

SPECIAL MAGISTRATE

BOARD AGENDA

Special Magistrate Hearing - Tuesday, January 17, 2023 - 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**

5. **PUBLIC HEARINGS - VIOLATION CASES**

A.	22-326	2650 S Kings Hwy	Ft Pierce So Kings Hwy LLC	Logan Winn
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B.	22-1594	1405 Avenue Q	Jot and Tittle Ventures LLC	Logan Winn
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C.	22-2100	1010 Boston Avenue	Samuells, William R Samuells, William C	Frank Remling
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D.	22-2483	611 S 21st Street	La Garita Investments LLC	Logan Winn
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E.	22-2507	3212 S US Highway 1	Treasure Coast Victory Center Inc.	Logan Winn
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F.	22-2508	3216 S US Highway 1	TC Commercial Realty LLC	Logan Winn
G.	22-2519	2211 Orange Avenue	Garcia Plantation Shutters LLC	Frank Remling
H.	22-2605	2509 Avenue N Unit A	Alexander, Sandra M Bryant, Charles E (Est)	Gerard Mezzina
I.	22-2686	1203 Avenue L Unit A	Abreu, Josiah & Nieves	Logan Winn
J.	22-2688	1203 Avenue L Unit B	Abreu, Josiah & Nieves	Logan Winn
K.	22-2732	1219 N 22nd Street	Trudeen Multiservices LLC	Gerard Mezzina
L.	22-2790	1608 Yosemite Court	National Debt Relief Services Inc	Gerard Mezzina
M.	22-2791	1004 Boston Avenue	My Home Resources LLC	Frank Remling
N.	22-2824	412 Farmers Market Road	412 Farmers Market Rd FP LLC	Logan Winn
O.	22-2826	408 Farmers Market Road	412 Farmers Market Road FP LLC	Logan Winn
P.	22-3007	200 Westglen Drive	Gonzales, Hugo	Kristie Kirstein

6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

A.	17-898	1450 Bell Avenue	TSPN 19 LLC 1450 Bell Ave Owner LLC	Shaun Coss
B.	21-1658	509 N 21st Street	McCormick, Nettie	Shaun Coss
C.	21-2065	1405 N 25th Street	NM & HM Inc	Shaun Coss

D.	21-3391	214 Manatee Ln CA	High Point FP Condo Assn Sec 1	Shaun Coss
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E.	22-1595	2405 Sunrise Blvd	Pink Sunrise LLC	Logan Winn
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7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

A.	20-1558	2501 Okeechobee Road	Spirit FL Town Star 2014-2 LLC	Shaun Coss
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B.	20-2061	3211 Orange Avenue	Manuel Esquivel Concrete Contractor Inc	Shaun Coss
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C.	20-2423	4301 Orange Ave	4301 Gateway LLC	Shaun Coss
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D.	21-2357	305 S 24th Street	FL Conference Association Seventh Day Adventists	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 Building Department at (772) 467-3712, 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: 01/17/2023

Re: Case #22-326 - 2650 S Kings Highway

Information

SUBJECT:

22-326	2650 S Kings Hwy	Ft Pierce So Kings Hwy LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	January 25, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Ft Pierce So Kings Hwy LLC 67 Mountain Blvd #201 Warren NJ 07060	REG. AGENT: CT CORPORATION SYSTEM 1200 S Pine Island Rd Plantation FL 33324
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for the paving 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 Review

Form Started By: Elizabeth Beck
Final Approval Date: 11/07/2022

Started On: 11/07/2022 09:42 AM

Special Magistrate Hearing - Building

5. B.

Meeting Date: 01/17/2023

Re: Case #22-1594 - 1405 Avenue Q

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-1594	1405 Avenue Q	Jot and Tittle Ventures LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	May 17, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Jot and Tittle Ventures LLC 1391 NW St Lucie West Suite 116 Port St Lucie, FL 34986	REG. AGENT: Spiegel & Utrera, P.A. 1840 SW 22nd St. 4th Floor MIAMI, FL 33145
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for renovation being done without a permit including electrical, sub-flooring, drywall, A/C and plumbing.

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: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/09/2023 09:42 AM

Special Magistrate Hearing - Building

5. C.

Meeting Date: 01/17/2023

Re: Case #22-2100 - 1010 Boston Avenue

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2100	1010 Boston Avenue	Samuells, William R Samuells, William C	Frank Remling
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CASE INFORMATION:

Case Initiated:	June 28, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: William R Samuells William C Samuells 1010 Boston Ave Ft Pierce,FL 34950	OCCUPIED BY:
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VIOLATIONS:

FBC 105.1 (2020) Permit Required, IPMC 111.1.1 (2021) Unsafe Structures, IPMC 111.1.3 (2021) Structure Unfit for Human Occupancy, IPMC 302.1 (2021) Sanitation, IPMC 302.7 (2021) Accessory Structures, IPMC 304.1 (2021) Exterior Structure- General, IPMC 304.1 .1 (2021) Unsafe Conditions, IPMC 304.2 (2021) Protective Treatment, IPMC 304.6 (2021) Exterior Walls, IPMC 304.7 (2021) Roofs and Drainage, IPMC 304.13 (2021) Windows, Skylight, and Door Frames, IPMC 304.13.1 (2021) Glazing, IPMC 502.1 (2021) Dwelling Units, IPMC 504.1 (2021) General, IPMC 504.3 (2021) Plumbing System Hazards, IPMC 506.1 (2021) General, IPMC 506.2 (2021) Maintenance

CORRECTIVE ACTIONS:

1. Obtain utilities or vacate the property.
2. Obtain a permit to repair/replace all damaged wiring, electrical fixtures, drywall, soffit and fascia. Any structural damage will require signed and sealed repair plans designed by a registered design professional.

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: Marivel Luna
Final Approval Date: 01/10/2023

Started On: 01/06/2023 02:32 PM

Special Magistrate Hearing - Building

5. D.

Meeting Date: 01/17/2023

Re: Case #22-2483 - 611 S 21st Street

Information

SUBJECT:

22-2483	611 S 21st Street	La Garita Investments LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	August 17, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: La Garita Investments LLC 552 SE Crescent Ave Port St Lucie, FL 34984	REG. AGENT: Johanna Gutierrez
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VIOLATIONS:

IPMC 304.7 (2021) Roofs and Drainage, IPMC 305.3 (2021) Interior Surfaces, IPMC 605.2 (2021) Receptacles, IPMC 505.4 (2021) Water Heating Facilities, FBC 105.1 (2021) Permit Required

CORRECTIVE ACTIONS:

1. Repair/replace the roof that is leaking.
2. Make repairs to the water damaged ceiling. Also repair all holes in the ceiling.
3. Make repairs to electrical wiring that is left open and unprotected by a faceplate.
4. Make safe and obtain a permit for the gas water heater installed without a permit. Provide water heating facilities to 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
Final Approval Date: 01/03/2023

Started On: 01/03/2023 02:01 PM

Special Magistrate Hearing - Building

5. E.

Meeting Date: 01/17/2023

Re: Case #22-2507 - 3212 S US Highway 1

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2507	3212 S US Highway 1	Treasure Coast Victory Center Inc.	Logan Winn
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CASE INFORMATION:

Case Initiated:	August 24, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Treasure Coast Victory Center Inc 3212 S US Hwy 1 Ft Pierce, fl 34982	REG. AGENT: Jeffery Thomas, 2386 SW Estella Ave Palm City, FL 34990
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for seal coating and striping 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 Review

Form Started By: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 02:04 PM

Special Magistrate Hearing - Building

5. F.

Meeting Date: 01/17/2023

Re: Case #22-2508 - 3216 S US Highway 1

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2508	3216 S US Highway 1	TC Commercial Realty LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	August 24, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: TC Commercial Realty LLC 9066 106th Ct Vero Beach, FL 32967	REG AGENT: Roberto Gamez 13020 83rd St Fellsmere, FL 32948
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for seal coating and striping 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 Review

Form Started By: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 04:29 PM

Special Magistrate Hearing - Building

5. G.

Meeting Date: 01/17/2023

Re: Case #22-2519 - 2211 Orange Avenue

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2519	2211 Orange Avenue	Garcia Plantation Shutters LLC	Frank Remling
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CASE INFORMATION:

Case Initiated:	August 25, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Garcia Plantation Shutters LLC 1402 SE Kirke Ln Port St Lucie, FL 34983	REG. AGENT: Pedro N Garcia
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for seal coating asphalt and striping 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 Review

Form Started By: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 03:45 PM

Special Magistrate Hearing - Building

5. H.

Meeting Date: 01/17/2023

Re: Case #22-2605 - 2509 Avenue N Unit A

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2605	2509 Avenue N Unit A	Alexander, Sandra M Bryant, Charles E (Est)	Gerard Mezzina
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CASE INFORMATION:

Case Initiated:	September 1, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Sandra M Alexander Charles E Bryant (Est) 2304 Avenue P Ft Pierce, FL 34950	OCCUPIED BY:
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit to repair/replace all fire damaged wiring, electrical fixtures drywall, soffit and fascia. Any structural damage will require signed and sealed repair plans designed by a registered design professional

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: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/09/2023 08:14 AM

Special Magistrate Hearing - Building

5. I.

Meeting Date: 01/17/2023

Re: Case #22-2686 - 1203 Avenue L Unit A

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2686	1203 Avenue L Unit A	Abreu, Josiah & Nieves	Logan Winn
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CASE INFORMATION:

Case Initiated:	September 6, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Josiah & Nieves Abreu 2024 SE 19th Street Homestead, FL 33035	OCCUPIED BY:
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for all windows and exterior doors replaced 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 Review

Form Started By: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 03:57 PM

Special Magistrate Hearing - Building

5. J.

Meeting Date: 01/17/2023

Re: Case #22-2688 - 1203 Avenue L Unit B

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2688	1203 Avenue L Unit B	Abreu, Josiah & Nieves	Logan Winn
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CASE INFORMATION:

Case Initiated:	September 6, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Josiah & Nieves Abreu 2024 SE 19th Street Homestead, FL 33035	OCCUPIED BY:
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for all windows and exterior doors replaced 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 Review

Form Started By: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/09/2023 08:52 AM

Special Magistrate Hearing - Building

5. K.

Meeting Date: 01/17/2023

Re: Case #22-2732 - 1219 N 22nd Street

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2732	1219 N 22nd Street	Trudeen Multiservices LLC	Gerard Mezzina
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CASE INFORMATION:

Case Initiated:	September 8, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Trudeen Multiservices LLC 1219 N 22nd St Ft Pierce, FL 34950	REG. AGENT: Freddie Anderson
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

1. Obtain a permit for the addition that was built without a permit including mechanical, electrical, and plumbing if applicable.
2. Obtain a permit for the fence that was installed 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 Review

Form Started By: Marivel Luna
 Final Approval Date: 01/10/2023

Started On: 01/09/2023 08:34 AM

Special Magistrate Hearing - Building

5. L.

Meeting Date: 01/17/2023

Re: Case #22-2790 - 1608 Yosemite Court

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2790	1608 Yosemite Court	National Debt Relief Services Inc	Gerard Mezzina
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CASE INFORMATION:

Case Initiated:	September 14, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: National Debt Relief Services Inc 12856 SW 31st Ct Pembroke Pines, FL 33027	REG AGENT: Belinda Villoch
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for all renovation work being done without a permit including but not limited to building, plumbing, electrical and mechanical.

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: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 04:52 PM

Special Magistrate Hearing - Building

5. M.

Meeting Date: 01/17/2023

Re: Case #22-2791 - 1004 Boston Avenue

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2791	1004 Boston Avenue	My Home Resources LLC	Frank Remling
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CASE INFORMATION:

Case Initiated:	September 14, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: My Home Resources LLC 1775 SW Gatlin Blvd Ste 101 Port St Lucie, FL 34953	REG. AGENT: Eric H. Berkowitz, P.A. 616 SE Dixie Highway Stuart, FL 34994
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VIOLATIONS:

IPMC 304.1 (2021) Exterior Structure, IPMC 304.1.1 (2021) Unsafe Conditions, IPMC 304.1.1.7 (2021) Unsafe Conditions – Ext. Walls, IPMC 304.1.1.8 (2021) Unsafe Conditions – Roof, IPMC 304.2 (2021) Protective Treatment, IPMC 304.6 (2021) Exterior Walls, IPMC 304.7 (2021) Roofs and Drainage, IPMC 304.13.1 (2021) Glazing, IPMC 305.3 (2021) Interior Surface, IPMC 306.1.1 (2021) Unsafe Conditions, IPMC 604.3.2.1 (2021) Fire Damage Electrical Equipment

CORRECTIVE ACTIONS:

Obtain a permit to repair/replace all fire damaged wiring, electrical fixtures drywall, soffit and fascia. Any structural damage will require signed and sealed repair plans designed by a registered design professional

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: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/09/2023 09:25 AM

Special Magistrate Hearing - Building

5. N.

Meeting Date: 01/17/2023

Re: Case #22-2824 - 412 Farmers Market Road

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2824	412 Farmers Market Road	412 Farmers Market Rd FP LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	September 16, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: 412 Farmers Market Road FP LLC 8359 Calumet Ct Port St Lucie, FL 34986	REG. AGENT: Giuseppe Gambina
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for the seal coating and striping that was 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 Review

Form Started By: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 03:19 PM

Special Magistrate Hearing - Building

5. O.

Meeting Date: 01/17/2023

Re: Case #22-2826 - 408 Farmers Market Road

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-2826	408 Farmers Market Road	412 Farmers Market Road FP LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	September 16, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: 412 Farmers Market Road FP LLC 8359 Calumet Ct Port St Lucie, FL 34986	REG. AGENT: Giuseppe Gambina
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

Obtain a permit for all renovation work being done without a permit including but not limited to building and electrical.

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: Marivel Luna
Final Approval Date: 01/09/2023

Started On: 01/06/2023 03:00 PM

Special Magistrate Hearing - Building

5. P.

Meeting Date: 01/17/2023

Re: Case #22-3007 - 200 Westglen Drive

Submitted For: Shaun Coss, Building Dept. Coordinator, Building

Information

SUBJECT:

22-3007	200 Westglen Drive	Gonzales, Hugo	Kristie Kirstein
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CASE INFORMATION:

Case Initiated:	December 16, 2022	Type of Presentation:	Regular
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OWNER:

OWNER: Hugo Gonzales 1898 SW Macarthur Ave Port St Lucie, FL 34953	OCCUPIED BY:
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

CORRECTIVE ACTIONS:

1. Obtain a permit for interior demolition, electrical work and any other construction done without a permit.
2. The structure is unfit for habitation due to the unsafe condition of the first floor and having no electrical service.

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: Marivel Luna
 Final Approval Date: 01/09/2023

Started On: 01/06/2023 03:29 PM

Special Magistrate Hearing - Building

6. A.

Meeting Date: 01/17/2023

Re: Case #17-898 - 1450 Bell Avenue

Information

SUBJECT:

17-898	1450 Bell Avenue	TSPN 19 LLC 1450 Bell Ave Owner LLC	Shaun Coss
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CASE INFORMATION:

Case Initiated:	April 5, 2017	Type of Presentation:	Status/Massey Hearing
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OWNER:

OWNER: TSPN 18 LLC 1450 Bell Ave Owner LLC 1100 Biscayne Boulevard Miami FL 33132	REG. AGENT: Yehonatan Missika (TSPN 18 LLC) 1100 Biscayne Blvd Miami FL 33132
REG. AGENT: VCORP Services, LLC (1450 Bell Ave Owner LLC) 5011 South State Rd 7, Suire 106 Davie, FL 33314	PREVIOUS OWNER: RAILSIDE LLC 44th-47th Realty Associates LLC 1 Paragon Dr, Suite 260 Montvale, NJ 07645

VIOLATIONS:

Section(s) 5-1.101.2.1 Unsafe Building

Section(s) 5-1.105.1 Permit Required

Sections(s) 5-1.105.4.1.2 Expired Permit

Section(s) 22-79 Compliance with Conditions Approval

CORRECTIVE ACTIONS:

Order Determining Violation August 3, 2017, nunc pro tunc August 2, 2017:

Statuses of violations updated June 15, 2022.

1. Obtain a permit and approved final inspection for the irrigation system. ****COMPLIED****
2. Renew permit 15-3025 for re-roofing the office and loading dock area and supply an original signed and sealed inspection certification from John Foster. ****COMPLIED****
3. a)Renew permit 16-1785 for the site work permit. To obtain approval for the final inspection you must comply with all outstanding issues from the Engineering and

Planning Departments including all conditions specified in the Conditional Use approval dated 10/5/15. This includes providing a certified as-built drawing; providing a Contractor's or Engineer's final certification; removing the southern row of spaces and installing the 10 foot landscaping buffer to plan, or, the submittal of a revision to make the spaces compliant, detail of where the 10 foot landscape buffer is located ****COMPLIED****

b) and approval or revocable license agreement from St. Lucie County for the landscape buffer if it is located on the right of way; ****OUTSTANDING****

c)
rehabilitation/replacement of the palm trees installed at the south east corner of the "planning area" that are dead or dying; installing a stop bar and stop sign at the west driveway apron as required; painting directional arrows; removing the driveway apron at the west side of the property where a landscape buffer was planned; installing the vegetative hedge within the western landscape buffer as required by City Code Section 22-187(4); and, providing access to the property to allow Planning Staff to perform an inspection of the installation of trees and parking spaces striped internally on the site. ****COM**

4. Submit a revised, detailed scope of electrical work for permit 17-425 for electrical work intended to take place in the condemned structure, or include this work in the phase-two comprehensive plan described below. ****COMPLIED****
5. a) Submit a comprehensive plan for phase-two, which may include a 2000 s.f +/- addition to the facility as well as planning for a 1500 s.f. future restaurant including landscaping and site modifications; ****OUTSTANDING****

b)The phase-two comprehensive plan must address all other outstanding violations including, having an Engineer complete an evaluation of all structures on the property; ****COMPLIED****

c) building numbering; construction, rehabilitation and demolition of structures to address the change of use and to cure all deficiencies constituting condemnation; and, the removal of millings. ****OUTSTANDING****

RECOMMENDATION:

1. August 2, 2017 Special Magistrate Ross found Railside LLC responsible for the violations referenced above and gave them 30 days to obtain a permit and approved final inspection for the irrigation system, renew permit 15-3028 and 16-1785. Also 90 days to submit a revised scope of electrical work for permit 17-425 and submit a comprehensive plan for phase two of development. Failure to comply to this order in the time allotted will result in assessing a fine of \$250.00 per day for each order until all violations are corrected.
2. November 7, 2017 Shaun Coss, Building Department Investigator, exercised his authorization to grant an extension of 90 days and issued a warning that if the property doesn't come into compliance by the end of the extension, the owner will have to go before the Special Magistrate to request another extension.
3. January 18, 2018 received request for another extension of time from Alexander Gonano, legal counsel.
4. March 21, 2018 Special Magistrate issued a 90 day extension to apply for the application and an additional 90 day to obtain a permit and comply to permit conditions. Failure to come into compliance within this time period will result in being assessed \$250.00 per day until the property comes into compliance.
5. September 19, 2018 Special Magistrate extended the case for 90 days and rescheduled for

January 16, 2019.

6. January 16, 2019 Special Magistrate extended the case for 90 days and rescheduled for April 16, 2019.

7. April 16, 2019, Special Magistrate extended the case for 90 days. Several requests for continuances were granted after this hearing.

8. October 15, 2019, Special Magistrate extended the case for 45 days to allow for a stipulated agreement to be made with City staff.

9. December 18, 2019, Special Magistrate denied the request for extension of time and fines began.

10. April 9, 2020, Lien was filed

11. September 17, 2021, Release of lien was recorded pursuant to Order from St. Lucie County Circuit Court.

12. Property was sold on May 17, 2022

Recommendation to be determined at the hearing.

Form Review

Form Started By: Elizabeth Beck

Started On: 11/07/2022 09:42 AM

Final Approval Date: 11/07/2022

Special Magistrate Hearing - Building
Meeting Date: 01/17/2023

6. B.

Information

SUBJECT:

21-1658	509 N 21st Street	McCormick, Nettie	Shaun Coss
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CASE INFORMATION:

Case Initiated:	July 13, 2021	Type of Presentation:	Massey
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OWNER:

OWNER: Nettie McCormick (Est) 510 N 22nd St Ft Pierce FL 34950	OCCUPIED BY:
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VIOLATIONS:

FBC 105.4.1.2 (2017) Expired Permit, FBC 105.1 (2017) Permit Required

FINDINGS/ORDER:

Order Determining Violation - February 15, 2022
Notice of Extension of Time (90 days) - April 21, 2022
Affidavit of Non-Compliance - September 9, 2022

ACTION DATES:

1. February 15, 2022 - Special Magistrate Hearing - 60 days provided to renew the permit and obtain for any additional work or fines may accrue.
2. April 21, 2022 - A Notice of Extension of Time (90 days) was provided and recorded.
3. September 9, 2022 - An Affidavit of Non-Compliance was recorded and fines began on this date. As of October 11, 2022 the fines total \$3,330.00
4. September 22, 2022 - a letter from the owner's daughter was received, contesting the fines.

RECOMMENDATION:

To be determined.

Attachments

3 Criteria

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 11/07/2022

Started On: 11/07/2022 09:42 AM

MASSEY HEARING
October 18, 2022
Case #21-1658

CONTESTING OF FINE/NON-COMPLIANCE

1. THE GRAVITY OR SERIOUSNESS OF THE VIOLATION: **Minimal.**

2. ANY AND ALL ACTIONS TAKEN BY THE VIOLATOR TO CORRECT THE VIOLATIONS(S); OR IF THE VIOLATION(S) WERE NOT CORRECTED BY THE ORIGINAL VIOLATOR, WHAT ACTION WAS TAKEN BY ANY OTHER OWNER OR PARTY IN THE INTEREST TO BRING THE VIOLATION INTO COMPLIANCE? **The owner's daughter is taking steps needed to have the power turned back on so that the renovation work can continue.**

3. 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? **0 (zero).**

Information

SUBJECT:

21-2065	1405 N 25th Street	NM & HM Inc	Shaun Coss
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CASE INFORMATION:

Case Initiated:	September 1, 2021	Type of Presentation:	Massey
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OWNER:

OWNER: NM & HM INC 6980 NW Denargo St Port St Lucie, FL 34983	Reg. Agent: Nazir Mustafa 1400 Orange Ave Ft Pierce FL 34947
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VIOLATIONS:

IPMC 304.12 (2021) Handrails & Guards, IPMC 304.10 (2021) Stairways, Decks, Porches & Balconies, IPMC 305.4 (2021) Walking Surfaces

FINDINGS/ORDER:

Order Determining Violation - November 17, 2021
Affidavit of Non- Compliance - December 15, 2022

ACTION DATES:

1. November 16, 2021 - Special Magistrate Hearing - owner provided 60 days to get a permit or a fines may start to accrue.
2. December 8, 2021 - a permit was issued addressed the cited violations. June 13, 2022 the permit was renewed and expired on December 10, 2022.
3. December 15, 2022 - An Affidavit of Non-Compliance was recorded and fines began to accrue.
4. December 23, 2022 - a letter was received contesting the fines.
5. December 27, 2022 - the contractor stated that the demolition worked was completed and an inspection was requested but he was inadvertently told by someone in the Building Department, that an inspection was not necessary. This inspection would have extended the expiration of the permit. Upon receipt of this information, the permit was re-activated and an inspection was scheduled and approved on December 28, 2022. The fines would not have begun while there was an active permit.

RECOMMENDATION:

To be determined.

Attachments

3 Criteria

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 01/10/2023

Started On: 01/05/2023 07:56 AM

MASSEY HEARING
January 17, 2023
Case #21-2065

CONTESTING OF FINE/NON-COMPLIANCE

1. THE GRAVITY OR SERIOUSNESS OF THE VIOLATION: **Moderate**

2. ANY AND ALL ACTIONS TAKEN BY THE VIOLATOR TO CORRECT THE VIOLATIONS(S); OR IF THE VIOLATION(S) WERE NOT CORRECTED BY THE ORIGINAL VIOLATOR, WHAT ACTION WAS TAKEN BY ANY OTHER OWNER OR PARTY IN THE INTEREST TO BRING THE VIOLATION INTO COMPLIANCE? **The owner hired a contractor and obtained a permit for the necessary work.**

3. 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? **2 (two).**

Special Magistrate Hearing - Building
Meeting Date: 01/17/2023

6. D.

Information

SUBJECT:

21-3391	214 Manatee Ln CA	High Point FP Condo Assn Sec 1	Shaun Coss
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CASE INFORMATION:

Case Initiated:	November 23, 2021	Type of Presentation:	Fine Reduction
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OWNER:

OWNER: High Point FP Condo Association Section 1 204 Manatee Ln Ft Pierce FL 34982	REG. AGENT: Steven DiPalma
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VIOLATIONS:

FBC 105.1 (2017) Permit Required

FINDINGS/ORDER:

Order Determining Violation - June 22, 2022
Affidavit of Non-Compliance - August 31, 2022
Affidavit of Compliance - November 16, 2022

ACTION DATES:

1. June 21, 2022 - Special Magistrate Hearing - 60 days provided to obtain the permit or fines may accrue.
2. August 31, 2022 - An Affidavit of Non-Compliance was recorded, a Massey letter was sent out and fines began on this date.
3. September 15, 2022 - a letter from the Association Vice President contesting the fines and the need for a permit.
4. November 14, 2022 - a paving permit was issued.
5. November 15, 2022 - at a Massey Hearing the fines were stopped to allow for the inspection and compliance of the case. Fines total \$7,740.00 including \$40.00 in recording fees.
5. November 16, 2022 - the final inspection was approved and an Affidavit of Compliance was prepared and recorded on November 17, 2022.

RECOMMENDATION:

To be determined.

Attachments

3 Criteria

Admin Costs

Fine Reduction Request

Form Review

Form Started By: Elizabeth Beck

Final Approval Date: 01/04/2023

Started On: 01/04/2023 12:22 PM

MASSEY HEARING
January 17, 2023
Case #21-3391

CONTESTING OF FINE/NON-COMPLIANCE

1. THE GRAVITY OR SERIOUSNESS OF THE VIOLATION: **Minimal.**

2. ANY AND ALL ACTIONS TAKEN BY THE VIOLATOR TO CORRECT THE VIOLATIONS(S); OR IF THE VIOLATION(S) WERE NOT CORRECTED BY THE ORIGINAL VIOLATOR, WHAT ACTION WAS TAKEN BY ANY OTHER OWNER OR PARTY IN THE INTEREST TO BRING THE VIOLATION INTO COMPLIANCE? **A contractor was hired and the permit was eventually issued and received the necessary final inspection.**

3. 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? **0 (zero).**

Administrative Cost Estimator

1/9/2023

Property Address: Manatee Lane - Common Area Sec 1

Date case originated: 11/23/2021

Date case complied: 11/16/2022

Total time: 12 months

Number of Hearings

Violation Hearings: 1

Massey Hearings: 2

Lien Reduction Hearings:

Mailing Expense

Regular 1st Class:	\$0.60	<u>8</u>	\$4.80
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Certified Mail:	\$7.25	<u>1</u>	\$7.25
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Photographs (per page)	\$0.50	<u>4</u>	\$2.00
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Filing Fees	\$10.00	<u>4</u>	\$40.00
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Months Open	\$50.00	<u>12</u>	\$600.00
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Covers investigator'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>1</u>	\$125.00
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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>1</u>	\$150.00
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Covers SM review and hearing time, recording secretary, building staff & management hearing time, attorney hearing time, and IT set up.

Application Fee for Lien Reduction	\$250.00	<u> </u>	\$0.00
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Total Estimated Cost: \$1,154.05



REQUEST FOR A REDUCTION OR RESCINDMENT OF
 BUILDING VIOLATION FINES

Date:	11/28/2022				
Property address:	204 MANATEE LANE				
Owner(s) of record:	HIGH POINT CONDOMINIUM ASSOCIATION ONE				
Mailing address:	204 MANATEE LANE				
Property tax ID #:	2426-705-0000-000/8				
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:	STEVEN DiPALMA		Relationship to owner(s)		
Telephone #:	772-461-2770		Mobile phone #: 772-370-7440		
E-mail:	hpSECTIONONE@gmail.com		Preferred contact method:		
What are owner(s) intentions for 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 \$ 7730.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED \$ 7730.00

DOLLAR AMOUNT I AGREE TO PAY \$ 0

Steve DiPalma
 Signature of Owner or Representative

11/28/2022
 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: 204 MANAREE LANE

Property Owner: HIGH POINT CONDOMINIUM ASSOCIATION SECTION ONE

Mailing Address: 204 MANAREE LANE

Telephone #: 772-461-2770 Cell Phone #: 772-370-7440

E-Mail Address: APRECTIONONE@GMAIL.COM

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

I, Steven DiPalma, 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:

WE ARE IN COMPLIANCE WITH ALL OF THE REQUIRED DOCUMENTATION THE CITY OF FORT PIERCE REQUIRED.

Signed: Steven DiPalma Date: 11/28/2022

Print Name: STEVEN DIPALMA

STATE OF FLORIDA

COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority JOSEPH THOMPSON who acknowledged before me that the information contained herein is true and correct. He or She is / is ~~no~~ personally known to me and has produced _____ as identification.

SWORN TO AND SUBSCRIBED before me this 28 day of NOVEMBER, 20 22.

[Signature]

Notary Public, State of Florida



Special Magistrate Hearing - Building
Meeting Date: 01/17/2023

6. E.

Information

SUBJECT:

22-1595	2405 Sunrise Blvd	Pink Sunrise LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	May 17, 2022	Type of Presentation:	Massey
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OWNER:

OWNER: Pink Sunrise LLC 1750 NE 191st St #809 Miami FL 33179	REG, AGENT: Adriana Kozma
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VIOLATIONS:

FBC 105.1 (2020) Permit Required

FINDINGS/ORDER:

Order Determining Violation - September 20, 2022
Affidavit of Non-Compliance - November 22, 2022

ACTION DATES:

1. September 20, 2022 - Special Magistrate Hearing - owner provided 60 days to get a permit or a fines may start to accrue.
2. November 22, 2022 - An Affidavit of Non-Compliance was recorded and fines began to accrue.
3. November 28, 2022 - a letter was received contesting the fines, and a Massey Notice was sent December 1, 2022.

RECOMMENDATION:

To be determined.

Attachments

3 Criteria

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 01/10/2023

Started On: 01/04/2023 04:35 PM

MASSEY HEARING
January 17, 2023
Case #22-1595

CONTESTING OF FINE/NON-COMPLIANCE

1. THE GRAVITY OR SERIOUSNESS OF THE VIOLATION: Minimal

2. ANY AND ALL ACTIONS TAKEN BY THE VIOLATOR TO CORRECT THE VIOLATIONS(S); OR IF THE VIOLATION(S) WERE NOT CORRECTED BY THE ORIGINAL VIOLATOR, WHAT ACTION WAS TAKEN BY ANY OTHER OWNER OR PARTY IN THE INTEREST TO BRING THE VIOLATION INTO COMPLIANCE? The owner hired a contractor and obtained a permit for the necessary work.

3. 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? 1 (one).

Special Magistrate Hearing - Building
Meeting Date: 01/17/2023

7. A.

Information

SUBJECT:

20-1558	2501 Okeechobee Road	Spirit FL Town Star 2014-2 LLC	Shaun Coss
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CASE INFORMATION:

Case Initiated:	July 7, 2020	Type of Presentation:	Lien Reduction
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OWNER:

OWNER: Spirit FL Town Star 2014-2 LLC 2727 Hardwood St Suite 300 Dallas TX 75201	REG. AGENT: C T Corporation System 1200 S Pine Island Rd Plantation FL 33324
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VIOLATIONS:

Section 5-1.105.1 Permit Required

FINDINGS/ORDER:

Order Determining Violation - January 20, 2021
Notice of Extension of Time - March 30, 2021
Affidavit of Non-Compliance - September 30, 2021
Amended Order Assessing Fine and Imposing Lien - May 3, 2022
Affidavit of Compliance - September 22, 2022

ACTION DATES:

1. January 19, 2021 - Special Magistrate Hearing - owner found responsible for the violation and was provided 60 days to obtain the permit or fines may accrue.
2. March 30, 2021 - A Notice of Extension of Time (90 days) was provided and recorded.
3. September 30, 2021 - An Affidavit of Non-Compliance was recorded and fines began to accrue on this date.
4. May 3, 2022 - a lien was prepared and it was recorded on May 4, 2022.
5. August 25 & 26, 2022 - permits for the work were issued.
6. September 20, 2022 - the final inspections were approved and fines stopped on this date. The fines total \$35,750.00.
7. December 22, 2022 - A Lien Reduction Request was received by the Building Department.

RECOMMENDATION:

To be determined.

Attachments

Admin Costs

Lien Reduction Request

7 Criteria

Form Review

Form Started By: Elizabeth Beck

Started On: 01/03/2023 07:53 AM

Final Approval Date: 01/05/2023

Administrative Cost Estimator

01/05/2023

Property Address: 2501 Okeechobee Road

Date case originated: 7/7/2020

Date case complied: 9/20/2022

Total time: 26 months

Number of Hearings

Violation Hearings: 1

Massey Hearings:

Lien Reduction Hearings: 1

Mailing Expense

Regular 1st Class:	\$0.60	<u>10</u>	\$6.00
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Certified Mail:	\$7.25	<u>2</u>	\$14.50
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Photographs (per page)	\$0.50	<u>2</u>	\$1.00
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Filing Fees	\$10.00	<u>6</u>	\$60.00
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Months Open	\$50.00	<u>26</u>	\$1,300.00
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Covers investigator'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>1</u>	\$125.00
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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.

Application Fee for Lien Reduction	\$250.00	<u>1</u>	\$250.00
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Total Estimated Cost: \$2,281.50



THE SUNRISE CITY
FORT PIERCE
 BUILDING DEPARTMENT
Florida

REQUEST FOR A REDUCTION OR RESCINDMENT OF
 BUILDING VIOLATION LIENS

Date:	December 14, 2022				
Property address:	2501 Okeechobee Rd, Fort Pierce, FL 34947				
Owner(s) of record:	Spirit FL Town-Star 2014 - 2, LLC				
Mailing address:	c/o GPM Investments, LLC, 8565 Magellan Parkway, Suite 400, Richmond, VA 23227, Attn: Legal Department				
Property tax ID #:	2417-503-0001-000/7				
Original purchase date:		Original purchase price:			
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:	Julius Schwarz		Relationship to owner(s)	Tenant	
Telephone #:	917-386-4414		Mobile phone #:		
E-mail:	js@jsrllaw.com		Preferred contact method:	email	
What are owner(s) intentions for property:	commercial use, as currently used.				
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

\$ 36,350.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 32,715.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 3,635.00

Signature of Owner or Representative

December 14, 2022
 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), contact Katherine Calderon (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 (772-467-3712) 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 15 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 2501 Okeechobee Rd, Fort Pierce, FL 34947

Property Owner: Spirit FL Town-Star 2014 - 2, LLC

Mailing Address: c/o GPM Investments, LLC, 8565 Magellan Parkway, Suite 400, Richmond, VA 23227, Attn: Legal Department

Telephone #: 917-386-4414 Cell Phone #: _____

E-Mail Address: js@jsrllaw.com

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

I, Maury Bricks, General Counsel of Florida Convenience Stores, LLC, the tenant, 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:

Please see attached statement

Signed: _____ Date: December, 2022

Print Name: Maury Bricks

STATE OF ~~FLORIDA~~ VIRGINIA

COUNTY OF ~~ST. LUCIE~~ HENRICO

PERSONALLY APPEARED before me, the undersigned authority Maury Bricks 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 _____ as identification.

SWORN TO AND SUBSCRIBED before me this 14th day of December, 20 22.

Rachael Walker

Notary Public, State of ~~Florida~~ Virginia

Rachael Victoria Walker
Notary Public
Commonwealth of Virginia
Reg. No. 7966075
Commission Expires 9/30/2025

Lien Reduction Memo Case# 20-00001558

Florida Convenience Stores, LLC is tenant under a certain Consolidated, Amended and Restated Master Lease dated April 2, 2019 (the "Lease") by and between Florida Convenience Stores, LLC as "Tenant" and Spirit FL Town Star 2014-2, LLC, as "Landlord." Tenant succeeded under the Lease to the interests of the original tenant, Town Star Holdings, LLC ("Town Star"). Town Star was the debtor under a Chapter 11 bankruptcy filing, In Re Town Star, Case No.: 9:19-00667-FMD, filed with the United States Bankruptcy Court for the Middle District of Florida, Ft. Myers Division (the "Bankruptcy Court"). Attached are the relevant orders from the Bankruptcy Court approving Tenant's acquisition of substantially all assets of Town Star pursuant to Sections 105, 363 and 365, of title 11 of the United States Bankruptcy Code (the "Bankruptcy Code"), as well as approving the assignment of the original lease with Landlord. Pursuant to these orders from the Bankruptcy Court, Tenant was to acquire the property and other assets of Town Star "free and clear of all liens, claims, encumbrances, and other interests."

On July 7, 2020, Landlord received a notice of violation Case #20-00001558 which required the replacement of an existing awning and replacement of an existing menu board. Tenant was not made aware of such violation until November 19, 2020. In addition, Tenant as a result of acquiring the Lease through the Town Star bankruptcy had no knowledge of the potential for these violations, given that these structures were originally erected by Town Star. In order for Tenant to cure the violation, Tenant was asked by the Fort Pierce Building Department to provide copies of engineer drawings. This request required Tenant to hire structural, electrical, and footing engineers as well as to apply for city permits. This process took several months to find engineers who would take on this project and finalize. The violation was finally cured on September 21, 2022, and a letter from the Fort Pierce Building Department was received on September 26, 2022. However, by the time the violation was cured, the property had already started to accrue penalties of \$100/per day commencing on October 5, 2021, by which time penalties in the amount of \$36,350.00 had accrued.

We kindly ask that such fines be drastically reduced, as Tenant did everything possible to get the matter resolved as soon as they were aware of the violation which unfortunately was several months after such violation was issued to Landlord.

OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION

Property Address:	2501 Okeechobee Rd, Fort Pierce, FL 34947
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I acknowledge that I have been provided a copy of Rule 15 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. 15(a,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. 15(a,c,d), 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.

Signature of Owner or Representative

12/14/2022

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

1/3/23

Date

Rule 15: Requests for Reduction of Liens.

- A. All requests to reduce a lien imposed by the City must meet the following requirements:
- (1) For liens imposed pursuant to Fla. Stat. § 162.09, a Respondent may request a reduction of the lien only after the original violation is in compliance and the Department has issued an Affidavit of Compliance.
 - (2) The request must be in writing in a form provided by the Department.
 - (3) The request must be made by the owner. If the request is made by any other interested party, written proof of permission to act on behalf of the owner must be provided.
 - (4) A copy of the deed, showing title transfer to the current owner, must be provided.
 - i. If the property was conveyed via Special Warranty Deed or Warranty Deed, the owner must provide proof of their attempt to have the guaranteeing party take responsibility for the debt without success.
 - (5) A statement or explanation as to why the City should consider the request for reduction. The request should include a narrative with any supporting documentation to be considered in furtherance of such request.
 - (6) There shall be established an application fee of \$250.00 for all requests to reduce a lien that must be heard by the Special Magistrate. Such fee shall be assessed by the Special Magistrate following consideration of the request and is in addition to any other administrative fees assessed. Any reduction or waiver of such fee may only be granted upon proof of sufficient cause by the Requestor.
- 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.
 - (4) The amount of settlement for requests of partial lien releases due to a spreading lien as provided for in Fla. Stat. § 162.09(3) is equal to or more than 3% of the lien to be released and the property receiving the benefit of the lien reduction is located outside the Fort Pierce city limits.
 - (5) The amount of settlement for nuisance abatement and demolition liens is equal to or greater than the hard costs for service plus 50% of the interest, penalties, and administration fees assessed by the City.

The Department shall forward the request to the Special Magistrate 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 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, with notice to the Requestor. After hearing both sides, the Special Magistrate shall make a determination 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 and to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship.
- (7) Whether and to what extent there are pending violation proceedings on the subject property or any other property within the City owned by the Requestor.

D. If the Special Magistrate 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) For liens imposed pursuant to Fla. Stat. § 162.09, in a reduced amount that is no less than the amount sufficient to cover the administration costs for processing the case plus the \$250.00 application fee.
- (2) For nuisance abatement liens, in a reduced amount that is no less than the amount sufficient to cover the following conditions:
 - i. The reduced amount must include the hard costs for services.
 - ii. The reduced amount must include the \$250.00 application fee.
 - iii. The City imposed interest and penalties may be waived in full if the Special Magistrate determines that it is in the best interest of the City.
 - iv. The consideration of administration fees must include any outstanding hard costs to the City including, but not limited to, recording fees.
 - v. The administration fees for liens imposed in the Requestor's name shall not be waived or reduced unless the Requestor can provide sufficient cause for such fee

to be waived or reduced, and the Special Magistrate determines it is in the best interest of the City.

vi. All other administrative fees may be waived or reduced as determined by the Special Magistrate.

E. An appeal of the Special Magistrate's decision may be made to the City Commission. Any such request for appeal must be in writing and received by the City Clerk's office no later than 30 days from the written determination of the Special Magistrate.

F. There shall be established an appeal fee of \$250.00 for any requests that must be heard by the City Commission. Such fee may be imposed after consideration by the City Commission.

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

Case No: 20-1558

Date: January 17, 2023

1.) The gravity or seriousness of the violation:	Moderate
2a.) Any and all actions taken by the violator to correct the violations; OR	The necessary permits were finally obtained, and the completed work was approved upon final inspection.
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:	The owner hired a contractor who obtained the necessary permit and completed the work.
3.) The length of time necessary to bring the property into compliance:	2 years, 1 month
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:	0
5.) The number of violation notices the violator has received in the past, as well as their nature and final disposition of each notice:	0
6.) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship:	According to the owner, there were some ownership changes that resulted in the tenant receiving the notice. Another delay occurred with the necessity to hire an engineer for the necessary drawings.
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

Special Magistrate Hearing - Building**7. B.****Meeting Date:** 01/17/2023

Information**SUBJECT:**

20-2061	3211 Orange Avenue	Manuel Esquivel Concrete Contractor Inc	Shaun Coss
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CASE INFORMATION:

Case Initiated:	September 10, 2020	Type of Presentation:	Lien Reduction
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OWNER:

OWNER: Manuel Esquivel Concrete Contractor Inc. 5548 NW Cordrey St Port St Lucie FL 34986	REG. AGENT: Manuel Esquivel
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VIOLATIONS:

FBC 105.1 (2017) Permit Required

FINDINGS/ORDER:

Order Determining Violation - March 17, 2021

Notice of Extension of Time (90 days from the expiration of the Order Determining Violation) - September 9, 2021

Affidavit of Non-Compliance - September 9, 2021

Order Assessing Fine and Imposing Lien - January 3, 2022

Affidavit of Compliance - December 12, 2022

ACTION DATES:

1. March 17, 2021 - Special Magistrate Hearing - owner found responsible for the violation and was provided 60 days to obtain the permit or fines may accrue.
2. September 9, 2021 - A Notice of Extension of Time (90 days) was provided and recorded.
3. September 9, 2021 - An Affidavit of Non-Compliance was recorded and fines began to accrue on this date.
4. January 3, 2022 - a lien was recorded.
5. October 10, 2022 - a demolition permit was issued. The demolition final was approved on October 31, 2022. The fines stopped accruing on this date and total \$25,060.00 including \$60.00 of recording fees.
6. December 12, 2022 - an Affidavit of Compliance was prepared and recorded on December 13, 2022.
7. December 15, 2022 - a Lien Reduction Request was received by the Building Department.

RECOMMENDATION:

To be determined.

Attachments

7 Criteria

Admin Costs

Lien Reduction Request

Form Review

Form Started By: Elizabeth Beck

Started On: 01/04/2023 03:39 PM

Final Approval Date: 01/10/2023

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

Case No: 20-2423

Date: January 17, 2023

1.) The gravity or seriousness of the violation:	Moderate
2a.) Any and all actions taken by the violator to correct the violations; OR	The necessary permit was finally obtained, and the completed work was approved upon final inspection.
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:	The owner hired a contractor, obtained the necessary permit. The permit expired with no inspections. It was renewed and received the approved final inspection.
3.) The length of time necessary to bring the property into compliance:	1 year, 10 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:	1
5.) The number of violation notices the violator has received in the past, as well as their nature and final disposition of each notice:	3, the permits were obtained
6.) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship:	The owner states that notices were not received, and that due to COVID there were delays in getting the work done.
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:	1 (one)

Administrative Cost Estimator

1/9/2023

Property Address: 3211 Orange Avenue

Date case originated: 9/10/2020

Date case complied: 10/31/2022

Total time: 25 months

Number of Hearings

Violation Hearings: 2

Massey Hearings:

Lien Reduction Hearings: 1

Mailing Expense

Regular 1st Class:	\$0.60	<u>7</u>	\$4.20
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Certified Mail:	\$7.25	<u>1</u>	\$7.25
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Photographs (per page)	\$0.50	<u>6</u>	\$3.00
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Filing Fees	\$10.00	<u>6</u>	\$60.00
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Months Open	\$50.00	<u>25</u>	\$1,250.00
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Covers investigator'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>1</u>	\$125.00
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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.

Application Fee for Lien Reduction	\$250.00	<u>1</u>	\$250.00
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Total Estimated Cost: \$2,224.45



REQUEST FOR A REDUCTION OR RESCINDMENT OF
BUILDING VIOLATION LIENS

Date:	Dec 12 th 2022		
Property address:	3211 Orange Ave		
Owner(s) of record:			
Mailing address:	5548 N.W Cordrey St PSC, Fl 34986		
Property tax ID #:			
Original purchase date:		Original purchase price:	
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:	Manuel Esquivel	Relationship to owner(s)	
Telephone #:	772-924-5818	Mobile phone #:	
E-mail:	Joey2807@gmail.	Preferred contact method:	
What are owner(s) intentions for property:	Restaurant ^{com}		
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

\$ 41,750.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 40,250.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 1,500.00


Signature of Owner or Representative

12-15-22
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), contact Katherine Calderon (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 (772-467-3712) 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 15 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 3211 ORANGE Ave

Property Owner: Manuel Esquivel

Mailing Address: 5548 NW Cordrey St

Telephone #: _____ Cell Phone #: 772-924-5818

E-Mail Address: Joey2807@gmail.com

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

between the requesting party and the Department to settle the lien reduction shall constitute a waiver of hearing by the Special Magistrate 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, with notice to the Requestor. After hearing both sides, the Special Magistrate shall make a determination 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 and to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship.
- (7) Whether and to what extent there are pending violation proceedings on the subject property or any other property within the City owned by the Requestor.

D. If the Special Magistrate 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) For liens imposed pursuant to Fla. Stat. § 162.09, in a reduced amount that is no less than the amount sufficient to cover the administration costs for processing the case plus the \$250.00 application fee.
- (2) For nuisance abatement liens, in a reduced amount that is no less than the amount sufficient to cover the following conditions:
 - i. The reduced amount must include the hard costs for services.
 - ii. The reduced amount must include the \$250.00 application fee.
 - iii. The City imposed interest and penalties may be waived in full if the Special Magistrate determines that it is in the best interest of the City.
 - iv. The consideration of administration fees must include any outstanding hard costs to the City including, but not limited to, recording fees.
 - v. The administration fees for liens imposed in the Requestor's name shall not be waived or reduced unless the Requestor can provide sufficient cause for such fee

Rule 15: Requests for Reduction of Liens.

- A. All requests to reduce a lien imposed by the City must meet the following requirements:
- (1) For liens imposed pursuant to Fla. Stat. § 162.09, a Respondent may request a reduction of the lien only after the original violation is in compliance and the Department has issued an Affidavit of Compliance.
 - (2) The request must be in writing in a form provided by the Department.
 - (3) The request must be made by the owner. If the request is made by any other interested party, written proof of permission to act on behalf of the owner must be provided.
 - (4) A copy of the deed, showing title transfer to the current owner, must be provided.
 - i. If the property was conveyed via Special Warranty Deed or Warranty Deed, the owner must provide proof of their attempt to have the guaranteeing party take responsibility for the debt without success.
 - (5) A statement or explanation as to why the City should consider the request for reduction. The request should include a narrative with any supporting documentation to be considered in furtherance of such request.
 - (6) There shall be established an application fee of \$250.00 for all requests to reduce a lien that must be heard by the Special Magistrate. Such fee shall be assessed by the Special Magistrate following consideration of the request and is in addition to any other administrative fees assessed. Any reduction or waiver of such fee may only be granted upon proof of sufficient cause by the Requestor.

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.
- (4) The amount of settlement for requests of partial lien releases due to a spreading lien as provided for in Fla. Stat. § 162.09(3) is equal to or more than 3% of the lien to be released and the property receiving the benefit of the lien reduction is located outside the Fort Pierce city limits.
- (5) The amount of settlement for nuisance abatement and demolition liens is equal to or greater than the hard costs for service plus 50% of the interest, penalties, and administration fees assessed by the City.

The Department shall forward the request to the Special Magistrate 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

to be waived or reduced, and the Special Magistrate determines it is in the best interest of the City.

vi. All other administrative fees may be waived or reduced as determined by the Special Magistrate.

E. An appeal of the Special Magistrate's decision may be made to the City Commission. Any such request for appeal must be in writing and received by the City Clerk's office no later than 30 days from the written determination of the Special Magistrate.

F. There shall be established an appeal fee of \$250.00 for any requests that must be heard by the City Commission. Such fee may be imposed after consideration by the City Commission.

I, Manuel Esquivel, 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:

We have hired 3 contractors for this project, and 2 of them did work without permits. Finally the 3rd contractor pulled the demo permit. I feel contractor should be responsible for fees on permits pulled. I'm willing to pay \$1,500.00 towards City Fees

Signed: Manuel Esquivel Date: 12-15-22

Print Name: Manuel Esquivel

STATE OF FLORIDA

COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Manuel Esquivel 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 Photo as identification.

SWORN TO AND SUBSCRIBED before me this 15th day of December, 2022.

[Signature]
Notary Public, State of Florida



VIVIENNE A FINLETTER
Notary Public
State of Florida
Comm# HH174135
Expires 9/9/2025

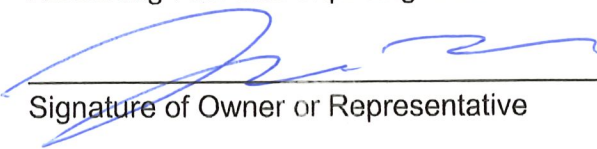
OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION

Property Address: 3211 Orange Ave

I acknowledge that I have been provided a copy of Rule 15 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. 15(a,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. 15(a,c,d), 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.


Signature of Owner or Representative

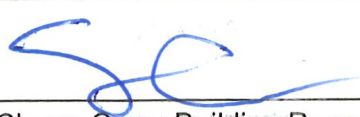
12-20-22
Date

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

12/20/22
Date



Special Magistrate Hearing - Building
Meeting Date: 01/17/2023

7. C.

Information

SUBJECT:

20-2423	4301 Orange Ave	4301 Gateway LLC	Shaun Coss
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CASE INFORMATION:

Case Initiated:	October 22, 2020	Type of Presentation:	Lien Reduction
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OWNER:

OWNER: 4301 Gateway LLC 205 N 3rd Street Grand Forks ND 58203	REG. AGENT: Keith Danks 1136 S Ocean Drive Ft Pierce FL 34949
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VIOLATIONS:

FBC 105.1 (2017) Permit Required

FINDINGS/ORDER:

Order Determining Violation - January 20, 2021
Notice of Extension of Time - March 30, 2021
Affidavit of Non-Compliance - October 28, 2021
Order Assessing Fine and Imposing Lien - February 28, 2022
Affidavit of Compliance - August 3, 2022

ACTION DATES:

1. January 20, 2021 - Special Magistrate Hearing - owner provided 60 days to obtain a permit or fines may accrue.
2. March 30, 2021 - A Notice of Extension of Time providing a 90 day extension was recorded.
3. April 9, 2021 - A permit was issued for the work cited in the violation. On October 6, 2021 the permit expired with no inspections.
4. October 28, 2021 - Affidavit of Non-Compliance was recorded and fines began to accrue.
5. February 28, 2022 a lien was prepared and recorded on March 2, 2022.
6. March 21, 2022 the permit was renewed.
7. August 3, 2022 - the final inspection was approved and the fines stopped on this date. The fines total \$27,960.00 including \$60.00 of recording fees.
8. September 15, 2022 - An Affidavit of Compliance was recorded.
9. October 25, 2022 - A Lien Reduction Request was received by the Building Department.

RECOMMENDATION:

To be determined.

Attachments

7 Criteria

Admin Costs

Lien Reduction Request

Form Review

Form Started By: Elizabeth Beck

Started On: 01/04/2023 05:04 PM

Final Approval Date: 01/10/2023

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

Case No: 20-2423

Date: January 17, 2023

1.) The gravity or seriousness of the violation:	Moderate
2a.) Any and all actions taken by the violator to correct the violations; OR	The necessary permit was finally obtained, and the completed work was approved upon final inspection.
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:	The owner hired a contractor, obtained the necessary permit. The permit expired with no inspections. It was renewed and received the approved final inspection.
3.) The length of time necessary to bring the property into compliance:	1 year, 10 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:	1
5.) The number of violation notices the violator has received in the past, as well as their nature and final disposition of each notice:	3, the permits were obtained
6.) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship:	The owner states that notices were not received, and that due to COVID there were delays in getting the work done.
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:	1 (one)

Administrative Cost Estimator

1/9/2023

Property Address: 4301 Orange Avenue

Date case originated: 10/22/2020

Date case complied: 8/3/2022

Total time: 22 months

Number of Hearings

Violation Hearings: 1

Massey Hearings:

Lien Reduction Hearings: 1

Mailing Expense

Regular 1st Class:	\$0.60	<u>12</u>	\$7.20
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Certified Mail:	\$7.25	<u>2</u>	\$14.50
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Photographs (per page)	\$0.50	<u>5</u>	\$2.50
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Filing Fees	\$10.00	<u>6</u>	\$60.00
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Months Open	\$50.00	<u>9</u>	\$450.00
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Covers investigator'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>1</u>	\$125.00
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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>1</u>	\$150.00
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Covers SM review and hearing time, recording secretary, building staff & management hearing time, attorney hearing time, and IT set up.

Application Fee for Lien Reduction	\$250.00	<u>1</u>	\$250.00
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Total Estimated Cost: \$1,284.20



REQUEST FOR A REDUCTION OR RESCINDMENT OF
BUILDING VIOLATION LIENS

Date:	10/13/22			
Property address:	4301 Orange Ave Ft. Pierce, FL 34947			
Owner(s) of record:	4301 Gateway, LLC			
Mailing address:	1136 S. Ocean DR Ft. Pierce, FL 34949			
Property tax ID #:	2407 - 412 - 0002 - 00014			
Original purchase date:	June 28, 2019	Original purchase price:	\$208,968.83	
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:	Keith Danks		Relationship to owner(s)	owner
Telephone #:	701-775-3325		Mobile phone #:	701-775-3325
E-mail:	Keith@equitymgmt.biz jessycg@human@yahoo.com		Preferred contact method:	Phone call
What are owner(s) intentions for property:	Commercial lease			
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

\$ 27,950.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 27,950.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 0.00

Keith Danks
Signature of Owner or Representative

10-25-22
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), contact Katherine Calderon (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 (772-467-3712) 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 15 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 4301 Orange Ave Ft. Pierce, FL 34947

Property Owner: 4301 Gateway, LLC

Mailing Address: 1136 S. Ocean Dr. Ft. Pierce, FL 34949

Telephone #: 701-775-3325 Cell Phone #: 701-775-3325

E-Mail Address: Jessyca Ghuman@yahoo.com (and) Keith@equitymgmt.biz

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

I, Keith Danks, 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:

We have never received any notice of fines being compiled and were completely unaware that this was in circulation.

The registered agent for 4301 Gateway, LLC has retired and a lien notification was never forwarded to us. We have worked closely with the City of Fort Pierce staff obtaining permits for 4301 Orange Ave. The lien was never brought to our attention.

Due to Covid & extreme lack of staff the construction was prolonged. We diligently moved forward completing the construction at 4301 Orange Ave.

We have paid for all permit fees & passed all necessary inspections. We have spent an astronomical amount of time & finances on the refurbishment of 4301 Orange Ave. The project is finalized per code. Please see before and after pictures below.

We take pride in the City of Fort Pierce & the Orange Ave corridor, thus why the beautiful completion of 4301 Orange Ave. Please we plead with you to expunge the lien & fee to zero. We truly value your attention. Thank you kindly.

Signed: Keith Danks Jr Date: 10-25-22

Print Name: Keith Danks Jr

STATE OF FLORIDA

COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Keith Danks 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 North Dakota DL as identification.

SWORN TO AND SUBSCRIBED before me this 25 day of October, 20 22

Deanna M Gerhart
Notary Public, State of Florida
Deanna M Gerhart



Property Address: 4301 Orange Ave Ft. Pierce, FL 34947

I acknowledge that I have been provided a copy of Rule 15 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. 15(a,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. 15(a,c,d), 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.

Kevin DG
Signature of Owner or Representative

10-25-22
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
Shaun Coss, Building Department Coordinator

1/5/23
Date

Special Magistrate Hearing - Building
Meeting Date: 01/17/2023

7. D.

Information

SUBJECT:

21-2357	305 S 24th Street	FL Conference Association Seventh Day Adventists	Shaun Coss
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CASE INFORMATION:

Case Initiated:	September 21, 2021	Type of Presentation:	Lien Reduction
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OWNER:

OWNER: FL Conference Association Seventh Day Adventists 351 S State Road 434 Altamonte Springs, FL 32714	REG AGENT: Andrew Elliott
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VIOLATIONS:

FBC 105.1 (2017) Permit Required

FINDINGS/ORDER:

Order Determining Violation - March 16, 2022
Affidavit of Non-Compliance - May 23, 2022
Revised Order Assessing Fine and Imposing Lien - June 30, 2022
Affidavit of Compliance - October 5, 2022

ACTION DATES:

1. March 15, 2022 - Special Magistrate Hearing - owner found responsible for the violation and was provided 60 days to obtain the permit or fines may accrue.
2. May 23, 2022 - An Affidavit of Non-Compliance was recorded and fines began to accrue on this date.
3. June 30, 2022 - a lien was prepared and it was recorded on July 7, 2022.
4. August 16, 2022 - a permit for the work was issued.
5. November 17, 2022 - the final inspections were approved and fines stopped on this date. The fines total \$10,640.00.
6. October 27, 2022 - A Lien Reduction Request was received by the Building Department.

RECOMMENDATION:

To be determined.

Attachments

Admin Costs
7 Criteria
Lien Reduction Request

Form Review

Form Started By: Elizabeth Beck
Final Approval Date: 01/05/2023

Started On: 01/03/2023 01:01 PM

Administrative Cost Estimator

1/5/2023

Property Address: 305 S 24th Street

Date case originated: 9/21/2021

Date case complied: 9/6/2022

Total time: 12 months

Number of Hearings

Violation Hearings: 1

Massey Hearings:

Lien Reduction Hearings: 1

Mailing Expense

Regular 1st Class:	\$0.60	<u>8</u>	\$4.80
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Certified Mail:	\$7.25	<u>1</u>	\$7.25
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Photographs (per page)	\$0.50	<u>3</u>	\$1.50
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Filing Fees	\$10.00	<u>4</u>	\$40.00
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Months Open	\$50.00	<u>12</u>	\$600.00
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Covers investigator'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>1</u>	\$125.00
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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.

Application Fee for Lien Reduction	\$250.00	<u>1</u>	\$250.00
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Total Estimated Cost: \$1,553.55

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

Case No: 21-2357

Date: January 17, 2023

1.) The gravity or seriousness of the violation:	Minimal
2a.) Any and all actions taken by the violator to correct the violations; OR	The necessary permits were obtained, and the completed work was approved upon final inspection.
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:	The owner hired a contractor who obtained the necessary permit and completed the work.
3.) The length of time necessary to bring the property into compliance:	1 year
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:	0
5.) The number of violation notices the violator has received in the past, as well as their nature and final disposition of each notice:	0
6.) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship:	According to the pastor, the delay in getting the permit and the work completed was a result in some miscommunication with the contractor and the subsequent illness of the contractor.
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



OCT 17 2022

REQUEST FOR A REDUCTION OR RESCINDMENT OF
BUILDING VIOLATION LIENS

Date:	10-26-2022		
Property address:	305 S 24th ST, Fort Pierce, FL 34950-6267		
Owner(s) of record:	Florida Conference Association of Seventh-day Adventists		
Mailing address:	351 S State Road 434, Altamonte Springs, FL 32714-3824		
Property tax ID #:	2409-707-0124-000-6		
Original purchase date:	03-26-2013	Original purchase price:	190,000
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:	Rolando Gonzalez	Relationship to owner(s):	Church Pastor
Telephone #:	786-213-7916	Mobile phone #:	
E-mail:	rolando.gonzalez@floridaconference.com with copy to: propertydevelopment@floridaconference.com	Preferred contact method:	Email
What are owner(s) intentions for property:	Continued use as Church		
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

\$ **10,640.00**

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ **9,140.00**

DOLLAR AMOUNT I AGREE TO PAY

\$ **1,500.00 + \$250 fee**
= \$1,750.00

Signature of Owner or Representative

10/27/2022
Date

OCT 17 2022

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), contact Katherine Calderon (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 (772-467-3712) 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 15 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 305 S. 24th St., Fort Pierce, FL 34950-6267

Property Owner: FL Conference Association Seventh Day Adventists

Mailing Address: 351 S State Road 434, Altamonte Springs, FL 32714-3824

Telephone #: 407-644-5000 x 2131 Cell Phone #: _____

E-Mail Address: rolando.gonzalez@floridaconference.com
with copy to:
propertydevelopment@floridaconference.com

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

I, Rolando Gonzalez, 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:

There was miscommunication between the contractor and his workers.

We hired the contractor who became ill after starting the project. He took a very long time getting his workers together and he did not communicate with us until the deadline for compliance was near. Unfortunately, his delay made it for us impossible to correct the violation by the due date.

We request a reduction of the fine at this time due to our church being composed of hard working members who do not possess the means to raise much funds in a short period of time.

We appreciate your time in considering a reduction of the fee and all our circumstances.

Signed:  Date: 10/27/2022

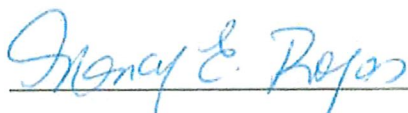
Print Name: Rolando M. Gonzalez

STATE OF FLORIDA

COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Rolando Gonzalez 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 DL G524-733-48-301-1 as identification.

SWORN TO AND SUBSCRIBED before me this 27 day of October, 2022.



Notary Public, State of Florida



NANCY ESTHER ROJAS
Notary Public
State of Florida
Comm# HH281868
Expires 8/3/2026

OCT 17 2022

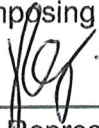
OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION

Property Address: 305 S 24th St., Fort Pierce, FL 34950-6267

I acknowledge that I have been provided a copy of Rule 15 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. 15(a,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. 15(a,c,d), 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.



Signature of Owner or Representative

10/27/2022

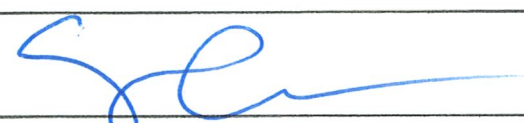
Date

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

11/8/23

Date

OCT 17 2022

Rule 15: Requests for Reduction of Liens.

- A. All requests to reduce a lien imposed by the City must meet the following requirements:
- (1) For liens imposed pursuant to Fla. Stat. § 162.09, a Respondent may request a reduction of the lien only after the original violation is in compliance and the Department has issued an Affidavit of Compliance.
 - (2) The request must be in writing in a form provided by the Department.
 - (3) The request must be made by the owner. If the request is made by any other interested party, written proof of permission to act on behalf of the owner must be provided.
 - (4) A copy of the deed, showing title transfer to the current owner, must be provided.
 - i. If the property was conveyed via Special Warranty Deed or Warranty Deed, the owner must provide proof of their attempt to have the guaranteeing party take responsibility for the debt without success.
 - (5) A statement or explanation as to why the City should consider the request for reduction. The request should include a narrative with any supporting documentation to be considered in furtherance of such request.
 - (6) There shall be established an application fee of \$250.00 for all requests to reduce a lien that must be heard by the Special Magistrate. Such fee shall be assessed by the Special Magistrate following consideration of the request and is in addition to any other administrative fees assessed. Any reduction or waiver of such fee may only be granted upon proof of sufficient cause by the Requestor.

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.
- (4) The amount of settlement for requests of partial lien releases due to a spreading lien as provided for in Fla. Stat. § 162.09(3) is equal to or more than 3% of the lien to be released and the property receiving the benefit of the lien reduction is located outside the Fort Pierce city limits.
- (5) The amount of settlement for nuisance abatement and demolition liens is equal to or greater than the hard costs for service plus 50% of the interest, penalties, and administration fees assessed by the City.

The Department shall forward the request to the Special Magistrate 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 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, with notice to the Requestor. After hearing both sides, the Special Magistrate shall make a determination 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 and to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship.
- (7) Whether and to what extent there are pending violation proceedings on the subject property or any other property within the City owned by the Requestor.

D. If the Special Magistrate 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) For liens imposed pursuant to Fla. Stat. § 162.09, in a reduced amount that is no less than the amount sufficient to cover the administration costs for processing the case plus the \$250.00 application fee.
- (2) For nuisance abatement liens, in a reduced amount that is no less than the amount sufficient to cover the following conditions:
 - i. The reduced amount must include the hard costs for services.
 - ii. The reduced amount must include the \$250.00 application fee.
 - iii. The City imposed interest and penalties may be waived in full if the Special Magistrate determines that it is in the best interest of the City.
 - iv. The consideration of administration fees must include any outstanding hard costs to the City including, but not limited to, recording fees.
 - v. The administration fees for liens imposed in the Requestor's name shall not be waived or reduced unless the Requestor can provide sufficient cause for such fee

to be waived or reduced, and the Special Magistrate determines it is in the best interest of the City.

vi. All other administrative fees may be waived or reduced as determined by the Special Magistrate.

E. An appeal of the Special Magistrate's decision may be made to the City Commission. Any such request for appeal must be in writing and received by the City Clerk's office no later than 30 days from the written determination of the Special Magistrate.

F. There shall be established an appeal fee of \$250.00 for any requests that must be heard by the City Commission. Such fee may be imposed after consideration by the City Commission.