

Manatee County Government Administrative Center  
First Floor, Commissioner Chambers  
9:00 a.m. - January 29, 2013

January 29, 2013 Regular Meeting  
Agenda Item #15

APPROVED in Open Session  
Manatee County Board of County Commissioners

Subject

First Federal Bank of Florida (fka DAA FIDU Inc. and Trust No. 647605 U/T/A DTD 1/18/2006)  
CE2012010050

Briefings

None

Contact and/or Presenter Information

Joe Fenton, Division Manager, Ext. 6854

Action Requested

Motion to reduce the fines for this case to \$1,000.00, (as previously recommended by the Special Magistrate on October 24, 2012), 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 \$4,250.00 for CE2012010050.
2. Recording fees need to be collected, which total \$20.00.
3. Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

Enabling/Regulating Authority

Section 162.09, Florida Statutes (2009)

Background Discussion

Below is a summary of Code Enforcement Case No. CE2012010050 against respondents First Federal Bank of Florida (fka DAA FIDU Inc and Trust No 347605 U/T/A DTD 1/18/2006) regarding property located at 206 66th Avenue West, Bradenton (DP#6517200009):

- January 4, 2012, the Code Enforcement zone officer did an investigation regarding trash and debris, two dead trees, old tires and rolls of fencing on the property.
- January 4, 2012, the zone officer cited the property owner for trash and debris in violation of Section 703.2.23.1 (Refuse Prohibited) of the Manatee County Land Development Code.
- January 6, 2012, a Letter of Violation was sent out certified mail to the property owner and was never returned.
- February 3, 2012, the zone officer did a re-investigation and found the trash and debris still on the property and scheduled this case to go before the March 28, 2012, Special Magistrate hearing.
- February 7, 2012, a Notice of Hearing for the March 28, 2012, Special Magistrate was sent out certified mail to the property owner and was returned signed by D.J. Wren on February 13, 2012.

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- March 28, 2012, the Special Magistrate found in violation of Section 703.2.23.1 and gave a compliance date of May 18, 2012, or a minimum fine of \$100 and a daily fine of \$50 would be imposed.
- May 21, 2012, the zone officer did a re-inspection and found the trash and debris remained on the property and completed an Affidavit of Non-Compliance to start the fines as ordered.
- August 10, 2012, the zone officer did a re-inspection and found the trash and debris had been removed and the property in compliance and stopped the fines as of this date. The fines totaled \$4,270.00.
- August 15, 2012, Division Manager Joe Fenton received an e-mail inquiring about the fines from Jerry Levin, Special Counsel for First Federal Bank of Florida, whom took over the property in the foreclosure. Mr. Levin then gave staff an offer of \$1,000.00 over the telephone.
- August 22, 2012, the Division Manager asked that this case be placed on the September 26, 2012, Special Magistrate Old Business hearing for a possible fine reduction to \$1,000.00. (Mr. Levin could not make the September hearing and this was then re-scheduled for October 24, 2012.
- October 24, 2012, the Special Magistrate found justification existed for this case to be referred to the Board of County Commissioners for a recommended fine reduction to \$1,000.00, which staff supported.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records [Sent to Laurie Menard and Joe Fenton 1/29/13 vj](#)

Please forward a stamped copy of the agenda to the Code Enforcement Division following disposition.

Cost and Funds Source Account Number and Name

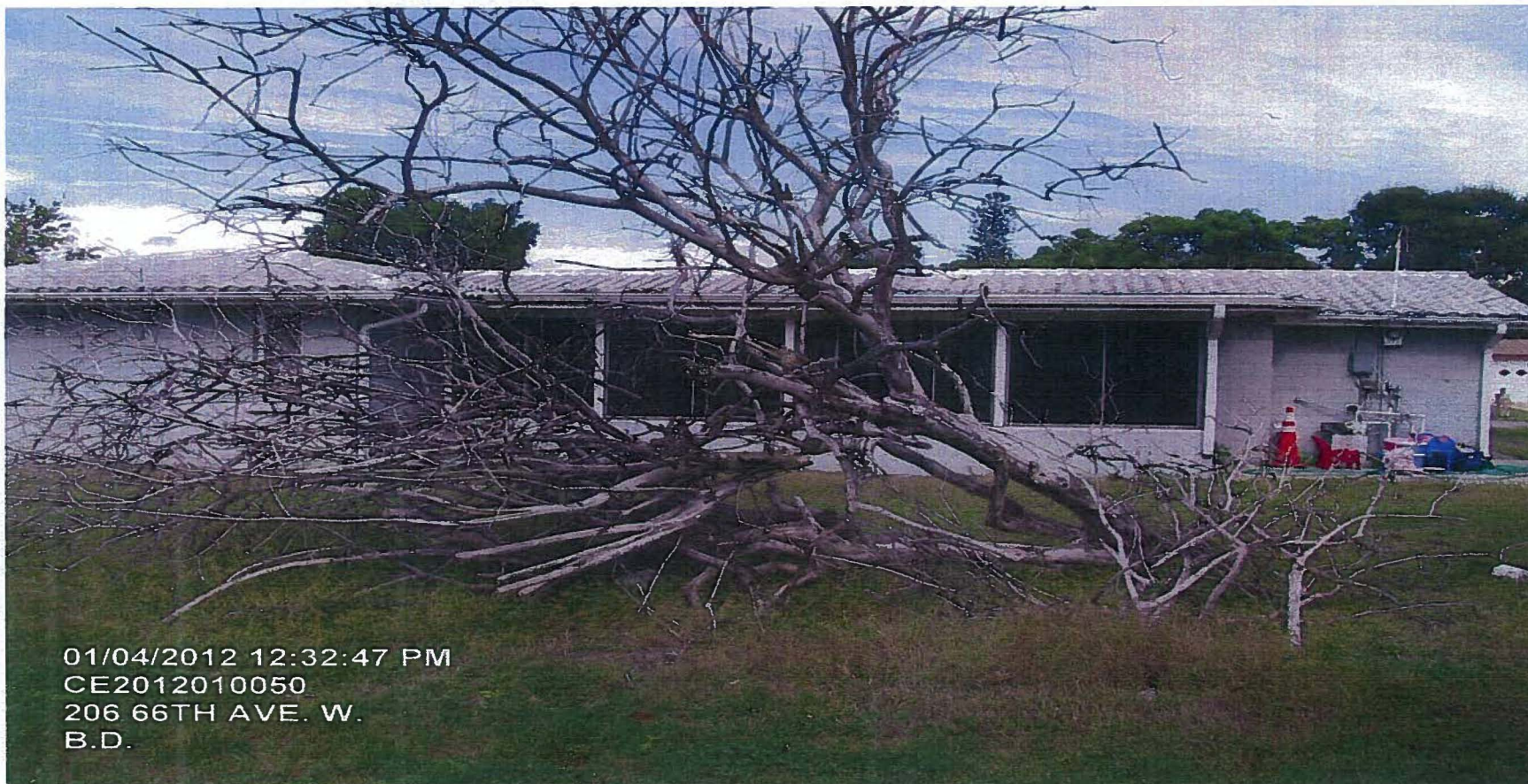
None

Amount and Frequency of Recurring Costs

None

Attachment: [BOCC Attachments 1-29-13 First Fed.pdf](#)

**CE2012010050**  
**VIOLATION OF SECTION 703.2.23.1**



01/04/2012 12:32:47 PM  
CE2012010050  
206 66TH AVE. W.  
B.D.

**206 66<sup>th</sup> Ave. W., Bradenton**

**CE2012010050**  
**VIOLATION OF SECTION 703.2.23.1**



**206 66<sup>th</sup> Ave. W., Bradenton**

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

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

vs.  
DAA FIDU, INC., AND TRUST NO 647605 U/T/A DTD 1/18/2006  
Respondent,



**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 28, 2012, 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 DAA FIDU, INC., AND TRUST NO 647605 U/T/A DTD 1/18/2006, 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 703.2.23.1 were made and served on Respondent by certified mail.
4. That the property located at 206 66<sup>th</sup> Avenue West, Bradenton, DP# 6517200009 has a violation of Manatee County Land Development Code Section 703.2.23.1 because miscellaneous trash and debris is on the property
5. That Respondent is in violation of Section 703.2.23.1 for having miscellaneous trash and debris is on the property.

**CONCLUSIONS OF LAW**

1. That Respondent is in violation of Manatee County Land Development Code Section 703.2.23.1.

**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 703.2.23.1.
2. THAT if this Order is not complied with on or before May 18, 2012, it is hereby ordered that Respondent shall pay a minimum fine of \$100 plus \$50 per day for each and every day any violation described herein continues past May 18, 2012.
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 violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered March 28, 2012, and executed this 5<sup>th</sup> day of April, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Susan [Signature]  
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, DAA FIDU, INC., AND TRUST NO 647605 U/T/A DTD 1/18/2006, 908 26<sup>th</sup> STREET WEST, BRADENTON, FLORIDA 34205-3510, by U.S. mail and to the Manatee County Code Enforcement Division, this 6<sup>th</sup> day of April, 2012.

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

By: [Signature]  
Deputy Clerk



Manatee County Code Enforcement  
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 31<sup>st</sup> day of May, 2012.  
R.B. SHORE  
Clerk of Circuit Court  
By: [Signature] DC

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).

Rec 5-31-12

Page 2846

Book 2422



**Re: Fw: CE 2012010050 206 66th AVE West**   
**Laurie Menard** to: Joe Fenton  
Bcc: Laurie Menard

08/17/2012 03:43 PM

Joe,

I talked to Jerry today and he would like to do the appointment over the phone. I set it up for Wednesday, August 22, 2012 at 3 pm. He will call you. I told him I would let him know if there was a problem. It's on your calendar.

Sincerely,  
Laurie L. Menard  
Administrative Specialist, Code Enforcement Division  
Building & Development Services Department  
Manatee County Government  
1112 Manatee Avenue West  
4th Floor  
Bradenton, FL 34205  
(PO Box 1000, 34206)  
941-748-2071, Ext. 6910  
941-749-3094 (fax)  
laurie.menard@mymanatee.org

Joe Fenton

Joe Fenton, Division Manager Code Enforceme...

08/16/2012 03:48:51 PM

From: Joe Fenton/MCG  
To: Laurie Menard/MCG@MCG  
Date: 08/16/2012 03:48 PM  
Subject: Fw: CE 2012010050 206 66th AVE West

Joe Fenton, Division Manager  
Code Enforcement Division  
Building & Development Services Department  
Manatee County Government  
PO Box 1000  
Bradenton, FL. 34206  
(941)748-2071 ext. 6854  
(941)749-3094 fax

— Forwarded by Joe Fenton/MCG on 08/16/2012 03:48 PM —

From: Joe Fenton/MCG  
To: "Jerry Levin" <levinj@ffsb.com>  
Cc: laurie.menard@mymanatee.org, "Jerry Levin" <levinj@ffsb.com>  
Date: 08/16/2012 03:47 PM  
Subject: Re: CE 2012010050 206 66th AVE West

Mr. Levin,

Please call Ms. Menard and schedule an appointment with me to discuss this case. You can reach her at 941-748-2071. Thank you.

Joe Fenton, Division Manager  
Code Enforcement Division  
Building & Development Services Department  
Manatee County Government

PO Box 1000  
Bradenton, FL. 34206  
(941)748-2071 ext. 6854  
(941)749-3094 fax

"Jerry Levin"

Dear Mr. Fenton

08/15/2012 12:43:25 PM

From: "Jerry Levin" <levinj@ffsb.com>  
To: <joe.fenton@mymanatee.org>  
Cc: "Jerry Levin" <levinj@ffsb.com>, <lauire.menard@mymanatee.org>  
Date: 08/15/2012 12:43 PM  
Subject: Re: CE 2012010050 206 66th AVe West

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Dear Mr. Fenton

I request a hearing time to seek a reduction in the fines to just pay costs. First Federal Bank took over the property in a foreclosure and immediately corrected the issue. Our bank should not have to pay the fines for the previous owner. The property is under contract to be sold and this lien has to be satisfied. An expeditious hearing time would be appreciated.

Below is my contact information.

Jerry Levin  
First Federal Bank of Florida  
Special Counsel Loss Share Assets  
941-359-6820 Ext 3748  
[Levinj@ffsb.com](mailto:Levinj@ffsb.com)

**First Federal would like to thank its customers for the opportunity to serve them for the past 50 years. We are also honored to be named the 2012 Large Business of the Year by the Lake City/Columbia County Chamber of Commerce.**

This e-mail is intended only for the individual(s) or entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, please notify the sender and delete the information from your system.

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

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

Petitioner,

Case No. CE2012010050

vs.

FIRST FEDERAL BANK OF FLORIDA  
(FKA DAA FIDU INC AND TRUST NO 647605 U/T/A DTD 1/18/2006)

Respondent,

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated January 6, 2012, the Code Enforcement Officer informed the Respondent, First Federal Bank of Florida hereinafter referred to as Respondent, of having a violation of **Section 703.2.23.1** of the Manatee County Land Development Code at 206 66th Avenue West, Bradenton.

The Code Enforcement Officer advised the Special Magistrate on March 28, 2012, 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, 2012, the Special Magistrate assessed a minimum fine of **\$100** in addition to a daily fine of **\$50** for each day the violation was present.


At the hearing on October 24, 2012, 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 **\$4,250**, 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 **\$1,000**.

Ordered October 24, 2012, and executed this 24<sup>th</sup> day of October, 2012.

  
Manatee County Code Enforcement  
Special Magistrate

R. B. SHORE  
CLERK OF CIRCUIT COURT

By:   
Deputy Clerk

