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BEFORE THE SPECIAL MASTER  
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY  
DEVELOPMENT DEPARTMENT,  
Plaintiff,

vs.

Case No. 341419

FERNANDO KOEHLER,  
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on December 12, 2019, after notice to the Defendant, on Citations #BD-6390 issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, FERNANDO KOEHLER, 11428 Lagorce Ave., Spring Hill, FL 34609. The citation was mailed to the Defendant by certified mail, return receipt requested and was subsequently posted at the Defendant's address and at the Hernando County Courthouse. The Defendant appeared pro se and the Plaintiff was represented by KYLE J. BENDA, ESQ., Assistant County Attorney.

A hearing was conducted by the Special Master into the allegations brought by the Plaintiff. The Plaintiff presented witnesses and evidence and the Defendant was afforded an opportunity to cross examine those witnesses, review the evidence presented, and present witnesses and evidence on his own behalf. The Defendant argued on his own behalf.

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

At the beginning of the hearing the Special Master was advised that the Defendant is a homeowner who built an above ground swimming pool and deck without the necessary building permits. The matter of the deck was previously heard by the Special Master on January 9, 2019. The Defendant did not appear for that hearing.

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, he testified that he has tried to communicate with the Defendant for one and a half years.

B. The Defendant admitted the violation and stated he did not read the fine print and acknowledged that he needed a permit.

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

1. Regarding Citation #BD-6390 the charge of installing a pool without the required building permit on property located at 11428 Lagorce Ave., Spring Hill, Hernando County, Florida, the Defendant, FERNANDO 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 \$100.00, plus \$94.92 administrative fee 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.

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 amount of \$379.68, on behalf of the County Attorney in the amount of \$70.00, and certified mail costs in the amount of \$13.98, 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 \$658.98. 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. 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 30<sup>th</sup> day of January, 2020.

  
KENNETH L. WARNSTAD  
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 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 January/February, 19, 2020.

  
Clerk to Special Master

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.

Record Custodian:   
Print Name: Kelly Sorong  
Date: MARCH 30, 2020  
Hernando County Government, Brooksville, FL  
Department/Office: County Attorney's Office