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BEFORE THE SPECIAL MASTER  
IN AND FOR HERNANDO COUNTY, FLORIDA

INSTR #2020018967 BK: 3818 PG: 1191 Page 1 of 6  
FILED & RECORDED 3/13/2020 4:25 PM TLM Deputy Clk  
Doug Chorvat, Jr., HERNANDO County Clerk of the Circuit Court  
Rec Fees: \$52.50

HERNANDO COUNTY  
DEVELOPMENT DEPARTMENT,  
6 Plaintiff,

vs.

TYSEER KURDI, TTEE,  
Defendant.

Case No. 341332  
341333  
341335

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on November 4, 2019, after notice to the Defendant, on Citations #BD-6371, BD-6372 and BD-6373 (case 341332), #BD-6401, #BD-6402, and #BD-6403 (case 341333), and #BD-6374 (case 341335) issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, TYSEER KURDI, TTEE, c/o Accu-Green LLC, 21921 US Hwy 98 N, Dade City, FL 33523. The citations, with the date and time of the hearing inscribed thereon, were signed for by the Defendant. The Defendant, being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by KYLE J. BENDA, ESQ., Assistant County Attorney. Proceedings were had in the absence of the Defendant.

At the beginning of the hearing the Plaintiff moved to consolidate all cases into one hearing since all cases were related and came from a common set of circumstances. The motion was granted.

At the beginning of the hearing the Special Master was advised that the Defendant is a State certified general contractor, license number CGC151799 but is not registered to do construction business in Hernando County. Upon CONSIDERATION, the Special Master finds as follows:

A. Upon testimony and evidence presented, Hernando County Building Department Investigator, Jane Brown, testified that she was notified by Withlacoochee River Electric Coop (WREC) of construction activity at property owned by the Defendant and located at 26307 Mountain Lake Road, Brooksville, Hernando County, Florida. WREC had been requested to activate electric service at that address. Investigator Brown visited the property on September 26, 2019 and observed new construction including a completed two story block addition to the main house and a detached block accessory structure (possibly a pool house). There was demolition inside the original house to include removing walls to studs, removing the kitchen area and removing electric wiring and leaving open wires in place. It was unknown if any load bearing walls had been removed. The Special Master viewed photographs of the exterior and interior of the building after they were properly entered into evidence. Investigator Brown testified that as of September

26, 2019 there were no permits applied for or issued for any construction at this address. A "Stop Work Order" was posted on the property. The Special Master viewed a photograph of the posted Stop Work Order after it was properly entered into evidence. Investigator Brown testified that the Defendant is a State licensed general contractor and holds no other licenses. The Defendant's state license is not registered in Hernando County and no other licenses to this Defendant are registered in Hernando County. Investigator Brown testified that as of September 26, 2019 the Defendant is not licensed as an electrical contractor, plumber, or as a mechanical contractor or engineer. On September 27, 2019 the property was posted with an UNSAFE BUILDING NOTICE. A photograph of the Unsafe Building Notice was viewed by the Special Master after it was properly entered into evidence. Investigator Brown testified that she revisited the property on September 27, 2019 and observed stucco work in progress and wire lath being placed on the front portion of the existing wood frame home. This work was being done despite the posting of the Stop Work Order the previous day. A photograph of the additional wire lath attached over Tyvek was viewed by the Special Master after being properly entered into evidence. After September 27, 2019 Investigator Brown revisited the property on October 1, 2019 at which time the Defendant was called to the property and was served with all citations and notices to appear. The Defendant signed for all citations and notices to appear. Investigator Brown further testified that on October 1, 2019 she walked the property to look for additional work and observed two new A/C units which were not there before. The Special Master viewed a photograph of the A/C units after it was properly entered into evidence. Investigator Brown further testified that there was new duct work performed in the second story addition which was observed on September 26, 2019.

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

1. Regarding Citation #BD-6371(1) and the charge of constructing a two story block addition with plumbing and A/C without the required building permit being in effect on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE, 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 \$500.00, 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.

2. Regarding Citation #BD-6372(2) and the charge of constructing a block accessory building without the required building permit being in effect on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE, 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 \$500.00, 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.

3. Regarding Citation #BD-6373(3) and the charge of performing interior demolition including electrical work in a wood frame home, without the required building permit being in effect on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE,, 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 \$500.00, 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.

4. Regarding Citation #BD-6401(1) and the charge of engaging in the business and/or acting in the capacity of an electrical contractor without being duly registered or certified in Hernando County, on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE,, is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-46(5)(F),

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.

5. Regarding Citation #BD-6402(2) and the charge of engaging in the business and/or acting in the capacity of a plumbing contractor without being duly registered or certified in Hernando County, on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE,, is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-46(5)(F),

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.

6. Regarding Citation #BD-6403(3) and the charge of engaging in the business and/or acting in the capacity of a mechanical contractor without being duly registered or certified in Hernando County, on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE,, is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-46(5)(F), 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.

7. Regarding Citation #BD-6374 and the charge of continuing to work or perform acts for which a stop work order has been issued, on property located at 26307 Mountain Lake Rd., Brooksville, Hernando County, Florida, the Defendant, TYSEER KURDI, TTEE., is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-35(4)(B), 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.

8. 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 administrative costs on behalf of the Hernando County Building Department in the amount of \$1,139.04, on behalf of the County Attorney in the amount of \$210.00, and mail costs in the total amount of \$28.42.

9. The total of penalties and costs due and payable to the Plaintiff, Hernando County Development Department, 789 Providence Blvd., Brooksville, Florida 34601 is \$6,877.46. 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.

10. The Special Master further orders that all power to this address be cut and the electric meter pulled. If there is no power to this address then there shall be no service activated at this property until released by the Hernando County Building Official or his designee. This Order shall remain in effect until all required building permits are obtained and properly inspected. This order may be released by the Building Official or his appointee.

11. The Special Master further orders that there shall be no further work to be performed on this property until all property building permits are obtained.

12. The Special Master revokes all permit pulling privileges of this Defendant in Hernando County and orders the Defendant to attend contractor certification classes or continuing education classes emphasizing when a building permit is needed before construction is commenced and classes on what to do when a "Stop Work Order" is issued.

13. The Special Master makes further RECOMMENDATION that this matter be turned over to the Florida Construction Industry Licensing Board to impose on the State registration the following penalties pursuant to Chapter 489.131(7)©:

a. Suspend or revoke state registration with reinstatement of registration contingent upon obtaining



all required building permits, payment of any fines, investigative costs, restitution, or education requirements imposed by the Special Master.

b. Conduct its own investigation into the operations and business practices of the Defendant for his failure to properly obtain required building permits before beginning construction, working over a Stop Work Order, performing work for which the Defendant is not licensed, and business operations of the Defendant's business and impose such further and additional fines, costs, and penalties as the Construction Industry Licensing Board may deem necessary and reasonable.

In accordance with Florida Statutes, Chapter 489.131(7)(d) and (e), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Special Master or Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the following: Executive director, Florida Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, FL 32211-07467. If challenged, there is a presumptive finding of probable cause and the case may proceed before the State Board without the need for a probable cause hearing.

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the State Construction Industry Licensing Board.

A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by the State Board Rule without further State Board action.

14. 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.

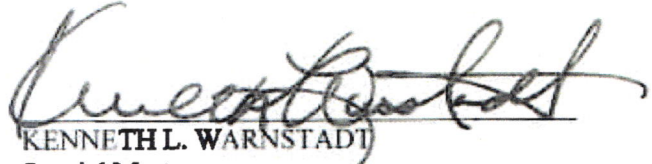
**REQUESTS FOR FURTHER REVIEW** shall be addressed as follows:

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 5<sup>th</sup> day of November, 2019.

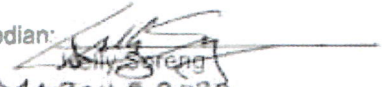
  
KENNETH L. WARNSTADT  
Special Master

**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 TYSEER KURDI, TTEE, c/o Accu-Green LLC, 21921 US Hwy 98 N, Dade City, FL 33523 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on November 6, 2019.

  
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: Josely Streng  
Date: MARCH 5, 2020  
Hernando County Government, Brooksville, FL  
Department/Office: County Attorney's Office