reduction be processed through the Rules of Procedure Sec. 17(e) and that my request will be heard and determination made by the City Commission of the City of Fort Pierce.

Tom H. Arora
Signature of Owner or Representative

6-10-19
Date

COFP – APPLICATION PROCESS DETERMINATION

Staff has reviewed the request for lien reduction and agrees to process the application as requested by the signing party.

Staff has reviewed the request for lien reduction and does not agree to process the application as requested by the signing party.

Comments:

Shaun Coss, Building Department Coordinator

Date

Rule 17: Requests for Reduction of Liens.

- A. A respondent may request a reduction of a lien otherwise imposed by the City to the Department, after the original violation is in compliance and the Department has issued an affidavit of compliance. No such request shall be made until after the date originally set for compliance has passed and the property is already under penalty. Any request for reduction of lien shall be made in writing to the Department and shall state reasons why a reduction of the Lien should be considered. The request should include a description of any supporting documentation which should be considered in furtherance of such request.
- B. If any of the following conditions are met, the Department has the authority to process a lien reduction request and issue a Release of Lien:
- (1) The amount of settlement for a property zoned residential with less than four (4) dwelling units is \$5000 or more and is payable in less than 30 days.
 - (2) The amount of the settlement for a property either zoned residential with four (4) or more dwelling units, zoned commercial or zoned industrial is \$10,000 or more and is payable in less than 30 days.
 - (3) The settlement is based upon the receipt of excess tax sale proceeds that have been received by the City and respectively cover the administrative costs incurred.

The Department shall forward the request to the Special Magistrate or Code Enforcement Board if additional review is required, if a hearing is specifically requested or in the best interest of the City. The Department and Requestor may enter into an agreement to settle the Lien reduction. Any written agreement between the requesting party and the Department to settle the lien reduction shall constitute a waiver of hearing by the Special Magistrate or Code Board by both parties.

- C. If the request does not meet the criteria outlined in Section (b), the Department has determined the request requires additional review, or the requesting party chooses to not waive his or her right to a hearing, the Department shall schedule a hearing on the request before the Special Magistrate or Board, with notice to the respondent. After hearing both sides, the Special Magistrate shall make a determination, or the Board shall adopt a motion, that the request for reduction of the lien be denied, granted, or granted with conditions. The determination will be based upon evidence, upon consideration of the following criteria:
- (1) The gravity or seriousness of the violation;
 - (2) Any and all actions taken by the violator to correct the violations or, if the violation was not corrected by the original violator, what action was taken

by any other owner or party in interest to bring the property into compliance;

- (3) The length of time necessary to bring the property into compliance;
- (4) The number of times the violator was previously found in violation by either the Code Enforcement Board, Special Magistrate, or other quasi-judicial or judicial process, or otherwise admitted guilt in any such proceeding;
- (5) The number of violation notices the violator has received in the past as well as their nature and the final disposition of each such notice;
- (6) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship.
- (7) Whether or to what extent there are pending violation proceedings on the subject property or any other property within the City owned by the respondent.

D. If the Special Magistrate only determines that the request for reduction be approved and the following conditions are met, they may order the Department, once payment is received and any other conditions are met, to issue a Release of Lien:

- (1) The amount of settlement for a property zoned residential with less than four (4) dwelling units is \$3,000 or more and is payable in less than 6 months.
- (2) The amount of the settlement for a property either zoned residential with four (4) or more dwelling units, zoned commercial or zoned industrial is \$7,500 or more and is payable in less than 6 months.

The Special Magistrate or Code Enforcement Board may, at its discretion, forward the request to the Commission if they feel additional review is required or in the best interest of the City.

E. If the Special Magistrate or the Board determines that the request for reduction be approved but the request does not meet the criteria outlined in Section (d), the determination is to deny the request, or additional review is required, they shall forward their recommendation to the City Commission for a final determination.

F. Any recommendation for waiver or reduction may include further recommendation that the reduction be conditioned upon payment of the reduced amount within a specified period of time. Failure to pay the reduced amount within that time period will result in the lien reverting to the original amount.

G. There shall be established an administrative fee of \$250.00 for any requests for mitigation of a code enforcement lien that must be heard by the City Commission. Such fee may be imposed after consideration by the City

Commission. This fee shall not apply to special assessment reduction requests.

- H. The Department has the authority to mitigate in part or in full only the administration fees that have been assessed by the Department for Special Assessment Liens imposed for nuisance abatement actions. The Department shall have no authority to mitigate the interest, penalties or Special Assessment liens imposed for Nuisance Abatement actions.



SPECIAL MAGISTRATE
ORDER ASSESSING FINE AND IMPOSING LIEN

Case # 17-1194

Violator: LAZARE, ERMITH
3406 MENEDEZ AVE
FT PIERCE, FL 34947

Property Address: 315 S 17th ST
Tax ID #: 2409-314-0002-000/9
Legal Description: 9 35 40 FROM SE COR OF NE 1/4 OF SW 1/4, TH W ALG 1/4 LI 472 FT, TH W 12.41 FT TO POB, TH CONT W 197.59 FT, TH N 70 FT, TH E 197.55 FT, TH S 70

Violation of Section(s): IPCM 108.1.2 Unsafe Equipment, IPCM 108.1.3 Structure Unfit for Human Occupancy, IPCM 304.6 Exterior Walls, IPCM 304.7 Roofs & Drainage, IPCM 304.10 Stairways, Decks, Porches & Balconies, IPCM 304.13 Windows, Doors & Frames, IPCM 305.2 Structural Members, IPCM 305.3 Interior Surfaces, IPCM 305.4 Walking Surfaces, IPCM 309.1 Infestation, IPCM 504.1 Plumbing Fixtures, IPCM 504.3 Plumbing System Hazards, IPCM 603.1 Mechanical Equipment, IPCM 605.1 Electrical Equipment, IPCM 605.2 Electrical Receptacles, IPCM 704.1 Fire Protection Systems, IPCM 704.2.1 Smoke Alarms

THIS CAUSE having come before the Special Magistrate pursuant to Florida Statute 162.09 on December 06, 2017 upon notification by the Code Enforcement Officer that the Special Magistrate's Order herein dated December 06, 2017 was not complied with by the date set forth therein, and being otherwise advised in the premises, it is

ORDERED AND ADJUDGED that the violator shall pay a daily fine as provided in such order in the sum of \$250.00 from May 7, 2018 and a like sum thereafter for each day the violation continues. This Order may be recorded in the public records of St. Lucie County and shall thereafter pursuant to Florida Statute 162.09(3) constitute a lien against the above described property and upon any other real or personal property owned by the violator.

Upon petition to the Circuit Court this Order may be enforced in the same manner as a Court Judgment by the Sheriffs of the State, including levy against personal property. The fine imposed herein shall continue to accrue until the violator comes into compliance or until judgment is rendered upon a suit to foreclose on this lien, whichever occurs first. The lien arising from this fine runs in favor of the City of Fort Pierce, a municipal corporation, and the City of Fort Pierce may execute a satisfaction of release of lien. This Order shall not be deemed to be a Court judgment except for enforcement purposes and may be foreclosed as further provided by law.

DONE AND ORDERED this 30th day of August, 2018.

Fran Ross

Fran Ross, Esq., Special Magistrate

[Signature]

CITY CLERK

Mail to:
City of Fort Pierce
Code Enforcement Division
P.O. Box 1480
Ft. Pierce, FL 34954

DATED: 8/30/18

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 4476270 08/31/2018 09:43:57 AM
OR BOOK 4175 PAGE 2663 - 2663 Doc Type: ORD
RECORDING: \$10.00

Special Magistrate Hearing - Building**8.A.****Meeting Date:** 08/20/2019**Re:** Case #17-972 - 1116 Hernando Street**Submitted For:** Shaun Coss, Building Dept. Coordinator, Building

Information**SUBJECT:**

17-972	1116 Hernando Street	Albers, Nathan	Shaun Coss
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CASE INFORMATION:

Case Initiated:	May 8, 2017	Type of Presentation:	Ext. of Time
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OWNER:

OWNER: Owner's Address from Property Appraiser Nathan Albers 3640 SE Siver Court Stuart, FL 34997	OCCUPIED BY: Current Address Nathan Albers 985 SW Flora Belle Lane Stuart, FL 34994
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VIOLATIONS:

Section 5-1.105.1 Permit Required

CORRECTIVE ACTIONS:

1. Obtain a permit for the work performed and adhere to all conditions of the permit. A licensed contractor may be required to apply for and obtain a permit from the Building Department.

RECOMMENDATION:

Permits have been issued and closed. One permit #18-2532, remains open, and it expired on 8/13/2019. Extension of 30 days is requested.

Form ReviewForm Started By: Elizabeth Beck
Final Approval Date: 08/16/2019

Started On: 08/15/2019 08:52 AM