

(R) P.m 462
CAO

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT,
Plaintiff,

vs.

Case No. 308219

FERNANDO R. KOEHLER,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on August 5, 2019, after notice to the Defendant, on Citation #BD-6309 issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, FERNANDO R. KOEHLER, 11428 Lagorce Ave., Spring Hill, FL 34609. The citation was mailed to the Defendant by certified mail, return receipt requested, and was subsequently personally served on the Defendant. The Defendant, being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by JON A. JOUBEN, ESQ., Deputy County Attorney. Proceedings were had in the absence of the Defendant.

The Special Master heard the testimony of Hernando County Field Investigator, ARTHUR GRZYB.

Upon **CONSIDERATION**, the Special Master finds as follows:

A. Upon testimony and evidence presented by the testimony of Hernando County Building Department Field Investigator, Arthur Grzyb, the Defendant was previously cited and found Guilty of citation #6202 on January 9, 2019 for failing to obtain a building permit for a deck at his address, 11428 Lagorce Ave., Spring Hill, Hernando County, Florida. The fine for that violation was not paid. The present citation is for a continuing violation as the Defendant has continued to fail to apply for or obtain a building permit for the deck. Investigator Grzyb testified he met with the Defendant who balled up the paperwork handed to him and threw it on the ground. The citation was also posted on the Defendant's front door.

UPON THESE FINDINGS, it is therefore **ORDERED**:

1. Regarding Citation #BD-6309 and the charge of a continuing offense of constructing a deck on property located at 11428 Lagorce Ave., Spring Hill, Hernando County, Florida without the required building permit, the Defendant, FERNANDO R. KOEHLER, 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) The Defendant is hereby ordered to pay administrative costs on behalf of the Hernando County Building Department in the total amount of \$94.92.

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 additional administrative and investigative costs on behalf of Hernando County Building Department in the additional amount of \$189.84, on behalf of the County Attorney in the amount of \$70.00, and certified mail costs in the amount of \$20.74, payable to the Hernando County Code Enforcement 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 \$1,375.50. 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 5, 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 further orders the Defendant, FERNANDO R. KOEHLER, to apply for a building permit for the offending deck within 30 days of the date of this Special Master's Order. In the event the Defendant fails to apply for a building permit for the deck within 30 days of the date of this Order, the Special Master directs the Hernando County Attorney's Office to seek an injunction in the proper Court of Law for authority to enter onto the Defendant's property and remove the offending deck and lien the Defendant's property for the cost of removing the deck.

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.

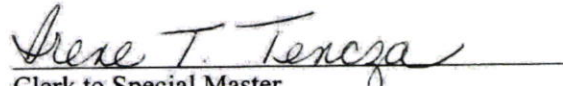
DONE AND ORDERED at Brooksville, Hernando County, Florida this 23^d day of August, 2019.


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 FERNANDO R. KOEHLER, 11428 Lagorce Ave., Spring Hill, FL 34609 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on August, 27, 2019.

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: 10-25-2019
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office