



AGENDA REPORT
April 24, 2018

SUBJECT:

Board Consideration, Re: Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, Gene Blakeman, 2472 Kingswood Dr., Mims FL 32754 (11CE-01102) (District 1)

FISCAL IMPACT:

FY18 Fiscal Impact - \$5,797 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 \$8,890 to \$3,093 and release the lien upon full payment for case 11CE-01102 at 2472 Kingswood Dr., Mims FL 32754.

SUMMARY EXPLANATION and BACKGROUND:

This matter came for public hearing before the Code Enforcement Special Magistrate on July 26, 2007 for violation of Standard Housing Code, as adopted by Brevard County Code, Chapter 3, Section 301, Housing/dwellings must comply with all requirements for Maintenance. More specifically, the mobile home was not being maintained according to the acceptable standards of the Standard Housing Code due to no electrical power. After due notice to the Previous Owner, Gregory Dean Renfroe, the Special Magistrate found the property in violation of County Code and issued a Findings of Fact, Conclusions of Law and Order & Lien for Cost, which was executed and recorded in Official Records.

On September 4, 2008, the Special Magistrate issued an Order Imposing Fine and/or Costs as Lien which was executed and recorded in Official Records. The fines on the property accrued at \$25 per day from August 27, 2007. The mobile home is unoccupied and has been removed from the property thereby correcting the violation as of November 29, 2012 (1922 days). The fines accrued to the maximum 35% or \$8,890.

On December 21, 2017, the New Owner, Gene Blakeman, petitioned the Code Enforcement Special Magistrate for a reduction of the fine to \$200.00. The Special Magistrate recommends a reduction of the fine from \$8,890 to \$3,093, contingent upon payment within 30 days or establishment of a payment plan within 30 days and pay in full by one year of the date that the Board of County Commissioners render a decision approving the Special Magistrate's recommendation.

Actual cost: Total actual costs for this case are \$1,865. The enforcement costs of \$550 were paid toward that amount bringing remaining actual costs to \$1,315.

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

CLERK TO THE BOARD INSTRUCTIONS:

N/A

ATTACHMENTS:

Description

- ▣ **Findings and Recommendation of the 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

April 25, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Brian Lock

RE: Item VI.A.2., Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, Gene Blakeman, 2472 Kingswood Drive, Mims (11CE-01102)

The Board of County Commissioners, in regular session on April 24, 2018, considered the Special Magistrate's recommendation to reduce the accrued fine for Gene Blakeman, 2472 Kingswood Drive, Mims, Case 11CE-01102; reduced the accrued fine to the actual costs for the case of \$1,315; and approved release of lien upon full payment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: Clerk to the Special Magistrate
Finance
Budget

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-01102**
(Previously recorded as 07-1863)

Property Address: 2472 KINGSWOOD DR, MIMS
District: 1

vs.

GREGORY DEAN RENFROE, Previous Owner,
GENE BLAKEMAN, New Owner,
Respondent(s)

**FINDINGS AND RECOMMENDATION TO
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

Upon petition of GENE BLAKEMAN, New Owner, the Code Enforcement Special Magistrate, on 12/21/2017, 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 GENE BLAKEMAN, heard testimony from GENE BLAKEMAN 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 7/26/2007 after due notice to the Respondent, GREGORY DEAN RENFROE, 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. The Findings of Fact, Conclusions of Law and Order & Lien for Costs was recorded in the official records of Brevard County Book 5799, Page 3385.

2. Said order required the Respondent to take certain corrective action for the violation by 8/27/2007, and in the event the violation is not corrected by the specified time a fine of \$25.00 per day will be imposed. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 9/4/2008 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 GREGORY DEAN RENFROE, and recorded in the official records of Brevard County, Book 5885 at Page 5953.

3. A re-inspection on 11/29/2012 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 \$8,890.00.

Testimony and evidence was presented by GENE BLAKEMAN, New Owner, stating:

acquired property from friend by quit claim deed w/o
doing title search to pick up county loan

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) COUNTY seeking 20% of fine plus other
UNPAID COSTS

II. FINDINGS

The Special Magistrate weighing the severity of the violations of **Maintenance of Mobile Home:**

All of above factors support ~~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 \$8,890.00 to the reduced sum of \$ 3098.00, 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.

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.

c. The actual costs total: \$1,865.00. Enforcement costs in the amount of \$550.00 have been paid. Balance of actual costs: \$1,315.00.

Filed with Clerk to the
Special Magistrate

DEC 21 2017

CLERK

Dated December 21, 2017.

Stewart B. Carpps, 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
GENE BLAKEMAN, 1022 So Park Ave Titusville FL 32780-3981

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

REDUCTION FACTOR WORKSHEET

11CE-01102(07-1863)
CASE #16CE-00307

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 2
- 2) The amount of time to correct
 - 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 _____
- 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

*gutter
deed w/o doing
title search
to pick up
County records*

D. Financial beneficiary of the fine reduction

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

..... \$8,800.00
Original Fine \$3,150.00 Recommend Reduction to \$ 3093

Contingent on payment within 30 days

Establish Payment Plan within 30 and pay in full by one year

If unpaid, fine will revert to original amount, less payments received and further imposed

SJC
S. Capps

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 12/21/17 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: 11/17/17 for 12/21/17 hearing OR 12/22/17 for 1/18/18 hearing

Case No. 11CE-01102 (Previously recorded as 07-1863)
Property Address: 2472 KINGSWOOD DR, MIMS District: 1
Previous Owner: GREGORY DEAN RENFROE/Ronald Caster
New Owner's Name: GENE BLAKEMAN

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: New Owner: GENE BLAKEMAN, New Owner

Property Owner's Mailing Address: 1022 So Park Ave Titusville FL 32780-3981

Phone Number where you can be reached during the day: (321)522-2320

STATUS OF PROPERTY AS OF INSPECTION MADE BY Sean Donovan ON 11/29/2012

VIOLATION of: Standard Housing Code, Section 301, adopted Brevard County Code, Maintenance of Mobile Home

Violation heard on 7/26/2007; fine ordered to accrue at \$25.00 per day from 8/27/2007 to 11/29/2012; the fine accrued to the maximum 35% = \$8,890.00 (1922 days in violation); Fine imposed as lien by Special Magistrate on 9/4/2008.

Enforcement costs in the amount of \$550.00 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.

CODE ENFORCEMENT

NOV 21 2017

Page 1 of 3

RECEIVED

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, GENE BLAKEMAN , do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

ON THIS DATE 8-26-17, I RECEIVED A quit claim deed
FORM DAVID R. CASTER VIOLATOR, THE PROPERTY AT
2472 KINGWOOD DRIVE MIMS FLA. I KNEW OF THE BACK
TAXES. I PAID THEM. THROUGH THE CODE FINES WERE
\$550⁰⁰. I CAME TO PAY THEM - THEY WERE LIKE \$16,000
THE COURT HOUSE AND MY LAWYER SHOW - \$550⁰⁰
I CLEAN UP THE PROPERTY AND HAD INSPECTED

Date: 11-20-17

Signed: Gene K. Blakeman

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, GENE BLAKEMAN , 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: 11/21/17 Notary Public: A. Danm-Wartling (seal)



REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

A. Extenuating Circumstances? Circle any that apply.

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- 3) The applicant had a medical hardship
- 4) The applicant was experiencing hard times or was a victim of circumstances.

Explain: _____

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- 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) Henz K. Blakeman

.....
Original Fine \$8890.00

Recommend Reduction to \$ 200⁰⁰

(Must Enter an Amount)

Worksheet for Assessment of Actual Costs for Case 11CE-01102 (07-1863)

Inspector	Donovan							
Wages S&B Hourly	\$22.86							
Per Minute	\$0.38							
Officer Costs:								Sub Total
# Field Inspections	8 x	\$22.86	Hourly	Total	\$182.88			\$182.88
Vehicle Mileage								per mile
# Field Inspections	8 x2: Rdtrip	16	x miles	39	624	0.54		\$336.96
Administrative Costs:								
		Minutes						
# Computer Entries	30	10	300		\$0.38			\$114.30
# Telephone calls	14	5	70		\$0.38			\$26.67
# Research	14	15	210		\$0.38			\$80.01
# Hearings/Prehearings	3	120	360		\$0.38			\$137.16
								\$358.14
								\$358.14
Extra Investigative Insp:								
S&B Hr/Mn		Minutes						
								\$0.00
								\$0.00
Recording Fees								
1 Page	\$10.00							\$10.00
2 Pages	\$18.50					2-2 pgs		\$37.00
3 Pages	\$35.50							
4 Pages	\$44.00							
Hearings (public, extension, reduction, imposition)	3 x	\$200.00					Legal Fees	\$600.00
Hearing Prep Office-number of hearings	4 x	\$85.00						\$340.00
Subtotal Actual Costs for case								\$1,865
Enforcement Costs Assessed and Paid - \$350 or \$550								\$550
Balance due of Actual Costs - DEFICIT								\$1,315