



Meeting Date
August 22, 2017

AGENDA	
Section	Consent
Item No.	II.A.3

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

<b>SUBJECT:</b>	BOARD CONSIDERATION RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR GREGORY A. & RENEE CRUTCHFIELD, 965 OAK ST, MERRITT ISLAND, FL (DISTRICT 2)  FY17 FISCAL IMPACT - \$29,025 FINE/\$17,209 REDUCTION=\$11,816 PAYMENT DUE
<b>DEPT/OFFICE:</b>	Planning and Development

Requested Action:

It is requested that the Board consider the Special Magistrate's recommendation to reduce the accrued fine for the violation at 965 OAK ST, MERRITT ISLAND, FL 32953, Case No. 10CE-00733, from \$29,025 to \$11,816 and direct staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

Summary Explanation & Background:

This matter came for public hearing before the Code Enforcement Special Magistrate on September 19, 2013 for violation of County Code, Section 22, 104.1, Construction without Permit and Section 62-1339(5)b, Setback Requirements. After due notice to the Respondent(s), the Special Magistrate found the property in violation of County Code and issued Findings of Fact, Conclusions of Law and Order and Lien for Cost, which was executed and recorded in Official Records Book 6974, Page 991, of the Public Records.

On September 18, 2014, after due notice to the Respondent(s), the Special Magistrate issued an Order Imposing Administrative Fine and/or Costs as a Lien which was executed and recorded in Official Records Book 7210, Page 2644 of the Public Records of Brevard County. The fines on the property accrued at \$25 per day from December 19, 2013 to February 22, 2017 and stopped accruing at \$29,025.

On May 18, 2017, Respondent, Gregory Crutchfield, through attorney John C. Murphy, petitioned the Code Enforcement Special Magistrate for a reduction of the fine. The Special Magistrate recommends a reduction of the fine from \$29,025 to \$11,816, contingent upon payment in full within 30 days or establishment of a payment plan within 30 days and paid in full within six (6) months of the date that the Board of County Commissioners render a decision approving the Special Magistrate's recommendation.

Actual costs: Total actual costs for this case are \$6,561. The enforcement costs of \$550 were paid toward that amount, bringing remaining actual costs to \$6,011.

Contacts: Brian Lock, Code Enforcement Manager, ext. 52779

Clerk to the Board Instructions: N/A

Exhibits attached: Findings and Recommendation of the Special Magistrate and Reduction Factor Worksheet, Request for Reduction of Penalty, and copy of Property Appraiser's screen, Actual Costs Worksheet

<b>Contract /Agreement (If attached):</b>	<b>Reviewed by County Attorney</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Frank Abbate	John Denninghoff	Tad Calkins, Director Planning & Development Dept, ext. 56532



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

August 23, 2017

MEMORANDUM

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

RE: Item II.A.3., Board Consideration of Request for Reduction of Fine and Release of Code Enforcement Lien for Gregory A. and Renee Crutchfield, 965 Oak Street, Merritt Island

The Board of County Commissioners, in regular session on August 22, 2017, approved the Special Magistrate's recommendation to reduce the accrued fine for the violation at 965 Oak Street, Merritt Island, Case No. 10CE-00733, from \$29,025 to \$7,000; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

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: 10CE-00733

vs.

Property Address: 965 OAK ST MERRITT ISLAND FL 32953  
District: 2

GREGORY ALAN & RENEE CRUTCHFIELD,  
Respondent(s)

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

Upon petition of GREGORY ALAN CRUTCHFIELD, the Code Enforcement Special Magistrate, on 5/18/2017, 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 GREGORY ALAN CRUTCHFIELD, heard testimony from GREGORY ALAN CRUTCHFIELD 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 9/19/2013 after due notice to the Respondents, GREGORY ALAN & RENEE CRUTCHFIELD, 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 6974, Page 991.

2. Said order required the Respondent to take certain corrective action for the violation by 12/19/2013, 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 9/18/2014 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 Respondents, GREGORY ALAN & RENEE CRUTCHFIELD, and recorded in the official records of Brevard County, Book 7210 at Page 2644.

3. A re-inspection on 2/22/2017 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 \$29,025.00.

4. Testimony and evidence was presented by GREGORY ALAN CRUTCHFIELD, stating:  
Stipulation & Settlement need into record

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) Stipulation & Settlement need into record

**II. FINDINGS**

The Special Magistrate weighing the severity of the violations of **Work without Permit & Setback Requirements**.

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

**III. RECOMMENDATION**

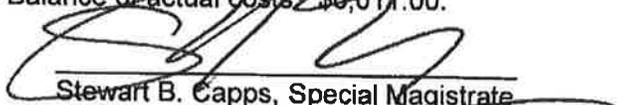
1. Based upon the foregoing factors, the request is DENIED.

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 \$29,025.00 to the reduced sum of \$ 11,816, 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: \$6,561.00. Enforcement costs in the amount of \$550.00 have been paid. Balance of actual costs: \$6,011.00.

Dated May 18, 2017.

  
Stewart B. Capps, Special Magistrate  
Code Enforcement

You have a right to appeal a final administrative Order to the 18<sup>th</sup> 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  
GREGORY ALAN & RENEE CRUTCHFIELD, 965 OAK ST, MERRITT ISLAND FL 32953  
GREGORY A. CRUTCHFIELD 5575 S. HIGHWAY 1 ROCKLEDGE FL 32955  
Mail payment to: Brevard County Code Enforcement, 2725 Judge Fran Jamleson Way, Bldg A 114, Viera, FL 32940

REDUCTION FACTOR WORKSHEET

CASE #10CE-00733

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) 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? \_\_\_\_\_

*Stipulation Read INTO Record.*

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 \$29,025.00

Recommend Reduction to \$ 11,816.00

Contingent on payment within 30 days

Establish Payment Plan within 30 days, and pay in full by 6 months

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

*5/19/17*

*SBC*  
S. Capps

CODE ENFORCEMENT SPECIAL MAGISTRATE  
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 5/18/17; 6/15/17\*  
9:00 am, Bldg C, 2<sup>nd</sup> Floor Space Coast Room, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela  
and Mail original to: Brevard County Code Enforcement, 2725 Judge  
Fran Jamieson Way, Bldg A 114, Viera, FL 32940

DUE ON OR BEFORE: IF RETURNED BY 4/21/17; 5/19/17\*

Case No. 10CE-00733

Property Address: 965 OAK ST MERRITT ISLAND FL 32953

District: 2

Previous Owner's Name: GREGORY ALAN & RENEE CRUTCHFIELD

**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: GREGORY ALAN & RENEE CRUTCHFIELD

Property Owner's Mailing Address: 965 OAK ST MERRITT ISLAND FL 32953

Phone Number where you can be reached during the day: (321) 639-5900

STATUS OF PROPERTY AS OF INSPECTION MADE BY Nancy Sharp ON 2/22/2017

VIOLATION of: Chapter 22, Section 104.1 and Section 62-1339(5)b, Brevard County Code (Work without Permit and Setback)

Violation heard on 9/19/2013; fine ordered to accrue at \$25.00 per day from 12/19/2013 to 2/22/2017; the fine accrued to \$29,025.00 (1161 days in violation); Fine imposed as lien by Special Magistrate on 9/18/2014.

Enforcement costs in the amount of \$550.00 were paid on 3/24/2016

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

Page 1 of 3

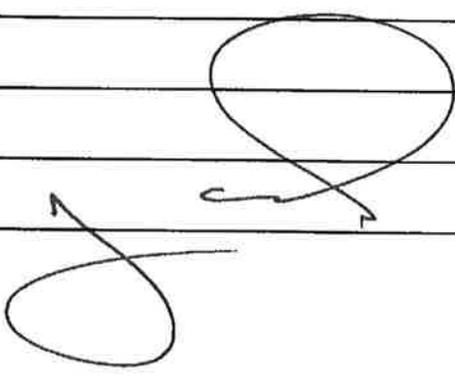
APR 25 2017

**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, GREGORY ALAN & RENEE CRUTCHFIELD, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

*please see attached motion.*

Date: 4-20-2017

Signed: 

STATE OF FLORIDA )  
COUNTY OF BREVARD )

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, GREGORY ALAN or RENEE CRUTCHFIELD, 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: 4-20-2017 Notary Public: Gabrielle Steri (seal)

REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

CASE #10CE-00733

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: Did not have access to possession of property during divorce proceedings and experienced significant economic downturn
- 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
- 3) Degree of responsibility the applicant contributed to the delay in compliance
  - a) None
  - b) Somewhat unknown
  - 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? none

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

*continuance of the initial case, but not an extension to remedy the violation.*

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) \_\_\_\_\_

Original Fine \$29,025.00  
Recommend Reduction to \$ 0 -

(Must Enter an Amount)

*due to the amount spent to remedy and the property being in foreclosure and upside down, I am requesting the fine be stricken.*

CODE ENFORCEMENT SPECIAL MAGISTRATE  
BREVARD COUNTY, FLORIDA

CASE NUMBER: 10CE-00733

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

Petitioner,

v.

GREGORY A. CRUTCHFIELD et. al.,

Respondents.

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**MOTION TO VACATE THE ACCRUAL AND REDUCE LIEN AMOUNT**

COMES NOW, GREGORY A. CRUTCHFIELD, and files this Motion to Vacate the Accrual and Reduce Lien Amount and states as follows:

1. On September 13, 2013, the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs regarding the Respondent's property located at 965 Oak Street, Merritt Island, Florida 32953.

2. On September 18, 2014, Special Magistrate Stewart Capps entered an Order Imposing Fine as Lien. In pertinent part, said Order stated: "As of today, fine of six thousand, eight hundred, twenty-five dollars (\$6,825.00) has accrued due to the Respondent(s) failure to comply with the Brevard County Code of Ordinances as specified in the above mentioned order and the fine shall continue to accrue at \$25.00 per day until compliance is achieved as previously ordered."

3. Since the entry of the Order, the Respondent has accomplished removing the slide as of December, 2015. As the Court may recall, the slide was massive in size. As a result, the removal of the slide resulted in significant expense, engineering and labor.

4. As of December, 2016 this writing, the Respondent was able to accomplish the removal of the tower in its totality as well as to drain the lagoon (landing pool to the slide) in order to convert same into a landscaping "planter". All power sources have also been removed.

5. The home in question has been on the market for many months and the Respondent believes he has secured a buyer.

6. This Honorable Court has opined at numerous prior hearings a willingness to

substantially reduce and/or eliminate the lien that has been levied against the property.

6. At this time, the slide and tower have been completely removed, and the lagoon is no longer a pool. These changes address the gravamen of the County's Complaint. Therefore, the Respondent respectfully requests that the accrued lien be vacated and the lien amount be substantially reduced or eliminated.

**WHEREFORE**, Respondent(s) request that the accrued lien be vacated and/or substantially reduced or eliminated.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail to Robin Sobrino, Brevard County Commissioners, 2725 Judge Fran Jamieson Way, Building A, Room 114, Viera, Florida 32940, Susan Mock, Brevard County Board of Commissioners, Planning & Development Department, Building Code, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, and Matt Soss, Esq., Office of the County Attorney, 2725 Judge Fran Jamieson Way, Bldg. C, Ste. 308, Viera, Florida 32940, this 21 day of January, 2017.

**GREGORY A. CRUTCHFIELD**

5575 S. Highway U. S. 1

Rockledge, FL 32955

(321) 639-5900

Florida Bar No.: 0022690

[gcrutchfield@crutchfieldlaw.com](mailto:gcrutchfield@crutchfieldlaw.com)

## Worksheet for Assessment of Actual Costs for Case 10CE-00733

Inspector	Sharp							
Wages S&B Hourly	\$26.85							
Per Minute	\$0.45							
<b>Officer Costs:</b>								<b>Sub Total</b>
# Field Inspections	13 x		\$26.85	Hourly	Total	\$349.05		\$349.05
<b>Vehicle Mileage</b>								<b>per mile</b>
# Field Inspections	13 x2: Rdtrip		26 x miles	16	416	0.54		\$224.64
<b>Administrative Costs:</b>								
		<b>Minutes</b>						
# Computer Entries	98	10	980		\$0.45	\$441.00		
# Telephone calls	37	5	185		\$0.45	\$83.25		
# Research	43	15	645		\$0.45	\$290.25		
# Hearings/Prehearings	20	120	2400		\$0.45	\$1,080.00		
						\$1,894.50		\$1,894.50
<b>Extra Investigative Insp:</b>								
		<b>Minutes</b>						
S&B Hr/Mn								
Harris-Research	4	15	60		0.6	\$36.00		
McCaughn-Research	4	15	60		0.85	\$51.00		
Fox-Research	5	15	75		0.65	\$48.75		
Sobrino-Research	2	15	30		0.96	\$28.80		
						\$164.55		\$164.55
<b>Recording Fees</b>								
1 Page	\$10.00							\$10.00
2 Pages	\$18.50							\$18.50
3 Pages	\$39.00							
4 Pages	\$49.50							
Hearings (public, extension, reduction, imposition)	11 x		\$200.00				Legal Fees	\$2,200.00
Hearing Prep Office-number of hearings	20 x		\$85.00					\$1,700.00
<b>Subtotal Actual Costs for case</b>								<b>\$6,561</b>
<b>Enforcement Costs Assessed and Paid - \$350 or \$550</b>								<b>\$550</b>
<b>Balance due of Actual Costs - DEFICIT</b>								<b>\$6,011</b>