

May 22, 2018 - Regular Meeting  
Agenda Item #17

Approved in Open Session 5/22/18,  
Manatee County  
Board of County Commissioners

Subject

Reduction of Code Enforcement Fines for Ralph Gianni, Code Enforcement Case#CE2016030508

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Division Chief, Ext 6854

Action Requested

Motion to reduce the fines for this case to \$1,250.00 plus \$20.00 recording fees, as previously recommended by the Special Magistrate on April 25, 2018, subject to the following conditions:

1. The reduced fine shall be paid within 90 days or it will revert back to the original fine amount of \$10,875.00 for CE2016030508.
2. Recording fees shall be paid, 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

Section 12-7-27 Code of Ordinances

Background Discussion

The owner, Ralph Gianni, was cited for having a sign without a building permit or a Certificate of Completion. Mr. Gianni submitted a building permit application on May 3, 2016. Staff reviewed the permit application and requested additional information that was missing from the application. It took several months for Mr. Gianni to submit the requested information. Code Enforcement staff reached out several times to Mr. Gianni in an effort to facilitate compliance. Mr. Gianni accepts responsibility for non-compliance during that time and is respectfully requesting a reduction in the total fine amount.

Violation: 310.3 and 310.5 of the Land Development Code

History:

1. Notice of Violation was issued March 31, 2016
2. The Special Magistrate Hearing was held on July 27, 2016. The property owner was ordered to comply by August 19, 2016, or a fine of \$75.00 per day, for each violation, would be imposed.
3. Complied January 18, 2017
4. Fines for this case total \$10,915.00, which includes \$20.00 for recording fees.
5. Special Magistrate Mitigation Hearing was held April 25, 2018. The Magistrate determined that justification exists to reduce the total fine amount and to forward the request to the Board of County

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - May 22, 2018

Commissioners with a recommendation to reduce the fine amount, which totals \$10,915.00, to \$1,250.00 plus \$20.00 recording fees for a total of \$1,270.00 to settle this case. Staff recommends approval.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

N/A **Distributed to J. Bowman, 5/23/18, RT**

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [BOCC Attachments May 22, 2018 - Ralph Gianni.pdf](#)

# Application For Relief - Code Enforcement Liens

## Manatee County Code Enforcement Division

1112 Manatee Avenue West  
Bradenton, FL 34205  
Tel: (941) 748-2071 Fax: (941) 749-3094

Notice: This application is available as a WORD document for your convenience.  
Manatee County accepts applications for Code Enforcement Lien relief from owners of properties that have corrected ALL of the violations on the subject property. Please complete the form in its entirety. Incomplete applications will not be accepted.

Case #CE2016030508

Manatee County - vs - (Respondent) \_\_\_\_\_

### Property Information

Parcel Identification Number: 6620600004	
Lot:	Block: Subdivision: N/A
Address: 1341 Whitfield Ave	
City: Sarasota	Zip Code: 34243

### Property Owner Information

Current property owner: <i>Ralph Gianni</i>		
Address: <i>1771 Ringling Blvd #703 {Rwyling}</i>		
City: <i>Sarasota</i>	State: <i>FL</i>	Zip: <i>34236</i>
Phone #: <i>941-780-6880</i>	Email address:	
Representative/Agent: <i>Steven W Garcia</i>		
Address: <i>6801 6th St W</i>		
City: <i>Bradenton</i>	State: <i>FL</i>	Zip: <i>34207</i>
Phone #: <i>941-705-9091</i>	Email address: <i>SGarcia@aol.com</i>	

### Lien Information

Amount of lien: <i>\$10,875.00 + \$20.00 recording fees = \$10,915.00</i>	Amount of offer: <i>1250<sup>00</sup> + \$20.00 recording fees</i>
Date lien was recorded: <i>310.3 Nov 3, 2016</i> <i>310.5 Nov 3, 2016</i>	Number of days the property was in Violation: <i>310.3 90 days</i> <i>310.5 55 days</i>
Date of Compliance: <i>310.3 Nov 18, 2016</i> <i>310.5 Nov 18, 2016</i>	How much money was spent to abate the Violation:

The following documentation (when applicable) SHALL be submitted with the application:

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown.
2. Foreclosure Order, with the recording date, book and page shown.

- 3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown.
- 4. New Certificate of Title, with the recording date, book and page shown;
- 5. County's Final Order of Imposition of Fine; and
- 6. Claim of Lien(s) with the recording date, book and page shown.

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

- 1. The nature and gravity of the violation(s);
- 2. Any actions you have taken to correct the violation(s);
- 3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- 4. Any actual costs you expended to cure the violation(s), if supported by documentation;
- 5. Any other prior or current violations you committed on the subject property or upon any other property you own within the County; and
- 6. Equitable considerations.
  - i. Whether there was any extraordinary hardship which existed or currently exists;
  - ii. Whether the applicant was the property owner when the fine or lien was imposed;
  - iii. Whether the property is homestead or non-homestead property;
  - iv. Whether the County lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

Please provide written justification as to why relief should be granted: (When you complete this section, at a minimum, address the above factors and reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth )

PROPERTY LITIGATION: (If applicable give detail here if this property is involved in litigation.)

I certify that I am: (include documentation of the below)

- the owner of the subject property;
- an Attorney representing the owner.
- the legal representative for the property, or
- otherwise authorized to act on behalf of the property owner in this matter.

Steven W Garcia  
Signature of Owner/Authorized Representative

~~3-20-18~~ 4-16-18 b22  
Date

Steven W Garcia  
Print Name

Note: County code section 2-36-8(f) allows the Board of County Commissioners to execute a satisfaction or release of lien. The application process requires two (2) public meetings. Once the application and documentation is found to be complete it will be scheduled and presented before a Special Magistrate. The findings of the Special Magistrate along with the application will be forwarded to the Board of County Commissioners for final approval or denial. All payments will need to be mailed to Manatee County, Attention Code Enforcement, P.O.

on mar 2014 Ralph Gianni was diagnosed  
with Pancreatic Cancer. Had surgery the  
Following month. Removed part of the  
Pancreatic cancer and Stomach. Has had  
numerous surgeries and hospital stays. A lot  
of medication. To this day he still has lots  
of visits to Moffitt and is sick 50% of  
the time. During that time some mistakes  
were made. When he bought materials  
and the tile place recommended a contractor  
Ralph assumed he got permits. { Still  
our fault for assuming. Ralph does  
not do any paper work. When trying to

sell property, we discovered the finer  
We have worked with Ben Dornon and  
done all he has asked. We hired an engineer  
and submitted all paper work, asking to  
reduce the finer to \$2500<sup>00</sup>. We are  
at Fault. Put no blame on anyone else.  
But Ralph did not ask for poor health.  
Thank you for your time and consider-  
ation.

Ralph Giani

Steve Garcia

April 17, 2018

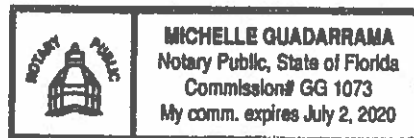
I, Ralph Gianni, give Steve Garcia the authorization to represent me in the proceedings for 1341 Whitfield Ave., Sarasota, FL 34243.

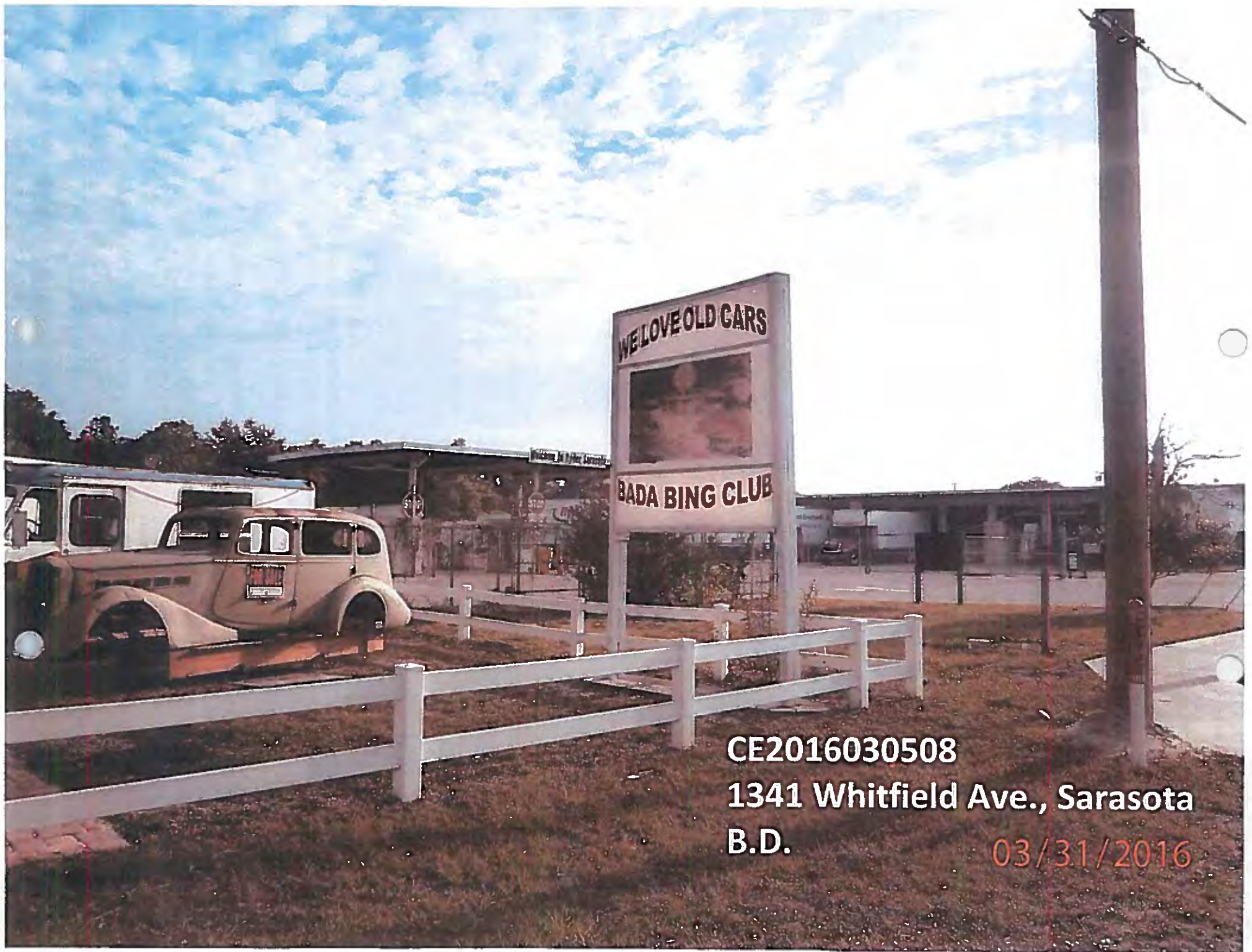
  
\_\_\_\_\_  
Ralph Gianni

State of Florida  
Manatee County

On this 17<sup>th</sup> day of April 2018 personally appeared  
Ralph Gianni who acknowledged this to be true.







**CE2016030508**

**1341 Whitfield Ave., Sarasota**

**B.D.**

**03/31/2016**



MANATEE COUNTY, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE

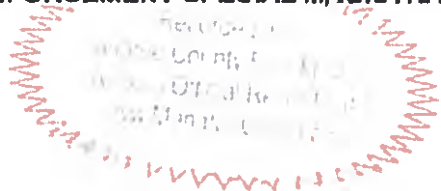
MANATEE COUNTY, FLORIDA  
Petitioner,

CASE NO CE2016030508

vs

RALPH GIANNI

Respondent



ORDER IMPOSING ADMINISTRATIVE FINE/LIEN

THIS CAUSE came up for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on July 27, 2016, after due notice to Respondent, at which time the Special Magistrate heard testimony under oath, received evidence, heard argument, and issued a Compliance Order containing Findings of Fact, Conclusions of Law and Order, which was reduced to writing and furnished to Respondent

Said Order required Respondent to take certain corrective action by a specified date, as more specifically set forth in the Compliance Order dated July 27, 2016.

An Affidavit of Non-Compliance, dated August 24, 2016, has been filed with the Clerk of the Circuit Court by the Code Enforcement Officer, which Affidavit certifies under oath that the required corrective action was not taken as ordered by the Special Magistrate

Accordingly, it having been brought to the Special Magistrate's attention that Respondent has not complied with the Compliance Order dated July 27, 2016, by the date specified in said Order, it is hereby

ORDERED that Respondent pay to Manatee County, Florida a fine of \$75 for each and every day the violation of Section 310.3 (Building Permit Required) of the Manatee County Land Development Code exists and continues to exist past the date set for compliance by the Special Magistrate's Compliance Order, at 1341 WHITFIELD AVE, SARASOTA, FL, and described as follows: PARCEL IDENTIFICATION NUMBER 6620600004 This fine shall continue to accrue until Respondent comes into compliance with said Compliance Order.  
Compliance date: August 19, 2016

A certified copy of this Order has been recorded in the public records of Manatee County, Florida, and shall thereafter constitute a lien against the above-described property and upon any other real or personal property owned by Respondent pursuant to Section 162.09, Florida Statutes, and Section 2-36-8 of the Manatee County Code of Ordinances

DONE AND ORDERED this 7 day of September, 2016.

ATTEST: Angelina Coloneso, Clerk of the Circuit Court  
Manatee County, Florida

By: Amanda L. Corwell  
Deputy Clerk

Paul Olabisi  
Code Enforcement Special Magistrate



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Imposing Administrative Fine/Lien has been furnished to Respondent, RALPH GIANNI at 1321 WHITFIELD AVE, SARASOTA, FL 34243 by hand or U.S. mail and to the Manatee County Code Enforcement Division, this 7 day of September, 2016

Angelina Coloneso, Clerk of the Circuit Court  
Manatee County, Florida

By: Amanda L. Corwell  
Deputy Clerk

Attention: It is your responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.

MANATEE COUNTY, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE

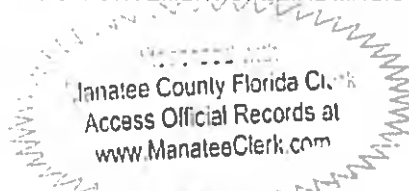
MANATEE COUNTY FLORIDA

Peltner vs

RALPH GIANNI

Respondent

CASE NO CE2016030508



ORDER IMPOSING ADMINISTRATIVE FINE/LIEN

THIS CAUSE came up for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on July 27, 2016, after due notice to Respondent at which time the Special Magistrate heard testimony under oath, received evidence, heard argument, and issued a Compliance Order containing Findings of Fact, Conclusions of Law and Order, which was reduced to writing and furnished to Respondent.

Said Order required Respondent to take certain corrective action by a specified date, as more specifically set forth in the Compliance Order dated July 27, 2016.

An Affidavit of Non-Compliance, dated October 20, 2016, has been filed with the Clerk of the Circuit Court by the Code Enforcement Officer, which Affidavit certifies under oath that the required corrective action was not taken as ordered by the Special Magistrate.

Accordingly, it having been brought to the Special Magistrate's attention that Respondent has not complied with the Compliance Order dated July 27, 2016, by the date specified in said Order, it is hereby

ORDERED that Respondent pay to Manatee County, Florida, a fine of \$75 for each and every day the violation of Section 310.5 (Certificate of Completion) of the Manatee County Land Development Code exists and continues to exist past the date set for compliance (9/23/2016) by the Special Magistrate's Compliance Order at 1341 WHITFIELD AVE, SARASOTA, FL, and described as follows: PARCEL IDENTIFICATION NUMBER 6620600004. This fine shall continue to accrue until Respondent comes into compliance with said Compliance Order.

A certified copy of this Order has been recorded in the public records of Manatee County, Florida, and shall thereafter constitute a lien against the above-described property and upon any other real or personal property owned by Respondent pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.

DONE AND ORDERED this 21<sup>st</sup> day of October, 2016

ATTEST: Angelina Coloneso, Clerk of the Circuit Court  
Manatee County, Florida

By

Deputy Clerk

Code Enforcement Special Magistrate



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Imposing Administrative Fine/Lien has been furnished to Respondent RALPH GIANNI at 1321 WHITFIELD AVE, SARASOTA, FL 34243 by hand or U.S. mail and to the Manatee County Code Enforcement Division this 21<sup>st</sup> day of November, 2016

Angelina Coloneso, Clerk of the Circuit Court  
Manatee County, Florida

By   
Deputy Clerk

Attention: It is your responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.

OR Book 2446  
Page 1490

11/3/16