

(R) Rm 4602
CAO

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT,
Plaintiff,

vs.

Case No. 335392
335391

WEBB/MOON INC,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on October 3, 2018, after notice to the Defendant, on Citations #BD-6134 (case 335392) and #BD-6136 (case 335391) issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, WEBB/MOON INC, 11155 Sunshine Grove Rd., Brooksville, FL 34614. The citations, with the date and time of the hearing inscribed thereon, were mailed to the Defendant by certified mail, return receipt requested, and were subsequently posted at the Defendant's address at the location of the violation, 10273 Charmel St., Brooksville, FL 34613 and at the Hernando County Courthouse. Subsequent to that the citations were hand delivered to Todd Webb on September 13, 2018. The Defendant, 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 Defendant.

The Special Master heard the testimony of Hernando County Field Investigator, JANE BROWN.

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

A. Upon testimony and evidence presented, Hernando County Building Department Investigator, Jane Brown, testified that on July 11, 2018 she received an email from the Hernando County Attorney's Office regarding an unsafe building case for a three bay garage located at 10273 Charmel St., Brooksville, Hernando County, Florida. The County had sued for an unsafe structure of this three bay garage with attached mobile home. Attorney Darryl Johnston, representing the Defendant, sent a photograph showing the repair of the building as a courtesy to Deputy County Attorney, Jon Jouben. No permits were taken out to abate the situation. On July 20, 2018 an inspection was made to verify the work done. Photographs taken on that date showed that the garage had been taken down to a bare structure; only the shell remained. Investigator Brown testified that because the Defendant is a corporation it is not entitled to an owner/builder permit. Investigator Brown testified that a demolition permit and a licensed contractor are required. Investigator Brown further testified that the Defendant is in charge of this property and is responsible for all

work that occurred on the property.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding Citation #BD-6134 and the charge of commencing or performing work for which a building permit is required by local law without such permit being in effect at 10273 Charmel St., Brooksville, Hernando County, Florida, the Defendant, WEBB/MOON INC, 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.

b) 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 \$189.84, on behalf of the County Attorney in the amount of \$70.00, and mail costs in the amount of 20.90.

2. Regarding Citation #BD-6136 and the charge of engaging in the business or acting in the capacity of a contractor without being duly registered or certified as a residential demolition contractor, the Defendant, WEBB/MOON INC, 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 \$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.

b) 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 \$189.84 and on behalf of the County Attorney in the amount of \$70.00.

3. The total of penalties and costs due and payable to the Plaintiff, Hernando County Development Department, 789 Providence Blvd., Brooksville, Florida 34601 is \$1,540.58. 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

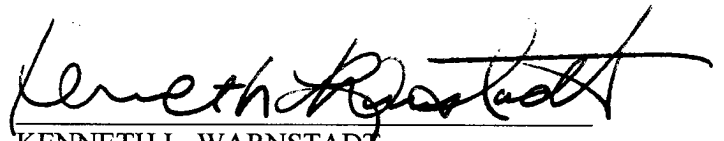
thereafter shall constitute a lien against real and personal property owned by the Defendant.

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.

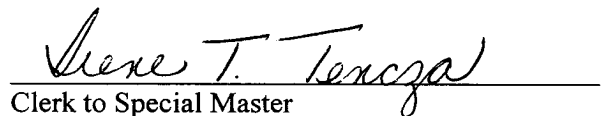
DONE AND ORDERED at Brooksville, Hernando County, Florida this 5th day of October, 2018.


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 WEBB/MOON INC, 11155 Sunshine Grove Rd., Brooksville, FL 34614 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on October 8, 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: 12-3-2018
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office