

Town of Indian Shores



19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727.595.4020 fax 727.596.0050

www.myindianshores.com

SPECIAL MAGISTRATE Minutes - May 12, 2010

THE SPECIAL MASTER CALLED THE HEARING TO ORDER AT 10:00 a.m. Those present were: Special Magistrate Herbert E. Langford; Lawrence G. Nayman, Building Official; Joyce Ciccarello, Administrative Assistant.

Also present: Vice Mayor Herndon, Councilor Smith, and Councilor Irelan.

Lawrence G. Nayman, and Joyce Ciccarello took the oath administered by the Special Magistrate.

ITEM NO.

AGENDA ITEM

CE2010-0017

Consideration of action to be taken for failure to respond to a Violation Notice issued to Jason A. Early, 19103 Whispering Pines Drive, Indian Shores, Florida on, March 26, 2010 for a violation of Town Code Section 18-51, Permits Required.

See attached Oder issued by the Special Magistrate.


CE2010-0018

Consideration of action to be taken for failure to respond to a Violation Notice issued to Arthur C. Solomon and Janet E. Solomon, 6709 Alpine Lane, Colleyville, TX on, March 26, 2010 for a violation of Town Code Section 18-51, Permits Required.

See attached Oder issued by the Special Magistrate.

The Special Master Hearing adjourned at 11:20 a.m.

Submitted by,


Joyce Ciccarello
Administrative Assistant

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Irelan
Councilor

Steve Sutch
Councilor

William F. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karayianes
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

James Yacavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES, FLORIDA
Case No. CE 2010-0017

TOWN OF INDIAN SHORES, FLORIDA,
Petitioner,

v.

JASON A. EARLY
57 Oakland Avenue
Union Town, PA 15401-2818
Respondent.

**ORDER FINDING VIOLATION, SETTING TIME TO COMPLY
OR SUFFER A FINE**

Chapter 18, Section 18-51 of the Code of Ordinances of the Town of Indian Shores, Florida (Indian Shores Code)

LEGAL DESCRIPTION: Gulf View, Cabin Villa Block C, Lots 20, 21, 22, and 23
19103 Whispering Pines Drive, Indian Shores, FL

PARCEL IDENTIFICATION NUMBER: 30/30/15/34722/003/0200

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on May 12, 2010, and based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The Respondent(s), JASON A. EARLY, ("Respondent") did allow or cause a porch's enclosure without first having applied for and obtained all necessary permits.

2. The Town incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The Town reserves the right to seek reimbursement for staff time, and additional costs, *e.g.*, certified mail, for this matter, as well the Special Magistrate's expenses.
3. Special Magistrate reasonably spent and will spend time at \$175 per hour to adjudicate this case.

CONCLUSIONS OF LAW

4. The Respondent, JASON A. EARLY, is in violation of Chapter 18, Section 18-51 of the Indian Shores Code.
5. The Town prevailed in the prosecution of this case and, pursuant to Section 1.c. of Resolution No. 3-2009 of the Indian Shores Code, is entitled to recover all costs and expenses incurred.

ORDER

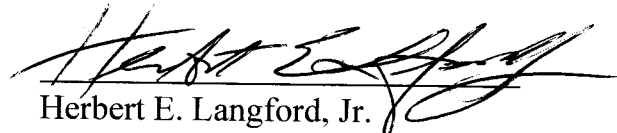
It is ADJUDGED that:

6. The Respondent, JASON A. EARLY, shall correct the violations and come into compliance on or before 8:00 a.m. on June 08, 2010, or suffer a fine to be later determined.
7. Separate and distinct from the amount due or fine, if any, the Special Magistrate reserves jurisdiction to consider the imposition of the Town's costs of prosecuting this case.
8. Upon complying, the Respondent shall notify Lawrence G. Nayman, the code enforcement officer, at 727.517.3940, who shall inspect the property and notify the Special Magistrate of the compliance.
9. Upon the Respondent's failure to timely comply, the code enforcement officer shall prepare and execute an Affidavit of Non-Compliance.
10. The Affidavit of Non-Compliance shall contain facts addressing the gravity of the violation, any efforts by the violator to correct the violation from the date that the violator was first advised of the violation to the date of the Affidavit of

Non-Compliance, and any previous code violations by the violator. The code inspector shall also make a recommendation in the Affidavit of Non-Compliance regarding the amount of the fine that should be imposed against the violator. The code inspector shall also set forth in the Affidavit of Non-Compliance the Town's costs of prosecuting the violation against the violator.

11. The code inspector shall forward any Affidavit of Non-Compliance to the Special Magistrate for further action, requesting the Special Magistrate enter an order against the violator (i) finding that the violator has not complied with Special Magistrate's order finding a violation and requiring compliance and (ii) imposing a fine against the violator which shall include the costs the Town incurred in prosecuting the violation.
12. The Special Magistrate reserves jurisdiction to hear any matter pertaining to the compliance or non-compliance as set forth in this Order.

DONE AND ORDERED on May 12, 2010.


Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
Jason A. Early
James L. Yacavone, III, Town Attorney

LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES, FLORIDA
Case No. CE 2010-0018

TOWN OF INDIAN SHORES, FLORIDA,
Petitioner,

v.

ARTHUR C. & JANET E. SOLOMON
6709 Alpine Lane
Colleyville, TX 76034,
Respondent.

**ORDER FINDING VIOLATION, SETTING TIME TO COMPLY
OR SUFFER A FINE**

Chapter 18, Section 18-51 of the Code of Ordinances of the Town of Indian Shores, Florida (Indian Shores Code)

LEGAL DESCRIPTION: Sand Dollar Condo Unit 210
18500 Gulf Boulevard, Unit 210, Indian Shores, FL

PARCEL IDENTIFICATION NUMBER: 30/30/15/78627/000/2100

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on May 12, 2010, and based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The Respondent(s), ARTHUR C. & JANET E. SOLOMON, jointly and severally, ("Respondent") did allow or cause the interior remodel of a unit involving electric and plumbing without first having applied for and obtained all necessary permits.
2. The Town incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The Town reserves the right to seek reimbursement for

staff time, and additional costs, *e.g.*, certified mail, for this matter, as well the Special Magistrate's expenses.

3. Special Magistrate reasonably spent and will spend time at \$175 per hour to adjudicate this case.

CONCLUSIONS OF LAW

4. The Respondents, ARTHUR C. & JANET E. SOLOMON, jointly and severally, are in violation of Chapter 18, Section 18-51 of the Indian Shores Code.
5. The Town prevailed in the prosecution of this case and, pursuant to Section 1.c. of Resolution No. 3-2009 of the Indian Shores Code, is entitled to recover all costs and expenses incurred.

ORDER

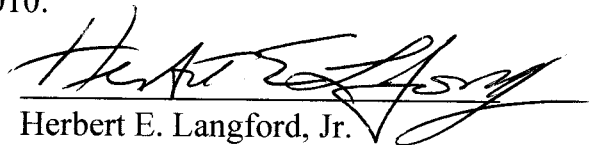
It is ADJUDGED that:

6. The Respondent, ARTHUR C. & JANET E. SOLOMON, jointly and severally, shall correct the violations and come into compliance on or before 8:00 a.m. on May 20, 2010, or suffer a fine to be later determined.
7. Separate and distinct from the amount due or fine, if any, the Special Magistrate reserves jurisdiction to consider the imposition of the Town's costs of prosecuting this case.
8. Upon complying, the Respondent shall notify Lawrence G. Nayman, the code enforcement officer, at 727.517.3940, who shall inspect the property and notify the Special Magistrate of the compliance.
9. Upon the Respondent's failure to timely comply, the code enforcement officer shall prepare and execute an Affidavit of Non-Compliance.
10. The Affidavit of Non-Compliance shall contain facts addressing the gravity of the violation, any efforts by the violator to correct the violation from the date that the violator was first advised of the violation to the date of the Affidavit of Non-Compliance, and any previous code violations by the violator. The code inspector shall also make a recommendation in the Affidavit of Non-Compliance

regarding the amount of the fine that should be imposed against the violator. The code inspector shall also set forth in the Affidavit of Non-Compliance the Town's costs of prosecuting the violation against the violator.

11. The code inspector shall forward any Affidavit of Non-Compliance to the Special Magistrate for further action, requesting the Special Magistrate enter an order against the violator (i) finding that the violator has not complied with Special Magistrate's order finding a violation and requiring compliance and (ii) imposing a fine against the violator which shall include the costs the Town incurred in prosecuting the violation.
12. The Special Magistrate reserves jurisdiction to hear any matter pertaining to the compliance or non-compliance as set forth in this Order.

DONE AND ORDERED on May 12, 2010.



Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
Arthur C. & Janet E. Solomon
James L. Yacavone, III, Town Attorney