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BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

2010007004
TRACEY 2718/1387

HERNANDO COUNTY, a political
subdivision of the State of Florida,
Plaintiff,

vs.

Case No. 227007

JESSIE R. SISK and
ARLIE and LINDA RICHMOND,
Defendants.


LT1-2-2010007004-1


LT2-2718-1387-3

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on October 21, 2009, after notice to the Defendants, on Citation #09676 issued by the Plaintiff, HERNANDO COUNTY CODE ENFORCEMENT, 20 N. Main St., Room 164, Brooksville, Florida 34601, to the Defendants, JESSIE R. SISK and ARLIE and LINDA RICHMOND, 167 Mountain Ash Rd., Williamsburg, KY 40769. The citation was mailed to the Defendants by certified mail, return receipt requested, and then posted on the Defendants' property at the site of the violation, described as Key Number 195853, Brooksville, Florida, and at the Hernando County Courthouse. The Defendants, being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by JON A. JOUBEN, ESQ., Assistant County Attorney. Proceedings were had in the absence of the Defendants.

The Special Master heard the testimony of Hernando County Code Enforcement Officer REBECCA KIBBY.

At the beginning of the hearing the Special Master took judicial notice that this is a repeat offense.

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

A. Upon testimony and evidence presented, the Plaintiff established that on May 22, 2009, Officer Kibby inspected vacant land owned by the Defendants' described as Key Number 195853, Brooksville, Hernando County, Florida and observed that the grass and weeds exceeded eighteen inches in height. On August 4, 2009 the property was reinspected and was still in violation. At this time the weeds and grass measured 36 inches in height. On October 20, 2009 the property was mowed but it was unknown if the County contractor mowed the land or if the Defendants mowed the land.

B. The Special Master finds that there was sufficient notice provided that this property needs to be mowed before the grass and weeds reach a height of eighteen inches. It is not the duty of Hernando County Code Enforcement to alert this Defendants when the property needs to be mowed. It is, however, the affirmative duty of the property owner to monitor his, her, or its own property and keep the grass and weeds mowed before they reach a height to cause a violation. Bringing the violation into compliance after notice of the violation has been issued will not excuse a civil penalty for such a violation.

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Filed & Recorded in Official Records of
HERNANDO COUNTY CLERK OF COURT
KAREN NICOLAI

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding citation #09676 the Defendants, JESSIE R. SISK and ARLIE and LINDA RICHMOND, are found GUILTY of a repeat offense of allowing an accumulation of weeds or grass to exceed a height of eighteen inches on property described as Key Number 195853, Brooksville, Hernando County, Florida in violation of Hernando County Code of Ordinances Chapter 15, Article V, Section 15-163(a).

a) The Defendants shall pay a civil penalty in the amount of \$500.00, payable to the Hernando County Code Enforcement Department, 20 North Main St., Room 164, Brooksville, Florida 34601, pursuant to Hernando County Code of Ordinances 2004-09, Section 4(a)(1).

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 Defendants are hereby ordered to pay investigative and administrative costs on behalf of the Department in the amount of \$140.00 and on behalf of the County Attorney in the amount of \$40.00, payable to the Hernando County Code Enforcement Department.

3. **The total of penalties and costs due and payable to the Plaintiff, Hernando County Code Enforcement Department, 20 North Main St., Room 164, Brooksville, Florida 34601 is \$680.00.**

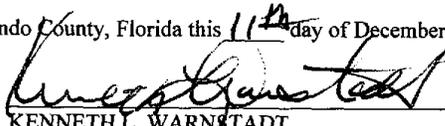
4. If the Defendants fail to comply with this Order within 30 days, pursuant to Hernando County Code of Ordinances 2004-09, Section 10(b), a certified copy of this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendants may live or own property and thereafter shall constitute a lien against real and personal property owned by the Defendants.

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 11th day of December, 2009.


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 JESSIE R. SISK and ARLIE and LINDA RICHMOND, 167 Mountain Ash Rd., Williamsburg, KY 40769. and by Courthouse Mail to Hernando County Code Enforcement Dept., 20 N. Main Street, Brooksville, FL 34601 on December 14, 2009 .

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: 2-5-2010
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office

Irene T. Tencza
Clerk to Special Master

OFFICIAL RECORDS
BK: 2718 PG: 1389