

January 29, 2013 Regular Meeting
Agenda Item #16

APPROVED in Open Session
Manatee County Board of County Commissioners

Subject

William J. Farrell Case No. CE2011090439

Briefings

None

Contact and/or Presenter Information

Joe Fenton, Division Manager, Ext. 6854

Action Requested

Motion to reduce the fines for this case to \$1,257.00, (as previously recommended by the Special Magistrate on May 23, 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 \$12,570.00 for CE2011090439.
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. CE2011090439 against respondent William J. Farrell regarding property located at 4129 51st Drive West, Bradenton (DP#5188545858):

- September 19, 2011, Code Enforcement received a complaint about the pool screen being ripped at the property.
- September 21, 2011, the zone officer cited the property owner for an unsecured swimming pool in violation of Section 703.2.24.2.6 (Swimming Pool Enclosures and Bath House Requirements) of the Manatee County Land Development Code.
- September 22, 2011, a Letter of Violation was sent out certified to the property owner and was never returned.
- October 10, 2011, the zone officer did a re-investigation and found the screens still missing from the pool cage and scheduled this case to go before the October 26, 2011, Special Magistrate hearing.
- October 11, 2011, a Notice of Hearing for the October 26, 2011, Special Magistrate was sent out certified mail to the property owner and was never returned.
- November 18, 2011, the zone officer posted the property and the lobby of the County Administration

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

Building with a Letter of Violation and Notice of Hearing for the November 23, 2011, Special Magistrate hearing.

- November 23, 2011, the Special Magistrate found in violation of Section 703.2.24.2.6 and gave a compliance date of December 23, 2011 or a minimum fine of \$150 and a daily fine of \$100 would be imposed.
- December 28, 2011, the zone officer did a re-inspection and found the screens still missing from the pool cage and completed an Affidavit of Non-Compliance to start the fines as ordered.
- April 26, 2012, the zone officer did a re-inspection and found the screens had been repaired in the pool cage and the property was in compliance and stopped the fines as of that date. The fines totaled \$12,570.00.
- May 4, 2012, the real estate agent handling the sale of the property e-mailed the Division Manager asking for a fine reduction and offering ten percent of the total fines and this case was scheduled for May 23, 2012, Special Magistrate Old Business.
- May 23, 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 \$1,257.00, 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 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 11-13-12 Farrell.pdf](#)



Photo by: Susan Hunt
4129 51st Dr W , Bradenton
CE2011090439
IMG_5494.JPG
10/10/2011 1:22:19 PM

SJA

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

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

Case No. CE2011090439

vs.

WILLIAM J. FARRELL,
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 23, 2011, 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 William J. Farrell, hereinafter referred to as Respondent, is the owner of record of the subject property.
2. That notice was served on Respondent, who was not present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 703.2.24.2.6 were made and served on Respondent by posting on the property and at the County Administrative Center.
4. That the property located at 4129 51st Drive West, Bradenton, FL, DP#5188545858, has a violation of Manatee County Land Development Code Section 703.2.24.2.6 because an unsecured swimming pool (screens missing from cage) is on the property.
5. That Respondent is in violation of Section 703.2.24.2.6 for having an unsecured swimming pool (screens missing from cage) on the property.

CONCLUSIONS OF LAW

1. That Respondent is in violation of Manatee County Land Development Code Section 703.2.24.2.6.

ORDER

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

1. THAT the Respondent correct the violation of Manatee County Land Development Code Section 703.2.24.2.6.
2. THAT if this Order is not complied with on or before December 23, 2011, it is hereby ordered that Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past December 23, 2011.
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(s) exist(s) beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 23, 2011, and executed this 5th day of December, 2011.

ATTEST: R. B. Shore
Clerk of Circuit Court

By: Diane E. Vollmer
Deputy Clerk



Paul O'Leary
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, WILLIAM J. FARRELL, 1990 MAIN STREET 750, SARASOTA, FLORIDA 34236-8000, by U.S. mail, and to the Manatee County Code Enforcement Division this 6th day of December, 2011.

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

By: Diane E. Vollmer
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 6th day of December, 2011.
R.B. Shore
R.B. SHORE
Clerk of Circuit Court
By: Diane E. Vollmer D.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).



Fw: Tax lien on 4129 51st St. Bradenton, Fl.
Joe Fenton to: Laurie Menard

05/08/2012 10:01 AM

Laurie,

Place this on the May SM old business agenda for a fine reduction. Staff agrees to a reduction to 10% the fines total \$12,570.00. Also send a copy of the hearing notice to Mr. Brenner. 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

— Forwarded by Joe Fenton/MCG on 05/08/2012 10:02 AM —

From: James Brenner <jimandjanet5@live.com>
To: <joe.fenton@mymanatee.org>
Date: 05/04/2012 03:44 PM
Subject: Tax lien on 4129 51st St. Bradenton, Fl.

Mr. Fenton:

I am a real estate agent with RER International, and Mr. William J. Farrell, owner of a house at 4129 51st Dr. W. has officially appointed me to negotiate with lien holders, in an effort to bring about a short sale of that property. The violations are no fixed, per Susan Hunt--field inspector.

As of this date, we have over \$22,000 in liens on the house. We are asking you to discount your lien so we can sell this house. I'm authorized to offer you 10% of the lien balance as a settlement. If we can't settle on a reasonable number, this house will go into foreclosure and the settlement figure will probably be lower if any money at all.

This house, unfortunately has a great deal of repairs needed. There is absolutely no kitchen, the AC is broken, floors need replacement, pool is broken with no pump. We are trying to bring the total of liens and repairs down as low as possible, in the hopes that the house will still have enough equitable to make it sellable.
Please, carefully consider our offer.

We do have a pending buyer at this time and I understand that your resolution time on approving a discounted settlement is about three months. Can't we expedite this???? Your delay could cost us this deal. Please see if you can settle this in one month.

Thank you,

James H. Brenner RER International

MANATEE COUNTY JNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

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

Petitioner,

Case CE2011090439

vs.

WILLIAM J. FARRELL,

Respondent,

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated September 22, 2011, Code Enforcement informed the Respondent, **WILLIAM J. FARRELL**, hereinafter referred to as Respondent, of having a violation of **Section 703.24.2.6** of the Manatee County Land Development Code.

The Code Enforcement Officer advised the Special Magistrate on November 23, 2011, that the Respondent had neither corrected the violation nor brought the subject of the violation into compliance with the Manatee County Land Development Code.

Consequently, by Order dated November 23, 2011, the Special Magistrate assessed a minimum fine of **\$150** in addition to a daily fine of **\$100** for each day the violation was present.

At the hearing on May 23, 2012, 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 **\$12,570**, for which a notice of lien has been recorded in the public record of Manatee County, Florida.
2. That justification exists for this case to be referred to the Manatee County Board of County Commissioners for a recommended fine reduction to **\$1,257 plus recording fees**.

Ordered May 23, 2012, and executed this 29th day of May, 2012.


Manatee County Code Enforcement
Special Magistrate

ATTEST: R. B. SHORE
CLERK OF CIRCUIT COURT



By: 
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, **WILLIAM J. FARRELL, 3710 67TH TERRACE EAST, SARASOTA, FLORIDA, 34243**, by U.S. mail and to the Manatee County Code Enforcement Division, this day 29th of May, 2012.

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

By: 
Deputy Clerk