

**TOWN OF INTERLACHEN
CODES ENFORCEMENT SPECIAL MAGISTRATE
HEARING MINUTES
TUESDAY, NOVEMBER 12, 2024 – 9:00 A.M.
DICKERMAN BUILDING**

CALL TO ORDER:

Magistrate, Ronald Brown called the hearing to order at 9:00 am.

MAGISTRATE BRIEFING:

Magistrate Brown introduced himself and stated that he is a state certified attorney appointed by the Town of Interlachen to preside over today’s proceedings. Mr. Brown stated that this is not a formal court of law, and these proceedings are created by state statute and Town code. We’re not required to follow the formal rules of evidence or the formal rules of civil procedures you might find at the courthouse. We are required to follow the basic notion of due process and fairness. Everyone will be heard. His job is to listen to the substantial and competent evidence presented and determine if there is an Ordinance violation.

SWEARING IN:

Magistrate Brown swore in Town Clerk Joni Payne, acting Codes Enforcement Officer.

CODES CASE #122223 – 106 Tropic Avenue.

The respondent, Eric R. and Linda M. Oziel and Tony M. Diaz were not present.

Magistrate Brown verified with Codes Enforcement Officer, Joni Payne that the “Notice of Violation” and “Notice of Hearing” was sent to the official address on record, which is 103275 Overseas Highway Key Largo, Florida 33037. The physical address is 106 Tropic Avenue. Linda Diaz signed the green card. The notice was posted on the property according to Florida Statutes and the affidavit is included in the record.

There has been no contact with the respondents.

This is the second hearing. An order finding a violation was issued September 19, 2023 No compliance has been met to the order and respondents were notified by certified mail and the green card was signed. The deadline for compliance was October 15, 2023. A fine of \$25.00 per day was imposed after the deadline date. As of today, the amount of fines accrued is \$9,825.00.

Photo #1: Posted notice of amended order taken on October 29, 2024.

Photo #2: The same notice was posted at the town office.

Photo #3: Rear of property where the house received most of the fire damage.

Photo #4: The front of the property which faces the town park. The property can be accessed due to the condition of the fence.

Photo #5: The window on the front porch has been busted out and needs to be boarded up and secured.

Photo #6: Open fence has access to an open basement door.

Photo #7: The southern side where the fence is down.

Magistrate Brown reiterated that the violation is for Section 4.1: Care of Premises. The order was to mow the grass to 18" , remove the man-made debris and either apply for a demolition permit or secure the property. There has been no improvement.

The violations include Section 2.31 "Unkempt Property" due to the fire damage and to the open and accessible fence and Section 4.1 "Care of Premises" due to not taking care of the fence and maintaining the property.

Magistrate Brown did a last call for respondents or their representative. There being none present he stated that due process had been done by the proper noticing of the hearing and the town has provided sufficient evidence that the violation which occurred on September 14, 2023 is not in compliance. The total amount of fines accrued as of today is \$9,825.00, and a \$100.00 administrative fee has been imposed in accordance with the town ordinances.

Magistrate Brown entered an order imposing an administrative fine and a lien on the property to be recorded in public records in accordance with Florida Statutes, Chapter 162. Fines of \$25.00 per day shall continue until satisfaction or compliance.

ADOURNMENT:

The hearing adjourned at 9:18am.