

**SPECIAL MAGISTRATE  
BOARD AGENDA**

Special Magistrate Hearing - Tuesday, August 15, 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.	23-132	505 N 25th Street	Espinoza, Humberto	Frank Remling
B.	23-867	1102 Beach Ct	Garcia, Alberto G	Logan Winn
C.	23-888	5900 Tedder Rd	Synergy School of Tomorrow Inc.	Frank Remling
D.	23-897	1510 G Terrace	Jackson-Lowe, Patricia	Frank Remling
E.	23-917	738 Delaware Ave	Van Winkle, Jean	Logan Winn
F.	23-994	1230 Easter Ave	De Leon, Jose	Anthony Jetmore

G.	23-1143	2400 S Ocean Dr Bldg 2200	Catamaran 1 Inc.	Logan Winn
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H.	23-1144	2400 S Ocean Dr Bldg 2300	Catamaran 1 Inc.	Logan Winn
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I.	23-1222	3252 Naylor Terr	Hatfield, James	Frank Remling
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J.	23-1293	3607 Oleander Ave	House of Believers Inc.	Logan Winn
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K.	23-2163	2517 S US Hwy 1 (Entire Plaza)	Ehden NV	Frank Remling
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L.	23-2166	709 Easter Ave	Reveal, Alyssa	Frank Remling
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6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

A.	20-850	4815 S US Highway 1	Sutherlin Nissan of Ft. Pierce	Shaun Coss
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B.	22-847	1237 Grose Road	KR Jem Plant LLC	Logan Winn
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C.	22-2215	505 N 25th Street	Espinoza, Humberto	Shaun Coss
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D.	22-2489	527 N 10th Street Unit B	Seamons, Jacob A	Shaun Coss
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E.	22-3135	119 Maple Ave	Muniz, Sonia	Logan Winn
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F.	23-16	2739 S US Hwy 1	Esquivel, Victor & Cantu, Damaris	Logan Winn
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7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

A.	14-2183	1001 Ave I	Drummond, Kenneth	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:** 08/15/2023

**Re:** Case #22-2215 - 505 N 25th Street

**Information**

**SUBJECT:**

23-132	505 N 25th Street	Espinoza, Humberto	Frank Remling
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**CASE INFORMATION:**

Case Initiated:	January 19, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Humberto Espinoza 505 N 25th St Ft Pierce FL 34947	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

Obtain a permit for the interior demolition being 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: 07/14/2023

Started On: 07/14/2023 03:29 PM

**Special Magistrate Hearing - Building**

**5. B.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-867 - 1102 Beach Court

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-867	1102 Beach Ct	Garcia, Alberto G	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	March 27, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Alberto G Garcia 1102 Beach Ct Ft Pierce FL 34950	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

Obtain a permit for framing/blocking the wall in and installing a smaller window without a permit.

**RECOMMENDATION:**

The City requests that if the Special Magistrate finds the violation exists, the violator(s) be given 30 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 \$250.00 per day be assessed.

**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 07/19/2023

Started On: 07/19/2023 08:38 AM

**Special Magistrate Hearing - Building**

**5. C.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-888 - 5900 Tedder Road

**Information**

**SUBJECT:**

23-888	5900 Tedder Rd	Synergy School of Tomorrow Inc.	Frank Remling
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**CASE INFORMATION:**

Case Initiated:	March 27, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Synergy School of Tomorrow Inc. 2810 S US Hwy 1 Ft Pierce FL 34982	<b>REG. AGENT:</b> Tanya Bower, Esq. c/o Tripp Scott, P.A. 110 SE 6th St., 15th Floor Ft Lauderdale FL 33301
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

Obtain a permit for seal coating and striping the parking lot 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: 07/19/2023

Started On: 07/19/2023 08:38 AM

**Special Magistrate Hearing - Building**

**5. D.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-897 - 1510 G Terrace

**Information**

**SUBJECT:**

23-897	1510 G Terrace	Jackson-Lowe, Patricia	Frank Remling
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**CASE INFORMATION:**

Case Initiated:	March 28, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Patricia Jackson-Lowe 1510 G Terrace Ft Pierce FL 34950	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

IPMC 604.1 (2021) Facilities Required

**CORRECTIVE ACTIONS:**

Restore the utilities or vacate the property.

**RECOMMENDATION:**

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

**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 07/19/2023

Started On: 07/19/2023 08:38 AM

**Special Magistrate Hearing - Building**

**5. E.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-917 - 738 Delaware Avenue

**Information**

**SUBJECT:**

23-917	738 Delaware Ave	Van Winkle, Jean	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	March 30, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Jean Van Winkle 738 Delaware Ave Ft Pierce FL 34950	<b>OCCUPIED BY:</b>
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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 111.1.5 (2021) Dangerous Structure or Premises, IPMC 304.1 (2021) Exterior Structure – General, IPMC 304.1.1 (2021) Unsafe Conditions, IPMC 304.6 (2021) Exterior Walls, IPMC 304.10 (2021) Stairways, Decks, Porches, and Balconies, IPMC 304.13 (2021) Window, Skylight and Door Frames, IPMC 304.13.1 (2021) Glazing, IPMC 304.15 (2021) Doors, IPMC 305.1 (2021) General, IPMC 305.1.1 (2021) Unsafe Conditions, IPMC 305.2 (2021) Structural Members, IPMC 305.3 (2021) Interior Surfaces, IPMC 306.1.1 (2021) Unsafe Conditions, IPMC 604.3(2021) Electrical System Hazards, IPMC 604.3.2.1 (2021) Electrical Equipment, IPMC 704.6.1 (2021) Smoke Alarm – Where 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: Elizabeth Beck  
Final Approval Date: 07/19/2023

Started On: 07/19/2023 08:38 AM

**Special Magistrate Hearing - Building**

**5. F.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-994 - 1230 Easter Avenue

**Information**

**SUBJECT:**

23-994	1230 Easter Ave	De Leon, Jose	Anthony Jetmore
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**CASE INFORMATION:**

Case Initiated:	April 10, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Jose R. De Leon 1230 Easter Ave Ft Pierce FL 34950	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

Obtain a permit for the interior demolition, drywall, and electrical work done without a permit.

**RECOMMENDATION:**

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

**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 07/19/2023

Started On: 07/19/2023 08:38 AM

**Special Magistrate Hearing - Building**

**5. G.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-1143 - 2400 S Ocean Dr Building 2200

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-1143	2400 S Ocean Dr Bldg 2200	Catamaran 1 Inc.	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	April 20, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Catamaran 1 Inc. 835 20th Place Vero Beach FL 32960	<b>REG. AGENT:</b> Peter Mollengarden, Esq. 9121 N Military Tr., Suite 200 Palm Beach Gardens FL 33410
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

Obtain a permit for the concrete restoration and stucco done to stairways, landings, and any other areas where this work 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: Elizabeth Beck  
Final Approval Date: 08/07/2023

Started On: 08/05/2023 12:40 PM

**Special Magistrate Hearing - Building**

**5. H.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-1144 - 2400 S Ocean Dr Building 2300

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-1144	2400 S Ocean Dr Bldg 2300	Catamaran 1 Inc.	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	April 20, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Catamaran 1 Inc. 835 20th Place Vero Beach FL 32960	<b>REG. AGENT:</b> Peter Mollengarden, Esq. 9121 N Military Tr., Suite 200 Palm Beach Gardens FL 33410
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

Obtain a permit for the concrete restoration and stucco done to stairways, landings, and any other areas where this work 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: Elizabeth Beck  
Final Approval Date: 08/07/2023

Started On: 08/02/2023 04:33 PM

**Special Magistrate Hearing - Building**

5. I.

**Meeting Date:** 08/15/2023

**Re:** Case #23-1222 - 3252 Naylor Terrace

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-1222	3252 Naylor Terr	Hatfield, James	Frank Remling
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**CASE INFORMATION:**

Case Initiated:	April 26, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> James Hatfield PO Box 1506 Ft Pierce FL 34954	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required, IPMC 111.1.3 (2021) Structure Unfit for Human Occupancy, IPMC 111.1.5 (2021) Dangerous Structure or Premises, IPMC 304.7 (2021) Roofs and Drainage, IPMC 305.3 (2021) Interior Surfaces, IPMC 309.1 (2021) Infestation, IPMC 504.3 (2021) Plumbing System Hazards, IPMC 506.2 (2021) Maintenance

**CORRECTIVE ACTIONS:**

1. Treat the property for infestation.
2. Make necessary plumbing repairs to restore working plumbing and to address the clogging of the toilet making it unusable.
3. Repair/replace the roof that is leaking.
4. Make repairs to the ceiling that has caved in due to the roof leak.
5. Repair/replace kitchen cabinets that have deteriorated and are falling apart.

**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**

Final Approval Date: 08/07/2023

**Special Magistrate Hearing - Building**

**5. J.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-1293 - 3607 Oleander Avenue

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-1293	3607 Oleander Ave	House of Believers Inc.	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	May 4, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> House of Believers Inc. 805 Virginia Ave Suite 16 Ft Pierce FL 34982	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**CORRECTIVE ACTIONS:**

1. Obtain a permit for the fire alarm system 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: Elizabeth Beck  
 Final Approval Date: 08/07/2023

Started On: 08/02/2023 01:07 PM

**Special Magistrate Hearing - Building**

**5. K.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-2163 - 2517 S US Highway 1 (Entire Plaza)

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-2163	2517 S US Hwy 1 (Entire Plaza)	Ehden NV	Frank Remling
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**CASE INFORMATION:**

Case Initiated:	July 26, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Ehden NV c/o Fraga Properties 2600 S Douglas Rd, Suite 610 Coral Gables FL 33134	<b>REG. AGENT:</b> Albert Fraga
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**VIOLATIONS:**

IPMC 111.1.2 Unsafe Equipment, IPMC 111.1.3 Structure Unfit for Human Occupancy, IPMC 504.3 Plumbing System Hazards, IPMC 506.2 Sanitary System Maintenance, IPMC 506.3 Grease Interceptors

**CORRECTIVE ACTIONS:**

Obtain a permit to correct the plumbing deficiencies causing sanitary system backups into various units of the plaza causing an unsanitary and unsafe condition.

**RECOMMENDATION:**

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

**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 08/07/2023

Started On: 08/03/2023 03:11 PM

**Special Magistrate Hearing - Building**

**5. L.**

**Meeting Date:** 08/15/2023

**Re:** Case #23-2166 - 709 Easter Avenue

**Submitted For:** Shaun Coss, Assistant Director of Building, Building

**Information**

**SUBJECT:**

23-2166	709 Easter Ave	Reveal, Alyssa	Frank Remling
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**CASE INFORMATION:**

Case Initiated:	July 26, 2023	Type of Presentation:	Regular
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**OWNER:**

<b>OWNER:</b> Alyssa Reveal 709 Easter Ave Ft Pierce FL 34950	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

IPMC 111.1.3 (2021) Structure Unfit for Human Occupancy

**CORRECTIVE ACTIONS:**

Restore utilities or vacate the property immediately.

**RECOMMENDATION:**

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

**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 08/07/2023

Started On: 08/05/2023 05:17 PM

**Special Magistrate Hearing - Building****6. A.****Meeting Date:** 08/15/2023**Information****SUBJECT:**

20-850	4815 S US Highway 1	Sutherlin Nissan of Ft. Pierce	Shaun Coss
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**CASE INFORMATION:**

Case Initiated:	November 23, 2020	Type of Presentation:	Extension of Time
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**OWNER:**

<b>OWNER:</b> Sutherlin Nissan of Ft Pierce 946 S US Highway 1 Vero Beach FL 32962	<b>REG. AGENT:</b> Michael D Randolph, Esq. 1400 Dean St, Suite 300 Ft Myers FL 33901
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**VIOLATIONS:**

FBC 105.1 (2017) Permit Required

**FINDINGS/ORDER:**

Order Determining Violation - April 21, 2021

Notice of Extension of Time - June 15, 2021

Affidavit of Non-Compliance - September 29, 2021

Order Approving Respondent's Request for Extension of Time (90 days) - October 20, 2021

Order Approving Respondent's Request for Extension of Time (90 days) - February 15, 2022

Order Approving Respondent's Request for Extension of Time (90 days) - June 21, 2022

Order Approving Respondent's Request for Extension of Time (90 days) - September 20, 2022

Order Approving Respondent's Request for Extension of Time (90 days) - December 20, 2022

Order Approving Respondent's Request for Extension of Time to August 15, 2023 - June 21, 2023

**ACTION DATES:**

1. Special Magistrate Hearing - April 20, 2021 - the owner was provided 60 days to get a permit or fines may accrue.

2. Notice of Extension of Time providing an additional 90 day was granted on June 15, 2021.

3. An Affidavit of Non-Compliance was recorded on September 29, 2021, and a fine of \$100.00 per day began to accrue.

4. Special Magistrate Massey Hearing - October 19, 2021 to request an extension of time. An additional 90 day extension was granted and fines were stopped on October 20, 2021. The permit application is still pending.

5. Special Magistrate Massey Hearing - February 15, 2022 to request an extension of time. An additional 90 day extension was granted. Scheduling for the June 21, 2022 hearing.

6. Special Magistrate Massey Hearing - June 21, 2022 to request an extension of time. An additional 90 day extension was granted. Scheduling for the September 20, 2022 hearing.
7. June 24, 2022 - A meeting between the architect for the project and City Departments of Building, Planning and Engineering occurred. It was determined that a site plan would have to be applied for that includes lighting, stormwater drainage, and striping. No submissions for a permit have been received in over a year.
8. Special Magistrate Massey Hearing - September 20, 2022 - Order Approving Respondent's Request for Extension of Time - A final 90 day extension of time was granted.
9. Special Magistrate Massey Hearing - December 20, 2022 - Order Approving Respondent's Request for Extension of Time (90 days with a status update at 60 days).
10. Special Magistrate Massey Hearing - March 21, 2023 - Order Approving Respondent's Request for Extension of Time (90 days).
11. Special Magistrate Massey Hearing - June 20, 2023 - Order Approving Respondent's Request for Extension of Time to August 15, 2023 Special Magistrate Hearing.

**RECOMMENDATION:**

To be determined.

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**Attachments**

3 Criteria

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**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 08/06/2023

Started On: 08/06/2023 11:04 AM

**MASSEY HEARING**  
**February 15, 2022**  
**Case #20-850**

**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? **Permit applications were submitted 1/20/2021, and another on 8/25/2021. Both applications remain rejected by the Engineering Department.**
  
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: 08/15/2023**

**6. B.**

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**Information**

**SUBJECT:**

22-847	1237 Grose Road	KR Jem Plant LLC	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	March 3, 2022	Type of Presentation:	Massey Hearing
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**OWNER:**

OWNER: KR Jem Plant LLC 5600 Mariner St Suite 200 Tampa FL 33609	REG. AGENT: Bharati Shah
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**VIOLATIONS:**

FBC 1051 (2017) Permit Required

**FINDINGS/ORDER:**

Order Determining Violation - July 19, 2022  
Notice of Extension of Time (90 days) - September 15, 2022  
Affidavit of Non-Compliance - December 21, 2022

**ACTION DATES:**

1. July 19, 2022 - Special Magistrate Hearing - 60 days provided to obtain the permit or fines may accrue.
2. September 15, 2022 - A Notice of Extension of Time (90 days) was provided and recorded.
3. December 21, 2022 - An Affidavit of Non-Compliance was recorded and fines began on this date. As of February 14, 2023 the fines total \$5,530.00
4. January 6, 2023 - A DPCR for a Change of Use was submitted. Final approval for the DPCR was given on January 24, 2023. No subsequent building permit has been applied for.
5. January 9, 2023 - a letter from the owner's representative was received, contesting the fines.
6. February 21, 2023 - Massey Hearing, the fines were stopped and the case continued to April 18, 2023. The fines currently total \$6,230.00, including \$30.00 in recording fees.
7. April 18, 2023 - Massey Hearing - the case was continued to the July 18, 2023 hearing with fines remaining stopped.
8. May 31, 2023 - met with the owners and design team to go over requirements. No official submittals have been made to date.
9. July 18, 2023 - a property representative called to state that they missed the hearing due to a family emergency. The case was continued to the August 15, 2023 Special Magistrate hearing. Still to date, there have been no submittals.

**RECOMMENDATION:**

To be determined

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**Attachments**

3 Criteria

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**Form Review**

Form Started By: Elizabeth Beck

Started On: 07/19/2023 08:38 AM

Final Approval Date: 07/19/2023

**MASSEY HEARING**  
**April 18, 2023**  
**Case #22-847**

**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? **A DPCR application for a Change of Use was approved on January 24, 2023. On March 10, 2023 an permit application was submitted for Change of Use. It was rejected in building plan review on March 20, 2023, with no reply to review comments.**
  
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).**

**Special Magistrate Hearing - Building**  
**Meeting Date: 08/15/2023**

**6. C.**

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**Information**

**SUBJECT:**

22-2215	505 N 25th Street	Espinoza, Humberto	Shaun Coss
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**CASE INFORMATION:**

Case Initiated:	July 12, 2022	Type of Presentation:	Massey Hearing
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**OWNER:**

<b>OWNER:</b> Humberto Espinoza 505 N 25th St Ft Pierce FL 34947	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

IPMC 304.7 (2018) Roofs and Drainage, IPMC 305.3 (2018) Interior Surfaces, IPMC 304.13 (2018) Windows, Doors & Frames, IPMC 506.2 (2018) Sanitary Drainage System Maintenance, IPMC 309.1 (2018) Infestation, IPMC 704.6.1.1 (2018) Smoke Alarms, Section FBC 105.1 (2020) Permit Required

**FINDINGS/ORDER:**

Order Determining Violation -  
Notice of Extension of Time (60 days) - January 18, 2023  
Affidavit on Non-Compliance - April 4, 2023

**ACTION DATES:**

1. November 16, 2022 - Special Magistrate Hearing - owner provided 60 days to obtain the permit or fines may accrue.
2. January 18, 2023 - A Notice of Extension of Time (60 days) was provided.
3. April 4, 2023 - An Affidavit of Non-Compliance was recorded, and fines began to accrue on this date.
5. April 12, 2023 - Correspondence was received by the Building Department contesting the fines and requesting a hearing.
6. June 20, 2023 - the case was continued to the July Special Magistrate and the fines were stopped in this case as of May 16, 2023.
7. June 28, 2023 - met with the owner and engineer to discuss submittal requirements.

**RECOMMENDATION:**

To be determined.

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## Attachments

3 Criteria

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### Form Review

Form Started By: Elizabeth Beck  
Final Approval Date: 07/19/2023

Started On: 07/19/2023 08:38 AM

**MASSEY HEARING**  
**May 16, 2023**  
**Case #22-2215**

**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 purchased this property that had a building violation. The owner has obtained 2 permits to rehabilitate this property. One permit application, to address the remaining issues is currently in plan review.
  
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).

**Special Magistrate Hearing - Building**  
**Meeting Date: 08/15/2023**

**6. D.**

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**Information**

**SUBJECT:**

22-2489	527 N 10th Street Unit B	Seamons, Jacob A	Shaun Coss
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**CASE INFORMATION:**

Case Initiated:	August 18, 2022	Type of Presentation:	Massey Hearing
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**OWNER:**

<b>OWNER:</b> Jacob A Seamons 4854 N Shady Bend Ln Lehi, UT 84043	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

IPMC 305.3 (2021) Interior Surfaces, IPMC 309.1 (2021) Infestation

**FINDINGS/ORDER:**

Order Determining Violation - December 20, 2022  
Affidavit of Non-Compliance - February 23, 2023

**ACTION DATES:**

1. December 20, 2022 - Special Magistrate Hearing - owner was provided 60 days to get a permit or fines may accrue.
2. February 23, 2023 - An Affidavit of Non-Compliance was recorded and fines began to accrue. On April 3, 2023 the fines total \$4,020.00.
3. June 16, 2023 and July 21, 2023 - the property was re-inspected and did not pass. A third attempt by the inspector has been made with no response from the tenant to allow access.

**RECOMMENDATION:**

To restart the fines.

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**Attachments**

3 Criteria

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**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 08/07/2023

Started On: 08/07/2023 01:03 PM

**MASSEY HEARING**  
**April 18, 2023**  
**Case #22-2489**

**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? **Three items cited in the violation letter have been addressed. The property manager is trying to address the 2 remaining items.**
  
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).**

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**Information**

**SUBJECT:**

22-3135	119 Maple Ave	Muniz, Sonia	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	October 26, 2022	Type of Presentation:	Massey Hearing
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**OWNER:**

<b>OWNER:</b> Sonia Muniz 2728 Oleander Blvd Ft Pierce FL 34982	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

IPMC 304.1 (2021) Exterior Structure – General, IPMC 304.7 (2021) Roofs and Drainage

**FINDINGS/ORDER:**

Order Determining Violation - March 7, 2023  
Affidavit of Non-Compliance - May 10, 2023

**ACTION DATES:**

1. March 7, 2023 - Special Magistrate Hearing - owner provided 60 days to get a permit or fines may accrue.
2. May 10, 2023 - Affidavit of Non-Compliance was prepared and recorded on May 11, 2023. Fines began on May 10th and as of August 9th, fines total \$9,120.00 including \$20.00 in recording fees.
3. May 30, 2023 - Letter from the owner contesting the fines and requesting a hearing.
4. July 18, 2023 - Prior to the hearing, the owner was unable to attend and asked if the case could be continued to the August 15, 2023 Special Magistrate hearing.

**RECOMMENDATION:**

To be determined.

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**Attachments**

3 Criteria

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**Form Review**

Final Approval Date: 07/19/2023

**MASSEY HEARING**  
**July 18, 2023**  
**Case #22-3135**

**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? **There have been no actions to date to comply the violations. The owner would like more time to bring the property into compliance.**
  
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: 08/15/2023**

**6. F.**

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**Information**

**SUBJECT:**

23-16	2739 S US Hwy 1	Esquivel, Victor & Cantu, Damaris	Logan Winn
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**CASE INFORMATION:**

Case Initiated:	January 4, 2023	Type of Presentation:	Massey Hearing
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**OWNER:**

<b>OWNER:</b> Victor M Esquivel Damaris Cantu 2601 S 19th St Ft Pierce FL 34982	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

FBC 105.1 (2020) Permit Required

**FINDINGS/ORDER:**

Order Determining Violation - April 19, 2023  
Affidavit of Non-Compliance - June 26, 2023

**ACTION DATES:**

1. April 19, 2023 - Special Magistrate Hearing - owner was provided 60 days to get a permit or fines may accrue.
2. June 26, 2023 - An Affidavit of Non-Compliance was recorded and fines began to accrue. On August 9, 2023, the fines total \$4,420.00

**RECOMMENDATION:**

To be determined.

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**Form Review**

Form Started By: Elizabeth Beck  
Final Approval Date: 08/07/2023

Started On: 08/07/2023 10:16 AM

**Special Magistrate Hearing - Building**  
**Meeting Date: 08/15/2023**

**7. A.**

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**Information**

**SUBJECT:**

14-2183	1001 Ave I	Drummond, Kenneth	Shaun Coss
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**CASE INFORMATION:**

Case Initiated:	January 8, 2015	Type of Presentation:	Lien Reduction
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**OWNER:**

<b>OWNER:</b> Kenneth Drummond (Life Est) 4900 Matanzas Ave Fort Pierce FL 34946	<b>OCCUPIED BY:</b>
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**VIOLATIONS:**

Sections 5-1.101.2.1 Unsafe Building, 5-1.05.1 Permit Required, 5-368 Property Maintenance, IPMC 108.1.1 Unsafe Structure, IPMC 108.1.3 Structure Unfit for Human Occupancy, IPMC 304.10 Stairways, Decks, Porches & Balconies, IPMC 304.13 Window & Door Frames, IPMC 304.13.2 Openable Windows, IPMC 304.14 Insect Screens, IPMC 304.15 Exterior Doors, IPMC 403.2 Bathrooms and Toilet Rooms Ventilation, IPMC 503.1 Toilet Room Privacy, IPMC 504.1 Plumbing Fixtures, IPMC 602.2 Residential Heat Supply, IPMC 603.1 Mechanical Equipment, IPMC 605.1 Electrical Equipment, IPMC 605.2 Electrical Receptacles, IPMC 704.1 Fire Protection Systems

**FINDINGS/ORDER:**

Order Determining Violation - August 14, 2015  
Affidavit of Non-Compliance - October 20, 2015  
Order Assessing Fine and Imposing Lien - June 27, 2016

**ACTION DATES:**

1. August 12, 2015 - Special Magistrate Hearing - owner provided 60 days to obtain a permit or fines may accrue.
2. October 20, 2015 - Affidavit of Non-Compliance was prepared (recorded October 27, 2015) and fines began on this date.
- 3, June 27, 2016 - Order Assessing Fine and Imposing Lien was signed (recorded June 28, 2016).
4. The City of Fort Pierce had the house demolished - the case was complied on December 7, 2016. The lien totals \$47,890.00 which includes \$40.00 of recording fees.

**RECOMMENDATION:**

To be determined.

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### **Attachments**

7 Criteria

Admin Costs

Lien Reduction Request

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### **Form Review**

Form Started By: Elizabeth Beck

Final Approval Date: 07/24/2023

Started On: 07/24/2023 12:53 PM

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

**Case No: 14-2183**

**Date: July 18, 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 owner did not take action to correct the violations since the tenant was not paying rent. Eventually the City of Fort Pierce had the structure demolished.
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 City of Fort Pierce had the structure demolished.
3.) The length of time necessary to bring the property into compliance:	2 year, 2 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:	4
5.) The number of violation notices the violator has received in the past, as well as their nature and final disposition of each notice:	68, 24 lot clearing cases were involuntarily complied; 24 lot clearing case were complied by owner; 15 misc. code cases were complied promptly; 1 code case is active, 2 code cases complied within the time provided by the Special Magistrate, 1 building violation complied with permits obtained, 1 building violation complied with the demolition of the structure
6.) Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship:	Family health challenges
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

7/11/2023

Property Address: 1001 Avenue I

Date case originated: 10/28/2014

Date case complied: 12/7/2016

Total time: 26 months

## Number of Hearings

Violation Hearings: 1

Massey Hearings: 0

Lien Reduction Hearings: 1

## Mailing Expense

Regular 1st Class:	\$0.60	<u>7</u>	\$4.20
Certified Mail:	\$7.25	<u>2</u>	\$14.50

Photographs (per page)	\$0.50	<u>6</u>	\$3.00
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Filing Fees	\$10.00	<u>5</u>	\$50.00
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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
Each additional Hearing	\$75.00	<u>1</u>	\$75.00

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

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

City Attorney (per hour)	\$125.00	<u>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: \$2,346.70**



REQUEST FOR A REDUCTION OR RESCINDMENT OF  
 BUILDING VIOLATION LIENS

Date:	06/15/23			
Property address:	1011 AVENUE I			
Owner(s) of record:	Drummond, Javan			
Mailing address:	1701 NW 16 <sup>th</sup> ST. Ft. Lauderdale, FL 33311			
Property tax ID #:	2404 - 818 - 0006 - 000 - 9			
Original purchase date:	1988	Original purchase price:	\$27,000	
Property is used for:	<input type="checkbox"/> Single Family	<input type="checkbox"/> Multi-family	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant Lot
Name of person requesting reduction:	Drummond, Javan		Relationship to owner(s)	son
Telephone #:	772-284-2004		Mobile phone #:	772-284-2004
E-mail:	javan.drummond@gmail.com		Preferred contact method:	Phone or Email
What are owner(s) intentions for property:	Land Development			
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

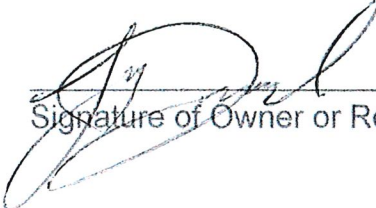
\$ 47,890.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 47,890.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 0

  
 Signature of Owner or Representative

06/15/23  
 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: 1001 AVENUE I

Property Owner: JAVAN DRUMMOND

Mailing Address: 1701 NW 16<sup>th</sup> STREET FT. LAUDERDALE, FL 33311

Telephone #: 772-284-2004 Cell Phone #: 772-284-2004

E-Mail Address: javan.drummond@gmail.com

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

I, Javan Drummond, 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:

See attached...

Signed: [Signature] Date: 06/15/23

Print Name: Javan Drummond

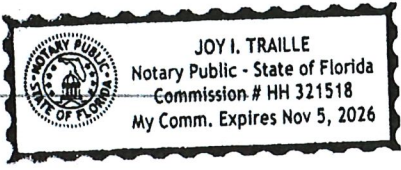
STATE OF FLORIDA  
COUNTY OF ~~ST. LUCIE~~ BROWARD

PERSONALLY APPEARED before me, the undersigned authority JAVAN DRUMMOND who acknowledged before me that the information contained herein is true and correct. He or She is / is not personally known to me and has produced FL. DRIVER LICENSE as identification.

SWORN TO AND SUBSCRIBED before me this 15 day of JUNE, 2023.

[Signature]

Notary Public, State of Florida



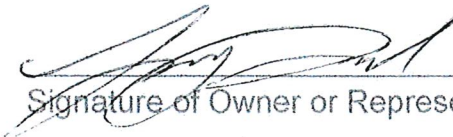
**OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION**

Property Address: 1001 Aviano I

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

06/15/23  
\_\_\_\_\_  
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:

Schedule for Special Magistrate in accordance w/ Rules

  
\_\_\_\_\_  
Shaun Coss, Building Department Coordinator

6/15/23  
\_\_\_\_\_  
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.