

Special Magistrate Hearing Minutes
February 15, 2022
5:30 p.m.
Council Chambers

1 Call to Order

Special Magistrate Samuel Taylor opened the hearing at 5:32 p.m.

2 Administration of oath to staff/ Respondents /Witnesses

Special Magistrate Samuel Taylor swore in those present intending to provide testimony.

3 Red Light Hearings - None scheduled.

4 Code Enforcement Hearings

4.1. Case 21-1072

Special Magistrate S. Taylor opened Case 21-1072 and noted the property owners of 602 E. Griffith Avenue are Julie Fletcher and Van Chau.

Code Enforcement Officer Deborah Lawson presented the case #21-1072. She noted violations and notes of same are included in the attached documents. Code Enforcement Officer Deborah Lawson went over the notices that were sent by certified mail and posted on the property and City Hall. She noted the reinspection dates stating the results are non-compliance.

Special Magistrate Samuel Taylor asked about the permits included in the packet. Building Inspector, Ronald Raybon, said he scheduled the permits, but no one has provided any work. Building Inspector R. Raybon also noted his inspections done on the property and within the report.

Code Enforcement Officer D. Lawson went over the details of the recommendation on the cure for the violations. She submitted Exhibit 1 and Exhibit 1A and entered them into record. Special Magistrate Samuel Taylor asked Building Inspector R. Raybon to address the building that is in violation. The Building official, R. Raybon, explained the pictures and stated his recommendation is in the attached documents. Staff then made the following recommendation: That on or before March 14, 2022 the \$250 administrative fee be paid and if the property is not brought into compliance by March 14, 2022, a \$250 a day fine be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection.

Mr. Chau testified that he is repairing the property, but he is working and saving money to purchase supplies for the repairs. He intends to keep the property for his family.

Special Magistrate Samuel Taylor asked several more questions regarding the permits Mr. Chau

pulled for the property. Mr. Chau said he has been sick and unable to make the repairs. Mr. Chau showed pictures to the magistrate on his progress, and Special Magistrate Samuel Taylor explained the pictures of the property. He asked Mr. Chau if he can repair the stairs and roof before March 14th, and Mr. Chau requested more time. Staff discussed details on the repairs needed to be in compliance. Mr. Chau requested an extension of time and Special Magistrate Samuel Taylor noted the mitigating factors stating the windows need to be covered, the Structure needs to be secured, and the stairs need to be repaired. The magistrate agreed with the staff recommendation, however, he extended the compliance time to May 14, 2022 to have the items addressed. However, a fine of \$250 a day will be assessed if not brought into compliance by May 14, 2022.

4.2. 22-50

Special Magistrate S. Taylor opened Case #22-50 on property located at 215 W. Cobb with the owner listed as Hayvard Lee.

Code Enforcement Officer Deborah Lawson presented the case. She went over the violations and notes of same are included in the attached documents. She went over Exhibit 2 and noted the certified mail and posting at City Hall and on the property.

Special Magistrate S. Taylor asked if the pictures were accurate and a true depiction of the property. Staff stated some of the vegetation has been removed and the tent, as well.

Special Magistrate S. Taylor swore in Leonard Lee. Mr. Lee said the fire chief has a key to the building, and he has to receive approval to enter the property. He stated his brother has been cleaning the property.

City Attorney J. Holloway explained the public cannot provide testimony if they are not the property owners.

Special Magistrate S. Taylor noted there have been efforts to clean up the property stating Pictures 7, 9, and 10 show substantial progress. He agrees with the city attorney's explanation, however. He found violations still exist. He ruled that on or before March 14, 2022, the \$250 administrative fee be paid, and if the property is not brought into compliance by March 14th, by removing trash, debris, and vegetation over twelve inches, remove graffiti, remove camps tents, and secure property. However, a \$250 a day fine is to be assessed with an annual interest of 6.77%, if not brought into compliance. It is the responsibility of the property owner to contact the City when the property has been brought into compliance and arrange for reinspection.

4.3. 22-52

Special Magistrate S. Taylor presented Case 22-52 for property located at 207 W. Cobb Avenue stating the owner listed is Leonard Lee.

Code Enforcement Officer Deborah Lawson presented the case. She noted the dates for the certified mail, postings on the property and at City Hall. She went over the violations and notes of same are included in the attached documents and entered Exhibit 3 into the record.

Special Magistrate S. Taylor asked if steps had been taken to clear the property, and Code Enforcement Officer Deborah Lawson stated that they were.

Special Magistrate S. Taylor swore in Leonard Lee who provided testimony stating he is attempting to clean up the property.

Special Magistrate S. Taylor ruled that there were two violations remaining stating the trash and debris must be removed. Special Magistrate S. Taylor made the following recommendation: That on or before March 14, 2022 the \$250 administrative fee be paid and if the property is not brought into compliance by March 14, 2022, a \$250 a day fine be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection.

4.4. 22-136

Special Magistrate S. Taylor presented Case 22-136 stating the owner of the property at 436 Apple Drive is listed as Pi Chiao Herman.

Code Enforcement Officer Deborah Lawson presented the case noting the violations and notes of same are included in the attached documents. She went over the certified mailings, postings at City Hall and on the property. She presented Exhibit 4 to the record.

Special Magistrate S. Taylor asked if the pictures were accurate and a true depiction of the property and noted the vehicle depicted does not have a tag. Special Magistrate S. Taylor noted notice was properly served and a violation still exists.

Special Magistrate S. Taylor ordered that on or before March 14, 2022 a \$250 administrative Fee is to be assessed if the vehicle is not removed from the property or brought into an operable state. If it is not brought into compliance by March 14, 2022, a \$250 a day fine will be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection.

4.5. 22-161

Special Magistrate S. Taylor opened Case 22-161, for property located at 218 Stillwell Boulevard noting the owner is listed as Roman Portugal.

Code Enforcement Officer Deborah Lawson presented the case and noted the dates of certified mailings, postings at City Hall and property. She noted the violations and notes of same are included in the attached documents. She entered Exhibit 5 into record and noted the non-compliance after inspections.

Special Magistrate S. Taylor asked if the pictures were accurate and a true depiction of the property and staff stated that they were. Special Magistrate S. Taylor asked the building official, R. Raybon, to address violation, who stated his recommendation is in the attached documents and noted he made the inspections. Code Enforcement Officer Deborah Lawson noted the picture of the pool in violation.

Special Magistrate S. Taylor noted a violation exists stating a permit was not pulled to erect the pool and is not in compliance with the building code.

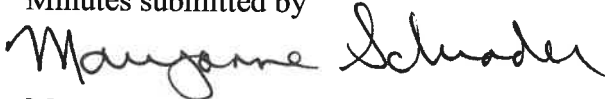
Building Inspector R. Raybon added they will have to meet building code requirements and statutes.

Special Magistrate S. Taylor ruled that on or before March 14, 2022, the respondent needs to obtain the required permits for the fence and pool or remove them from the property. He imposed a \$250 administrative fee to be paid, and if the property is not brought into compliance by March 14, 2022, a \$250 a day fine be assessed with an annual interest of 6.77%. He said it is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection.

5 Adjournment

Special Magistrate S. Taylor adjourned the Hearing at 6:29 p.m.

Minutes submitted by

A handwritten signature in black ink, appearing to read "Maryanne Schrader". The signature is fluid and cursive, with the first name "Maryanne" written in a larger, more prominent script than the last name "Schrader".

Maryanne Schrader, City Clerk

Proper notice having been duly given



**CITY OF CRESTVIEW FLORIDA
SPECIAL MAGISTRATE**

198 Wilson Street North
Crestview, FL 32536



City of Crestview, Florida,

Petitioner,

vs.

CASE# 21-1072

Julie Fletcher/ Chau Chieu Van (Life Estate)
921 Chestnut Avenue
Crestview, FL 32539

Inst. #3527992 Bk: 3605 Pg: 1509
Page 1 of 4 Recorded: 2/18/2022 12:44 PM
RECORDING ARTICLE V: \$16.00 RECORDING: \$19.50

DEPUTY CLERK APRESTWOOD
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This case was presented for public hearing before the Special Magistrate on February 15, 2022. After due notice to the respondent, having heard testimony under oath, received evidence and considered stipulations, the Special Magistrate finds as follows:

FINDINGS OF FACT:

1. The respondent, Julie Fletcher/ Chau Chieu Van (Life Estate), whose last known mailing address is 921 Chestnut Avenue, Crestview, FL 32539, is the owner of the property located at, 602 E Griffith Avenue, Crestview, FL 32539, AKA PIN# 17-3N-23-2490-0151-0070, and more particularly described as: CRESTVIEW LOTS 7 8 & 9 BLK 151
2. The conditions on the property consist of an unsecured deteriorating structure and an unsafe accessory structure. The violation(s) were first observed on May 25, 2021. A Notice of Violation was mailed by certified mail May 26, 2021, and received by respondent on June 16, 2021. The Notice stated that the condition(s), constituted a violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 65 (m), (n), Sec. 66, Sec. 69. - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances and

requested correction of the violation by June 28, 2021. Re inspection of the property on June 28, 2021, confirmed that violation(s) continue to exist on the property.

3. Proper notice of the cited violations and the notice of hearing was served on the Respondents, and the Respondents were provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.

CONCLUSIONS OF LAW:

4. The respondent failed to bring the property into a full state of compliance prior to the Notice of Violation deadline and is in violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 65 (m), (n), Sec. 66, Sec. 69. - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances.
5. The Respondents were provided a reasonably sufficient time to voluntarily correct the Violations, which they failed to do within the time prescribed.
6. The city has proved the alleged Violations of the cited Ordinances and/or State Statute by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Magistrate, which I find to be reasonable and appropriate under the circumstances.
7. If the Respondents fail to bring the Property into compliance as ordered within the time prescribed, I find that a fine shall be imposed per day for each day of non-compliance and that the fine is reasonable and appropriate under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

ORDER: Based on the foregoing, it is hereby ORDERED and ADJUDGED that:

8. On or before May 14, 2022, the Respondents shall pay to the City of Crestview the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$250.00.

9. On or before May 14, 2022, the Respondent is to correct the violation(s) by conducting the following action(s):
- Repair the stairs and roof.
 - Demolish the accessory structure and remove all demolition debris from the property.
 - Secure the vacant structure to prevent the entry of unauthorized persons, by replacing the windows or boarding windows for no more than 90 days.
10. If the violation(s) are not corrected by May 14, 2022, a fine in the amount of \$250.00 per day will be imposed pursuant to Florida Statutes Chapter 162. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.
11. The fines and costs imposed herein shall accrue interest at the rate of 6.77% per annum until paid.
12. If Respondent fails to comply by the date stated above, the City Council may cause the property to be cleaned up and the nuisance abated. The cost for such cleanup and abatement shall be billed and mailed via certified mail to the last known address of Respondent. If such bill is not paid within thirty (30) days from the mailing date, the costs incurred by the City shall be added to any unpaid costs, fines, or fees hereunder and shall be a lien on the property as authorized by law.

Done and Ordered on the 15th day of February 2022.

**Samuel B.
Taylor**

Digitally signed by
Samuel B. Taylor
Date: 2022.02.18 09:51:31
-06'00'

Special Magistrate
City of Crestview, Florida

RIGHT TO APPEAL – You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD – A certified copy of this Order may be recorded in the official records of Okaloosa County, and thereafter, shall become a lien against any real and personal property owned by Respondent(s), until satisfied, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to City of Crestview Code of Ordinances and Florida Statutes Section 162.09. Name and address of lien holder: City of Crestview, 198 North Wilson Street, Crestview, Florida 32536.



**CITY OF CRESTVIEW FLORIDA
SPECIAL MAGISTRATE**

*198 Wilson Street North
Crestview, FL 32536*



City of Crestview, Florida,

Petitioner,

vs.

CASE# 22-50

Hayvard Lee
879 McDonald Street
Crestview, FL 32536

Inst. #3527991 Bk: 3605 Pg: 1505
Page 1 of 4 Recorded: 2/18/2022 12:44 PM
RECORDING ARTICLE V: \$16.00 RECORDING: \$19.50

DEPUTY CLERK APRESTWOOD
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This case was presented for public hearing before the Special Magistrate on February 15, 2022. After due notice to the respondent, having heard testimony under oath, received evidence and considered stipulations, the Special Magistrate finds as follows:

FINDINGS OF FACT:

1. The respondent, Hayvard Lee, whose last known mailing address is 879 McDonald Street, Crestview, FL 32536, is the owner of the property located at, 215 W Cobb Avenue, Crestview, FL 32536, AKA PIN# 17-3N-23-2490-0130-0040, and more particularly described as: CRESTVIEW LOT 4 BLK 130
2. The conditions on the property consist of trash, debris, pests, overgrown vegetation, graffiti, an unsecured structure and unpermitted camps and tents. The violation(s) were first observed on October 14, 2021. A Notice of Violation was mailed by certified mail October 18, 2021, and received by respondent on October 19, 2021. The Notice stated that the condition(s), constituted a violation of Chapter 38 Property Maintenance and

Housing Standards - Sec. 18 (b), (c), (k); Chapter 38 Section 30, Section 69; Land Development Code 7.05.03 - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances and requested correction of the violation by October 28, 2021. Re inspection of the property on December 7, 2021, confirmed that violation(s) continue to exist on the property.

3. Proper notice of the cited violations and the notice of hearing was served on the Respondents, and the Respondents were provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.

CONCLUSIONS OF LAW:

4. The respondent failed to bring the property into a full state of compliance prior to the Notice of Violation deadline and is in violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 18 (b), (c), (k); Chapter 38 Section 30, Section 69; Land Development Code 7.05.03 - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances.
5. The Respondents were provided a reasonably sufficient time to voluntarily correct the Violations, which they failed to do within the time prescribed.
6. The city has proved the alleged Violations of the cited Ordinances and/or State Statute by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Magistrate, which I find to be reasonable and appropriate under the circumstances.
7. If the Respondents fail to bring the Property into compliance as ordered within the time prescribed, I find that a fine shall be imposed per day for each day of non-compliance and that the fine is reasonable and appropriate under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

ORDER: Based on the foregoing, it is hereby ORDERED and ADJUDGED that:

8. On or before March 14, 2022, the Respondents shall pay to the City of Crestview the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$250.00.

9. On or before March 14, 2022, the Respondent is to correct the violation(s) by conducting the following action(s):

a. Remove all trash, debris, and vegetation more than twelve (12) inches from the property.

b. Remove or cover the graffiti.

c. Remove the unpermitted camps and tents from the property.

d. Secure all doors or points of entry to structure, so that unauthorized entry cannot be

made.

10. If the violation(s) are not corrected by March 14, 2022, a fine in the amount of \$250.00 per day will be imposed pursuant to Florida Statutes Chapter 162. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.

11. The fines and costs imposed herein shall accrue interest at the rate of 6.77% per annum until paid.

12. If Respondent fails to comply by the date stated above, the City Council may cause the property to be cleaned up and the nuisance abated. The cost for such cleanup and abatement shall be billed and mailed via certified mail to the last known address of Respondent. If such bill is not paid within thirty (30) days from the mailing date, the costs incurred by the City shall be added to any unpaid costs, fines, or fees hereunder and shall be a lien on the property as authorized by law.

Done and Ordered on the 15th day of February 2022.

**Samuel B.
Taylor**

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Samuel B. Taylor
Date: 2022.02.18 09:49:32
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Special Magistrate
City of Crestview, Florida

RIGHT TO APPEAL – You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD – A certified copy of this Order may be recorded in the official records of Okaloosa County, and thereafter, shall become a lien against any real and personal property owned by Respondent(s), until satisfied, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to City of Crestview Code of Ordinances and Florida Statutes Section 162.09. Name and address of lien holder: City of Crestview, 198 North Wilson Street, Crestview, Florida 32536.



**CITY OF CRESTVIEW FLORIDA
SPECIAL MAGISTRATE**

*198 Wilson Street North
Crestview, FL 32536*



City of Crestview, Florida,

Petitioner,

vs.

CASE# 22-52

Leonard Lee
320 Forrest Parkway
Crestview, FL 32539

Inst. #3527990 Bk: 3605 Pg: 1502
Page 1 of 3 Recorded: 2/18/2022 12:44 PM
RECORDING ARTICLE V: \$12.00 RECORDING: \$15.00

DEPUTY CLERK APRESTWOOD
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This case was presented for public hearing before the Special Magistrate on February 15, 2022. After due notice to the respondent, having heard testimony under oath, received evidence and considered stipulations, the Special Magistrate finds as follows:

FINDINGS OF FACT:

1. The respondent, Leonard Lee, whose last known mailing address is 320 Forrest Parkway, Crestview, FL 32539, is the owner of the property located at, 207 W Cobb Avenue, Crestview, FL 32536, AKA PIN# 17-3N-23-2490-0130-0050, and more particularly described as: CRESTVIEW LOTS 5 & 6 BLK 130
2. The conditions on the property consist of debris . The violation(s) were first observed on October 14, 2021. A Notice of Violation was mailed by certified mail October 18, 2021, and received by respondent on October 19, 2021. The Notice stated that the condition(s), constituted a violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 18 (b). - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances and requested correction of the violation by October 28, 2021. Re inspection

of the property on November 3, 2021, confirmed that violation(s) continue to exist on the property.

3. Proper notice of the cited violations and the notice of hearing was served on the Respondents, and the Respondents were provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.

CONCLUSIONS OF LAW:

4. The respondent failed to bring the property into a full state of compliance prior to the Notice of Violation deadline and is in violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 18 (b). - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances.
5. The Respondents were provided a reasonably sufficient time to voluntarily correct the Violations, which they failed to do within the time prescribed.
6. The city has proved the alleged Violations of the cited Ordinances and/or State Statute by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Magistrate, which I find to be reasonable and appropriate under the circumstances.
7. If the Respondents fail to bring the Property into compliance as ordered within the time prescribed, I find that a fine shall be imposed per day for each day of non-compliance and that the fine is reasonable and appropriate under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

ORDER: Based on the foregoing, it is hereby ORDERED and ADJUDGED that:

8. On or before March 14, 2022, the Respondents shall pay to the City of Crestview the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$250.00.

9. On or before March 14, 2022, the Respondent is to correct the violation(s) by conducting the following action(s):
- a. Remove all debris, tree debris and trash from the property.
10. If the violation(s) are not corrected by March 14, 2022, a fine in the amount of \$250.00 per day will be imposed pursuant to Florida Statutes Chapter 162. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.
11. The fines and costs imposed herein shall accrue interest at the rate of 6.77% per annum until paid.
12. If Respondent fails to comply by the date stated above, the City Council may cause the property to be cleaned up and the nuisance abated. The cost for such cleanup and abatement shall be billed and mailed via certified mail to the last known address of Respondent. If such bill is not paid within thirty (30) days from the mailing date, the costs incurred by the City shall be added to any unpaid costs, fines, or fees hereunder and shall be a lien on the property as authorized by law.

Done and Ordered on the 15th day of February 2022.

**Samuel B.
Taylor**

Digitally signed by Samuel
B. Taylor
Date: 2022.02.18 09:50:32
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Special Magistrate
City of Crestview, Florida

RIGHT TO APPEAL – You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD – A certified copy of this Order may be recorded in the official records of Okaloosa County, and thereafter, shall become a lien against any real and personal property owned by Respondent(s), until satisfied, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to City of Crestview Code of Ordinances and Florida Statutes Section 162.09. Name and address of lien holder: City of Crestview, 198 North Wilson Street, Crestview, Florida 32536.



**CITY OF CRESTVIEW FLORIDA
SPECIAL MAGISTRATE**

*198 Wilson Street North
Crestview, FL 32536*



Inst. #3528322 Bk: 3605 Pg: 2645
Page 1 of 3 Recorded: 2/22/2022 10:32 AM
RECORDING ARTICLE V: \$12.00 RECORDING: \$15.00

DEPUTY CLERK sdoscher
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA

City of Crestview, Florida,

Petitioner,

vs.

CASE# 22-136

Pi Chiao Herman
419 Christopher Dr
Crestview FL 32536

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This case was presented for public hearing before the Special Magistrate on February 15, 2022. After due notice to the respondent, having heard testimony under oath, received evidence and considered stipulations, the Special Magistrate finds as follows:

FINDINGS OF FACT:

1. The respondent, Pi Chiao Herman, whose last known mailing address is 419 Christopher Dr Crestview FL 32536, is the owner of the property located at, 436 Apple Dr, Crestview, FL 32536, AKA PIN# 31-3N-23-441A-0001-0180, and more particularly described as: SOUTHWAY EST 1ST ADD LOT 18 BLK 1
2. The conditions on the property consist of an inoperable vehicle. The violation(s) were first observed on November 3rd, 2021. A Notice of Violation was mailed by certified mail November 12, 2021. The Notice stated that the condition(s), constituted a violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 18 (i)(j). - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances and requested correction of the violation by November 22. Re inspection of the property on November 30th, confirmed that violation(s) continue to exist on the property.

3. Proper notice of the cited violations and the notice of hearing was served on the Respondents, and the Respondents were provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.

CONCLUSIONS OF LAW:

4. The respondent failed to bring the property into a full state of compliance prior to the Notice of Violation deadline and is in violation of Chapter 38 Property Maintenance and Housing Standards - Sec. 18 (i)(j). - Maintain a public nuisance prohibited, of the City of Crestview's Code of Ordinances.
5. The Respondents were provided a reasonably sufficient time to voluntarily correct the Violations, which they failed to do within the time prescribed.
6. The city has proved the alleged Violations of the cited Ordinances and/or State Statute by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Magistrate, which I find to be reasonable and appropriate under the circumstances.
7. If the Respondents fail to bring the Property into compliance as ordered within the time prescribed, I find that a fine shall be imposed per day for each day of non-compliance and that the fine is reasonable and appropriate under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

ORDER: Based on the foregoing, it is hereby ORDERED and ADJUDGED that:

8. On or before March 14th, 2022, the Respondents shall pay to the City of Crestview the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$250.00.

9. On or before March 14th, 2022, the Respondent is to correct the violation(s) by conducting the following action(s):
- a. Remove the inoperable vehicle from the property or bring it to an operable state.
10. If the violation(s) are not corrected by March 14th, 2022, a fine in the amount of \$250.00 per day will be imposed pursuant to Florida Statutes Chapter 162. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.
11. The fines and costs imposed herein shall accrue interest at the rate of 6.77% per annum until paid.
12. If Respondent fails to comply by the date stated above, the City Council may cause the property to be cleaned up and the nuisance abated. The cost for such cleanup and abatement shall be billed and mailed via certified mail to the last known address of Respondent. If such bill is not paid within thirty (30) days from the mailing date, the costs incurred by the City shall be added to any unpaid costs, fines, or fees hereunder and shall be a lien on the property as authorized by law.

Done and Ordered on the 15th day of February 2022.

**Samuel B.
Taylor**

Digitally signed by
Samuel B. Taylor
Date: 2022.02.18
09:46:56 -06'00'

Special Magistrate
City of Crestview, Florida

RIGHT TO APPEAL – You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD – A certified copy of this Order may be recorded in the official records of Okaloosa County, and thereafter, shall become a lien against any real and personal property owned by Respondent(s), until satisfied, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to City of Crestview Code of Ordinances and Florida Statutes Section 162.09. Name and address of lien holder: City of Crestview, 198 North Wilson Street, Crestview, Florida 32536.



**CITY OF CRESTVIEW FLORIDA
SPECIAL MAGISTRATE**

*198 Wilson Street North
Crestview, FL 32536*



City of Crestview, Florida,

Petitioner,

vs.

CASE# 22-161

Roman Portugal
4493 Wolfrack Ridge
Crestview, FL 32539

Inst. #3527989 Bk: 3605 Pg: 1499
Page 1 of 3 Recorded: 2/18/2022 12:44 PM
RECORDING ARTICLE V: \$12.00 RECORDING: \$15.00

DEPUTY CLERK APRESTWOOD
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This case was presented for public hearing before the Special Magistrate on February 15, 2022. After due notice to the respondent, having heard testimony under oath, received evidence and considered stipulations, the Special Magistrate finds as follows:

FINDINGS OF FACT:

1. The respondent, Roman Portugal, whose last known mailing address is 4493 Wolfrack Ridge, Crestview, FL 32539, is the owner of the property located at, 218 Stillwell Boulevard, Crestview, FL 32539, AKA PIN# 08-3N-23-0742-0003-0020, and more particularly described as: EDNEY 2ND ADD LOT 2 BLK 3
2. The conditions on the property consist of an unpermitted fence and unpermitted pool. The violation(s) were first observed on November 10, 2021. A Notice of Violation was mailed by certified mail November 18, 2021, and received by respondent on November 26, 2021. The Notice stated that the condition(s), constituted a violation of Florida Building Code, Chapter 1, Section 105.1 Permits Required and requested correction of

the violation by November 29, 2021. Re inspection of the property on November 30, 2021, confirmed that violation(s) continue to exist on the property.

3. Proper notice of the cited violations and the notice of hearing was served on the Respondents, and the Respondents were provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.

CONCLUSIONS OF LAW:

4. The respondent failed to bring the property into a full state of compliance prior to the Notice of Violation deadline and is in violation of Florida Building Code, Chapter 1, Section 105.1 Permits Required.
5. The Respondents were provided a reasonably sufficient time to voluntarily correct the Violations, which they failed to do within the time prescribed.
6. The city has proved the alleged Violations of the cited Ordinances and/or State Statute by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Magistrate, which I find to be reasonable and appropriate under the circumstances.
7. If the Respondents fail to bring the Property into compliance as ordered within the time prescribed, I find that a fine shall be imposed per day for each day of non-compliance and that the fine is reasonable and appropriate under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

ORDER: Based on the foregoing, it is hereby ORDERED and ADJUDGED that:

8. On or before March 14, 2022, the Respondents shall pay to the City of Crestview the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$250.00.
9. On or before March 14, 2022, the Respondent is to correct the violation(s) by conducting the following action(s):

a. Obtain the required permits for the fence and pool or remove them from the property.

10. If the violation(s) are not corrected by March 14, 2022, a fine in the amount of \$250.00 per day will be imposed pursuant to Florida Statutes Chapter 162. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.
11. The fines and costs imposed herein shall accrue interest at the rate of 6.77% per annum until paid.
12. If Respondent fails to comply by the date stated above, the City Council may cause the property to be cleaned up and the nuisance abated. The cost for such cleanup and abatement shall be billed and mailed via certified mail to the last known address of Respondent. If such bill is not paid within thirty (30) days from the mailing date, the costs incurred by the City shall be added to any unpaid costs, fines, or fees hereunder and shall be a lien on the property as authorized by law.

Done and Ordered on the 15th day of February 2022.

**Samuel B.
Taylor**

Digitally signed by
Samuel B. Taylor
Date: 2022.02.18 09:48:04
-06'00'

Special Magistrate
City of Crestview, Florida

RIGHT TO APPEAL – You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD – A certified copy of this Order may be recorded in the official records of Okaloosa County, and thereafter, shall become a lien against any real and personal property owned by Respondent(s), until satisfied, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to City of Crestview Code of Ordinances and Florida Statutes Section 162.09. Name and address of lien holder: City of Crestview, 198 North Wilson Street, Crestview, Florida 32536.