

HARDEE COUNTY  
SPECIAL MASTER HEARINGS  
APRIL 17, 2002 10:30 A.M. COUNTY COMMISSION CHAMBERS

MINUTES

**Special Master**

Stephen W. Thompson, present

News Media – not present

**Staff**

Melinda Spracklen, Code Enforcement Officer, present

Recording Secretary, Ginny Stone, present

Special Master Thompson called the Special Master Hearings to order at 10:30 A.M.

Thompson reported the Special Master Hearings for 04/17/02 were advertised in The Herald-Advocate on 04/11/02, and that the Affidavit of Publication was on file.

Thompson reported that the 03/20/02 minutes had been reviewed and signed by him, and are on file.

Thompson introduced himself as the Hardee County Special Master and explained:

- this is a quasi-judicial hearing;
- testimony will be taken under oath;
- minutes of the proceedings will be taken;
- participants will be allowed to be represented by counsel;
- there will be limited cross-examination;
- that a Special Master Order will be rendered and the property owners cited will receive a certified copy of the Special Master Order via U.S. Mail.

Stone (Notary Public) administered oath to those wishing to offer testimony.

Thompson called to hearing an item continued from 03/20/02: **Case No. 02-01**, Rosa Kerth, (1110 Hopkins Lane, (Hardee County).

(Records indicated property was cited for:

Occupancy of RV for more than 14 days per year/parcel	Section 3.03.02(a)
RV Parking	Section 3.03.02 (c) 3.6

CEO file revealed history of case to be:

- 08/17/01 Received complaint of occupied RV;
- 08/17/01 Inspected property, found two occupied RV's;
- 08/17/01 Violation letter via certified mail;  
(unable to perfect service)
- 09/12/01 Unable to contact Property Owner, left message;  
Property Owner returned call, stated this RV is used for storage;  
Explained RV's cannot be used for storage;
- 01/31/02 CEO observed RV being occupied this date;  
Property notified via certified mail;
- 02/02/02 Violation letter/Special Master letter sent certified mail;

property posted with violation letter;  
02/04/02Property posted a second time with Special Master letter, hearing to be 03/20/02;  
03/04/02Inspection revealed violations have not been addressed;  
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04/13/02Inspection revealed violations have not been addressed;  
As of 04/15/02 \$250 Administrative Fee has not been paid.

Rosa Kerth was present and sworn.

Thompson stated that at the March Special Master Hearings he asked Spracklen to determine if indeed there was a violation.

Spracklen reported that on 03/23/02 she inspected the property and no one was present.

Spracklen reported that she, along with Officer Terry Davis of Animal Control, inspected the property again on 04/13/02 and that at around 8:15 P.M. she witnessed a dark brown vehicle with a man, woman, and a child of approximately 12 years of age enter the property. At approximately 9:00 P.M. she and Davis departed premises and the vehicle was still present, lights were on, and the windows were opened in the RV.

Thompson inquired whether there were pictures taken at this time.

Spracklen advised that she did attempt to take pictures, but it was dark and the pictures did not take.

Thompson asked Spracklen whether it was still her position that the RV is occupied.

Spracklen advised that she believed the RV is occupied.

Kerth stated that the RV is not occupied and that she did not know anyone who owned a dark brown vehicle, nor did she know of anyone that would be going out there.

Thompson inquired whether the RV was connected to power.

Kerth advised that she keeps medications in the refrigerator of the RV and needs the electric on.

Spracklen advised that the power and water both were connected to the RV. Spracklen stated that the RV can be parked on the property, but cannot be connected to power.

Thompson inquired of the CEO as to what the Property Owner needs to do to bring the complaint into compliance.

Spracklen advised that the RV needs to be disconnected from the electric and moved to the back of the property.

Thompson inquired of Property Owner as to how much time she needed to relocate the RV.

Kerth advised that she didn't know because she doesn't have a hitch on her vehicle.

Thompson advised Property Owner that the RV cannot be occupied and needs to be moved away from the electric and water connections. He further advised Property Owner to relocate RV or he would have to start the

finer.

Thompson inquired of Property Owner whether 2 weeks was sufficient time to move the RV.

Kerth stated that she didn't know.

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Thompson advised the Property Owner that he would execute an Order to relocate the RV and that he would give her 2 weeks from the date of the Order to relocate the RV. If the Property Owner failed to comply by that time then fines would commence.

Spracklen advised Kerth that she would meet her at the property immediately following the Special Master Hearings, somewhere around 11:30 A.M. and give her direction for relocating the RV.

Thompson reminded Kerth that the \$250 Administrative Fee still remains unpaid and she must pay the fee.

Thompson will prepare Order for **Case No. 02-01** to allow Property Owner 2 weeks to come into compliance or fines will commence at that time.

Thompson called to hearing **Case No. 02-02**, Vada Westmoreland, Estate of Rube Westmoreland, (c/o Douglas Westmoreland, 3828 E. Stage Rd., Ionia, MI 48846).

(Records indicated property was cited for:

construction without proper permitting	Section 104.1.1
construction without submission of plans	Section 104.3.1
construction in progress absent a posted permit	Section 104.5
construction commencing prior to issuance of permit on or about 2134 Rigdon Road, (Hardee County).	Section 104.7.2

CEO file revealed history of case to be:

01/12/02 Received complaint;  
01/12/02 Inspected property, construction without permit, construction without submission of plans,  
construction in progress absent a posted permit, construction commencing prior to issuance of permit;  
01/12/02 Violation letter sent certified mail; 10 days to pull permit (service perfected);  
02/01/02 Property reevaluated; no change;  
02/01/02 Violation letter sent via certified mail; Special Master Hearing 04/17/02;  
(service perfected)  
04/15/02 Violations have not been addressed;  
As of 04/15/02 \$250 Administrative Fee remains unpaid.

Thompson inquired of the CEO whether the dwelling was a mobile home or a house and was it being condemned.

Spracklen advised that it was a house and without getting inside for an inspection she could not condemn it.

Thompson inquired whether the CEO had made contact with Mr. Westmoreland.

Spracklen advised that she had contacted Westmoreland by telephone on one occasion. She advised that she had also spoke with the daughter, Peggy.

Spracklen stated that she believed Douglas Westmoreland had done most of the work himself.

Thompson inquired what Westmoreland would need to do to come into compliance.

Spracklen advised that he would need to begin by applying for a permit.

Thompson inquired whether the Building Official had been out to look at the property.

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Spracklen advised that he had not been out to see the property.

Thompson advised that he will try to contact Westmoreland by telephone and based on the outcome he will make a determination and prepare an Order for **Case No. 02-02**.

Spracklen advised Special Master that staff would recommend \$250 per day in fines.

Thompson advised that if Property Owner refuses to come down he would prepare Order to commence fines at \$250 per day for **Case No. 02-02**.

OTHER BUSINESS:

Thompson called to order **Case No. 01-14**, R. Tod Garrett, (715 Roy Moore Road, Ona, FL 3386590).  
(Records indicated property was cited for:

Occupancy of RV	Section 3.03.02(a)
Illegally parked RV	Section 3.03.05(c)(3)(b)
on or about 715 Roy Moore Road, (Hardee County).	

Review of the CEO file indicated:

- 06/11/01 Complaint received; inspected property;
- 06/11/01 Violation letter sent via certified mail;  
(unable to perfect service);
- 06/11/01 Left door hanger to call office;
- 07/15/01 Property inspected; violations have not been addressed;
- 08/01/01 Property inspected; violations have not been addressed;
- 08/13/01 CEO contacted Brian Atkinson, who advised property is not his;
- 09/01/01 Property inspected, no change noted;
- 09/18/01 Obtained new address for Property Owner;  
Certified letter sent via certified mail;  
(unable to perfect service)
- 09/19/01 Contacted Brian Atkinson, requested phone number for Tod Garrett;
- 09/20/01 Attempted to call Tod Garrett, cell phone not working;
- 10/08/01 Property Owner returned call, advised him of message;
- 10/08/01 Property Owner came into office with plans, unable to accept plans;

10/08/01Hand delivered certified letter;  
10/15/01Inspection revealed that the water has been disconnected, but the RV still has power;  
12/17/01Inspection revealed violations have been addressed;  
01/16/02Inspection revealed violations have not been addressed;  
01/16/02Recorded Special Master order assessing fines of \$250 per day;  
04/15/02Inspection revealed violations have been addressed;  
As of 04/15/02 \$250 Administrative Fee remains unpaid;  
04/17/02Request fines be stopped effective 04/17/02.

Spracklen advised that her inspection on 04/15/02 revealed that Garrett had disconnected the power to the RV, but was uncertain as to when.

Spracklen advised that she has sent a certified letter to Property Owner advising him that the power would be permanently disconnected on Friday, 04/19/02, since the permit has expired and no permit for a house had been obtained.

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Spracklen advised that inspection on 04/14/02 indicated that weeds had grown up around RV and that there are tracks indicating traffic in and out of location of RV.

Thompson advised he would prepare new Order and send it Certified mail to start fines at \$250 per day for **Case No. 01-14.**

Thompson asked if there were any other business. There was none.

Meeting was adjourned at 11:00 A.M. Next Special Master Hearings will be at 10:30 A.M. on May 15, 2002.

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Ginny Stone, Recording Secretary

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Stephen W. Thompson, Special Master

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Date