



Recpt: 1855672 Rec: 27.00
DS: 0.00 IT: 0.00
04/18/2017 J. G., Dpty Clerk

Ⓜ Rm 462
CAO

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BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT,
Plaintiff,

PAULA S O'NEIL, PH D PASCO CLERK & COMPTROLLER
04/18/2017 12:06pm 1 of 3
OR BK 9527 PG 2695

vs.

Case No. 321245

ALBERT AARON,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on January 11, 2017, after notice to the Defendant, on Citation #BD-5697 issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, ALBERT AARON, 13229 Miami St., Hudson, FL 34667. The citation was signed for at the Defendant's residence which is also the Defendant's business address. The Defendant, being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by GARTH C. COLLIER, ESQ., Hernando County Attorney. Proceedings were had in the absence of the Defendant.

The Special Master heard the testimony of Hernando County Contractor Licensing Field Investigator, JANE BROWN and Plaintiff's witness, MICHAEL O'CONNELL.

At the beginning of the hearing the Special Master questioned whether Jose R. Gallinat had authority to sign for the citation pursuant to Chapter 162.12(1)(d). Investigator Brown testified that the Defendant conducts business from this address and that Mr. Gallinat advised her he was the caretaker of the property for the Defendant. The Special Master found that pursuant to Chapter 162.12(1)(d) there was sufficient connection of Mr. Gallinat to the Defendant to allow for sufficient service of process.

Upon CONSIDERATION, the Special Master finds as follows:

A. Upon testimony and evidence presented, by the testimony of Hernando County Building Department Contractor Licensing Investigator, Jane Brown, Investigator Brown received a request to inspect property at 4355 Paradise Circle, Hernando Beach, Hernando County, Florida regarding a concrete slab poured without a building permit. On August 4, 2016 the property was inspected and photographs were taken. Inspector Brown testified that a permit application was submitted on March 4, 2016 but it was not processed because the slab was reinforced with iron. The iron and structural concrete reinforcement violates a flood "V" zone requirement that concrete must break up if there is a wave or flooding. Because there was no building permit issued there was no inspection prior to the concrete being poured. Additionally, the concrete is cracking. Inspector Brown testified that the Defendant is County permitted for flat work and sea



walls. The Defendant's license allows him to pour slabs. Investigator Brown testified that on July 28, 2016 she researched the County records and found that only the application for a building permit had been filed. No building permit had been issued.

B. The Special Master heard the testimony of Michael O'Connell, the homeowner, who testified that he signed a contract with the Defendant on September 11, 2015 for excavating along his sea wall and to pour a concrete slab patio. Mr. O'Connell testified that he wrote the Defendant a check for \$10,000.00. Additionally, he paid for an engineering firm to inspect the slab after it was poured due to the cracking. On November 10, 2015 he began litigation against the Defendant. The engineering report was received by Mr. O'Connell on January 25, 2016. After being properly entered into evidence, the Special Master viewed photographs taken by the witness of the area before and after the cement was poured. Mr. O'Connell testified that the Defendant was not present when the cement was poured and he did not inspect the job site for 30 days. Mr. O'Connell testified that there are 22 cracks in the cement and in some areas there is rebar sticking up through the cement, footprints in the cement, and the cement does not line up with the down spouts on the house. Mr. O'Connell testified that his attorney found the Defendant does not have insurance.

UPON THESE FINDINGS, it is therefore ORDERED:

1. **Regarding Citation #BD-5697 and the charge of commencing or performing work for which a building permit is required by state or local law without such permit being in effect, to wit: Pouring a slab at property located at 4355 Paradise Circle, Hernando Beach, Hernando County, Florida, the Defendant, ALBERT AARON is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-46(5)(i), Hernando County Code of Ordinances.**

a) **The Defendant shall pay a civil penalty in the amount of \$1,000.00, payable to the Hernando County Development Department, 789 Providence Blvd., Brooksville, Florida 34601, pursuant to Chapter 8, Article 2, Section 8-48(15) of the Hernando County Code of Ordinances.**

b) **All permit pulling privileges for the Defendant, whether individually or for any business associated with the Defendant are hereby suspended until this matter is resolved. Only then may application be made to the Special Master to end this suspension.**

2. **That pursuant to authority granted by Chapter 2, Article III, Section 2-54(k) of the Hernando County Code of Ordinances and Section 162.09(2)(d), Florida Statutes, the Defendant is hereby ordered to pay investigative and administrative costs on behalf of the Development Department in the amount of \$200.00, on behalf of the County Attorney in the amount of \$60.00, and mail costs in the amount of \$33.19, payable to the Hernando County Development Department.**

3. **The total of penalties and costs due and payable to the Plaintiff, Hernando County Development Department, 789 Providence Blvd., Brooksville, Florida 34601 is \$1,293.19. This order**

shall bear interest at the legal rate established pursuant to Section 55.01, Florida Statutes, beginning 30 days after the clerk signs this order. FOR WHICH LET EXECUTION NOW ISSUE. In the event that this Special Master's Order is recorded in the public records pursuant to paragraph 4, herein, Hernando County shall be entitled to collect for their actual costs of recording this Order and a Satisfaction, which additional costs shall be added to the total of penalties and costs stated herein.

4. The Special Master retains jurisdiction of this matter to enforce any executory provisions of this order.

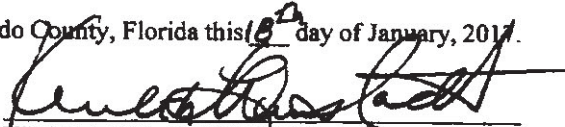
5. If the Defendant fails to comply with this Order within 30 days, pursuant to Chapter 8, Article 2, Section 8-49(1)(a) of the Hernando County Code of Ordinances, this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendant may live or own property and thereafter shall constitute a lien against real and personal property owned by the Defendant.

REQUESTS FOR FURTHER REVIEW shall be addressed as follows:

An aggrieved party, including the local governing body, may appeal a decision of the Special Master to the Circuit Court. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

YOU ARE FURTHER advised that if you decide to seek further review of any decision made by the Special Master with respect to any matter considered at such hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the further review is to be based. Production of verbatim transcripts shall be the responsibility and at the personal expense of the party seeking review of the Special Master's Order.

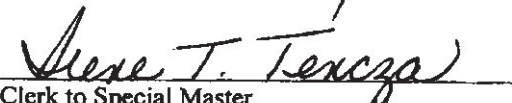
DONE AND ORDERED at Brooksville, Hernando County, Florida this 3rd day of January, 2017.


KENNETH L. WARNSTADT
Special Master

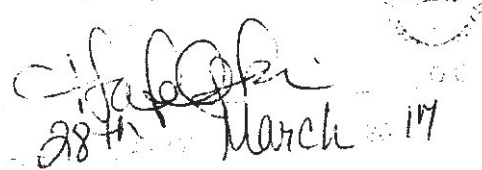
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Special Master's Order has been sent by Regular U.S. Mail and certified mail, return receipt requested to ALBERT AARON 13229 Miami St., Hudson, FL 34667 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on January, 24, 2017.

Pursuant to Section 119.07, Florida Statutes, as amended from time to time, as Record Custodian for this document, I hereby certify that this is a true and correct copy of the original document on file.


Clerk to Special Master

Record Custodian: Irene T. Tencza
Print Name: Irene T. Tencza Date: 3-1-2017
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


March 17



Citation # BD - 5697
 Citation/Notice To Appear
 HERNANDO COUNTY BUILDING DIVISION

SR# 321245 CONTRACTOR LIC.# AA0046571
 D.B.A. ACI ENTERPRISES LLC
 LOCATION OF VIOLATION: 4355 PARADISE CIR
 NAME ALBERT AARON
 FIRST MIDDLE LAST
 STREET 13229 MIAMI ST CITY HUDSON
 STATE FL ZIP 34667 TELEPHONE# 727-777-2327
 DATE OF BIRTH / / DL# [REDACTED]

ON THE 4 DAY OF AUGUST, 20 16, AT 11:49 AM/PM, DID
 COMMIT THE FOLLOWING VIOLATION OF THE HERNANDO COUNTY CODE, TO WIT:


SLAB CONSTRUCTED: COMMENCE OR PERFORM WORK
FOR WHICH A BUILDW PERMIT IS REQUIRED BY
STATE OR LOCAL LAW WITHOUT PERMIT BEING IN EFFECT
 IN VIOLATION OF HERNANDO COUNTY CODE OF ORDINANCE:
 CHAPTER / APPENDIX 8 ARTICLE II SECTION 8-46(5)(i)

TYPE OFFENSE (MAXIMUM DAILY FINES)

- 1ST (\$1,000 MAX) 2ND (\$5,000 MAX)
 CONTINUING (\$1,000 MAX) IRREVERSIBLE / IRREPARABLE (\$15,000)

CIVIL PENALTY: FINE \$ 500.00 COST \$ 94.92 TOTAL \$ 594.92

IF THE CIVIL PENALTY LISTED ABOVE IS PAID WITH IN 10 DAYS TO THE HERNANDO COUNTY BUILDING DIVISION, 789 PROVIDENCE BLVD., BROOKSVILLE, FL 34601, THEN YOU **ARE NOT REQUIRED** TO APPEAR BEFORE THE SPECIAL MASTER AT THE DATE AND TIME LISTED BELOW.

MANDATORY HEARING APPEARANCE
 (If box checked)
 THIS CIVIL INFRACTION REQUIRES YOU TO APPEAR BEFORE THE HERNANDO COUNTY SPECIAL MASTER AT THE DATE AND TIME INDICATED BELOW.
 20 N. MAIN ST. BROOKSVILLE, FL 34601 / ROOM# 160 1-11-17 1:24
 DATE TIME 

PURSUANT TO HERNANDO COUNTY ORDINANCE, ANY PERSON WHO WILLFULLY REFUSES TO SIGN AND ACCEPT A CITATION ISSUED BY ANY AUTHORIZED COUNTY OFFICIAL SHALL BE GUILTY OF A MISDEMEANOR IN THE SECOND DEGREE THAT IS PUNISHABLE BY UP TO 60 DAYS IN JAIL AND/OR A \$500.00 FINE UNDER F.S. 775.082 AND 775.083. *For Albert Aaron*

Jose R. Gallinat JOSE R. GALLINAT
 SIGNATURE OF VIOLATOR (ACKNOWLEDGES RECEIPT OF CITATION & REQUEST FOR ADMINISTRATIVE HEARING FORM ONLY)
James R. [Signature] 12-20-16 12:57
 SIGNATURE OF OFFICER DATE TIME

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION REGARDING THIS CITATION AND YOUR RIGHTS
 DISTRIBUTION: WHITE-BUILDING DIVISION / YELLOW-FILE / PINK AND GOLD-VIOLATOR