

(R) Rm 462  
CAO

BEFORE THE SPECIAL MASTER  
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY  
DEVELOPMENT DEPARTMENT,  
Plaintiff,

vs.

Case No. 314872

JOHNNY L. HINES, d/b/a HINES  
MOBILE HOME INSTALLATION,  
Defendant.

SPECIAL MASTER'S ORDER

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THIS MATTER came before the Special Master for hearing on December 2, 2015, after notice to the Defendant, on Citation #BD-5470 issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, JOHNNY L. HINES, d/b/a HINES MOBILE HOME INSTALLATION, 38913 Tucker Rd., Zephyrhills, FL 33542. The citation was mailed to the Defendant by certified mail, return receipt requested and was signed for at the Defendant's address. The Defendant signed an election of rights. 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 Field Investigator, VIC HEISLER and Hernando County Building Inspector CHRIS POOLE.

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

A. Upon testimony and evidence presented, by the testimony of Hernando County Licensing Investigator, Vic Heisler, on August 29, 2014 a permit was issued to Mark Hitchcock for a mobile home on his property at 7026 California St., Brooksville, Hernando County, Florida. The Defendant was contracted to set up the mobile home. An inspection was performed on December 9, 2014 by Hernando County Building Inspector Chris Poole, to verify that the mobile home was set up properly. The inspection failed; the tie downs were not per the engineered drawings. Subsequently the property was sold and the new owner, George Hanna was issued a new permit on March 18, 2015 and the Defendant remained as the set up contractor. The Defendant's license was registered in Hernando County on April 20, 2014. The Red Tag was issued on December 9, 2014. Investigator Heisler testified that the Defendant has done nothing to correct the deficiencies of the Red Tag and the second permit went inactive in mid May 2015. On June 9, 2015 Investigator Heisler spoke with the Defendant and transferred the call to Chris Pool to discuss the Red Tag issues.

B. The Special Master heard the testimony of Hernando County Building Inspector Chris Poole who was accepted as an expert witness for Hernando County by the Special Master. Inspector Poole testified that a mobile home can be anchored either in accordance with the manufacturers specifications or according to the standard state specifications, 15C. In this case the Defendant did not use the manufacturers specifications so he needed to follow 15C. Inspector Poole testified that he explained to the Defendant that 15C requires a prerequisite of engineered specifications or a certification system to be used. Mr. Poole stated he did not hear from the Defendant again and the Red Tag remains uncorrected.

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

1. Regarding Citation #BD-5470 and the charge of failing to recall a Red Tag (failed) inspection within seven days, for work performed on property located at 7026 California St., Brooksville, Hernando County, Florida, the Defendant, JOHNNY L. HINES, d/b/a HINES MOBILE HOME INSTALLATION, is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-35(3)(a), 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.

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 \$274.38 and on behalf of the County Attorney in the amount of \$60.00, and mail costs in the amount of \$34.07, 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 \$1,368.45. 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.

5. The Special Master further orders that all permit pulling privileges shall be suspended for this Defendant and all businesses for which the Defendant is associated as primary licensee or qualifying agent

until all provisions of this Special Master's Order are complied with.

6. The Special Master further Orders that before the permit pulling privileges of this Defendant may be reinstated the Defendant shall provide proof of successful completion of a continuing education course on properly setting up mobile homes in accordance with the Florida Building Code.

7. If there is an electric meter installed in the mobile home at 7026 California St., Brooksville, Hernando County, Florida, it shall be pulled and all electricity to said mobile home terminated until the Red Tag is lifted.

8. The Special Master retains jurisdiction over all executory provisions of this Order.

9. 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)(c):

a. Revoke state registration with reinstatement of registration contingent upon payment of any fines, investigative costs, or restitution imposed by the Special Master.

b. Order payment of Administrative Fines to the Hernando County Development Department in the amount of \$1,000.00.

c. Order payment of investigative and administrative costs to the Hernando County Development Department in the amount of \$274.38.

d. Such further and additional fines and costs 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.

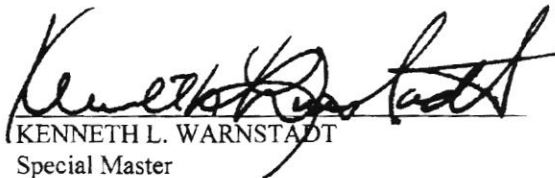
A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by the State Board Rule without further State Board action.

**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 10<sup>th</sup> day of December, 2015.

  
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 JOHNNY L. HINES, d/b/a HINES MOBILE HOME INSTALLATION, 38913 Tucker Rd., Zephyrhills, FL 33542 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on December 14, 2015.

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: Irene T. Tencza  
Print Name: Irene T. Tencza Date: 1-21-2016  
Hernando County Government, Brooksville, FL  
Department/Office: County Attorney's Office

  
Clerk to Special Master