

**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT	John L., John G. and Annelotte Legault Code Enforcement Case CE2007100502	TYPE AGENDA ITEM	Consent
DATE REQUESTED	November 9, 2010	DATE SUBMITTED/REVISED	October 28, 2010
BRIEFINGS? Who?	None Required	CONSEQUENCES IF DEFERRED	None
DEPARTMENT/DIVISION	Neighborhood Services Department/Code Enforcement Division	AUTHORIZED BY TITLE	Cheri Coryea, Director <i>CRC 10/28/10</i>
CONTACT PERSON TELEPHONE/EXTENSION	Joe Fenton, Division Manager Ext. 6854	PRESENTER/TITLE TELEPHONE/EXTENSION	Joe Fenton, Division Manager, Ext. 6854
ADMINISTRATIVE APPROVAL		<i>[Signature]</i>	

ACTION DESIRED

INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Motion to reduce the fines for this case to a total of \$2,000.00, (as previously recommended by the Special Magistrate on September 22, 2010), subject to the following conditions:

1. The reduced fines shall be paid within 30 days or will revert back to the original fine amount of \$49,550.00 for CE2007100502.
2. Recording fees need to be collected, which total \$20.00.
3. The Neighborhood Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Section 162.09, Florida Statutes (2007)

APPROVED IN OPEN SESSION

NOV 09 2010

BACKGROUND/DISCUSSION

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

Below is a summary of Code Enforcement Case CE2007100502 – John L., John G. and Annelotte Legault, 6910 41st Avenue East, Bradenton (DP#1468900004):

- On October 30, 2007, the zone officer conducted an inspection and found that there was an addition erected to the rear of the property without the required permits.
- On October 31, 2007, property owners John L., John G., and Annelotte Legault were sent a Notice of Violation for the property in violation of Section 512 (Building Permits) and Section 513 (Certificate of Occupancy) of the Manatee County Land Development Code.
- On November 21, 2007, a second inspection was conducted. The property was still in violation and the officer scheduled this case for the January 23, 2008, Special Magistrate hearing.

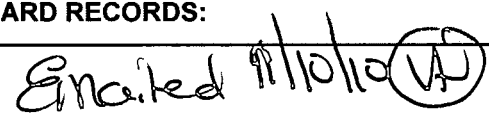
- On January 4, 2008, the Notice of Hearing was posted on the property after getting no response with the certified mail or with the attempts to hand serve.
- On January 18, 2008, the owner came into the office and requested an extension, claiming the contractor that did the work had passed away.
- On April 10, 2008, Annelotte Legault was hand served a Notice of Hearing to appear at the April 23, 2008, Special Magistrate.
- On April 23, 2008, the Special Magistrate found the owners to be in violation of Section 512 (Building Permits) and Section 513 (Certificate of Occupancy) of the Manatee County Land Development Code. The Special Magistrate ordered a compliance date of May 23, 2008, for Section 512 or a minimum fine of \$200.00 and a daily fine of \$150.00 to be imposed. He also ordered a compliance date of June 23, 2008, for Section 513 or a minimum fine of \$200.00 and a daily fine of \$150.00 to be imposed.
- On May 27, 2008, the zone officer conducted an inspection and found that permit #08050888 had been applied for and was in compliance with Section 512 of the Special Magistrate's order.
- On July 15, 2008, the zone officer conducted an inspection and found that the owner had not obtained a Certificate of Occupancy as ordered and imposed the fines as set forth by the Special Magistrate.
- On August 18, 2010, the code enforcement staff received a letter from Mr. John Legault explaining what happened with his case and attached a copy of the Certificate of Occupancy which was issued on May 19, 2009. The fine was stopped as of that date and totaled \$49,550.00. Mr. Legault asked to go before the Special Magistrate for a possible fine reduction.
- On September 22, 2010, the Special Magistrate recommended that this case go before the Board of County Commissioners, with a recommendation to reduce the fines to \$2,000.00. Staff and owner are in agreement with the reduction to \$2,000.00. Staff costs are approximately \$2,000.00 for this case.

COUNTY ATTORNEY REVIEW APPROVED IN OPEN SESSION

NOV 09 2010

Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER:

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
1. Photograph of Property 2. Orders Imposing Fines (2) 3. Issued Permit 4. Letter from John L. Legault 5. Issued Certificate of Completion 6. Order of Referral	<p align="center"><i>Enacted 11/10/10</i> </p> Please forward a stamped copy of agenda to the Code Enforcement Division following disposition.

CE2007100502

VIOLATION OF 512 AND 513



6910 41st Avenue E., Bradenton

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY, a political subdivision
of the State of Florida,
Petitioner,

2008 APR 29 PM 3:44

Case No. **CE2007100502**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

vs.

JOHN L., JOHN G., AND ANNETLOTTE LEGAULT,
Respondents,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 23, 2008, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That **John L., John G., and Annelotte Legault**, hereinafter referred to as Respondents are the owners of record of the subject property.
2. That notice was served on Respondents and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code **Section 512** were made and served on Respondents by hand delivery.
4. That the property located at **6910 41st Avenue East, Bradenton, Florida, DP#1468900004**, has a violation of Manatee County Land Development Code **Section 512** because a **structure was erected without obtaining the required building permit**.
5. That Respondents are in violation of **Section 512** for erecting a structure without obtaining the required building permit.

CONCLUSIONS OF LAW

1. That Respondents are in violation of Manatee County Land Development Code **Section 512**.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondents correct the violation of Manatee County Land Development Code **Section 512**.
2. THAT if this Order is not complied with on or before **May 23, 2008**, it is hereby ordered that Respondents shall pay a minimum fine of **\$200**, plus **\$150** per day for each and every day any violation described herein continue(s) past **May 23, 2008**.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should a violation exists beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered April 23, 2008, and executed this 29th day of April, 2008.

ATTEST: R. B. Shore,
Clerk of Circuit Court

By: Susan P. Romine
Deputy Clerk



[Signature]
Manatee County Code Enforcement
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondents, **JOHN L., JOHN G., AND ANNETLOTTE LEGAULT, 7607 20TH AVENUE NW, BRADENTON, FLORIDA 34209**, by U.S. mail and to the Manatee County Code Enforcement Division, this 30th day of April, 2008.

R. B. SHORE
Clerk of Circuit Court
Manatee County, Florida

By: Susan P. Romine
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, extension 6909 and satisfactorily demonstrate that the violation(s) has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation(s) no longer exist(s).

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE OF RECORD
MANATEE COUNTY, FLORIDA
R. B. SHORE

MANATEE COUNTY, a political subdivision
of the State of Florida,
Petitioner,

2008 APR 29 PM 3:44

Case No. **CE2007100502**
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

vs.

JOHN L., JOHN G., AND ANNELLOTTE LEGAULT,
Respondents,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 23, 2008, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That **John L., John G., and Annelotte Legault**, hereinafter referred to as Respondents are the owners of record of the subject property.
2. That notice was served on Respondents and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code **Section 513** were made and served on Respondents by hand delivery.
4. That the property located at **6910 41st Avenue East, Bradenton, Florida, DP#1468900004**, has a violation of Manatee County Land Development Code **Section 513** because a structure was erected without obtaining the required **Certificate of Occupancy**.
5. That Respondents are in violation of **Section 513** for erecting a structure without obtaining the required Certificate of Occupancy.

CONCLUSIONS OF LAW

1. That Respondents are in violation of Manatee County Land Development Code **Section 513**.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondents correct the violation of Manatee County Land Development Code **Section 513**.
2. THAT if this Order is not complied with on or before June 23, 2008, it is hereby ordered that Respondents shall pay a minimum fine of **\$200**, plus **\$150** per day for each and every day any violation described herein continue(s) past June 23, 2008.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should a violation exists beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered April 23, 2008, and executed this 29th day of April, 2008.

ATTEST: R. B. Shore
Clerk of Circuit Court

By: Susan B. Lomax
Deputy Clerk



John L. Legault
Manatee County Code Enforcement
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondents, **JOHN L., JOHN G., AND ANNELLOTTE LEGAULT, 7607 20TH AVENUE NW, BRADENTON, FLORIDA 34209**, by U.S. mail and to the Manatee County Code Enforcement Division, this 30th day of April, 2008.

R. B. SHORE
Clerk of Circuit Court
Manatee County, Florida

By: Susan B. Lomax
Deputy Clerk

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office? Witness my hand and official seal this 4th day of August, 2008.
R. B. SHORE
Clerk of Circuit Court

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, extension 4419 and satisfactorily demonstrate that the violation(s) has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation(s) no longer exist(s).

Permit Information

Permit Number * 08050888
Status * 0 - Open
Master Number [Search] Notes 0
Project [Search]
Apply Date * 05/23/2008 [Calendar] Operator mmccaski
Permit Issue Date [Search] Operator [Search]
Certificate Issued [Search] Operator [Search]
Certificate Type [Search]
Certificate Number [Search]

Parcel Information

PARCEL ID 1468900004
Building [Search]
Address * 6910 41ST AVE E
City/State/Zip SCT FL 34208

Owner Information

Owner 1 * LEGAULT, JOHN L
Owner 2 MULTIPLE OWNERS (3)
Address 6910 41ST AVE E
City/State/Zip BRADENTON FL 34208

Permit * | Property | Zoning | Contractor * | Defined Fields |

Permit Details

Permit Type * ACCESSORY - ACCESSORY STRUCTURE
Usage Class * NONE - NONE
Applied Value * 3700
1800
Calculated Value 0
US C-404 Type 437 - NONRESIDENTIAL & NONHOUSEKEEPI
Permit Form * 2ISSUE - ISSUED PERMIT
Ownership 1 - Private

Purpose/Special Conditions

MCRQ:ACC STRU/ELEC/SEPTIC/WELL
LOT 5 BRADEN RIVER RANCHETTES

Aug. 16-2010

RECEIVED

AUG 18 2010

CODE ENFORCEMENT

To whom it may concern;

I was informed by the county in April 2008 that I needed to have a building permit for the shed I was building at 6910 41st Ave, E, Bradenton. My place of residence

I immediately contacted an engineer to review the structure and do any modifications necessary. For reasons unknown it was a long time in getting the proper paperwork needed and resolve this matter. At this time I was in contact with the code enforcement officer, and everything seemed to be fine. When I submitted the permit application more things had to be done and changed, the spec (NOA's) we included in the permit application were not acceptable and we had to get the

Aug. 16-2010

NOA's which caused a delay.

Also when we submitted this permit it was resolved with code enforcement. After everything (all the paperwork) was resolved I picked up the permit, called in the final and got my C/O and I assumed everything was over with until recently upon learning I have been fined \$150.00 per day unknowingly because the building Dept. and Code Enforcement were not in communication with each other, as I was told by the Bldg. Dept. everything was taken care of. I feel I am the one to be blamed because I should have been the one to make sure they were in touch with each other.

To my understanding I ^{Aug. 16-2010} applied
for this buiding permit may 23-'08
I got my final inspection on C/O
on May 19, 2009. Hopefully this
will finalize this lasting ordeal
I have been dealing with the
past few month's.

John Legault

John Legault

P.O. Box 1000

Laurie Menard
Administrative Coordinator
Code Enforcement Division

17566748

Susan
937-2634
cell phone

**Manatee County, Florida
Building Department**

1112 Manatee Avenue West, Bradenton, Florida 34205

Certificate of Completion

Certificate of Completion number: **08050888**

Date: 7/22/2010

This Certificate of Completion is issued for the address shown below. Under the conditions and restrictions set forth in the building permit and the Code of Ordinances of Manatee County, Florida.

Issue Date: **5/19/2009**

Project
Address: **6910 41ST AVENUE EAST**
Parcel ID: **1468900004**

Owner: **LEGAULT, JOHN L**

Permit Type: **ACCESSORY**

Contractor: **OWNER**
License: **OWNER**

Building Department of Manatee County, Florida
Copy generated by: **IVR**

Representative of:
Carroll J. Dupre, CBO
County Building Official

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political
subdivision of the State of
Florida,

Petitioner,

Case No. CE2007100502

vs.

JOHN L., JOHN G., AND ANNELLOTTE LEGAULT,
Respondents,

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated October 31, 2007, the Code Enforcement Officer informed the Respondents, John L., John G., and Annelotte Legault, hereinafter referred to as the Respondents, of having a violation of **Sections 5 12** and **513** of the Manatee County Land Development Code at 6910 41st Avenue East, Bradenton.

The Code Enforcement Officer advised the Special Magistrate on April 23, 2008, that the Respondents had neither corrected the violations nor brought the subject of the violations into compliance with the Manatee County Code.

Consequently, by Order dated April 23, 2008, the Special Magistrate assessed a minimum fine of **\$200** in addition to a daily fine of **\$150** per Section, for each day the violations were present.

At the hearing on September 22, 2010, the Code Enforcement Officer advised the Special Magistrate that such directives have now been complied with and IT IS HEREBY ORDERED by the Special Magistrate:

1. That as of this date, fines imposed against the Respondent total **\$49,550**, for which a notice of lien has been recorded in the public record of Manatee County, Florida, against the Respondents.
2. That justification exists for this case to be referred to the Manatee County Board of County Commissioners for a recommended fine reduction to **\$2,000**.

Ordered September 22, 2010, and executed this 28th day of September, 2010.

ATTEST: R. B. SHORE
CLERK OF CIRCUIT COURT

BY: Diane E Vollmer,
DC



[Signature]
Manatee County Code Enforcement
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondents, **JOHN L., JOHN G., AND ANNELLOTTE LEGAULT, 6910 41ST AVENUE EAST, BRADENTON, FLORIDA 34207 and 7607 20TH AVENUE NORTHWEST, BRADENTON, FLORIDA 34209** by U.S. mail, and to the Manatee County Code Enforcement Division, this 28th day of September 2010.

R. B. SHORE
CLERK OF CIRCUIT COURT

By: Diane E Vollmer
Deputy Clerk

Deputy Clerk