

Instr #2019013167 BK: 3676 PG: 1003, Filed & Recorded: 3/4/2019 2:51 PM CVW Deputy Clk, #Pgs:3
Doug Chorvat, Jr., Clerk of the Circuit Court Hernando CO FL Rec Fees: \$27.00

(R) Rm 4a2
CAC

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT,
Plaintiff,

vs.

Case No. 328714

KEVIN THOMAS and MICHELLE THOMAS,
Defendants.

SPECIAL MASTER'S ORDER

THIS MATTER originally came before the Special Master for hearing on November 7, 2018, after notice to the Defendants, on Citation #BD-6097 issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendants, KEVIN THOMAS and MICHELLE THOMAS, 6326 Sebring St., Weeki Wachee, FL 34607. The citation was mailed to the Defendants by certified mail, return receipt requested, and was subsequently posted at the Defendants' address, 6326 Sebring St., Weeki Wachee, FL 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., Deputy County Attorney. Proceedings were had in the absence of the Defendants.

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

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, this case was started by former Field Investigator, Vic Heisler who has since retired. Investigator Grzyb picked up investigation of the case in July 2018 and sent a certified letter to the Defendants advising them that they had violated the Hernando County Building Code by constructing a deck without a permit. Additionally, the deck was built into the Riverine Protection Zone. The Riverine Protection zone is part of the Planning Department and a violation is for no permit to be issued, no matter where located. Investigator Grzyb testified that the Defendants applied for a permit in March 2017. The Planning Department communicated a need for more information. No more information was received and the application went void after six months due to lack of action. Mr. Grzyb called the Defendants on September 24, 2018 and left a message. No return call was received. The Special Master viewed photographs taken in February 2017, September 2017, and October 2018 after they were admitted into evidence. As of the date of hearing no permit had been obtained by the Defendants and no further action has been taken by the Defendants to obtain a permit.

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UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding Citation #BD-6097 and the charge of commencing or performing work for which a building permit is required by state or local law without such permit being in effect, to wit: Construction of a deck on property located at 6326 Sebring St., Weeki Wachee, Hernando County, Florida the Defendants, KEVIN THOMAS and MICHELLE THOMAS, are 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 Defendants 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.

b) The Defendant is hereby ordered to pay administrative costs on behalf of the Hernando County Building Department in the total amount of \$94.92.

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 is hereby ordered to pay additional administrative and investigative costs on behalf of the Hernando County Building Department in the amount of \$189.84, on behalf of the County Attorney in the amount of \$70.00, and certified mail costs in the amount of \$28.02, 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 \$1,382.78. 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 Defendants fail 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 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

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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.

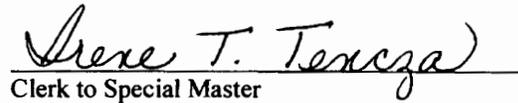
DONE AND ORDERED at Brooksville, Hernando County, Florida this ~~20~~²⁹ day of November, 2018.


 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 KEVIN THOMAS and MICHELLE THOMAS, 6326 Sebring St., Weeki Wachee, FL 34607 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on November, 29, 2018.

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: Irene T. Tencza
 Print Name: Irene T. Tencza Date: 3-4-2019
 Hernando County Government, Brooksville, FL
 Department/Office: County Attorney's Office