

APPROVED in Open Session

Manatee County Board of County
Commissioners

Manatee County Government Administrative Center
Patricia M. Glass Commission Chambers, First Floor
9:00 a.m. - December 18, 2018

12/18/18

December 18, 2018 - Regular Meeting
Agenda Item #21

Subject

Reduction of Code Enforcement Fines for Bruce J. Love, Code Enforcement Case CE2016090361

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Division Chief, Ext. 6854

Action Requested

Motion to reduce the fines for this case to \$1,000.00 plus \$28.50 in recording fees, as previously recommended by the Special Magistrate on November 28, 2018, subject to the following conditions:

1. The reduced fine shall be paid within 90 days or it will revert to the original fine amount of \$21,553.50.
2. Recording fees in the amount of \$28.50 shall be paid.
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 2-7-27, Code of Ordinances

Background Discussion

The previous owner, Roncor Inc, was cited for operating a towing service establishment without a Special Permit. Staff worked diligently with this owner to no avail.

Mr. Love, who is the current owner and who held the note on the property at the time, assisted with attempting to compel compliance with no change. The previous owner then conveyed the property back to Mr. Love in lieu of foreclosure. Mr. Love acquired the property and worked expeditiously to bring the property into compliance as the previous owner abandoned several vehicles and automotive parts.

Violation: Section 401.2 of the Manatee County Land Development Code

History:

1. Notice of Violation was issued September 20, 2016.
2. The Special Magistrate Hearing was held July 26, 2017. The property owner was ordered to comply on or before September 22, 2017, or a fine of \$75 would be imposed per day per violation.
3. Complied July 6, 2018.
4. Fines for this case total \$21,478.50, which includes \$28.50 in recording fees.
5. Special Magistrate Mitigation Hearing was held November 28, 2018. The Magistrate determined that

Manatee County Government Administrative Center
Patricia M. Glass Commission Chambers, First Floor
9:00 a.m. - December 18, 2018

justification exists to forward the request to the Board of County Commissioners with a recommendation to reduce the fine amount to \$1,028.50 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

Please send approval to:

Jeffrey.bowman@mymanatee.org

emailed 12/31/18

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [BOCC Attachment, CE2016090361, Bruce J Love.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

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 # CE2016090361 Manatee County - vs - Bruce J Love

Parcel Identification Number: 4846110007		
Lot:	Block:	Subdivision:
Address: 1124 30 th Ave. W.		
City: Bradenton		Zip Code: 34205

Property Owner Information

Current property owner: Bruce J Love		
Address: 1510 First Avenue West		
City: Bradenton	State: FL	Zip: 34205
Phone #: 941 747 7321	Email address:	
Representative/Agent:		
Address:		
City:	State:	Zip:
Phone #:	Email address:	

Lien Information

Amount of lien: \$21,478.50	Amount of offer: <i>1000.00</i> plus \$28.50 recording fees
Date lien was recorded: 11/09/2017	Number of days the property was in Violation: 287
Date of Compliance: July 6, 2018	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.)

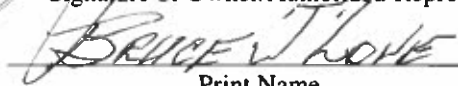
PROPERTY LITIGATION: (If applicable give detail here if this property is involved in litigation.)

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.



 Signature of Owner/Authorized Representative



 Print Name



 Date

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. Box 1000, Bradenton, FL 34206-1000 and payable to: Manatee County, and include the Case Number. Once payment is received a Satisfaction of Lien will be prepared and recorded.

Revised 3/20/15

CE 2016090363
CE 2016090365

Case # CE2016090361/Manatee County v. Roncor, Inc.

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF

1. The nature of the violation was storing vehicles without the required Administrative Permit.

The gravity of the violation was a fine of \$75.00 a day until the Order was complied with.
2. I have removed the vehicles. It has taken time as we had to find out who owns each vehicle and give them an opportunity to recover their vehicles.
3. From 9/22/17 to 7/6/18.
4. Attorney fees for me to get the real property back (copy of billing attached hereto).
5. There are no other prior or current violations.
6. Equitable considerations.
 - i. The hardship that previously existed is that I was the mortgage holder on the real property, and the owner would not comply with the Order. Eventually, the previous owner conveyed the property to me in lieu of foreclosure. The hardship that currently exists is that I am trying to sell the property;
 - ii. I was not the property owner when the fine or lien was imposed;
 - iii. The property is non-homestead property;
 - iv. The County lien is interfering with the sale of the property and will prevent me from conveying the property to a new owner.



1.008 Tmgs 1,520.80

7537.39

THIS INSTRUMENT PREPARED BY:

E. BLAKE MELHUISE, P.A.
E. Blake Melhuish, Esquire
522 12th Street West
Bradenton, Florida 34205
(941) 748-1976

Parcel I.D. #

WARRANTY DEED

THIS WARRANTY DEED, executed this 25th day of January, A.D. 2018, by **RONCOR, Inc.**, a Florida corporation and **Ronald M. Conboy, Jr.**, a single man, "Grantor", to **Bruce J. Love**, as Trustee of **The Bruce J. Love Revocable Trust u/a/d July 11, 1997**, whose postoffice address is 1510 First Avenue West, Bradenton, FL 34205, "Grantee":

(Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for an in consideration of the sum of ten (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Manatee County, Florida, viz:

Lots 53, 54, 55, 56, 57, and 58, **BELLE MEADE SUBDIVISION**, according to the Plat thereof recorded in Plat Book 4, Page 5, of the Public Records of Manatee County, Florida, less any portions thereof conveyed to Manatee County, Florida for 30th Avenue West right-of-way.

THIS DEED IS AN ABSOLUTE CONVEYANCE, THE GRANTOR HAVING SOLD THE ABOVE-DESCRIBED REAL PROPERTY TO THE GRANTEE FOR A FAIR AND ADEQUATE CONSIDERATION, IN ADDITION TO THAT ABOVE STATED, BEING PARTIAL SATISFACTION OF THE OBLIGATIONS SECURED BY THE MORTGAGE EXECUTED BY GRANTOR TO GRANTEE, BRUCE J. LOVE, AS TRUSTEE OF THE BRUCE J. LOVE REVOCABLE TRUST U/A/D JULY 11, 1997 AND SET FORTH AND RECORDED IN OFFICIAL RECORD BOOK 2264, PAGES 6107 - 6120 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

NOTHING HEREIN SHALL OPERATE OR BE CONSTRUED OR DEEMED TO SATISFY ANY OF THE OBLIGATIONS OF THE ABOVE-REFERENCED MORTGAGE AS TO LOTS 49 AND 50 WHICH OBLIGATIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.


AND the Grantor hereby covenants with said Grantee that she is lawfully seized of said land in fee simple; that she has good right and lawful authority to sell and convey said land, that she hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except those easements, restrictions, and legal highways appearing of record and taxes and assessments for the year 2018 and subsequent years.




IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

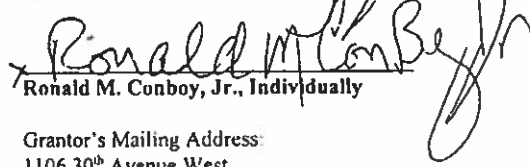
Signed, sealed and delivered in the presence of:

RONCOR, Inc., a Florida corporation


E. Blake Melhuish


by: Ronald M. Conboy, Jr., its President

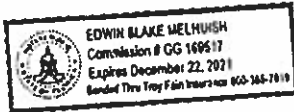

Jan L. Pomroy


Ronald M. Conboy, Jr., Individually

Grantor's Mailing Address:
1106 30th Avenue West
Bradenton, Florida 34205

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this 25th day January, 2018, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Ronald Conboy, Jr., as President of RONCOR, Inc., a Florida corporation and Ronald Conboy, Jr., Individually, personally known to me.




Notary Public

(SEAL)

E. BLAKE MELHUISE, P.A.

522 12th Street West
Bradenton, FL 34205
(941) 748-1976

Statement Date: February 5, 2018
Statement No. 6356
Account No. 59.06

Bruce Love
1510 1st Avenue West, Suite 504
Bradenton, FL 34205

RE: Foreclosure

Conboy Foreclosure

Payment is due within 20 days from date of billing. To ensure proper credit, please provide account number on remittance check.

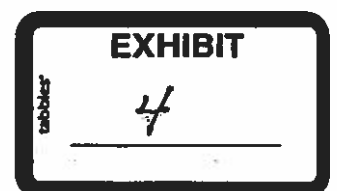
Fees

		Hours	
01/24/2018	Preparation of Deed in Lieu and corporate Resolution.	0.50	62.50
01/25/2018	Review deed prepared by Jan; Office conference with client and parties re settlement of debt and mortgage and obtain signatures on all documents.	1.75	612.50
	Office conference with Mr. and Mrs. Love, Janice White and Ron Conboy.	1.00	125.00
	For Current Services Rendered	3.25	800.00
	Total Current Work		800.00
	Previous Balance		\$568.75

Payments

01/24/2018	Payment		-568.75
	Balance Due		<u>\$800.00</u>

A finance charge of 1% per month will be assessed on all accounts past due 30 days.



E. BLAKE MELHUIISH, P.A.

522 12th Street West
Bradenton, FL 34205
(941) 748-1976

Statement Date: March 6, 2018
Statement No. 6369
Account No. 59.12

Bruce Love
1510 1st Avenue West, Suite 504
Bradenton, FL 34205

RE: Foreclosure

30th Avenue Property Liens

***Payment is due within 20 days from date of billing. To ensure proper credit,
please provide account number on remittance check.***

Fees

		Hours	
02/12/2018	Office conference with client re junk on property and liens.	0.25	87.50
02/13/2018	Preparation of letter for removal of property off 30th Avenue property pursuant to liens.	0.50	62.50
	Review and revise letter on liens.	0.25	87.50
	For Current Services Rendered	1.00	237.50
	Total Current Work		237.50
	Balance Due		<u>\$237.50</u>

A finance charge of 1% per month will be assessed on all accounts past due 30 days.

E. BLAKE MELHUIH, P.A.

522 12th Street West
Bradenton, FL 34205
(941) 748-1976

Statement Date: April 4, 2018
Statement No. 6430
Account No. 59.14

Bruce Love
1510 1st Avenue West, Suite 504
Bradenton, FL 34205

RE: Eviction

Conboy Eviction

***Payment is due within 20 days from date of billing. To ensure proper credit,
please provide account number on remittance check.***

Fees

		Hours	
03/27/2018	Preparation of 15-day Notice for Eviction.	0.50	62.50
	For Current Services Rendered	0.50	62.50

Advances

03/27/2018	(miscellaneous advance) ACIS for service of 3 15-day eviction Notices.		90.00
03/27/2018	(miscellaneous advance) ACIS for service of 15 day notice.		30.00
	Total Advances		120.00
	Total Current Work		182.50
	Balance Due		<u>\$182.50</u>

A finance charge of 1% per month will be assessed on all accounts past due 30 days.

E. BLAKE MELHUIH, P.A.

522 12th Street West
Bradenton, FL 34205
(941) 748-1976

Statement Date: June 27, 2018
Statement No. 6606
Account No. 59.14

Bruce Love
1510 1st Avenue West, Suite 504
Bradenton, FL 34205

RE: Eviction

Conboy Eviction

Payment is due within 20 days from date of billing. To ensure proper credit, please provide account number on remittance check.

Fees

		Hours	
04/17/2018	Draft Eviction Complaint.	0.50	62.50
04/20/2018	Draft Clerk's Certificate of Mailing; Draft Summons to Conboy and Unknowns.	0.50	62.50
06/04/2018	Office conference with client re eviction, new contract and mortgage.	1.00	125.00
06/08/2018	Draft Motion for Possession, Order on Motion for Possession, Writ of Possession and letter to Judge.	1.00	125.00
06/14/2018	Office conference with client; Draft and revise Trespass Notice.	0.75	93.75
	For Current Services Rendered	3.75	468.75

Expenses

04/24/2018	Postage - Certificate of Mailing		4.76
	Total Expenses		4.76

Advances

04/24/2018	(miscellaneous advance) Clerk of Court Filing Fee and issuance of Summonses.		260.00
04/24/2018	(miscellaneous advance) ACIS -- Process Server for service of Summonses and Complaints.		210.00
06/08/2018	(miscellaneous advance) Manatee County Sheriff's Department for posting of Writ of Possession (6).		540.00
	Total Advances		1,010.00

Bruce Love
Account No. 59.14
RE: Eviction

Statement Date: 06/27/2018
Statement No. 6606
Page No. 2

Total Current Work 1,483.51

Previous Balance \$182.50

Payments

04/10/2018 Payment -182.50

06/15/2018 Payment -540.00

Total Payments -722.50

Balance Due \$943.51

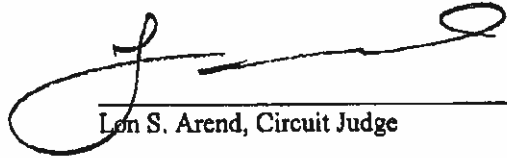
A finance charge of 1% per month will be assessed on all accounts past due 30 days.



so that the vehicles may be sold by a private sale as authorized by F.S. §679 et. seq. If the proceeds of such sale are insufficient to pay the Judgment, Plaintiffs shall be entitled to the entry of a Deficiency Judgment in the amount of any such deficiency.

3. The rights, titles, interests and/or estates of all Defendants and those accruing since the filing of this action are foreclosed.

Dated this 21 day of July, 2018 at the Manatee County Judicial Center in Bradenton, Florida.

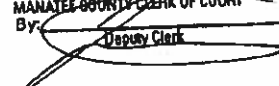



Len S. Arend, Circuit Judge

cc: 7-24-18 MB
E. Blake Melhuish, Esq.
Ronald M. Conboy, Jr.
USA Towing of Manatee County, Inc.
Roncor, Inc.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the document on file in my office.

<input checked="" type="checkbox"/> No redactions	<input type="checkbox"/> Redacted pursuant to law
<input checked="" type="checkbox"/> Full Document	<input type="checkbox"/> Page ___ of ___
<input checked="" type="checkbox"/> Not LQA	<input type="checkbox"/> Letter of Administration is in full force and effect.

Witness my hand and official seal dated 8-10-18
MANATEE COUNTY CLERK OF COURT
By: 
Deputy Clerk



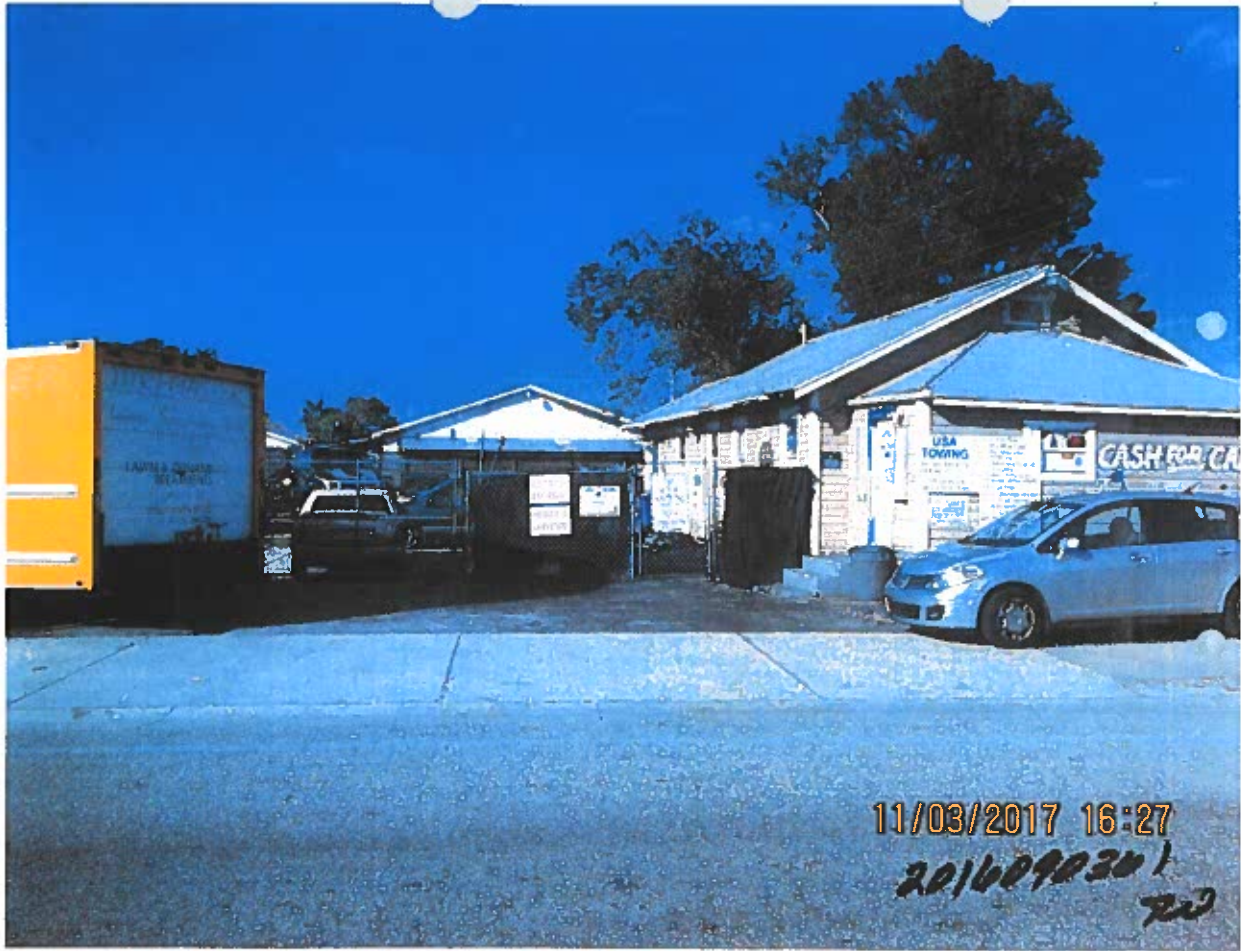


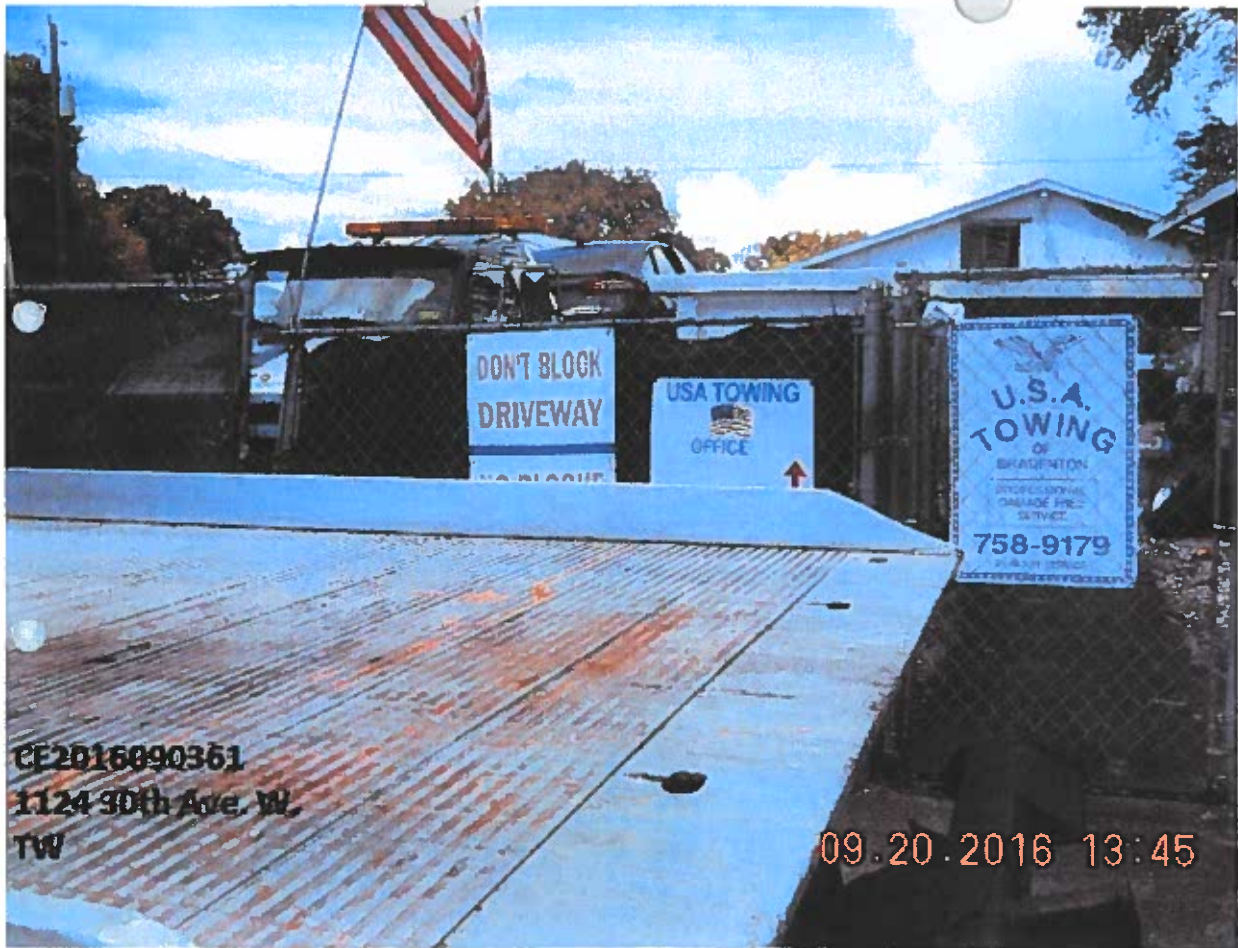
**USA
TOWING**

1124 30th Ave West
Bradenton, FL

09.20.2016 13:45

CE2016090361
1124 30th
TW





**CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA**

MANATEE COUNTY, FLORIDA,
Complainant,

vs.

CASE NO. CE2016090361

RONCOR INC.,
Respondent.

ORDER GRANTING EXTENSION OF TIME

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on July 26, 2017, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order GRANTING the Respondent's request to extend compliance date set forth in the Compliance Order issued in this matter.

Respondent is in violation of Section 401.2, Table 4-2, Pages 4-13 of the Manatee County Land Development Code, in that Respondent has been operating a towing service establishment without the required special permit and has failed to remedy the aforesaid violation.

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 Code of Ordinances, it is hereby ORDERED:

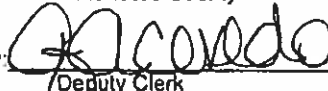
1. THAT Respondent correct the aforesaid violation by obtaining the required Administrative/Special Permit by 9/22/2017.
2. THAT in the event that the aforesaid violation is not corrected on or before 9/22/2017, a fine of \$75.00 shall be imposed against the Respondent for each day the violation has continued past the compliance date ordered. This fine shall continue to accrue until Respondent comes into compliance with this Order. The Special Magistrate ordered that no additional extensions of the compliance date be granted.
3. If the required corrective action is not taken as ordered on or before 9/22/2017, a certified copy of this Order shall be 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.
4. That this Order is self-executing upon an Affidavit of Non-compliance being filed with the Clerk of the Circuit Court of Manatee County.

DONE AND ORDERED this 26th day of July, 2017.



Manatee County Code Enforcement
Special Magistrate

ATTEST: Angelina Colonnese, Clerk of the Circuit Court
Manatee County

By: 

Deputy Clerk



EXHIBIT

2

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order of Dismissal has been furnished to Respondent, RONCOR INC., 1006 30th Avenue West, Bradenton, FL 34205, by US Mail and to the Manatee County Code Enforcement Division, this 26th day of July, 2017.

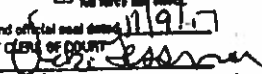
Angelina Colonnese, Clerk of the Circuit Court
Manatee County


By: 
Deputy Clerk

For further information on this matter contact Code Enforcement at 941-748-2071.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the document on file in my office.

<input checked="" type="checkbox"/> No redactions	<input type="checkbox"/> Redacted pursuant to law
<input checked="" type="checkbox"/> Full Document	<input type="checkbox"/> Page ___ of ___
<input type="checkbox"/> Not LOA	<input type="checkbox"/> Letter of Administration is in full force and effect.

Witness my hand and official seal dated 11/9/17
MANATEE COUNTY CLERK OF COURT
By: 
Deputy Clerk



CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,
Complainant,

CASE NO. CE2016090361

vs.

Bruce J Love,
Respondent.

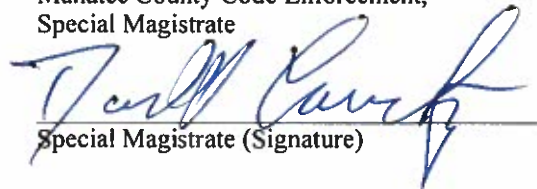
ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on November 28, 2018, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

1. The Compliance Orders issued on July 26, 2017 found that the original owner(s) Roncor Inc. was/were the owner(s) or person(s) in charge of the property located at 1124 30th Ave. W., Bradenton and identified in the Manatee County Property Appraiser's records as: PIN4846110007, and that the property was in violation of Section 401.2 of the Manatee County Land Development Code, in that Respondent was operating a towing service establishment without the required special permit.
2. The Compliance Order imposed a fine of \$75.00 for each day each violation(s) continued to exist past the compliance date ordered and shall continue to accrue until Respondent came into compliance with the order.
3. As of the date of the hearing, fines imposed against Respondent(s) totaled \$21,553.50 which includes \$28.50 in recording fees. A certified copy of the Order of Imposing Fine/Lien issued on July 26, 2017 was recorded in the Public Records of Manatee County Book 2700, Page 4062, and thereafter constituted a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-7-27 of the Manatee County Code of Ordinances.
4. The corrective action ordered in the Compliance Order has been completed and the property is now in compliance with Manatee County Land Development Code.
5. Justification exists to refer this case to the Manatee County Board of County Commissioners with a recommendation to reduce the outstanding fines to \$1,000.00 plus \$28.50 in recording fees.

DONE AND ORDERED this 28th day of November, 2018.

Manatee County Code Enforcement,
Special Magistrate



Special Magistrate (Signature)

Print Name: Donald Courtney

CASE NO. CE2016090361

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been filed for the record on November 28, 2018 and has been furnished to the Respondent (s),

- Personally, on this 28th day of November, 2018
- By US Mail on this 28th day of November, 2018

Robin Dyer, Code Enforcement Administrative Specialist
Manatee County

By: 
Administrative Specialist (Signature)

Print Name: Ms. Robin J Dyer

Code Enforcement Division
1112 Manatee Ave West
Bradenton, FL. 34205

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.