



AGENDA REPORT
October 23, 2018

Hangar Lease Violation Necessitating Eviction

SUBJECT:

Hangar Lease Violation Necessitating Eviction

FISCAL IMPACT:

Fiscal Impact FY 2018-2019: The filing fee for an eviction is \$185.00, plus \$10.00 per summons.

DEPT/OFFICE:

ACM Development

REQUESTED ACTION:

Staff requests authorization and direction to the County Attorney's Office to proceed with eviction proceedings against a half hangar tenant in violation of the lease requirements to provide insurance.

SUMMARY EXPLANATION and BACKGROUND:

Valkaria Airport hangar leases require tenants to carry a general liability insurance policy in the minimum amount of \$1,000,000. Each tenant is required to provide a copy of the certificate of insurance verifying coverage annually and the inclusion of the County as an additional insured on their policy. Most tenants meet this requirement through their basic aircraft policy, although you can get "Hangar Keepers Insurance" which would fulfill the same requirements. The lease is explicitly clear, tenants must have 1 million dollars of liability coverage or they are in material violation of the lease.

Mr. Greg Hish is the sole lesser of Half Hangar #68 at Valkaria Airport. He is also the owner of the experimental helicopter N806KS stored in Hangar #68 and it is currently registered with the FAA under Mr. Hish's name. Mr. Hish has claimed he has insurance on it that meets the County lease requirements under his company's "Pi Aero" policy. However, a thorough review of the Pi Aero policy by Risk Management, Julie Jones, revealed that the policy does not cover Mr. Hish's personal experimental helicopter N806KS.

After review of Pi Aero's insurance policy, Mr. Hish now incorrectly states he is not required to obtain insurance because his aircraft is not operable. See attachments. There is no exception to the insurance requirement for non-operational aircraft as Mr. Hish incorrectly states in his letters. All other tenants at the airport have current insurance

policies that comply with the requirements set forth in their leases. In the event that an aircraft stored in a hangar is not operational, a policy is in effect to cover damage to the hangar caused by the tenant.

Airport staff has asked Mr. Hish multiple times, both verbally and in writing, to purchase the proper insurance as required by the lease Paragraph III A & B of which he has not complied with to date. Mr. Hish failed to provide proof of insurance and a 30-day notice of lease termination was issued, effective September 30, 2018. Staff returned his October rent check and Mr. Hish sent emails stating his refusal to vacate the hangar. See attachments. For these reasons staff requests authorization to pursue eviction of Mr. Hish from Hangar #68 utilizing all necessary legal proceedings.

As of October 9, 2018 it appears that Mr. Hish has removed nearly all his property from the hangar including the helicopter. However, even though he had removed his property from the hangar Mr. Hish indicated in writing that he wanted to have a judge decide if he had to give up his lease (see Exhibit K). This necessitates eviction proceedings prior to giving a lease to another tenant on the wait list.

CLERK TO THE BOARD INSTRUCTIONS:

Forward Board direction to Valkaria Airport, Steve Borowski, Airport Manager, County Attorney's Office, and County Manager's Office.

ATTACHMENTS:

Description

- Exhibits A thru K



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

October 24, 2018

M E M O R A N D U M

TO: Steve Borowski, Valkaria Airport Manager

RE: Item F.7., Hangar Lease Violation Necessitating Eviction

The Board of County Commissioners, in regular session on October 23, 2018, authorized and directed the County Attorney's Office to proceed with eviction proceedings against a half hangar tenant in violation of the lease requirements to provide insurance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

cc: County Manager
County Attorney
Finance
Budget

8/30/18

Insurance Compliance Review: Hangar Lease Agreement / Greg Hish / Hangar #68

Jones, Julie L

Today, 8:30 AM

Borowski, Steve

Reply all |

Risk Management has reviewed certain agreements and their accompanying documents to ensure compliance with contract requirements for insurance.

DESCRIPTION:

This lease agreement refers to the (month-to-month) lease with Greg Hish for hangar #68 which principally houses the N806KS Rotorway 162F helicopter.

FINDINGS:

Required insurance coverage is not demonstrated.

We do not find evidence of any coverage or policy of insurance issued to the tenant, Greg Hish, that meets the lease requirements.

Tenant has conveyed that coverage is to be found under an aircraft policy issued to PI Aero Management, Inc., by Old Republic Insurance Company, policy number AVC 003629 02 for the policy period 7/29/2017 – 7/29/2018. However, we examined that policy and determined it expired on 7/29/2018, and there was no evidence of renewal. In addition, and perhaps most importantly, that policy afforded liability coverage for only specifically-scheduled aircraft. The above-referenced aircraft is not among those listed on the policy Declarations. The five aircraft that were scheduled for coverage included:

▪	N53304	1979	Cessna	152
▪	N5359K	2003	Cessna	172S
▪	N946V	1969	Mooney	M20C
▪	N63096	1976	Cessna	150M
▪	N556M	1993	American	AG-5B

The policy did not afforded liability coverage for non-schedule aircraft.

Should Tenant provide any additional information, kindly forward for our review and evaluation. Otherwise, this tenant is not in compliance with the insurance requirements specified in the lease agreement.

Julie Jones, A.R.M., A.C.A.
Risk Manager



BREVARD County
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST
VALKARIA AIRPORT



#1 PILOTS' PLACE
GRANT VALKARIA, FL 32950

PH: (321) 952 - 4590
FAX: (321) 952 - 4592

Greg Hish
113 Mullet Creek Rd.
Melbourne Beach, Fl. 32951

August 6, 2018

Mr. Hish

The Airport does not have a current Certificate of Insurance on file for your hangar #68. Please provide this information or have your insurance company fax it to the office directly at 321-952-4592 as soon as possible.

Thank you,

Steve Borowski
Airport Manager

Mailed 8/6/18



BREVARD County
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST

VALKARIA AIRPORT



#1 PILOTS' PLACE
GRANT VALKARIA, FL 32950

PH: (321) 952 - 4590
FAX: (321) 952 - 4592

Greg Hish
113 Mullet Creek Rd.
Melbourne Beach, FL. 32951

August 22, 2018

Mr. Hish,

You remain in violation of your lease agreement of hanger #68. At the beginning of the month, I verbally informed you that you are not in compliance with Article III (A) of your hangar lease.

“ The TENANT hereby covenants that he has, and will maintain in force and effect, General Liability Insurance in the amount of ONE MILLION (\$1,000,000.00) DOLLARS or greater. The TENANT shall provide a valid Certificate of Insurance (“COI”) to the LANDLORD demonstrating that the aforementioned insurance requirements have been met prior to the Lease becoming effective, during the annual hangar inspection, and whenever there has been any change in insurance, such as modifying coverage or a change in the insurance provider. The COI(s) shall indicate that the policy has been endorsed to cover the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as an additional insured. Additionally, upon any policy cancellation or modification, the insurer shall send a written notice to the LANDLORD with 30 days. ”

On August 6th you were notified via United States Post of your deficiency. As of the date of this letter, The Airport still has not received a current insurance policy for your hangar. This is your third and final notice.

If the Airport does not receive the required insurance documents prior to August 30, 2018 it will exercise paragraph VI(A) of your lease agreement and terminate your tenancy in hangar #68.

Steve Borowski
Airport Manager

From: Borowski, Steve
Sent: Thursday, August 23, 2018 3:33 PM
To: hish189@aol.com
Cc: Valliere, Christine V; Denninghoff, John P
Subject: Valkaria Airport Letter to Tenant #68.

Please see the attached letter.

Thank You,

<https://outlook.office365.com/owa/?viewmodel=ReadMessageItem&ItemID=AAMkAGY...> 10/1/2018

RE: Valkaria Airport Letter to Tenant #68

Page 1 of 2

RE: Valkaria Airport Letter to Tenant #68

Greg Hish <hish189@aol.com>

Thu 8/23, 8:40 PM

Borowski, Steve; Commissioner, D3; Commissioner, D4; Commissioner+5 more

Reply all |

You forwarded this message on 8/27/2018 11:44 AM

Hish Hangar 68 Ltr[3551...
360 KB

Download

Mr. Borowski

I am in receipt of your letter dated August 22, 2018. Mr. Borowski, I have and always have maintained insurance as per the lease agreement.

Greg Hish is Pi Aero Management and has always maintained the proper insurance. You have a copy of the insurance binder.

I CONSIDER THIS MATTER CLOSED! ANY FURTHER ACTION BE NEEDED OR REQUIRED, PLEASE ADVISE.

Greg Hish
VP Pi Aero Management
321-525-6517



BREVARD County
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



VALKARIA AIRPORT

#1 Pilots' Place
Grant Valkaria, FL. 32950

PH: (321) 952 - 4580
FAX: (321) 952 - 4582

Greg Hish
113 Mullet Creek Rd.
Melbourne Beach, FL. 32951

August 31, 2018

Subject: Hangar # 68 Lease Termination

Mr. Hish,

You continue to remain in violation of your lease agreement for hangar #68. Brevard County has communicated with you multiple times and has given you written warnings about your specific violation of the lease agreement, no insurance coverage. As of the date of this letter you still do not have insurance coverage as required by your lease. Failure of the tenant to comply with any of the terms or conditions of the lease is cause for termination. In accordance with paragraph VI of your lease agreement with the Board of County Commissioners of Brevard / Valkaria Airport, you are here by given thirty days Notice of Termination for your lease agreement on Hangar #68. Your last day of occupancy is September 30, 2018.

Thank You,

Steve Borowski
Valkaria Airport Manager

Reviewed as to legal form:

Brevard County Commissioners
Valkaria Airport
1 Pilot Place
Grant-Valkaria, FL, 32950

CC: Brevard County Commissioners
2725 Judge Fran Jamieson Way Viera, FL 32940
Attn: Mr. Scott Ellis

Attn: Mr. Steve Borowski
Airport Manager Valkaria

September 20, 2018

Re: Cancellation of Lease Airport Hangar #68

Gentlemen:

With reference to the above captioned matter, be advised that I object to the termination of my lease on Hangar #68, based upon the reasons stated in your letter to me.

The aircraft in question is not airworthy, therefore it cannot fly, 14CFR 21.182, 14 CFR45.11, 14CFR 45.13, upon which Federal regulations apply accordingly. Since it cannot fly, there is no requirement to have liability insurance or property damage insurance, which refers to protecting the airport from the hazards of a flying aircraft. Since there is no hazard, insurance is again not required while the aircraft is being repaired.

Thru information and belief, other aircraft on the field, hangered and not airworthy have not been required to maintain insurance equivalent to operating equipment.

I believe that this action against me is singularly biased and the result of a vindictive vendetta because I was a whistle blower and complained about airport maintenance conditions and the effectiveness of the Valkaria Airport management.

I do not intend to vacate the hangar until and unless a court of competent jurisdiction issues a dispossession. Therefore, please take notice; I HEREWITH DEMAND A COURT HEARING. I intend to present a vigorous and positive defense.

Future correspondence shall be in the form of United States postal service Mail AND Email to: Hish189@aol.com. This will ensure a timely response to future correspondence.

I have enclosed my check for the October 2018 rent, such that I am not in arrears nor in violation of any provision in my lease.

Very truly yours,

Gregory Hish



Sent with enclosure, Check for Rent, Certified Mail Return Receipt Requested, to: Valkaria Airport & Copy of Letter and check, to: Brevard County Commissioner's, Attn: Mr. Scott Ellis
Brevard County Clerk of the court. Correspondence Via email with Mr. Borowski.

OM RRR 7018 1130 0000 8548 8095
EM RRR 7018 1130 0000 8548 8101

Brevard County Commissioners
Valkaria Airport
1 Pilot Place
Grant-Valkaria, FL, 32950

CC: Brevard County Commissioners
2725 Judge Fran Jamleson Way Viera, FL 32940
Attn: Mr. Scott Ellis

Attn: Mr. S. Borowski
Airport Manager

September 22, 2018

Re: Cancellation of Lease Airport Hangar #68

Gentlemen:

With reference to the above captioned and my letter, dated September 20, 2018, be advised that I am employed as an Airline Transport Pilot, scheduled to be on duty from September 24th to October 15, 2018.

I will be in Europe and Africa and out of the United States during that time, such that I will not be able to be served, acknowledge or respond to any legal papers.

Please act accordingly so that I may have my day in court.

Very truly yours,

Gregory Hish



Sent with enclosure, Brevard County Commissioners, Attn: Mr. Scott Ellis

CMRPR 2018 1130 0000 8548 8125



BREVARD County
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



VALKARIA AIRPORT

#1 PILOTS' PLACE
GRANT VALKARIA, FL 32960

PH: (321) 962 - 4690
FAX: (321) 962 - 4592

Subject: Hangar # 68 Lease Termination

September 24, 2018

Dear Mr. Hish,

I have forwarded your information to the County Attorney's Office for review and recommendation. Enclosed is your rent check for October. There is no exception to the insurance requirement in the lease. In the event that you have not vacated hangar #68 on or before September 30, 2018, County staff will have no other choice than to pursue eviction proceedings and all available remedies.

Thank You,

Steve Borowski
Steve Borowski

Valkaria Airport Manager

----- Original message -----

From: "Borowski, Steve" <steve.borowski@brevardcounty.us>

Date: 9/26/18 15:37 (GMT+01:00)

To: hish189@aol.com

Cc: "Valliere, Christine V" <Christine.Valliere@brevardfi.gov>, "Denninghoff, John P" <John.Denninghoff@brevardfi.gov>

Subject: G Hish Hangar Rent Check Return

Hello Mr. Hish,

Please see the attached letter returning your hangar rent check. The check has been mailed via US Post.

Thank You,

Steve Borowski

Valkaria Airport Mgr.

Re: G Hish Hangar #68

H hish189 <hish189@aol.com>
Wed 9/26, 12:37 PM
Borowski, Steve; Valliere, Christine V; Denninghoff, John P

Reply all |

I respectfully disagree with your response.

The aircraft in question is not flyable, therefore it is just parts and pieces, not insurable nor subject to cause any damages to the airport as a result of operation.

Exactly the same as all the other aircraft being constructed or rehabilitated in other hangars on the field.

I stand by my premise that the hangar is legally and lawfully occupied.

So, file the dispossess and let a judge decide the case."

Regards

Greg Hish

Brevard County Commissioners
Valkaria Airport
1 Pilot Place
Grant-Valkaria, FL., 32950

CC: Brevard County Commissioners
2725 Judge Fran Jamieson Way Viera, FL 32940
Attn: Mr. Scott Ellis

Attn: Mr. Steve Borowski
Airport Manager Valkaria

September 20, 2018

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Gregory Hish



Sent with enclosure, Check for Rent, Certified Mail Return Receipt Requested, to: Valkaria Airport & Copy of Letter and check, to: Brevard County Commissioner's, Attn: Mr. Scott Ellis
Brevard County Clerk of the court. Correspondence Via email with Mr. Borowski.

CMRRR 2018 1130 0000 8548 8101
CMRRR 2018 1130 0000 8548 8096

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK.

HOLD AT ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

NAME Bree Hest

974647

ACCT. NO. 2920

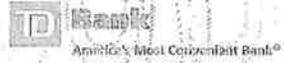
DATE SEPT 20, 2016 63-1482/670

PAY TO THE ORDER OF BACE

\$ 131.65

One Hundred Thirty one and 65/100

DOLLARS

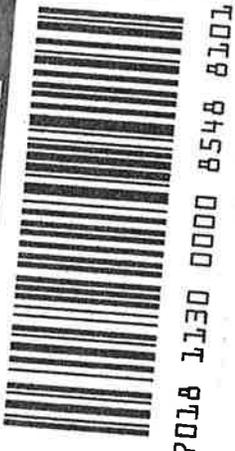


America's Most Convenient Bank

FOR Oct Rent # 68 Jackson

Bree Hest

113 Miller Creek
Melbourne Beach FL
32951



7018 1130 0000 8548 8101



1023



32940

U.S. POSTAGE PAID
FCM LETTER
MAYABAR, FL
32950
SEP 18, 18
AMOUNT

\$6.70

R2304M109999-05

Brevard County Commissioners
ATTN: SCOTT ELLIS

2725 Judge Fred Jamieson way
Viera, FL, 32940

ATTN: SCOTT ELLIS