

CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
January 27, 2015
9:00 am
MINUTES

Special Magistrate B. Douglas MacGibbon presided over the hearing, which commenced at 9:05 a.m. In attendance were: City Attorney Jennifer Gardner Ashton, Sergeant Craig Brown, and City Clerk Kristen Puhalainen.

All parties were sworn in by Special Magistrate MacGibbon.

Case No. 14-94 Bank of New York Mellon 457 Glenbrook Dr.

FINE ASSESSMENT HEARING: Section 4-61(a); 4-62 of the Code of Ordinances of the City of Atlantis: Roof sag/damage/buckling/leaking at rear of residence

Ms. Ashton confirmed the file documents submitted. Sgt. Brown testified to the facts of the case. Keith Bettenhauser, representing Bank of New York Mellon, confirmed the evidence and testified on behalf of Bank of New York Mellon.

It is the Order of the Special Magistrate that a Fine in the amount of Fourteen Thousand Seven Hundred and Fifty Dollars (\$14,750.00) be assessed at a daily amount of Two Hundred and Fifty Dollars (\$250.00) per day for the violations of Sections 4-61(a); 4-62; and 8.5-7(h) which existed on the property beginning November 30, 2014 through January 27, 2015, a period of fifty-nine (59) days, and such fine shall continue to accrue at the rate of Two Hundred and Fifty Dollars (\$250.00) per day until compliance is achieved. This fine includes the continuing violations of Sections 4-61(a); 4-62 of the Code of Ordinances of the City of Atlantis regarding roof damage, ceiling damage and wood rot from the December 23, 2014 hearing as well as the violations from the November 25, 2014 violation hearing.

The Respondent further shall be assessed One Hundred and Four Dollars and Nineteen Cents (\$104.19) for the administrative costs incurred in prosecuting the November 25, 2014 Violation Hearing; One Hundred and Four Dollars and Ten Cents (\$104.10) for the administrative costs incurred in prosecuting the December 23, 2014 Fine Assessment and Violation Hearings; and Ninety-five Dollars and Ninety-eight Cents (\$95.98) for the administrative costs incurred in prosecuting the January 27, 2015 Fine Assessment Hearing, for a total administrative charge of Three Hundred and Four Dollars and Twenty-seven Cents (\$304.27).

Case No. 14-95 Wells Fargo Bank NA 265 N. Country Club Dr.

FINE ASSESSMENT HEARING: Section 4-61(a); 4-62 of the Code of Ordinances of the City of Atlantis: Roof sag/damage/buckling/leaking at rear of residence.

Ms. Ashton read the file documents submitted. Sergeant Brown testified to the facts in the case. Jared Schopper, a Real Estate ® broker representing Wells Fargo confirmed the evidence and testified on behalf of Wells Fargo.

It is the Order of the Special Magistrate that a Fine in the amount of One Thousand Dollars (\$1,000.00) is hereby assessed at a daily amount of Two Hundred and Fifty Dollars (\$250.00) per day for the violations of Sections 4-61(a); 4-62; and 8.5-7(h) which existed on the property beginning December 2, 2014 through December 4, 2014, a period of two (2) days; and for the

violations of Sections 4-61(a) and 4-62 relating to the roof damage and leaking which existed on the property beginning on January 7, 2015 through January 9, 2015, a period of two (2) days.

The Respondent further shall be assessed One Hundred and Three Dollars and Sixty Eight Cents (\$103.68) for the administrative costs incurred in prosecuting the November 25, 2014 Violation Hearing; One Hundred and Three Dollars and Forty Four Cents (\$103.44) for the administrative costs incurred in prosecuting the December 23, 2014 Fine Assessment and Violation Hearings; and Ninety-five Dollars and Twenty Cents (\$95.20) for the administrative costs incurred in prosecuting the January 27, 2015 Fine Assessment Hearing, for a total administrative charge of Three Hundred and Two Dollars and Thirty-two Cents (\$302.32).

Case No. 14-97 Frank & Deborah Qualters 545 N. Country Club Dr.

VIOLATION HEARING: Section 105.1; 15-10 (c) (1); 15-10 (c) (2) of the Code of Ordinances of the City of Atlantis: Work done without a permit; work done without Architectural Committee review. Roof was painted without a permit.

Ms. Ashton read the file documents submitted. Sergeant Brown testified to the facts in the case. Deborah Qualters confirmed the evidence and gave testimony.

It is the Order of the Special Magistrate that the Respondents are to comply with Sections 105.1, 15-10(c)(1) and 15-10(c)(2) of the Code of Ordinances of the City of Atlantis on or before February 4, 2015. If the Respondents fail to achieve compliance with Sections 105.1, 15-10(c)(1) and 15-10(c)(2) on or before February 4, 2015, a daily Fine of One Hundred dollars (\$100.00) per day may be imposed for each day the violation continues to exist.

Case No. 15-05 Jeanne Ineson 284 N. Country Club Dr.

VIOLATION HEARING: Section 4-61 (a) of the Code of Ordinances of the City of Atlantis: The roof is dirty.

Ms. Ashton read the file documents submitted. Sergeant Brown testified to the facts in the case. The respondent was not present.

It is the Order of the Special Magistrate that the Respondent is to comply with Section 4-61(a) of the Code of Ordinances of the City of Atlantis on or before February 6, 2015. If the Respondent fails to achieve compliance with Section 4-61(a) on or before February 6, 2015, a daily Fine of Twenty-five dollars (\$25.00) per day may be imposed for each day the violation continues to exist.

The hearing adjourned at 9:54 a.m.

Kristen Puhalainen
City Clerk