

# Town of Indian Shores

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## SPECIAL MAGISTRATE MINUTES AUGUST 11, 2010

*THE SPECIAL MAGISTRATE CALLED THE HEARING TO ORDER AT 10:04 a.m. Those present were: Special Magistrate Herbert E. Langford; Lawrence G. Nayman, Building Code Administrator, Joyce Ciccarello, Administrative Assistant.*

*Also present: Mayor James J. Lawrence, Councilor Carole Irelan, Councilor Steve Sutch, Councilor William F. Smith, E. D. Williams, Town Administrator, and Dan Grossi.*

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

### ITEM NO.

### AGENDA ITEM

CE2010-0021

*Consideration of action to be taken for failure to respond to a Violation Notice issued to Linda Bumgarner, 19726 Gulf Blvd., Indian Shores, Florida on May 12, 2010 for violation of Town Code Section 34-112 (1) & (3) Illustrative Enumeration.*

*See attached Order issued by the Special Magistrate.*

*The Special Magistrate adjourned at 10:35 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

received  
8/25/10

LOCAL GOVERNMENT CODE ENFORCEMENT  
TOWN OF INDIAN SHORES, FLORIDA  
Case No. CE 2010-0021

TOWN OF INDIAN SHORES, FLORIDA,  
Petitioner,

v.

LINDA BUMGARNER  
186 Peachtree Circle NE  
Atlanta, GA 30309-3237,  
Respondent.

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**ORDER FINDING TIMELY COMPLIANCE AND ASSESSING  
COSTS AND LIEN**

Chapter 34, Sections 34-112(1) and (3) of the Code of Ordinances of the Town of Indian Shores, Florida (Indian Shores Code)

LEGAL DESCRIPTION: Indian Rock South Shore Block 3, Lots 31, 32, and N ½ of Lots 34 & 35 and Part of Vac Gulf Drive Lying W of Lot 31 and N ½ of Lot 34  
19726 Gulf Boulevard, Indian Shores, FL 33785

PARCEL IDENTIFICATION NUMBER: 24/30/14/42912/003/0310

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on August 11, 2010, and based on the evidence, enters the following findings of fact, conclusions of law and order.

**FINDINGS OF FACT**

1. Pursuant to an Order dated August 13, 2010, the Respondent, LINDA BUMGARNER, ("Respondent") was in violation of the Indian Shores Code.
2. That Order required the Respondent to correct the violations and come into compliance on or before August 25, 2010, or suffer an administrative fine.

3. The Respondent brought the property into compliance on August 20, 2010.
4. The Town incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The Town seeks reimbursement of \$186.77 for Town staff time, and \$17.94 expended for postage (certified mail, return receipt requested and first class postage), for a total of \$204.71 for this matter.
5. Special Magistrate reasonably spent at least 4.2 hours at \$175 per hour to adjudicate this case.

### **CONCLUSIONS OF LAW**

6. The Respondent was in violation of Chapter 34, Sections 34-112(1) and (3) of the Indian Shores Code, corrected the violations, and timely brought the property into compliance.
7. The Respondent is no longer in violation of Chapter 34, Sections 34-112(1) and (3) of the Indian Shores Code.
8. The Town prevailed in the prosecution of this case and, pursuant to Section 1.c. of Resolution No. 3-2009 and Chapter 2, Section 2-207(e) of the Indian Shores Code, is entitled to recover all costs and expenses incurred.
9. The time the Special Magistrate spent was necessary and reasonable.

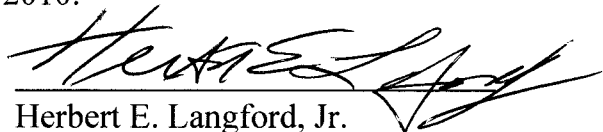
### **ORDER**

It is ADJUDGED that:

10. The Respondent corrected the violations, and timely brought the property into compliance. Accordingly, no administrative fine shall accrue.
11. The Respondent shall pay \$939.71 within thirty (30) days of this Order toward the Town's costs and expenses for the prosecution of this case.
12. Upon receipt of this Order, the code inspector shall promptly provide notice of the Order to the Respondent as provided in Section 2-210 of the Town Code.

13. To contest this Order, the Respondent must submit a written request to the code inspector to schedule a hearing contesting the Order. The code inspector must receive such written request within thirty (30) days from the date this Order was served on the Respondent. An order shall be deemed to have been served on the Respondent on the date the Respondent signed the return receipt if notice is given by mail; the date the order is hand delivered to the Respondent or left at the Respondent's usual residence, if notice is given by hand delivery; or at the conclusion of the posting or publication period, if notice is given by posting or publication.
14. If the code inspector receives a request to contest an order finding compliance and assessing costs after the expiration of such thirty-day period, he or she shall advise the Respondent that the request was not timely filed and the Town will not process it. Upon receipt of a timely written request to schedule a hearing to contest the costs, the code inspector shall schedule a hearing before the Special Magistrate and provide notice of the hearing to the Respondent as provided in Section 2-210 of the Town Code.
15. Upon receipt of this Order, the code inspector shall file a certified copy of the Order in the public records of Pinellas County, Florida, and in any other county in Florida where the code inspector knows that the Respondent owns property. Once recorded, the Order shall constitute a lien against any real or personal property the Respondent owns, superior to all other liens except a lien for taxes, pursuant to Section 2-208, Indian Shores Code and Chapter 162, Florida Statutes. An administrative fine imposed pursuant to law continues to accrue until the Respondent comes into compliance or until a judgment is rendered in a suit to foreclose on a lien, whichever occurs first.

DONE AND ORDERED on August 23, 2010.



Herbert E. Langford, Jr.  
Special Magistrate

Copies furnished to:  
Linda Bumgarner  
James L. Yacavone, III, Town Attorney