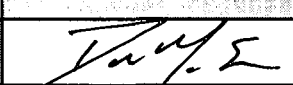


MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Clayton Sutton, (fka IB Property Holdings LLC and fka Ricardo Santiago) Code Enforcement Case CE2006050774	TYPE AGENDA ITEM	Consent
DATE REQUESTED	February 22, 2011	DATE SUBMITTED/REVISED	February 9, 2011
BRIEFINGS? Who?	None Required	CONSEQUENCES IF DEFERRED	None
DEPARTMENT/DIVISION	Neighborhood Services Department/Code Enforcement Division	AUTHORIZED BY TITLE	Cheri Coryea, Director <i>CRC 2/11/11</i>
CONTACT PERSON TELEPHONE/EXTENSION	Joe Fenton, Division Manager Ext. 6854	PRESENTER/TITLE TELEPHONE/EXTENSION	Joe Fenton, Division Manager, Ext. 6854
ADMINISTRATIVE APPROVAL			

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 \$1,500.00, (as previously recommended by the Special Magistrate on January 26, 2011), 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 \$96,550.00 for CE2006050774.
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 **APPROVED IN OPEN SESSION**

Section 162.09, Florida Statutes (2007)

FEB 22 2011

BACKGROUND/DISCUSSION

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

Below is a summary of Code Enforcement Case CE2006050774 – Clayton Sutton, (fka IB Property Holdings LLC and fka Ricardo Santiago), No Assigned Address, Bradenton (DP#4725110250):

- On June 1, 2006, the zone officer conducted an inspection and found that there were numerous untagged and/or inoperable vehicles, as well as miscellaneous debris on this vacant property, which is a violation of Section 703.1.1 (Accessory Uses – General Requirements) of the Manatee County Land Development Code.
- On June 5, 2006, property owner Ricardo Santiago was sent a Notice of Violation for the property in violation of Section 703.1.1 (Accessory Uses – General Requirements) of the Manatee County Land Development Code.

- On June 19, 2006, a second inspection was conducted. The property was still in violation and the officer scheduled this case for the July 26, 2006, Special Magistrate hearing.
- On March 13, 2007, the Notice of Hearing was posted on the property because the zone officer was unable to get service by mail or hand delivery.
- On March 23, 2007, the zone officer conducted another inspection and found the property was still in violation.
- On March 28, 2007, the Special Magistrate found the owner to be in violation of Section 703.1.1 (Accessory Uses – General Requirements) of the Manatee County Land Development Code and ordered a compliance date of April 20, 2007, or a minimum fine of \$100.00 and a daily fine of \$75.00 would be imposed.
- On April 23, 2007, the zone officer conducted an inspection and found the property to still be in violation of Section 703.1.1 and signed an Affidavit of Non-Compliance, imposing the fines as ordered.
- On October 28, 2010, the fines were stopped since the property was brought into compliance. As of this date the fines total \$96,550.00.
- On November 8, 2010, staff received a letter from the Law Offices of David Schneid requesting to go before the Special Magistrate for a possible fine reduction. Staff scheduled this case for the November 24, 2010, Special Magistrate Hearing.
- On November 24, 2010, the Special Magistrate found justification to forward this to the Board of County Commissioners for a fine reduction to \$9,655.00.
- Staff Costs for this case are approximately \$1,500.00.
- On January 7, 2011, staff found out that the property had been sold before this case went before the January 11, 2011, Board of County Commissioners. Division Manager Joe Fenton pulled this item from the Consent Agenda and rescheduled this before the Special Magistrate.
- On January 26, 2011, this case went before the Special Magistrate who was informed of the sale of the property to Mr. Clayton Sutton. Mr. Sutton was not aware that the bank was in agreement to pay a reduced fine of \$9,655.00 and is not willing to take on that fine amount. Mr. Sutton asked for a reduction to \$1,500.00 and staff has agreed to this amount as well. The Special Magistrate has recommended a fine reduction to \$1,500.00, which would cover the staff costs.

COUNTY ATTORNEY REVIEW

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:

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
<ol style="list-style-type: none"> 1. Photographs of Property (2) 2. Order Imposing Fine 3. Letter from Attorney David Schneid 4. Orders of Referral (2) 		Please forward a stamped copy of agenda to the Code Enforcement Division following disposition. <i>2/23/11</i> <i>EO</i>	
COST:	None	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	None	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

APPROVED IN OPEN SESSION

FEB 22 2011

BOARD OF COUNTY COMMISSIONERS
 MANATEE COUNTY, FLORIDA



20060507742

CE2006050774
VIOLATION OF 703.1.1



DP 4725110250, Bradenton

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

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

2007 APR -4 PM 3: 23
Case No. CE2006050774
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

vs.

RICARDO SANTIAGO,
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 28, 2007, 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 **Ricardo Santiago**, hereinafter referred to as Respondent is the owner of record of the subject property.
2. That notice was served on Respondent and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code **Section 703.1.1** were made and posted on the property.
4. That the property located at **NO ASSIGNED ADDRESS, DP#4725110250**, has a violation of Manatee County Land Development Code **Section 703.1.1** because **numerous junk vehicles and semi cabs (no tags and/or inoperable) and other miscellaneous debris are on the property.**
5. That Respondent is in violation of **Section 703.1.1** for having numerous junk vehicles and semi cabs (no tags and/or inoperable) and other miscellaneous debris on the property.

CONCLUSIONS OF LAW

1. That Respondent is in violation of Manatee County Land Development Code **Section 703.1.1.**

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 Respondent correct the violation of Manatee County Land Development Code **Section 703.1.1.**
2. THAT if this Order is not complied with on or before **April 20, 2007**, it is hereby ordered that Respondent(s) shall pay a minimum fine of **\$100, plus \$75** per day for each and every day any violation described herein continue(s) past **April 20, 2007.**
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 exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered March 28, 2007, and executed this 4th day of April, 2007.

ATTEST: R. B. Shore
Clerk of Circuit Court

By: Weki Jessner
Deputy Clerk



Paul Frederick
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 Respondent, **RICARDO SANTIAGO, 1203 41ST STREET, BRADENTON, FLORIDA 34208**, by U.S. mail and to the Manatee County Code Enforcement Division, this 5th day of April.

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

By: Weki Jessner
Deputy Clerk



I hereby certify that the foregoing is a true and correct copy of the original as filed in my office on this 28th day of April, 2007.
By: Weki Jessner o.c.

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).

Law Offices of David J. Schneid, P.A.
3010 N. Military Trail, Suite 301, Boca Raton, FL 33431
Tele (561) 391-9141; Fax 561-391-9745

November 8, 2010

Attn: Joe Fenton
Code Enforcement Division
Neighborhood Services Department
Manatee County Government
Post Office Box 1000
Bradenton, Florida 34206

Re: Property Address: 1103 E. 30th Avenue, Bradenton, Florida 34208
Case # CE 2006-050774
Our File No: 8500.158

Mr. Fenton,

Our office represents the seller, Bayview Loan Servicing, LLC, in the sale of the above referenced property. We are requesting a fine reduction for the above referenced Case. Please schedule us for the hearing on November 24, 2010 and advise what time we will need to be there.

Please contact me with any questions. Thank you.

Joy LaRocca
REO Division Title Specialist III
Law Office of David J. Schneid, P.A.

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

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

Petitioner,

vs.

IB PROPERTY HOLDINGS LLC fka RICARDO SANTIAGO,
Respondent,

FILED FOR RECORD
R. B. SHORE
Dec 2
2010 NOV 32 AM 7:52
Case No. CE2006050774
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated June 5, 2006, the Code Enforcement Officer informed the Respondent, IB Property Holdings LLC fka Ricardo Santiago, hereinafter referred to as the Respondent, of having a violation of **Section 703.1.1** of the Manatee County Land Development Code at **NO ASSIGNED ADDRESS, DP 4725110250**.

The Code Enforcement Officer advised the Special Magistrate on March 28, 2007, that the Respondent had neither corrected the violation nor brought the subject of the violation into compliance with the Manatee County Code.

Consequently, by Order dated March 28, 2007, the Special Magistrate assessed a minimum fine of **\$100** in addition to a daily fine of **\$75** for each day the violation was present.

At the hearing on November 24, 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 **\$96,550**, for which a notice of lien has been recorded in the public record of Manatee County, Florida, against Respondent.
2. That justification exists for this case to be referred to the Manatee County Board of County Commissioners for a recommended fine reduction to \$9,655.

Ordered November 24, 2010, and executed this 2nd day of December 2010.


Manatee County Code Enforcement
Special Magistrate

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

By: 
Deputy Clerk



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, **IB PROPERTY HOLDINGS LLC, 4425 PONCE DE LEON BLVD, 5TH FLOOR, CORAL GABLES, FLORIDA, 33146-1837, AND ANTHONY MIGLIORE, 100 TAMAMI TRAIL, SARASOTA, FLORIDA, 34236** by U.S. mail and to the Manatee County Code Enforcement Division, this 2nd day of December 2010.

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

By: 
Deputy Clerk

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
R. B. SHORE

2011 FEB -1 AM 10:10

Case No. CE2006050774

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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

Petitioner,

vs.

CLAYTON SUTTON (FORMERLY IB PROPERTY HOLDINGS),
Respondent,

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated June 5, 2006, the Special Magistrate informed the Respondent Ricardo Santiago (initial respondent), hereinafter referred to as Respondent, of having a violation of Section 703.1.1 of the Manatee County Land Development Code.

The Code Inspector advised the Special Magistrate on March 28, 2007, that the Respondent had neither corrected the violation nor brought the subject of the violation into compliance with the Manatee County Code.

Consequently, by Order dated March 28, 2007, the Special Magistrate assessed a minimum fine of \$100 in addition to a daily fine of \$75 for the violation, for each day the violation was present.

At the hearing on January 26, 2011, the Code Inspector advised the Special Magistrate that such directives have now been complied and IT IS HEREBY ORDERED by the Special Magistrate:

1. That as of this date, fines imposed against the Respondent total \$96,550, for which a notice of lien has been recorded in the public record of Manatee County, Florida against Respondent.
2. That said sum represents fines imposed from April 21, 2007, to October 28, 2010.
3. That justification exists for this case to be referred to the Manatee County Board of County Commissioners for a fine reduction to \$1,500.

Ordered January 26, 2011, and executed this 1ST day of February, 2011.

R. B. SHORE
CLERK OF CIRCUIT COURT

By: Diane E. Vollmer
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 Respondent, CLAYTON SUTTON, POST OFFICE BOX 21114, BRADENTON, FL., 34204 by U.S. mail and to the Manatee County Code Enforcement Division, this 1ST day of February, 2011.

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

By: Diane E. Vollmer
Deputy Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME FIRST NAME MIDDLE NAME Joe McClash	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Manatee County Board of County Commissioners
MAILING ADDRESS P. O. Box 1000	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF () CITY (X) COUNTY () OTHER LOCAL AGENCY
CITY Bradenton, Florida 34206	NAME OF POLITICAL SUBDIVISION: Manatee County
DATE ON WHICH VOTE OCCURRED February 22, 2011	MY POSITION IS (X) ELECTIVE () APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from the voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- ! You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- ! A copy of the form should be provided immediately to the other members of the agency.
- ! The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE METING:

- ! You should disclose orally the nature of your conflict in the measure before participating.
- ! You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain; or

___ inured to the special gain of _____, by whom I am retained.

(b) A measure before my agency and the nature of my interest in the measure is as follows:

BCC Agenda, February 22, 2011

NEIGHBORHOOD SERVICES

21. Code Enforcement Case CE2006080901 (Breathe Easy Air, Inc.) – Reduce fines to \$1,500 as previously recommended by Special Magistrate on January 26, 2011, subject to conditions

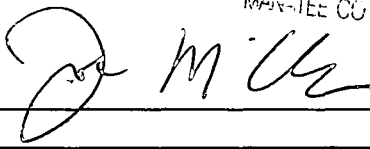
I abstained from voting on item #21 because I my uncle owns the property.

FILED IN RECORD
R. B. SHORE

2011 MAR 29 PM 4:16

CLERK OF DISTRICT COURT
MANATEE CO FLORIDA

Date Filed 3/29, 2011

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES 112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.