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OFFICIAL RECORDS
BK: 2604 PG: 693

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

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

Plaintiff,

vs.

JESSIE R. SISK and
ARLIE and LINDA RICHMOND,

Defendants.



Case No. 175245

10/24/2008 9:43AM # Pages 3
Filed & Recorded in Official Records of
HERNANDO COUNTY CLERK OF COURT
KAREN NICOLAI

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on July 16, 2008, after notice to the Defendants, on Citation #7766 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 posted on the Defendants' property at the site of the violation 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 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 GAIL GILCHRIST.

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

A. Upon testimony and evidence presented, the Plaintiff established that on two prior occasions the Defendants' property was found to be overgrown with weeds and grass. Cases were open and closed after the Defendants' caused the grass and weeds to be mowed. On March 6, 2008 Officer Gilchrist again inspected the Defendants' property located at 16153 LaBella St., Brooksville, Hernando County, Florida and observed that the property was overgrown with grass and weeds exceeding 24 inches. The property was posted and reinspected on March 19, 2008. As of July 15, 2008 there was no compliance.

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 these 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.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding citation #7766 the Defendants, JESSIE R. SISK and ARLIE and LINDA RICHMOND, are found GUILTY of allowing an accumulation of weeds or grass to exceed a height of eighteen inches on property located at 16153 LaBella St., 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 \$250.00, 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 County Attorney in the amount of \$40.00 payable to the Hernando County Code Enforcement Department.

3. 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 file a Petition for Writ of Certiorari, regarding a decision of the Special Master, with the Circuit Court. Such Petition for Writ of Certiorari is not a hearing de novo, but shall be limited to certiorari review of the record created before the Special Master. The Petition for Writ of Certiorari must be filed within thirty (30) days of the rendition of the Order of the Special Master. (See Florida Rule of Appellate Procedure 9.100).

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.

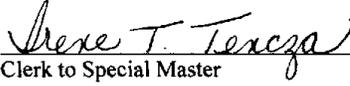
DONE AND ORDERED at Brooksville, Hernando County, Florida this 10th day of September, 2008.

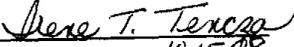

KENNETH L. WARNSTADT
Special Master

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 September 11, 2008 .

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: 
Print Name: Irene T. Tencza Date: 10-15-08
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office