

**CITY OF PORT ST. LUCIE
SPECIAL MAGISTRATE HEARING MINUTES
APRIL 11, 2012**

A SPECIAL MAGISTRATE HEARING of the City of Port St. Lucie was called to order by Special Magistrate Frank Blandino on April 11, 2012, at 9:00 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present:

- Frank Blandino, Special Magistrate
- Stefanie Beskovoyne, Assistant City Attorney
- Aaron Biehl, Code Compliance Specialist
- Stephen Brasda, Code Compliance Specialist
- Mark Brockway, Building Permit Specialist
- Michael Drost, Code Compliance Specialist
- Rebecca Figueroa, Code Enforcement Administrative Assistant
- Michael Lubeck, Code Compliance Supervisor
- Dennis Millward, Building Department License Investigator
- Jasmine Padova, Licensing Clerk, Building Department
- Wayne Phillips, Code Compliance Specialist
- Jack Reisinger, Building Department Manager
- Anthony Veltre, Code Compliance Specialist
- Russell Zervos, Code Compliance Specialist
- April C. Stoncius, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Special Magistrate Blandino led the assembly in the Pledge of Allegiance.

OPENING

Special Magistrate Blandino said, "You are here because you have received notice that your property is possibly in violation of a particular City Code. You have been given a certain amount of time to comply, and so far you have not done so. The hearings will begin shortly. If found in violation, you have the right to an appeal in the Circuit Court of St. Lucie County."

OATH OF TESTIMONY

The Deputy City Clerk administered the Oath of Testimony to the Code Compliance Specialists and Building Department employees.

APPROVAL OF MINUTES - MARCH 14, 2012

There being no corrections, the minutes were unanimously approved.

The Special Magistrate asked the Code Compliance Specialists if they had any changes to their cases.

Code Compliance Specialist Zervos said, "In Case 12-00411, I want to abate Section 41.08(B). In Case 11-12386, Section 41.08(B), has been corrected, Section 41.09(B), has been corrected, Section 41.10(A), has been corrected, and Section 41.14(A), has been corrected. The total fine, which was \$17,500, should be reduced to \$7,500. There are only two violations that remain. The daily fine would be modified to \$50 per day."

Code Compliance Specialist Drost said, "In Case 12-00931, I want to abate Section 41.10(C)(2), exterior structure, no visible address numbers has been corrected. The daily fine will be changed to \$75, not to exceed \$7,500." In Case 12-00605, I want to remove Section 41.08(B), high grass and weeds. The daily fine should be amended to \$25 per day, not exceeding \$2,500."

VIOLATION HEARINGS

Ms. Beskovoyne read the following cases into the record:

CASE #	NAME	ADDRESS
12-00667	Antonio James	1957 SW Dreyfuss Blvd.
12-00444	Michael Lapp	279 SW Langfield Ave.
12-00605	Franklin Sanchez and Maria H. Serna	431 SE Lancaster Ave.
12-00788	Schnita M. Duncombe	250 SW Moselle Avenue
12-00931	Philip J. Olverd	272 SW Crescent Avenue
12-0147	Beverly Stakelum	210 SE Wallace Terrace
12-00321	James S. and Michelle Taylor	1761 SE Fallon Drive
12-00342	US Bank National Assoc. as Trustee for TBW Mortgage-Backed Trust Series 2006-5, Mortgage- Backed Pass through Certificate Series 2006-5	1241 SE Airoso Blvd.
12-01217	Richard L. Baker	1738 SE Joy Haven St.
11-12386	Manuel Sanchez	441 SW Baoy Avenue
12-00411	David O. Singh	465 SW Eastport
12-00824	Sylvia Ramjattan	217 SW North Quick Cir.
12-14865-BL	JP Morgan Chase Bank, NA	2299 SE Glover Street

CERTIFICATION OF FINES

The Special Magistrate stated, "In these cases I find that the violators are not present today, and that the violations do exist. The violators are deemed to have admitted guilt to the violations. I further find that the violator be given the number of days recommended by the court officers on the summary sheets to come into compliance, or they may be fined the amount that is also reflected on the summary sheets."

The Special Magistrate asked, "With regard to the alleged violators who are not here today, how were they notified of the hearing this morning?" Ms. Figueroa replied, "A Notice of Hearing was sent to the violators via certified mail. If the green card was returned, it was placed in the file as due process. Ten days prior to the hearing, a Notice of Hearing was posted on the bulletin board in the lobby of City Hall. A Notice of Hearing was also posted at the property in question, along with an Affidavit of Posting for those where we did not get a green card back or the mail came back undelivered. If the certification card was not returned to the Code Enforcement Department within ten days of the hearing, posting was completed in the same manner as if the green card was returned unclaimed."

MODIFICATION REQUESTS

Ms. Beskovoyne said, "The cases being reviewed today have already been adjudicated to a final conclusion, and these requests are only for a possible adjustment to the existing fines owed to the City of Port St. Lucie for a Code violation, which resulted in an Order of Enforcement recorded in the public records. These cases are being heard as a matter of Board policy only and are not mandated by statute. The Special Magistrate has received a packet of information about each case in advance of the hearing."

07-13997 JEFFREY CAPPEL

Ms. Beskovoyne said, "This violation was in reference to damage to a City swale at 463 NW Ravenswood Lane. The case was opened on November 16, 2007, with a date of hearing of February 13, 2008. It came into compliance on March 15, 2010." The Deputy City Clerk administered the Oath of Testimony to Eugene Cappel, respondent's brother, who said, "My brother passed away a year ago. In 2006, he purchased this home, and because of his declining health, he wanted to renovate it before moving in to assure himself adequate accessibility. He had been an accomplished and very capable tradesman himself, but a spinal injury left him permanently disabled. Other major health issues followed over the next few years resulting in progressively more severe limitations. The treatments for these conditions led to

mental issues. Since 2003, he was hospitalized numerous times. He had to rely on contractors to perform the work. Due to dishonesty and fraud by multiple contractors and his mental capacity due to medications, he was unable to keep track of things. One of the contractors was arrested in 2007. After his passing, my nephew and I have addressed any and all issues regarding this property promptly and effectively, once we were made aware of them. It is due to these extenuating circumstances that I'm asking for leniency in the form of a reduction in the penalty amount. There was no intent to violate the Codes, so I'm asking for a 50% reduction in the amount of \$2,130.40."

The Special Magistrate said, "In certain cases, there are circumstances, and this seems to be one of them. It sounds like your brother was taken advantage of. The original total was \$3,500, and you are proposing to pay \$2,130.40." Ms. Padova stated, "The account had not gone to collections, so that portion is not due." The Special Magistrate suggested, "I can bring it down to \$1,750." Ms. Beskovoyne advised, "We put a lot of work into this, as it is a couple of years old. We would like to see a fine of \$2,500." The Special Magistrate said, "I will bring it down to \$2,000. When can you take care of this?" Mr. Cappel responded, "Within a week."

The Special Magistrate said, "Based on the evidence presented in this case, there is sufficient reason to reduce the total amount of the fine owed to the City to \$2,000. Here the petitioner has 30 days to make full payment of the reduced fine, at which time the City will release the lien filed in the public record within 30 days of receipt of payment. In the event the reduced amount is not paid within the time limit set, the original total amount will remain due and payable to the City. Recording costs here are charged to the petitioner. Recording costs are payable by the petitioner."

07-7342 WELLS FARGO NATIONAL ASSOCIATION

Ms. Beskovoyne said, "The violations are open storage and property maintenance at 1801 SE Genaro Terrace. The case was opened in June 19, 2007, with an August 27, 2008 date of hearing. It came into compliance March 18, 2010." The Deputy City Clerk administered the Oath of Testimony to Kathy Klein, Better Homes and Gardens Real Estate. The Special Magistrate stated, "There is a total of \$3,423." Ms. Klein said, "I was asked to supply you with the invoices that were obtained since they took over the property, and we started marketing it. It was a few months ago that they made repairs and cleaned it, which comes to \$2,370." The Special Magistrate asked, "When did the bank get their final judgment?" Ms. Beskovoyne replied, "They

took certificate of title on January 23, 2012." Code Compliance Supervisor Lubeck clarified, "The final judgment was issued on August 16, 2007." Ms. Klein pointed out, "The first invoice date that I have when the locks were changed and the grass was cut was on January 23, 2012. That was the initial exterior service, and once it was rekeyed, they went inside and removed debris. The exterior is being maintained on a weekly basis." The Special Magistrate said, "The bank received the final judgment on August 16, 2007, and the compliance date was March 18, 2010. That is two and a half years, which is a long time. I don't know why the bank waited so long. Is this property under contract?" Ms. Klein responded, "Yes. We are waiting to close once this issue is taken care of." Ms. Beskovoyne advised, "We recommend modifying it to \$2,000." The Special Magistrate said, "I think that is more than fair, based on the length of time the case was opened. It will help the sale, because it is being reduced from \$3,500 to \$2,000, plus the grass cutting fee. The total will be \$2,207.80. Can it be paid within the next 30 days?" Ms. Klein replied in the affirmative and said, "It will be paid once the closing goes through in the next 30 days."

The Special Magistrate said, "Based on the evidence presented in this case, there is sufficient reason to reduce the total amount of the fine owed to the City to \$2,207.80. Here the petitioner has 30 days to make full payment of the reduced fine, at which time the City will release the lien filed in the public record within 30 days of receipt of payment. In the event the reduced amount is not paid within the time limit set, the original total amount will remain due and payable to the City. Recording costs here are charged to the petitioner. Recording costs are payable by the petitioner."

ADJOURN

There being no further business, the meeting adjourned at 9:15 a.m.

April C. Stoncius, Deputy City Clerk