



AGENDA REPORT
November 13, 2018

Board Consideration, Re: Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, SL Assets LLC as Trustee for Trust #3647 (11CE-01131) (District 3)

SUBJECT:

Board Consideration, Re: Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, SL Assets LLC as Trustee for Trust #3647, 3647 Buddy Drive, Melbourne, FL 32904 (11CE-01131) (District 3)

FISCAL IMPACT:

FY18 Fiscal Impact - \$13,160 Fine Reduction

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board consider the Special Magistrate's recommendation to reduce the accrued fine from \$18,805 to \$5,645 and release the lien upon full payment for case 11CE-01131 at 3647 Buddy Drive, Melbourne, FL 32904.

SUMMARY EXPLANATION and BACKGROUND:

This matter came for public hearing before the Code Enforcement Special Magistrate on October 18, 2007 for repeat violations of County Code, Section 94-48, All owners and/or occupants of property zoned residential use shall maintain their property in a sanitary and litter-free condition, and Section 114-28(b), Excessive accumulations of weeds and grass. More specifically, maintenance of property and overgrowth. After due notice to the Previous Owner, Kathleen L. McGreehan, the Special Magistrate found the property in violation of County Code and issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs, which was executed and recorded in Official Records.

On November 6, 2008, the Special Magistrate issued an Order Imposing Fine and/or Costs as Lien which was executed and recorded in the Official Records. The fines on the property accrued at \$50 per day from October 5, 2007. The property was maintained and overgrowth removed thereby correcting the violation as of December 8, 2008 (430 days). The fines accrued to \$18,805.

On March 15, 2018, the New Owner, SL Assets LLC, as Trustee for Trust #3647, by John Pendl, Registered Agent, petitioned the Code Enforcement Special Magistrate for a

reduction to 10% of the fine plus actual cost. The Special Magistrate did not consider his request and recommends a reduction of the fine from \$18,805 to \$5,645, contingent upon payment within 30 days or establishment of a payment plan within 30 days of the date that the Board of County Commissioners render a decision approving the Special Magistrate's recommendation.

On October 23, 2018, the Board directed staff to verify notice and correspondence, and fines/fees paid by Mr. Pendl. This matter was tabled to the November 13, 2018 Board meeting. The attached staff report indicates:

- Mr. Pendl missed the February 15 2018, hearing due to medical reasons and a second hearing was scheduled March 15, 2018, at his request.
- Since November 3, 2017, email correspondence relating to this property with Mr. Pendl have utilized the same email address. All notifications regarding the Special Magistrate Hearings have been appropriate and timely.
- At the March 15, 2018, hearing he asked that the fine reduction to 10% of the fine plus actual cost, however, the Special Magistrate did not grant the reduction.
- Mr. Pendl has paid a total \$1,338 toward the fines and fees associated with three different cases against this property. He may have confused the amounts paid for his other properties with the amount paid for these cases.

Actual cost: Total actual costs for this case are \$2,692. The enforcement costs of \$788 were paid toward that amount for this case, bringing the remaining actual costs to \$1,904 for this case.

Contacts: Brian Lock, Code Enforcement Manager, extension 52779, brianlock@brevardfl.gov.

CLERK TO THE BOARD INSTRUCTIONS:

N/A

ATTACHMENTS:

- | | Description |
|---|---|
| ▣ | Staff Report |
| ▣ | Findings and Recommendation of Special Magistrate and Reduction Factor Worksheet |
| ▣ | Request for Reduction of Penalty |
| ▣ | Actual Costs Worksheet |



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

November 14, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item I.2., Board Consideration for Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, SL Assets LLC, Trustee for Trust #3647 (11CE-01131)

The Board of County Commissioners, in regular session on November 13, 2018, considered request for reduction of fine and release of Code Enforcement Lien from \$18,805 to \$5,645 for SL Assets LLC, Trustee for Trust #3647; and approved releasing the lien upon full payment for Case 11CE-01131 at 3647 Buddy Drive, Melbourne.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

cc: Code Enforcement Manager
Finance
Budget



BOARD OF COUNTY COMMISSIONERS

SUBJECT: Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, SL Assets LLC as Trustee for Trust #3647 (11CE-01131)(District 3)

DATE: October 30, 2018

AUTHORS: Planning and Development Department

Pursuant to Board of County Commission (BOCC) direction on October 23, 2018, staff has reviewed documentation and audio recordings related to the above referenced Code Enforcement case and prepared the following report regarding background information, notice and correspondence, and fines/fees received by Brevard County.

Background:

Mr. Pendl, representing SL Assets LLC, appeared before the BOCC on October 23, 2018 to request fine reduction below the Special Magistrate's recommendation due to Code Enforcement staff's failure to notice him of the reduction hearing. Mr. Pendl stated that the Special Magistrate agreed that had Mr. Pendl not missed his first scheduled meeting, his fine would have been reduced in accordance with his current request. He also claimed that the title search did not return the 2008 imposed lien information as it was in a twice-removed owner's name. Lastly, he stated he had "...already almost paid the \$10,000 plus an additional \$2,500 in fines and fees to Brevard County..."

Notice & Correspondence:

Staff researched and has attached email correspondence affirming two-way email correspondence between Code Enforcement and Mr. Pendl regarding hearing date and documents required for scheduling. In fact, on February 28, 2018, Mr. Pendl emailed Code Enforcement and indicated that he did not attend the originally scheduled reduction hearing on February 15, 2018 due to "unfortunate medical reasons". He requested another hearing and was scheduled for March 15, 2018. He attended the March 15, 2018 reduction hearing and requested a reduction of fine to 10% plus actual costs. The Special Magistrate instead concurred with the staff-recommended reduction to 20% of fine plus actual costs and advised that Mr. Pendl could seek further reduction from the BOCC.



BOARD OF COUNTY COMMISSIONERS

Fines & Fees:

Staff researched the almost \$12,500 Mr. Pendl claimed to have paid to date. Multiple cases involving code enforcement properties owned by Mr. Pendl's companies were examined during the timeframe of the reduction request. Staff identified three cases for this particular property, 3647 Buddy Dr. in Melbourne. Florida Property Management has been issued receipts totaling \$1,338 for costs and fines to date for cases 1) 11CE-01131 - \$350, 2) 11CE-01418 - \$438, and 3) 13CE-01141 - \$550. Mr. Pendl's companies also appear to be involved with cases 13CE-00518 at 5650 Stamford Ave in Mims (reduction on 6/15/2017), 14CE-00359 at 4045 Luciano Ave in Cocoa, and 15CE-00819 at 4815 Sharpes Lake Ave in Cocoa.

Summary of Attachments:

Attachment A: January 23, 2018 email correspondence (and attachments) between Mr. Pendl and Angela Damm-Martling (Code Enforcement) regarding the paperwork submittal for the February 15, 2018 reduction hearing. Mr. Pendl responds to Mrs. Damm-Martling's email with completed documents and indicates that he has also faxed them to her. The completed paperwork, signed by Mr. Pendl, specified the hearing date of February 15, 2018 and states in bold font "Consider this document your Notice of Hearing-No other notice will be sent for this request..."

Attachment B: February 28, 2018 email from Mr. Pendl to Angela Damm-Martling (Code Enforcement) requesting another reduction hearing as he was unable to attend due to "unfortunate medical reasons". Mrs. Damm-Martling responds that she has rescheduled the case to March 15, 2018, appearance is required and no other notice will be sent.

Attachment C: August 31, 2017 email response to inquiry from Property Debt Research regarding code enforcement and liens on the subject property. Request was made on August 23, 2017. SL Assets LLC took title to the property on August 23, 2017, recorded on August 28, 2017, presumably without the benefit of the anticipated response which would have detailed the \$20,163.00 due.

Damm-Martling, Angela R

From: FL Property Management <flpropertyinvestments@gmail.com>
Sent: Tuesday, January 23, 2018 11:22 AM
To: Damm-Martling, Angela R
Subject: Re: 11CE-01131 (07-3068)-Request for BOCC Recommendation-Special Magistrate Hearing 2/15/18 (tentatively)
Attachments: case docs.pdf

See attached documents, they were also faxed to (321)633-2167

thank you
mr. pendl

On Mon, Jan 22, 2018 at 9:29 AM, Damm-Martling, Angela R <Angela.Dammartling@brevardfl.gov> wrote:

Pursuant to your request, attached is the *Request for Reduction of Penalty and Recommendation to Brevard County Board of County Commissioners* application for the accrued maximum fines balance of \$18,05.00 in case **11CE-01131, previously recorded as 07-3068**. Please review the application and verify all of the contact information.

Return the completed application to me no later than Wednesday 1/24/18 for placement on the 2/15/18 Special Magistrate hearing. If you are unable to return the application by the above date, the next deadline is Friday 2/16/18 for placement on the 3/15/18 Special Magistrate hearing. Please contact me regarding placement on the hearings.

You may e-mail me a completed copy; however, you must return the original to our office to assure placement on the above agenda. As discussed, an appearance is required at the Special Magistrate hearing to testify. Thereafter, the Special Magistrate's Recommendation will begin the process of being prepared for the Board of County Commissioner Agenda. Your appearance is also required for the Board Meeting and you will be notified of the tentative date.

Feel free to contact me if you have any questions. Thank you.

Angela Damm-Martling

Special Projects Coordinator

Code Enforcement Division

Planning and Development Department

Brevard County Board of County Commissioners

2725 Judge Fran Jamieson Way, Building A 114

Viera, FL 32940

(321) 633-2086, Extension 52885

(321) 633-2167, facsimile

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"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

**CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA**

Special Magistrate Hearing: Thursday, 2/15/18 9:00 a.m., Bldg C, 2nd Floor Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL 32940
FAX COMPLETED FORM TO: 321-633-2167
Mail original to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: 1/24/2018 for 2/15/18 hearing OR 2/16/18 for 3/15/18 hearing

Case No. 11CE-01131 (Previously recorded as 07-3068)
Property Address: 3647 BUDDY DR, MELBOURNE District: 3
Previous Owner: KATHLEEN L MC GREEHAN
New Owner's Name: SL Assets LLC as Trustee for Trust #3647, by John Pendl, Reg. Agent

**REQUEST FOR REDUCTION OF PENALTY and
RECOMMENDATION TO BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**
(Consider this document your Notice of Hearing-No other notice will be sent for this request
*THIS IS A 2-STEP PROCESS)

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH. FAILURE TO BE TRUTHFUL IS A VIOLATION OF FLORIDA STATUTES PERTAINING TO PERJURY, WHICH IS A FELONY PUNISHABLE BY UP TO 15 YEARS IMPRISONMENT.

INSTRUCTIONS: Please review and complete the entire package. Failure to provide complete information will delay consideration of your request. Enforcement Costs must be paid prior to scheduling case for hearing and are not eligible for reduction. Be specific when writing your statement. Please return this form to the Special Projects Coordinator in Code Enforcement prior to the above deadline. The Request will then be scheduled for the next available Special Magistrate hearing and before the Board of County Commissioners thereafter. You must be present at both of the meetings. If you are claiming medical or financial hardship, you may attach supporting documentation, however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext. 52885.

Property Owner's Name: SL Assets LLC as Trustee for Trust #3647, New Owner

Property Owner's Mailing Address: 1751 Croton Road Melbourne FL 32935

Phone Number where you can be reached during the day: (321)802-0334, ext 1; flpropertyinvestments@gmail.com

STATUS OF PROPERTY AS OF INSPECTION MADE BY Nancy Sharp ON 12/8/2008

VIOLATION of: REPEAT violation of Sections 94-48 and 114-28(b) Brevard County Code, Residential Maintenance and Overgrowth

Violation heard on 10/18/2007; fine ordered to accrue at \$50.00 per day from 10/5/2007 until compliance date of 12/8/2008; the fine accrued to the maximum 35% of \$18,805.00 (430 days in violation); Fine imposed as lien by Special Magistrate on 11/7/2008.

Enforcement costs in the amount of \$350.00 were paid on 11/1/2017.

If the property owner is unable to complete this form, list the name of the person who completed the form and is authorized to act for the Property Owner and their relationship to the property owner.

JOHN PENDL, REGISTERED AGENT

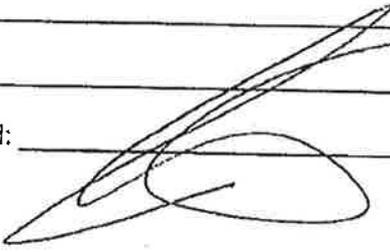
Case # 11CE-01131 (Previously recorded as 07-3068)

MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, JOHN PENDL, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

I was not the property owner at the time of the violations. Property was closed with a title company, but the liens were not discovered because they were in the previous owners name not the owner I purchased the property from. The lot is only assessed at \$9,000.00 so title insurance was not required. All violations were corrected prior to my purchase.

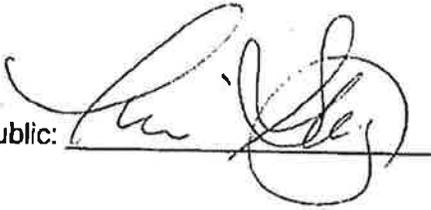
Date: 1/23/18

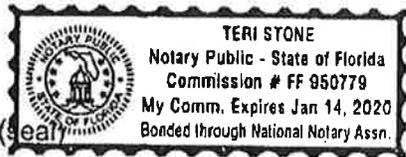
Signed: 

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, JOHN PENDL, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 1/23/18

Notary Public: 



CASE #11CE-01131 (Previously recorded as 07-3068)

REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

A. Extenuating Circumstances? Circle any that apply.

- 1) The applicant did not have the resource to comply
- 2) The applicant had a financial hardship
- 3) The applicant had a medical hardship
- 4) The applicant was experiencing hard times or was a victim of circumstances.
Explain: _____

- 5) There were technical and/or procedural issues with the case
- 6) The applicant did not have authority to make corrections (i.e., other legal action pending)
- 7) The required corrections were complex in nature
- 8) The applicant's age prevented timely compliance
- 9) The applicant experienced a language barrier

B. Nature of the violation.

- 1) Heightened health, safety, welfare concern Yes/No No
- 2) The amount of time to correct *already corrected.*
 - a) 1-60 days
 - b) 61-120 days
 - c) Over 120 days
- 3) Degree of responsibility the applicant contributed to the delay in compliance
 - a) None
 - b) Somewhat
 - c) Complete
- 4) The applicant's level of cooperation with code enforcement
 - a) None
 - b) Somewhat
 - c) Complete
- 5) Did the applicant ever request an extension of the compliance date?
Yes ___ was it granted ___ denied ___ None requested X
- 6) If yes, how many extensions were granted? _____

C. What type of interest does the applicant have on the property?

- 1) Considering acquiring the property
- 2) Foreclosure/Tax Deed Sale
- 3) Inherited property
- 4) Acquired property ~~from the violator~~
- 5) The applicant was the owner when the violation occurred

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) _____

Original Fine \$18,805.00

Recommend Reduction to \$ _____
(Must Enter an Amount)

Damm-Martling, Angela R

From: Damm-Martling, Angela R
Sent: Wednesday, February 28, 2018 4:10 PM
To: 'flpropertyinvestments@gmail.com'
Cc: Lock, Brian; Cook, Cynthia
Subject: 11CE-01131 (07-2730)-RE: 3647 Buddy Drive 3/15/18 Special Magistrate hearing

Tony/John Pendl,

Pursuant to our conversation, I have discussed your case with Code Enforcement Manager, Brian Lock. This case has been placed on the Special Magistrate agenda on 3/15/18 (same location as stated on your original application) for a Second Request for Recommendation for Reduction. An appearance is required. No other notice will be sent.

Thank you.

Angela Damm-Martling
Special Projects Coordinator
Code Enforcement Division
Planning and Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way, Building A 114
Viera, FL 32940
(321) 633-2086, Extension 52885
-(321) 633-2167, facsimile

From: flpropertyinvestments [mailto:flpropertyinvestments@gmail.com]
Sent: Thursday, February 22, 2018 2:23 PM
To: Damm-Martling, Angela R
Subject: 3647 Buddy Drive

I am writing you concerning the hearing that was on February 15th 2018, since I was unable to give my testimony for case number 11-Ce-01131(07-2730) I am requesting another hearing. Please advise how I can move forward to submit paperwork to schedule for the next hearing. I was the only one on the paperwork stating I was the one to give testimony, but due to unfortunate medical reasons I was unable to attend otherwise different office Personnel would of attended. It would be greatly appreciated if I can schedule a new hearing.

Thank you
Mr. Pendl

From: Damm-Martling, Angela R
To: liensearch@propertydebtresearch.com
Cc: Lock, Brian; Esseesse, Alexander; Yuan, Diana
Subject: 11CE-01131, 11CE-01418 & 13CE-01141- 3647 BUDDY DR MELBOURNE FL (2828849) Liens
Date: Thursday, August 31, 2017 3:24:00 PM

Pursuant to your request, regarding 3647 BUDDY DR MELBOURNE FL (2828849), as of today:

TOTAL AMOUNT DUE: **\$20,163.00**

Case Number 11CE-01131 (07-2730): The Special Magistrate heard this matter and the Order/Lien was recorded in the public record. The violation has complied. The fines accrued to the maximum of \$18,805.00 and enforcement costs of \$350.00 remain due. A Satisfaction and Release of Lien will not be recorded until full compliance with the Order is achieved, which includes payment of the costs and fine: **\$19,155.00**.

Case Number 11CE-01418 (06-1134): The Special Magistrate heard this matter and the Order/Lien was recorded in the public record. The violation has complied. No fine accrued; however and enforcement costs of \$458.00 remain due. An Acknowledgment and Release of Lien will not be recorded until full compliance with the Order is achieved, which includes payment of the costs: **\$458.00**.

Case Number 13CE-01141: The Special Magistrate heard this matter and the Order/Lien was recorded in the public record. The violation has complied. No fine accrued; however and enforcement costs of \$550.00 remain due. An Acknowledgment and Release of Lien will not be recorded until full compliance with the Order is achieved, which includes payment of the costs: **\$550.00**.

Make checks payable to Brevard County Board of County Commissioners, note case numbers **11CE-01131, 11CE-01418, 13CE-01141** and mail payoff to: **Brevard County Code Enforcement**, ATTN: Angela, 2725 Judge Fran Jamieson Way, Building A, #114, Viera, FL 32940.

This information is based upon the data available from within the complaint tracking system located in and managed by Code Enforcement and does not preclude another division of Brevard County, or another governmental agency from having an interest in this property.

Continue to submit your inquiries to code.enf@brevardcounty.us and not to this e-mail address. Continue to allow **at least 7-10 business days** for future requests. Thank you.

Angela Damm-Martling
Special Projects Coordinator
Code Enforcement Division
Planning and Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way, Building A 114
Viera, FL 32940
(321) 633-2086, Extension 52835
(321) 633-2167, facsimile



690 598471 DS
W-217045

FLORIDA'S SPACE COAST

Planning & Development Department
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Suite A-103, Viera, FL 32940

Phone: (321) 633-2086

(NOTE: For Building Permit issues, you can research: <https://acaweb.brevardcounty.us/CitizenAccess/> or contact Building: 633-2072)

Date submitted: 8/23/2017

E-mail TO: code.enf@brevardcounty.us

When submitting a request for a search for code violations in unincorporated Brevard County, **PLEASE TYPE OR PRINT CLEARLY**. Allow at least 7 working days for a reply. There is no charge for this service as of today.

Company Name: Property Debt Research

Company Address: 6801 PALISADES PARK COURT SUITE 2 FT MYERS, FL 33912

Phone # (877-543-6669 x280) RETURN E-MAIL ADDRESS: d.perry@propertydebtresearch.com

Name of Person Making Request: Daisy

Request search for any active Special Magistrate or Code Enforcement violation case for:

Tax Account ID#: 2828849 Parcel ID: Towr 28-37-18-50-B-12

Property Address: 3647 BUDDY DR City: Uninc. Brevard

For Code Enforcement Response:

Are there Active Code Violations?

NO As of the above date, from the information you provided, there are no Brevard County Special Magistrate Code Enforcement records of violations, fines or liens for the address, tax account or legal description.

YES Case # _____ Code Officer/Environmental Health Inspector: _____
(321)633-2086 ext _____ / (321)633-2100

You must contact the assigned Code Enforcement Officer if there is an active violation.

Violation Type(s): _____

This information is based upon the current data available from within the complaint tracking system located in and managed by Code Enforcement and does not preclude another division of Brevard County, or another governmental agency from having an interest in this property.

NOTE: If fines are accruing, or a lien is on the property, you will receive pay off information and/or instructions from our office on a separate fax transmittal. Response herein does not include other lands which violations may exists and upon any other real or personal property owned by the property owner/violator pursuant to Florida Statutes 162.09.

Researched by: _____ Code Enforcement, Date: _____
@ (321)633-2086

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
a political subdivision of the State of Florida,
Petitioner,

CASE NUMBER: 11CE-01131(07-2730)

vs.

Property Address: 3647 BUDDY DR, MELBOURNE
District: 3

KATHLEEN L MC GREEHAN, Previous Owner,
SL Assets LLC as Trustee for Trust #3647, New Owner,
Respondent(s)

_____/ SECOND
FINDINGS AND RECOMMENDATION TO
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Upon petition of SL Assets LLC as Trustee for Trust #3647, New Owner, through John Pendl, the Code Enforcement Special Magistrate, on 2/15/2018, Respondent/New Owner having failed to appear, the Special Magistrate denied the request. Upon second petition of SL Assets LLC as Trustee for Trust #3647, New Owner, through John Pendl, the Code Enforcement Special Magistrate, on 3/15/2018, reviewed the basis for reduction of the accrued fine stated in the Request for Reduction of Penalty and Recommendation to Brevard County Board of County Commissioners application provided by SL Assets LLC as Trustee for Trust #3647, heard testimony from John Pendl and the County; reviewed the Minutes and other documents from the original hearing, and being fully advised finds:

I. FACTS

1. This cause came on for public hearing before the Code Enforcement Special Magistrate on 10/18/2007 after due notice to the Respondent, KATHLEEN L MC GREEHAN, at which time the Code Enforcement Special Magistrate heard testimony under oath, received evidence, and issued his Findings of Fact, Conclusions of Law and Order & Lien for Costs, and thereupon issued his oral Order which was reduced to writing and furnished to the Respondent. Findings of Fact, Conclusions of Law and Order & Lien for Cost recorded in the official records of Brevard County Book 5819, Page 6268.

2. Said order found the Respondent in violation of REPEAT violations and ordered a fine of \$50.00 per day will be imposed beginning 10/5/2007. A re-inspection on 12/08/2008 revealed the corrective action ordered by the Code Enforcement Special Magistrate was completed and the inspecting officer filed an Affidavit of Late Compliance. The fine accrued to the maximum 35% of \$18,805.00.

3. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 11/6/2008 that the Respondent did not comply with the Special Magistrate's Order, and an Order Imposing Administrative Fine and/or Costs as Lien was filed against the property and upon any other real or personal property owned by the Respondent, KATHLEEN L MC GREEHAN, and recorded in the official records of Brevard County, Book 5897 at Page1539.

4. Testimony and evidence was presented by John Pendl, stating:

Acquired property from violation

5. Testimony was received from the County stating:

- a) The County objects to the request for reduction **OR**
 The County acknowledges the Special Magistrate's authority to recommend a fine reduction pursuant to Board policy.

b) _____

II. FINDINGS

The Special Magistrate weighing the severity of the violations of **Permits required for roof, windows, doors, front room and fence.**

All of above factors support **do** <or> **do not** support a recommendation of reduction of the accrued fine.

III. RECOMMENDATION

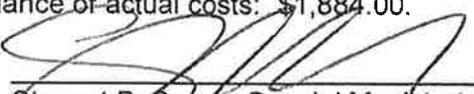
1. Based upon the foregoing factors, the request is DENIED.

OR

1. Based upon the foregoing factors, which in total weigh in favor of reduction of the accrued fine, the Special Magistrate recommends reduction of the accrued fine in the amount of \$18,805.00 to the reduced sum of \$ 5645, contingent upon:

- a. **Payment within 30 days of the date the Board of County Commissioners renders a decision approving the Special Magistrate's recommendation.**
- b. **With an option for the establishment of a **payment plan which must be created within 30 days of the date of the Board of County Commissioners rendered decision, and payment plan timely paid accordingly.****
- c. **If reduced amount is not paid by the above time frame(s) as specified, the accrued fine will revert to the original amount due, less payments received.**
- d. **The actual costs total: \$2,692.00. Enforcement costs in the amount of \$808.00 have been paid. Balance of actual costs: \$1,884.00.**

Dated March 15, 2018.


Stewart B. Capps, Special Magistrate
Code Enforcement

You have a right to appeal a final administrative Order to the 18th Circuit Court for Brevard County within a period of 30 days in accordance with Brevard County Code Section 2-178.

cc: Delivery by HAND OR Delivery by Mail
SL Assets LLC as Trustee for Trust #3647, 1751-Croton Road, Melbourne FL 32935

Mail payment to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940

**CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA**

Special Magistrate Hearing: Thursday, 2/15/18 9:00 a.m., Bldg C, 2nd Floor Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL 32940

FAX COMPLETED FORM TO: 321-633-2167

Mail original to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940

DUE ON OR BEFORE: 1/24/2018 for 2/15/18 hearing OR 2/16/18 for 3/15/18 hearing

07-2730

Case No. 11CE-01131 (Previously recorded as ~~07-2008~~)

Property Address: 3647 BUDDY DR, MELBOURNE District: 3

Previous Owner: KATHLEEN L MC GREEHAN

New Owner's Name: SL Assets LLC as Trustee for Trust #3647, by John Pendl, Reg. Agent

**REQUEST FOR REDUCTION OF PENALTY and
RECOMMENDATION TO BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
(Consider this document your Notice of Hearing-No other notice will be sent for this request
THIS IS A 2-STEP PROCESS)**

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH. FAILURE TO BE TRUTHFUL IS A VIOLATION OF FLORIDA STATUTES PERTAINING TO PERJURY, WHICH IS A FELONY PUNISHABLE BY UP TO 15 YEARS IMPRISONMENT.

INSTRUCTIONS: Please review and complete the entire package. Failure to provide complete information will delay consideration of your request. Enforcement Costs must be paid prior to scheduling case for hearing and are not eligible for reduction. Be specific when writing your statement. Please return this form to the Special Projects Coordinator in Code Enforcement prior to the above deadline. The Request will then be scheduled for the next available Special Magistrate hearing and before the Board of County Commissioners thereafter. You must be present at both of the meetings. If you are claiming medical or financial hardship, you may attach supporting documentation, however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext. 52885.

Property Owner's Name: SL Assets LLC as Trustee for Trust #3647, New Owner

Property Owner's Mailing Address: 1751 Croton Road Melbourne FL 32935

Phone Number where you can be reached during the day: (321)802-0334, ext 1; flpropertyinvestments@gmail.com

STATUS OF PROPERTY AS OF INSPECTION MADE BY Nancy Sharp ON 12/8/2008

VIOLATION of: REPEAT violation of Sections 94-48 and 114-28(b) Brevard County Code, Residential Maintenance and Overgrowth

Violation heard on 10/18/2007; fine ordered to accrue at \$50.00 per day from 10/5/2007 until compliance date of 12/8/2008; the fine accrued to the maximum 35% of \$18,805.00 (430 days in violation); Fine imposed as lien by Special Magistrate on 11/7/2008.

Enforcement costs in the amount of \$350.00 were paid on 11/1/2017.

If the property owner is unable to complete this form, list the name of the person who completed the form and is authorized to act for the Property Owner and their relationship to the property owner.

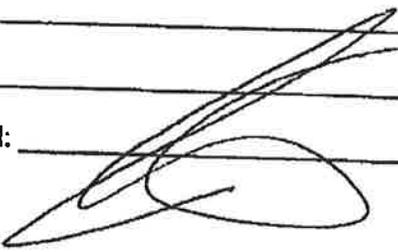
JOHN PENDL, REGISTERED AGENT

MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, JOHN PENDL, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

I was not the property owner at the time of the violations. Property was closed with a title company, but the liens were not discovered because they were in the previous owners name not the owner I purchased the property from. The lot is only assessed at \$9,000.00 so title insurance was not required. All violations were corrected prior to my purchase.

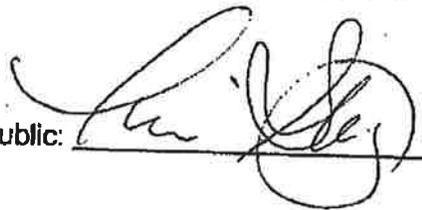
Date: 1/23/18

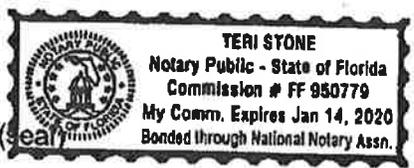
Signed: 

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, JOHN PENDL, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 1/23/18

Notary Public: 



REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

A. Extenuating Circumstances? Circle any that apply.

- 1) The applicant did not have the resource to comply
- 2) The applicant had a financial hardship
- 3) The applicant had a medical hardship
- 4) The applicant was experiencing hard times or was a victim of circumstances.
Explain: _____

- 5) There were technical and/or procedural issues with the case
- 6) The applicant did not have authority to make corrections (i.e., other legal action pending)
- 7) The required corrections were complex in nature
- 8) The applicant's age prevented timely compliance
- 9) The applicant experienced a language barrier

B. Nature of the violation.

- 1) Heightened health, safety, welfare concern Yes/No No
- 2) The amount of time to correct
a) 1-60 days
b) 61-120 days
c) Over 120 days
already corrected.
- 3) Degree of responsibility the applicant contributed to the delay in compliance
a) None
b) Somewhat
c) Complete
- 4) The applicant's level of cooperation with code enforcement
a) None
b) Somewhat
c) Complete
- 5) Did the applicant ever request an extension of the compliance date?
Yes _____ was it granted _____ denied _____ None requested
- 6) If yes, how many extensions were granted? _____

C. What type of interest does the applicant have on the property?

- 1) Considering acquiring the property
- 2) Foreclosure/Tax Deed Sale
- 3) Inherited property
- 4) Acquired property ~~from the violator~~
- 5) The applicant was the owner when the violation occurred

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) _____

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Original Fine \$18,805.00

Recommend Reduction to \$ 1,000.00
(Must Enter an Amount)

Worksheet for Assessment of Actual Costs for Case 11CE-01131 (REPEAT AND RECURRING) Amended

Inspector	Sharp		Previous Inspector	Sharp				
Wages S&B Hourly	\$27.00		Wages S&B	\$27.00				
Per Minute	\$0.45		Per Min	\$0.45				
<u>Officer Costs:</u>								Sub Total
# Field Inspections	2 x		\$27.00	Hourly	Total	\$54.00		\$54.00
Previous Inspection	4 x		\$27.00	Hourly	Total	\$108.00		\$108.00
<u>Vehicle Mileage</u>								per mile
# Field Inspections	2 x2: Rdtrip		4 x miles	16	64	0.54		\$34.56
Previous Inspection	4 x2: Rdtrip		8 x miles	16	128	0.54		\$69.12
<u>Administrative Costs:</u>								
		Minutes						
# Computer Entries	25	10	250		\$0.45		\$112.50	
# Telephone calls	16	5	80		\$0.45		\$36.00	
# Research	11	15	165		\$0.45		\$74.25	
# Hearings/Prehearings	3	120	360		\$0.45		\$162.00	
							\$384.75	\$384.75
<u>Previous Administrative Costs:</u>								
		Minutes						
# Computer Entries	9	10	90		\$0.45		\$40.50	
# Telephone calls	2	5	10		\$0.00		\$0.00	
# Research	5	15	75		\$0.00		\$0.00	
# Hearings/Prehearings	3	120	360		\$0.00		\$0.00	
							\$40.50	\$40.50
<u>Extra Investigative Insp:</u>								
S&B Hr/Mn		Minutes						
							\$0.00	\$0.00
<u>Recording Fees</u>								
1 Page	\$10.00 x 3							\$30.00
2 Pages	\$18.50 x 3							\$55.50
3 Pages	\$27.00							
4 Pages	\$35.50							\$35.50
Hearings (public, extension, reduction, imposition)	6 x		\$200.00				Legal Fees	\$1,200.00
Hearing Prep Office-number of hearings	8 x		\$85.00					\$680.00
Subtotal Actual Costs for case								\$2,692
Enforcement Costs Assessed and Paid - \$350 or \$550 (\$350 + \$458)								\$808
Balance due of Actual Costs - DEFICIT								\$1,884