

HARDEE COUNTY  
SPECIAL MASTER HEARINGS  
MAY 15, 2002 10:30 A.M. PARK PLACE -221 WEST MAIN STREET

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 that the Special Master Hearings for 05/15/02 were advertised in The Herald-Advocate on 05/02/02, and that the Affidavit of Publication was on file.

Thompson reported that the 04/17/02 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.

Oath was not administered, as no representatives were present.

Thompson called to hearing **Case No. 02-03**, Casey Hickman/Shirley Tibbitts, Hyde Street, (Hardee County).

(Records indicated property was cited for:

Failure to maintain

Dangerous/unsafe structure

Vegetation in excess of 12"

SBC Section 101.6

SBC Section 108.4.4

ULDC Section 2.02.13

CEO file revealed history of case to be:

02/03/02 Property inspected and cited for violations;

02/05/02 Property Owner was notified of violations by regular mail  
and given 30 days to address violations;

02/05/02 Re-evaluation of property showed violations have not been addressed;

02/05/02 Spoke with Property Owner and was advised that property belongs  
to Casey Hickman;

02/25/02 Property Owner was notified of violations by regular mail  
and given 30 days to address violations;

03/01/02 Inspected property and found violations have not been addressed;

04/02/02 Case to be sent to Special Master 05/15/02;  
04/19/02 Contacted by Property Owner and was advised that they are working  
on clearing up violations;  
As of 05/13/02 \$250 Administrative Fee has not been paid.

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Property Owner was not present.

Spracklen advised that Property Owner has started cleaning up but appeared to be worse at time of inspection than when cited.

Thompson inquired whether Property Owner has taken care of un-safe structure but still failed to maintain property.

Spracklen advised that Property Owner was deceased and left no will. The children have taken over the property. Melita Dees, Casey's daughter, is trying to get the property cleaned up and has requested an additional 30 days to bring the property into compliance.

Thompson inquired whether the Property Owner understands that the \$250 Administrative Fee still needs to be paid.

Spracklen advised that Dees was aware that the \$250 Administrative Fee needed to be paid and advised that the property would need to be maintained during growing season.

Thompson advised Spracklen that if the property was not brought into compliance within the 30 days that he would like for Dees to be present at the June 19, 2002 Special Master Hearings.

Thompson will prepare Order to Continue **Case No. 02-03** to the June 19, 2002 Special Master Hearings.

Thompson called to hearing an item continued from 04/17/02: **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 RVs;  
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;  
02/04/02 Property posted a second time with Special Master letter, hearing to be 03/20/02;  
03/04/02 Inspection revealed violations have not been addressed;

04/13/02 Inspection revealed violations have not been addressed;  
04/29/02 Violations have not been addressed;  
04/29/02 Recorded Special Master Order; staff request this case be continued for 90 days;  
As of 04/29/02 \$250 Administrative Fee has not been paid.

Stone advised that Affidavit of Violation was advertised in the Herald-Advocate on 4/ 11, 18, 25, and 05/02. Affidavit of Publication was received and submitted as evidence.

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Spracklen advised that Property Owner has requested 90 days to pay Administrative Fee of \$250 at \$50 per month.

Spracklen recommended allowing Property Owner 5 mos. to allow sufficient time.

Spracklen advised that Property Owner has relocated the RV to the rear of the property and is now in compliance.

Thompson inquired whether there were any other violations on the property at this time.

Spracklen advised that there were none at this time.

Thompson will prepare Order to Continue **Case No. 02-01** to October 16, 2002 Special Master Hearings and Order will state that Property Owner must pay minimum monthly payments of \$50 per month of the \$250 Administrative Fee on or before the 7th day of each month commencing with June 7, 2002 for the first payment.

#### OTHER BUSINESS:

Thompson called to hearing **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;  
10/08/01 Hand delivered certified letter;

10/15/01 Inspection revealed that the water has been disconnected, but the RV still has power;  
12/17/01 Inspection revealed violations have been addressed;  
01/16/02 Inspection revealed violations have not been addressed;  
01/16/02 Recorded Special Master order assessing fines of \$250 per day;  
04/15/02 Inspection revealed violations have been addressed;  
04/17/02 Request fines be stopped effective 04/17/02.  
04/25/02 Building Official requested power be disconnected;  
04/25/02 Request fines be stopped 04/25/02;  
As of 05/13/02 \$250 Administrative Fee remains unpaid.

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Spracklen advised that the Building Official requested the power be disconnected on 04/25/02 and power was disconnected.

Spracklen advised that Property Owner was not in violation at this time.

Spracklen advised that the fines have reached their maximum and the property is now ready for foreclosure.

Thompson inquired as to what would be the easiest way to solve the problem.

Spracklen recommended obtaining a certified copy of the last Order sent to Property Owner and send the certified copy to the Property Owner.

Thompson will prepare Order to Continue fines until June 19, 2002 Special Master Hearings.

ADD ON TO OLD BUSINESS

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	Section 104.7.2

on or about 2134 Rigdon Road, (Hardee County).

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 re-evaluated; 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 advised that he talked with Westmoreland after the April 17, 2002 hearings.

Thompson requested at the April 17, 2002 hearings that **Case No. 02-02** be continued until the Building Department could determine whether the property should be condemned.

Thompson advised that he would contact Property Owner and advise that she must contact the Building Department immediately in regards to the condemnation of the building

Thompson will prepare Order to Continue **Case No. 02-02** to the July 17, 2002 Special Master Hearings.

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

Meeting was adjourned at 11:05 A.M. Next Special Master Hearings will be at 10:30 A.M. on June 19, 2002.

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Ginny Stone, Recording Secretary

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Stephen W. Thompson, Special Master

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Date