

**J. New Business - Development and Environmental Services Group
ITEM 1.**



**AGENDA REPORT
December 18, 2018**

**Board Consideration, Re: Request for Reduction of Fine and Release of
Code Enforcement Lien for New Owner, Allegro Property Trading LLC, 661
Altura Dr, Cocoa FL 32927 (16CE-00058)(District 1)**

SUBJECT:

Board Consideration, Re: Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, Allegro Property Trading LLC, 661 Altura Drive, Cocoa FL 32927 (16CE-00058) (District 1)

FISCAL IMPACT:

FY19 Fiscal Impact – \$10,401

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 \$15,225 to \$4,824 and release the lien upon full payment for case 16CE-00058 at 661 Altura Drive, Cocoa FL 32927.

SUMMARY EXPLANATION and BACKGROUND:

This matter came for public hearing before the Code Enforcement Special Magistrate on 08/18/2016 for violations of Brevard County Code, Sections 22-278(e), 94-119 and 114-28(b), Building Maintenance, Residential Maintenance and Overgrowth. More specifically, repair all areas damaged by fire, obtain the necessary permits, remove litter, junk, and debris from property, mow property, remove accumulations, and maintain. After due notice to the previous owners, Dennis O'Hare, Richard M. Regazzi, and Karen Regazzi, the Special Magistrate found the property in violation of codes and lien for costs, which was recorded.

On February 16, 2017, the Special Magistrate issued an Order Imposing the fines as a lien, which was executed and recorded in the Official Records. The fines accrued at \$25.00 per day from October 17, 2016, until June 19, 2018, (609 days) for a total of \$15,255.00.

On January 25, 2018, a Trustee's Deed transferred the ownership to Allegro Property

Trading, LLC, for \$17,500.00, by order of the previous owners' bankruptcy judge, with contingencies and subject to the Code Enforcement liens. The permit was obtained, debris removed, overgrowth mowed, and repairs made, thereby correcting the violations effective June 9, 2018.

The new owner, Allegro Property Trading, LLC, through Curtis Loucks, appeared before the Board of County Commissioners on April 24, 2018, through a Citizen Request to ask for relief from the Code Enforcement lien. The Board took no action with his specific request; however, he was advised of the process to obtain a Recommendation for Reduction.

On September 20, 2018, Mr. Loucks appeared before the Special Magistrate to request a Recommendation for Reduction of fines to \$1,552.50. At the hearing, concerns arose as to bankruptcy discharge of the prior owners of the property. The Special Magistrate continued the case to allow the new owner to submit the bankruptcy documentation. County staff reviewed the documents and determined there was a defect with the lien. On October 18, 2018, the Special Magistrate recommended a reduction of the fine from \$15,225.00 to \$4,824.00, contingent upon payment within 30 days or establishment of a payment plan within 30 days of the date that the Board of County Commissioners renders a decision approving the Special Magistrate's decision.

Actual cost: Total actual costs for this case are \$2,129.00. The enforcement costs of \$350.00 were paid toward that amount, bringing the remaining actual costs to \$1,779.00

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

CLERK TO THE BOARD INSTRUCTIONS:

N/A

ATTACHMENTS:

Description

- ▢ **Findings and Recommendation**
- ▢ **Application for Recommendation**
- ▢ **Actual Costs Worksheet**
- ▢ **Trustee Deed**



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

December 19, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item J.1., Request for Reduction of Fine and Release of Code Enforcement Lien for New Owner, Allegro Property Trading, LLC at 661 Altura Drive, Cocoa - (16CE-00058)

The Board of County Commissioners, in regular session on December 18, 2018, considered and approved the Special Magistrate's recommendation to reduce the accrued fine from \$15,225 to \$4,824 for the new owner – Allegro Property Trading, LLC at 661 Altura Drive, Cocoa for Case No. 16CE-00058, and release of the lien upon full payment.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Danna Scott
Tammy Rowe, Deputy Clerk
/ds

cc: Code Enforcement Manager
County Manager
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: 16CE-00058

Property Address: 661 ALTURA DR
COCOA FL 32927

vs.

District-1

ALLEGRO PROPERTY TRADING LLC,
Respondent(s).

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

Upon petition of ALLEGRO PROPERTY TRADING LLC, the Code Enforcement Special Magistrate, on 9/20/2018 and continued to 10/18/2018, reviewed the basis for reduction of the accrued fine stated in the Request for Reduction of Penalty and Recommendation Application provided by Curtis Loucks on behalf of ALLEGRO PROPERTY TRADING LLC, heard testimony from Curtis Loucks 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 8/18/2016 after due notice to the Respondents, DENNIS O'HARE, RICHARD M REGAZZI & KAREN M. REGAZZI, at which time the Code Enforcement Special Magistrate heard testimony under oath, received evidence, 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 Costs recorded in the official records of Brevard County Book 7689, Page 1371. Order Vacating and Release of Lien recorded in the official records of Brevard County, Book 7821 at Page 1202 for DENNIS O'HARE.

2. Said order required the Respondent to take certain corrective action for the violations by 10/17/2016, 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 2/16/2017 that the Respondent did not comply with the Special Magistrate's Order, and an Order Imposing Administrative Fine as Lien was filed against the property and upon any other real or personal property owned by the Respondents RICHARD M REGAZZI & KAREN M. REGAZZI, and recorded in the official records of Brevard County, Book 7821 at Page 1210.

3. A re-inspection on 6/19/2018 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 \$15,225.00.

4. Testimony and evidence was presented by ALLEGRO PROPERTY TRADING LLC, stating:

Acquired Property of bankruptcy sale of
Wright in compliance

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) 20% actual accrued fine plus unpaid
actual costs

II. FINDINGS

The Special Magistrate weighing the severity of the violations of MAINTENANCE OF STRUCTURE, RESIDENTIAL MAINTENANCE & OVERGROWTH.

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

III. RECOMMENDATION

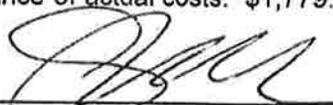
1. Based upon the foregoing factors, the request is **DENIED**.

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 \$15,225.00 to the reduced sum of \$ 4,224.00, 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.
- 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: \$2,129. Enforcement costs in the amount of \$350.00 have been paid. Balance of actual costs: \$1,779.00.

Dated October 18, 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: Allegro Property Trading LLC, c/o Curtis Loucks, 3206 S. HOPKINS AVE, #169, TITUSVILLE, FL 32780
Marybeth Goldfarb, Fidelity National Title of Florida Inc., 1355 N Courtenay Pkwy #D, Merritt Island, FL 32953

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

REDUCTION FACTOR WORKSHEET

CASE #16CE-00058

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? _____

20%
3045
detr
1779

4824

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 \$15,225.00

Recommend Reduction to \$ 4824

- Contingent on payment within 30 days
- Establish Payment Plan within over 30 days and pay in full by _____
- If unpaid, fine will revert to original amount, less payments received

SC
S. Capps

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 9/20/18 9:00 a.m.,
Bldg C, 2nd Floor Space Coast Room, 2725 Judge Fran
Jamieson Way, Viera, FL 32940

Mail original to: Brevard County Code Enforcement, 2725
Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: 8/27/18

Case No. **16CE-00058**

Property Address: 661 ALTURA DR, COCOA, FL 32927

District: 1

Previous Owner's Name: RICHARD M REGAZZI & KAREN M. REGAZZI

New Owner: Allegro Property Trading LLC

**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.

CODE ENFORCEMENT

Property Owner's Name: Allegro Property Trading LLC c/o Curtis Loucks, Officer

AUG 29 2018

Property Owner's Mailing Address: 3206 S. HOPKINS AVE #169, TITUSVILLE, FL 32780
c/o curtis@allegropropertytrading.com

RECEIVED

Phone Number where you can be reached during the day: (321) 423-2490

STATUS OF PROPERTY AS OF INSPECTION MADE BY Sean Donovan ON 6/19/2018

VIOLATION of: Sections 22-278(e), 94-119 & 114-28(b), Brevard County Code: Building Maintenance, Residential Maintenance & Overgrowth

Violation heard on 8/18/2016; fine ordered to accrue at \$25.00 per day from 10/17/2016 to 6/19/2018; the fine accrued to \$15,225.00 (609 days in violation); Fine imposed as lien by Special Magistrate on 2/16/2017.

Enforcement costs in the amount of \$350.00 were paid on 8/21/2018.

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.

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

My company inherited this fine when the property was purchased at US Federal bankruptcy. This property was in a fire and we have corrected all deficiencies with code violations and planning & development. I am asking that the county eliminate all but the ad valorem is trative cost since this restoration has turned a blight into a newly restored home that will increase the tax revenue for Brevard county.

Date: 8-28-18

Signed: *[Signature]*

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, CURTIS LOUCKS, 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.



LORI GRIFFITH
MY COMMISSION # FF 946372
EXPIRES: December 28, 2019
Bonded Thru Budget Notary Services

Date: 8-28-18 Notary Public: *[Signature]* (seal)

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
- 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 Not possible to request extension
- 6) If yes, how many extensions were granted? due to new ownership.

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 \$15,225.00

Recommend Reduction to \$ 1522.50

(Must Enter an Amount)

Worksheet for Assessment of Actual Costs for Case 16CE-00058

Inspector	Donovan							
Wages S&B Hourly	\$25.21							
Per Minute	\$0.42							
Officer Costs:								Sub Total
# Field Inspections	8 x	\$25.21	Hourly	Total	\$201.68			\$201.68
Vehicle Mileage								per mile
# Field Inspections	8 x2: Rdtrip	16	x miles	13	208	0.54		\$112.32
Adminstrative Costs:		Minutes						
# Computer Entries	54	10	540		\$0.42			\$226.80
# Telephone calls	25	5	125		\$0.42			\$52.50
# Research	24	15	360		\$0.42			\$151.20
# Hearings/Prehearings	3	120	360		\$0.42			\$151.20
								\$581.70
Extra Investigative Insp:	Minutes							
S&B Hr/Mn								
								\$0.00
								\$0.00
Recording Fees								
1 Page	\$10.00	x 2						\$20.00
2 Pages	\$18.50							\$18.50
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	7 x	\$85.00						\$595.00
Subtotal Actual Costs for case								\$2,129
Enforcement Costs Assessed and Paid - \$350 or \$550								\$350
Balance due of Actual Costs - DEFICIT								\$1,779

Prepared by:
Kristen L. Henkel, Esq.
M. E. Henkel, P.A.
3560 S. Magnolia Ave.
Orlando, FL 32806
(407) 438-6738

Return to:
Shuler & Shuler
422 Julia St.
Titusville, FL 32796

TRUSTEE'S DEED

This INDENTURE executed on January 25, 2018, by **GENE T. CHAMBERS**, as Trustee and only as Trustee of the Bankruptcy Estate of **RICHARD M. REGAZZI** and **KAREN M. REGAZZI**, husband and wife, Case No. 17-05771, whose address is Post Office Box 533987, Orlando, FL 32853, hereinafter referred to as "Grantor", and **ALLEGRO PROPERTY TRADING, LLC**, a Florida Limited Liability Company, whose address is 3206 S. Hopkins Ave., # 169, Titusville, FL 32780, hereafter referred to as "Grantee".

WITNESSETH that Grantor, pursuant to the Bankruptcy Court Order allowing for the Sale of Estate's Interest in Non-Homestead Real Property in Brevard County, Florida, dated January 10, 2018, ~~2018~~ (docket no. 27) and in consideration of the sum of Seventeen Thousand Five Hundred Dollars (\$ 17,500.00) in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm to Grantee, its heirs and assigns forever, any and all right, title, interest and claim which Grantor has in and to the following described parcel of land, and improvements and appurtenances thereto in Brevard County, Florida, to-wit:

Lot 10, Block 10, PORT ST. JOHN UNIT ONE, according to the plat thereof, as recorded in Plat Book 13, Pages 126 through 130, inclusive, of the Public Records of Brevard County, Florida.

**a/k/a 661 Altura Dr., Cocoa, FL 32927
Parcel ID 23-35-24-BE-10-10**

GRANTOR does covenant to and with Grantee, its heirs and assigns, that in all things preliminary to and in and about the sale and this conveyance, the Orders of the Bankruptcy Court (as indicated by the certified copy of court docket attached) and the laws of the United States have been followed and complied with in all respects and that the premises are free from any encumbrances made by Grantor.

IN WITNESS WHEREOF, Grantor, as Trustee and only as Trustee of the Bankruptcy Estate of Richard M. Regazzi and Karen M. Regazzi, Debtor, has set her hand and seal on the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Marie E. Henkel
Witness # 1

Printed Name : Marie E. Henkel

Kristen L. Henkel
Witness # 2

KRISTEN L. HENKEL

Printed Name : _____

State of Florida
County of Orange

On January 23, 2018, before me, a notary public duly authorized under the laws of Florida, personally appeared Gene T. Chambers, as Trustee and only as Trustee of the Bankruptcy Estate of Richard M. Regazzi and Karen M. Regazzi, who is personally known to be the person(s) whose name is/are subscribed to the foregoing Trustee's Deed and acknowledged to me that she executed the same for the purposes stated therein.



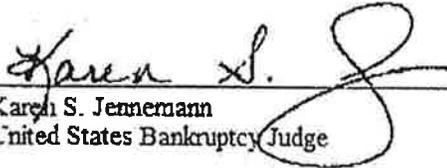
Gene T. Chambers
Gene T. Chambers, Trustee and only as Trustee of the Bankruptcy Estate of Richard M. Regazzi and Karen M. Regazzi, Case No. 17-05771

Kristen Laurel Henkel
Notary Public Name
My Commission Expires:

Exhibit "A"

ORDERED.

Dated: January 10, 2018



 Karen S. Jememann
 United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
 MIDDLE DISTRICT OF FLORIDA
 ORLANDO DIVISION
www.flmb.uscourts.gov

In re :

Case No. 6:17-bk-05771-KSJ
Chapter 7

Richard M. Regazzi and
Karen M. Regazzi,

Debtor(s).

ORDER GRANTING SALE OF ESTATE'S INTEREST
 IN REAL ESTATE IN BREVARD COUNTY, FLORIDA

This case came before the Court on Trustee's Motion for Order Approving Sale of Estate's Interest in Real Estate in Brevard County, Florida, dated December 13, 2017, (docket no. 26). Said Motion was served upon all interested parties and no response has been received by the Court. Therefore, the Court considers the matter to be unopposed, and being otherwise appraised of the matter, it

ORDERED that the Motion for Order Approving Sale of Estate's Interest in Real Estate in Brevard County, Florida, is granted, and the Trustee is authorized to sell the estate's interest in said property, as follows :

1. The property to be sold is more particularly described as :

Lot 10, Block 10, PORT ST. JOHN UNIT ONE, according to the plat thereof, as recorded in Plat Book 13, Pages 126 through 130, inclusive, of the Public Records of Brevard County, Florida.

a/k/a 661 Altura Dr., Cocoa, FL 32927
Parcel ID 23-35-24-BE-10-10

2. The property shall be sold to the following buyer for the sales price indicated :

Allegro Property Trading, LLC , a Florida Limited Liability Company 3206 S. Hopkins Ave., # 169 Titusville, FL 32780	Sales Price \$17,500.00
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3. The Trustee has represented that no closing costs are to be paid by the Estate, aside from a real estate commission to be approved under separate Order.

4. Trustee is authorized to transfer title to the property by Trustee's Deed, conveying the interest of the estate, subject to all encumbrances, including current and delinquent taxes, assessments, zoning, restrictions, code enforcement lien, and other requirements imposed by governmental authorities, restrictions and other matters appearing on the plat or otherwise common to the subdivision and public utility easements of record.

5. The Estate shall provide to buyer, a certified copy of the Order approving sale, certified copy of Notice of Commencement, and certified copy of docket, reflecting no objection to the sale, or if any, that said objections have been overruled by Court Order.

Attorney Kristen L. Henkel is directed to serve a copy of this Order on interested parties who are non-CM/ECF users and file a proof of service within 3 days of entry of the Order.