

**SPECIAL MEETING
OF THE SPECIAL MAGISTRATE
TOWN OF LADY LAKE, FLORIDA**

November 19, 2014

The special meeting of the Special Magistrate was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 10:30 a.m.

TOWN STAFF PRESENT: Cindy Diemer, Senior Code Enforcement Officer; Donald Hoos, Code Enforcement Officer; and Julia Wolfe, Staff Assistant to the Town Clerk

Also Present: Commissioner Dan Vincent

CALL TO ORDER: Valerie Fuchs, Special Magistrate, called the meeting to order at 10:30 a.m.

PLEDGE OF ALLEGIANCE: All present stood to recite the Pledge of Allegiance.

Approval of October 28, 2014 Minutes

Special Magistrate Valerie Fuchs accepted the October 28, 2014 meeting minutes into the record as presented.

Explanation of Procedure

Special Magistrate Valerie Fuchs explained to the public that this is a quasi-judicial hearing, which means that she has not seen or heard any evidence or testimony from staff or outside parties, other than cases that have been continued from a public meeting, as this would be a violation of ex-parte rules. She stated that if any pictures or other evidence are presented this morning, the interested party will be able to review it in order to accept or refute it and be able to present their own evidence and testimony prior to the Special Magistrate making her ruling.

The Special Magistrate also explained that Code Enforcement staff would present their case and testimony, then the owner or interested party will be able to present their testimony or evidence. After that, staff will have the opportunity to rebut or refute any evidence that is presented. The Special Magistrate will then ask any questions that she deems appropriate and relevant during the testimony of each party before making her ruling. The order will be entered and the interested party will receive a copy of the order whether it is dismissed, or time granted in order to come into compliance, and whether a fine or lien will be imposed.

SWEARING IN: Special Magistrate Valerie Fuchs requested that anyone present who planned to speak at today's meeting stand and be sworn in.

Special Magistrate Valerie Fuchs asked staff if there were any changes to today's agenda.

Senior Code Enforcement Officer Cindy Diemer reported that five cases on this morning's agenda have come into compliance prior to the meeting: Item #3, Case No. 14-4958, Item #4,

Case No. 14-4967, Item #6, Case No. 14-5089, Item #7, Case No. 14-5093, and Item #8, Case No. 14-5113.

OLD BUSINESS: No old business.

NEW BUSINESS:

Special Magistrate Valerie Fuchs noted there was someone in the audience present to speak on a case and asked that that case be heard first.

Senior Code Enforcement Officer Cindy Diemer stated that Item #2 will be heard first.

2. Case No. 14-4891 – 439 Winners Circle –Wells Fargo Bank NA - Town of Lady Lake Code of Ordinances Ch. 20-20(a)(4) – Damaged Property - Repair or Demolish

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Wells Fargo Bank N.A. of Des Moines, IA. The alternate key number is 2525011. He stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 20-20(a)(4) for damaged property, repair or demolish due to a tree falling on it.

Mr. Hoos reported that an initial inspection of the property was conducted on June 4, 2014 and the violations were noted, and a courtesy notice was mailed this same date. Notice of Violation was mailed and e-mailed to Wells Fargo on June 11, 2014 via certified and first class mail, and the certified mail receipt was received signed by Joann Miller on June 23, 2014.

Mr. Hoos stated eight re-inspections were conducted along with numerous e-mails from June 11th to October 9th, 2014. He stated during that time, the grass was cut and the tree was removed from the house leaving the house partially collapsed and open to the public. Notice of Hearing was mailed to Wells Fargo on October 9, 2014 via certified and first class mail, and USPS shows the mail is still not delivered as of October 12, 2014. Mr. Hoos stated an e-mail with the Notice of Hearing attached was sent to Wells Fargo on October 9, 2014, and the e-mail and notice was confirmed received by Kathy Brown on October 10, 2014. The property was posted and photos were taken on October 20, 2014. Photos and the e-mails were entered into evidence.

The Special Magistrate reviewed the materials provided and she invited the representative for this case to come up and speak.

Phillip Bonus, an attorney for Wells Fargo from Orlando, stated that HUD approved the contract to demolish the house on this property on November 14, 2014 and he stated he has a copy of the signed contract with him. He stated the contractor is MSI Hazards from Hurst, Texas. Mr. Bonus stated it is cumbersome to get HUD to approve a demolition, as there is a long process in getting such items as a structural engineering report.

The Special Magistrate asked if they received word when the house will be demolished.

Mr. Bonus replied HUD's contractor asked him to request 120 days to complete the project, but he does not believe it will take that long to pull the permits. He stated it will cost approximately \$25,000 to demolish the house and turn it into a vacant lot.

The Special Magistrate asked staff their opinion on how long it will take to get a demolition permit and for their recommendation on a timeframe to allow compliance.

Senior Code Enforcement Officer Cindy Diemer stated that a demolition permit can be obtained in just a day or so. She stated her issue with the length of time requested is that this property is critical and the community has been at risk since June, although she is sympathetic with the bureaucratic system. Ms. Diemer reported there are a lot of children in that neighborhood and it has been a major eyesore, and is not healthy. She recommended that the demolition permit be pulled in a matter of days and that the project be completed within a short period of time. Ms. Diemer stated the out of state contractor will need to have all required documents with him when he goes to pull the permit, and he should contact staff immediately to find out what they will need to obtain a permit.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4891, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-20(a)(4) – Damaged Property - Repair or Demolish. The owner has 30 days to come into compliance for the 2014 violations or a fine of \$250.00 per day will begin to accrue on the 31st day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

Mr. Bonus requested that his client be given at least 45 days to come into compliance since the holidays are coming up and there may be down time.

The Special Magistrate stated that the property is in an unsafe condition and she will keep it at 30 days to come into compliance. She thanked Mr. Bonus for attending today.

Item No. 10 was heard next.

10. Case No. 14-5142 – 236 Skyline Dr. – John & Maria Zonin – Town of Lady Lake Code of Ordinances Ch. 20-19(b) – Stairs to Front Porch Not Built to Minimum Standards; Ch. 20-19(e) – Electrical Equipment is Unsafe; Ch. 20-19(a)(1)7(2) – Floors, Walls, Roof, Ceilings Not in Good Repair; Ch. 20-19(d) – Plumbing Equipment Not Installed in Approved Manner; Ch. 20-21(i) – Bathroom Toilet is Loose and Strong Odor of Sewer Gas in Room; Ch. 20-17(f) – No Screens on Windows; Ch. 20-20(a)(6) – Windows and Doors Not in Good Working Order and Windows Have Broken Glass; and Ch. 20-23(a)(1) – Dwelling Unit Has Rodent Infestation, and Evidence of Mold and Mildew

Code Enforcement Officer Donald Hoos presented the background on this case. He stated that Lake County records show that this property is owned by John and Maria Zonin of 41338 N. Emeraldal Island Rd., Leesburg, Florida. The alternate key number is 1439949.

Mr. Hoos stated the violations on this property are extensive and include the violation of the Town of Lady Lake's Code of Ordinances Chapter 20-19(b) for no permit on record for stairs to

front porch not built to minimum standards; Chapter 20-19(e) for electrical equipment is unsafe; Chapter 20-19(a)(1)7(2) for floors, walls, counters, roof, and ceilings not in good repair; Chapter 20-19(d) for plumbing equipment not installed in approved manner; Chapter 20-21(i) for bathroom toilet is loose and strong odor of sewer gas in room; Chapter 20-17(f) for no screens on windows; Chapter 20-20(a)(6) for windows and doors not in good working order and windows have broken glass; and Chapter 20-23(a)(1) for dwelling unit has rodent infestation, and evidence of mold and mildew.

Mr. Hoos stated the initial inspection was conducted after staff received a phone call from the tenant, Donna Rathborn, asking staff to inspect the property on October 27, 2014, as she was having major issues and she has children in the home. She gave staff access and allowed photos of violations to be taken. A Notice of Hearing was e-mailed and mailed via certified and first class mail to the property owner of record on October 29, 2014, and was personally served to Donna Rathborn on November 4, 2014. Photos, a written note from the landlord dated 10/27/14, and three e-mails to Mr. Zonin were entered into evidence.

The Special Magistrate reviewed the evidence and asked if the home was occupied at this time, and if the electric was on.

Mr. Hoos replied that it is occupied and the tenant is present today, and the electric has not been turned off.

The Special Magistrate asked the property owner to come up to speak on this case.

John Zonin, property owner, introduced himself and stated the tenants requested to move in early before the place was fixed up, and they said they would do the repairs if the owner would let them move in early. He stated the tenant moved in and has not paid rent since they moved in and are over \$4,000.00 behind in rent. Mr. Zonin stated they called Code Enforcement because he threatened to throw them out.

The Special Magistrate stated it is the property owner's responsibility to keep the property in compliance with the Town's code regardless of who makes the complaint.

Mr. Zonin stated he will make the repairs to the home as soon as the tenant moves out and then he plans to sell it and no longer have rental property. He stated that the current tenant is a single mother who is happy until she is told she has to pay rent or eviction is threatened, then she complains. He asked for 60 days to evict the tenant and bring the property into compliance.

The Special Magistrate asked if anyone else would to speak on this case.

Donna Rathborn stated she is the tenant and that she has requested that the owner fix the place up, and he has stated that he will, but has not. She stated she has paid the rent every month and has asked for receipts, but the owner has stated he will bring them back, but he does not. Ms. Rathborn stated she has been having high water bills, too, and that she just wanted the place to be fixed.

The Special Magistrate asked staff for their comments.

Mr. Hoos stated staff has some problems with the situation as the violations in the building include structural issues, electrical, and plumbing problems which require a licensed contractor and permits. He stated the structure is not really habitable and should be addressed. Mr. Hoos requested that the fine be \$250.00 per day if not in compliance within 10 days.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5142, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-19(b) – Stairs to Front Porch Not Built to Minimum Standards; Ch. 20-19(e) – Electrical Equipment is Unsafe; Ch. 20-19(a)(1)7(2) – Floors, Walls, Roof, Ceilings Not in Good Repair; Ch. 20-19(d) – Plumbing Equipment Not Installed in Approved Manner; Ch. 20-21(i) – Bathroom Toilet is Loose and Strong Odor of Sewer Gas in Room; Ch. 20-17(f) – No Screens on Windows; Ch. 20-20(a)(6) – Windows and Doors Not in Good Working Order and Windows Have Broken Glass; and Ch. 20-23(a)(1) – Dwelling Unit Has Rodent Infestation, and Evidence of Mold and Mildew. The owner has 10 days to come into compliance for the 2014 violations or a fine of \$250.00 per day will begin to accrue on the 11th day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

The original agenda order was re-established.

1. Case No. 14-4691 – 213 Morningside Ave. – Tax Ease Florida REO LLC – Town of Lady Lake Code of Ordinances Ch. 20-51 (a)(8) - Property Maintenance - Porch Deteriorated; Ch. 20-20(a)(1) - Property Maintenance - Exterior in Dilapidated Condition; Ch. 20-19(a)(1)7(2) - General Maintenance - Dwelling Used for Drug Activity - in Need of Restoration or Demolition; Ch. 20-20(a)(6) - Windows and Doors Need to be in Good Working Order; and Ch. 7-67 - High Grass and Weeds

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Tax Ease Florida REO LLC of Dallas, TX. The alternate key number is 2723254.

Mr. Hoos stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 20-51 (a)(8) for property maintenance and porch deteriorated; Chapter 20-20(a)(1) for property maintenance and exterior in dilapidated condition; Chapter 20-19(a)(1)7(2) for general maintenance, dwelling used for drug activity and in need of restoration or demolition; Chapter 20-20(a)(6) for windows and doors need to be in good working order; and Chapter 7-67 for high grass and weeds

Mr. Hoos stated the property was boarded up by the Town after a meth-lab was found by the Lady Lake Police.

Mr. Hoos reported that an initial inspection of the property was conducted on February 6, 2014 and the violations were noted. He stated photos of the building exterior were taken on February 10, 2014. Mr. Hoos reported he checked with Habitat and the owner of record on March 12,

2014 to see if was possible for them to take over property and demolish the existing structure. He stated he called Habitat for an update on April 7, 2014 and no information was available.

Mr. Hoos stated a tax sale was done and the new owners were Tax Ease Florida Reo, LLC on July 28, 2014, and the transfer of deed was on the Property Appraiser record dated July 29, 2014. He stated staff spoke with the spokesperson at Tax Ease Florida on July 28, 2014 and explained the problem with the property.

Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to the registered agent and the property owner on October 6, 2014, and the Notice of Hearing was posted on October 7, 2014. Photos were entered into evidence.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one. She asked staff for their recommendation on the case.

Mr. Hoos recommended allowing 10 days to come into compliance or a fine of \$250.00 per day will begin to accrue.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4691, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-51 (a)(8) - Property Maintenance - Porch Deteriorated; Ch. 20-20(a)(1) - Property Maintenance - Exterior in Dilapidated Condition; Ch. 20-19(a)(1)7(2) - General Maintenance - Dwelling Used for Drug Activity - in Need of Restoration or Demolition; Ch. 20-20(a)(6) - Windows and Doors Need to be in Good Working Order; and Ch. 7-67 - High Grass and Weeds. The owner has 10 days to come into compliance for the 2014 violations or a fine of \$250.00 per day will begin to accrue on the 11th day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

3. Case No. 14-4958 – 316 Del Mar Dr. – Nationstar Mortgage, Gerald F. Pease Sr. – Town of Lady Lake Code of Ordinances Ch. 20-20(a)(1) – Exterior Property Maintenance - Mold and Mildew; and Ch 7-67 - High Grass and Weeds

This case has come into compliance.

4. Case No. 14-4967 – 915 April Hills Blvd. – Wayne and Tammy Goodridge – Town of Lady Lake Land Development Regulations Ch. 16-52 – Building Permit Required for Improvements, Additions, or Demolition

This case has come into compliance.

5. Case No. 14-5037 – 1633 W. Schwartz Blvd. – Federal National Mortgage Association – Town of Lady Lake Code of Ordinances Ch. 20-19(a)(1)7(2) – Property Maintenance - Damaged Roof

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Federal National Mortgage Association, of Dallas, TX. The alternate key number is 2802707. The property was found to be in violation of the Town of Lady Lake's Code of Ordinances Chapter 20-19 (a)(1)7(2) for property maintenance damaged roof.

Mr. Hoos reported that an initial inspection of the property was conducted on August 27, 2014 and the violations were noted. A re-inspection done on October 1, 2014 showed property maintenance issues other than roof addressed, and a re-inspection on October 8, 2014 showed the roof violation still present.

Notice of Violation/Notice of Hearing was mailed and e-mailed to Vinny Presta, property manager, on October 9, 2014 via certified and first class mail to the property owner's registered agent, and the certified mail receipt was received by registered agent on October 14, 2014. The property was posted on September 22, 2014.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one. She asked staff for their recommendation on the case.

Mr. Hoos recommended allowing 10 days to come into compliance or a fine of \$25.00 per day will begin to accrue.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5037, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-19(a)(1)7(2) – Property Maintenance - Damaged Roof. The owner has 10 days to come into compliance for the 2014 violations or a fine of \$25.00 per day will begin to accrue on the 11th day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

6. Case No. 14-5089 – 101 Fourth St. – Brian and Kelly Haug – Town of Lady Lake Land Development Regulations Ch. 9-2(h)(1) – Outside Storage Visible from the Street

This case has come into compliance.

7. Case No. 14-5093 – 1531 E. Schwartz Blvd. – David Thomas Jr. – Town of Lady Lake Code of Ordinances Ch. 20-20(a)(4) – Repair or Demolish Fire Damaged Property

This case has come into compliance.

8. Case No. 14-5113 – 510 Hwy 466 – Sabal 37 LLC – Town of Lady Lake Code of Ordinances Ch. 14-1 – Right of Way Obstruction by Golf Cart Display; Town of Lady Lake Land Development Regulations Ch. 17-5(d)(1) – Temporary Signs and Banners Displayed Without a Permit

This case has come into compliance.

9. Case No. 14-5129 – 1614 Pinehurst Dr. – Well Fargo Bank NA, Sharon Mansell – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration Required for 2014

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Wells Fargo Bank, N.A. of Boca Raton, Florida. The alternate key number is 2915501.

Mr. Hoos stated this property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 20-78 for abandoned property registration for 2014 which has not been paid.

Mr. Hoos stated an initial inspection was done on October 20, 2014, and it was determined the property was vacant. A Notice of Hearing was mailed via certified and first class mail to the property owner in care of Aldridge Connors LLP on October 20, 2014, and the certified mail receipt was returned on November 3, 2014. The property was posted November 21, 2014. Photos of the posting were entered as evidence.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5129, she did find that the owner was in violation of the Town of Lady Lake Code of Ordinances Chapter 20-78 for abandoned property not being registered as required. The owner has 30 days to come into compliance for the 2014 violation and pay the fee of \$150. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

ABATEMENT

11. Case No. 12-3655 – 411 Tarrson Blvd – Karen Sciacchitano – Town of Lady Lake Code of Ordinance Ch. 20-20 (a) (1) – Property Maintenance

Code Enforcement Officer Donald Hoos presented the background on this case. He stated the abatement is being requested by Wells Fargo Bank.

The Special Magistrate clarified that Wells Fargo was requesting the abatement because the proposed abatement order has Karen Sciacchitano as the property owner. She confirmed that the property is currently in compliance.

Mr. Hoos replied Ms. Sciacchitano was the property owner of record and Wells Fargo was the plaintiff on this case. He stated they completed repairs on the property and requested the reduction in the lien amount. Mr. Hoos stated the property is in compliance and was originally

brought to the Special Magistrate on August 27, 2012 for the violations of Town of Lady Lake Code of Ordinances Chapter 20-20 (a)(1) for property maintenance - siding.

Mr. Hoos stated the Special Magistrate ordered compliance within 30 days or a fine of \$100.00 per day would begin to accrue, plus an \$87.00 administrative fee. He stated the property remained in non-compliance until August 27, 2014, which resulted in a lien amount of \$69,887, including the administrative fee.

Mr. Hoos stated the Town received a request from Research/Remediation Specialist Michael Seibert of Wells Fargo to schedule an abatement hearing. He stated he is requesting a reduction to \$5,000 from the accrued amount. The lien was recorded on October 1, 2012 in OR Book 4220, Pages 168-1170.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one. She asked staff when Wells Fargo took ownership of the property.

Mr. Hoos replied that the latest property record show Karen Sciacchitano as the property owner.

The Special Magistrate stated Wells Fargo must be in the process of foreclosure. She asked staff for their recommendation on the case.

Mr. Hoos stated staff will go along with the \$5,000.00 because the property is in compliance now, and that would remove the lien and the property could be sold.

Special Magistrate Valerie Fuchs stated that she recommends abatement of this case's lien amount down to \$5,000.00. The abatement amount is to be paid within 30 days of the Town Commission's decision. She stated that although this is her recommendation, the case still has to go before the Town Commission at their regular meeting on December 1, 2014 at 6:00 p.m. The property owner will get a copy of the order.

OTHER BUSINESS

ADJOURN

With no other business to discuss, the meeting was adjourned at 11:17 a.m.

Julia Wolfe
Staff Assistant to Town Clerk

Valerie Fuchs
Special Magistrate