

**J. New Business - Development and Environmental Services Group  
ITEM 2.**



**AGENDA REPORT  
September 18, 2018**

**Board Consideration, Re: Request for Reduction of Fine and Release of  
Code Enforcement Lien for James King & Caryn King, 1528 Clear Lake Ct.,  
Cocoa, FL 32922 (15CE-01785) (District 2)**

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**SUBJECT:**

Board Consideration, Re: Request for Reduction of Fine and Release of Code Enforcement Lien for James King & Caryn King, 1528 Clear Lake Ct., Cocoa, FL 32922 (15CE-01785) (District 2)

**FISCAL IMPACT:**

FY18 Fiscal Impact – \$1,565

**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 \$3,225 to \$1,660 and release the lien upon full payment for case 15CE-01785 at 1528 Clear Lake Ct., Cocoa, FL 32922.

**SUMMARY EXPLANATION and BACKGROUND:**

This matter came for public hearing before the Code Enforcement Special Magistrate on December 17, 2015 for violations of County Code, Section 22-278(c), Permit required. More specifically, obtain all building permits for the roof, windows, doors, front room and fence. After due notice to the Owners, James King & Caryn King, 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 16, 2017, the Special Magistrate issued an Order Imposing Fine as Lien which was executed and recorded in Official Records. The fines on the property accrued at \$25 per day from January 17, 2016. The required permits were obtained, thereby correcting the violation as of May 25, 2016 (129 days). The fines accrued to \$3,225.

On February 15, 2018, the Owners, James King & Caryn King, petitioned the Code Enforcement Special Magistrate for a reduction of the fine to \$200. The Special Magistrate recommends a reduction of the fine from \$3,225 to \$1,660, 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.

Actual cost: Total actual costs for this case are \$1,565. The enforcement costs of \$550 were paid toward that amount bringing the remaining actual costs to \$1,015.

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

**CLERK TO THE BOARD INSTRUCTIONS:**

N/A

**ATTACHMENTS:**

- |   | <b>Description</b>  |
|---|---|
| ▢ | <b>Findings and Recommendation of Special Magistrate and Reduction Factor Worksheet</b> |
| ▢ | <b>Request Reduction of Penalty</b>   |
| ▢ | <b>Actual Costs Worksheet</b>   |



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

September 19, 2018

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item J.2., Board Consideration of Request for Reduction of Fine and Release of Code Enforcement Lien for James King and Caryn King, 1528 Clear Lake Court, Cocoa, Case 15CE-01785

The Board of County Commissioners, in regular session on September 18, 2018, considered the Special Magistrate's recommendation to reduce the accrued fine from \$3,225 to \$1,660 for James King and Caryn King, 1528 Clear Lake Court, Cocoa, Case - 15CE-017585; and approved the release of the lien upon payment in full.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

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: 15CE-01785

Property Address: 1528 CLEAR LAKE CT COCOA  
District: 2

vs.

JAMES F KING & CARYN T KING,  
Respondent(s)

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

Upon petition of JAMES F KING & CARYN T KING, the Code Enforcement Special Magistrate, on 2/15/2018, 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 CARYN T KING, heard testimony from CARYN T KING 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 12/17/2015 after due notice to the Respondent, JAMES F KING & CARYN T KING, 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 7514, Page 2068.

2. Said order required the Respondent to take certain corrective action for the violation by 1/16/2016, and in the event the violation is not corrected by the specified time a fine of \$25.00 per day will be imposed. A re-inspection on 5/25/2016 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 \$3,225.00.

3. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 11/16/2017 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, JAMES F KING & CARYN T KING, and recorded in the official records of Brevard County, Book 8028 at Page 1453.

4. Testimony and evidence was presented by JAMES F KING & CARYN T KING, stating:

Health Related ISSUES

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.

Filed with Clerk to the  
Special Magistrate

**III. RECOMMENDATION**

FEB 15 2018

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

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 \$3,225.00 to the reduced sum of \$ 1660, 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: \$1,565.00. Enforcement costs in the amount of \$550.00 have been paid. Balance of actual costs: \$1,015.00.

Dated February 15, 2018.

Stewart B. Capps  
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  
JAMES F KING & CARYN T KING, 1528 CLEARLAKE COURT, COCOA FL 32922

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

REDUCTION FACTOR WORKSHEET

CASE #15CE-01785

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: Issue Acid/HL related

- 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 (C)
- 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? 1

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 \$3,225.00 Recommend Reduction to \$ 1,660

Contingent on payment within \_\_\_\_\_ days

Establish Payment Plan within \_\_\_\_\_ days, and pay in full by \_\_\_\_\_

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

[Signature]  
S. Capps 2/15/18

CODE ENFORCEMENT SPECIAL MAGISTRATE  
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 2/15/2018 9:00 a.m.,  
Bldg C, 2<sup>nd</sup> Floor Space Coast Room, 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: ASAP- 1/19 for 2/15/18 hearing.

Case No. 15CE-01785

Property Address: 1528 CLEAR LAKE CT COCOA FL 32922, District: 2

Owner: JAMES F KING & CARYN T KING

**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: JAMES F KING & CARYN T KING (carynking@cfl.rr.com)

Property Owner's Mailing Address: 1528 CLEARLAKE COURT, COCOA FL 32922

Phone Number where you can be reached during the day: 321-636-4548/427-2986

STATUS OF PROPERTY AS OF INSPECTION MADE BY Michael Verostic ON 5/25/2016

VIOLATION of Brevard County Code: Section 22-278(c)- Permit(s) Required for roof, windows, doors, front room and fence.

Violation heard on 12/17/2015; fine ordered to accrue at \$25.00 per day from 1/17/2016 to 5/25/2016; the fine accrued to \$3,225.00 (129 days in violation); Fine imposed as lien by Special Magistrate on 11/16/2017.

Enforcement costs in the amount of \$550.00 were paid on 4/6/2016.

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

JAN 09 2018

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, JAMES F KING or CARYN T KING, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

*Caryn King handle all property violation for  
Work without permit 9/14/15 Sept 15, 2015  
was told I needed survey of obtained 1-11-16 AAL  
land Surveying \$3500 next construction had to have engineer  
Steve Kastner professional structural soundness pd \$200  
2/4/2016 pd \$479.99 for extension 6x12  
4/06/2016 pd \$530.00 for fines that had accrued 1-17-16  
5/2016 husband went into hospital bleeding colon 2 pt of Blood  
6 days in hospital - July 4 2015 - CHF Jan 2017 Cardiac conversion  
July 18 2016 1st hip replacement Oct 4 2016 2nd replacement  
Fence permit - obtained 2-12/2016 was told that was the only  
clearance left of complete. 5/25/16 Building Final  
5-2017 husband in hospital for 4 pts of Blood (no docs? acute bleed)*

Date: 7/8/18  
1/9/19

Signed: Caryn T King  
Caryn T. King

STATE OF FLORIDA )  
COUNTY OF BREVARD )

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, JAMES F KING or CARYN T KING, 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: 1/9/19 Notary Public: A. Dammmartling (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 → *wife / husband mental illness - with medical problems*
- 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 *Misunderstood violation I thought it was*
  - c) Complete *excuse - that was added*
- 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? talked Michael Verostic

**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 **\$3,225.00**  
*lost job 2015 L.A.C.P. In Bankruptcy filed 12-2017*

Recommend Reduction to \$ 200  
**(Must Enter an Amount)**

*At the end of month after bills pay is account*

## Worksheet for Assessment of Actual Costs for Case 15CE-01785

Inspector	Verostic							
Wages S&B Hourly	\$22.86							
Per Minute	\$0.38							
<b>Officer Costs:</b>								<b>Sub Total</b>
# Field Inspections	4 x	\$22.86	Hourly	Total	\$91.44			\$91.44
<b>Vehicle Mileage</b>								<b>per mile</b>
# Field Inspections	4 x2: Rdtrip	8	x miles	13	104	0.54		\$56.16
<b>Administrative Costs:</b>								
		Minutes						
# Computer Entries	32	10	320	\$0.38				\$121.92
# Telephone calls	8	5	40	\$0.38				\$15.24
# Research	14	15	210	\$0.38				\$80.01
# Hearings/Prehearings	3	120	360	\$0.38				\$137.16
								\$354.33
								\$354.33
<b>Extra Investigative Insp:</b>								
S&B Hr/Mn		Minutes						
								\$0.00
								\$0.00
<b>Recording Fees</b>								
1 Page	\$10.00	x2						\$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	5 x	\$85.00						\$425.00
<b>Subtotal Actual Costs for case</b>								<b>\$1,565</b>
Enforcement Costs Assessed and Paid - \$350 or \$550								<b>\$550</b>
<b>Balance due of Actual Costs - DEFICIT</b>								<b>\$1,015</b>