

**MINUTES**  
**Code Enforcement Special Magistrate**  
**City of Lake Alfred**  
**City Hall**  
**May 20, 2021**  
**2:00 p.m.**

**Special Magistrate Mawhinney** called to order the Code Enforcement Special Magistrate meeting at 2:00 p.m., accepted the minutes from the April 15, 2021, meeting, and explained the procedures.

**Staff in attendance:** Assistant City Attorney Seth Claytor, Community Development Director Ameer Bailey, Code Enforcement Officer Carl Watson, and City Clerk Linda Bourgeois.

**FINE CERTIFICATION / SUPPLEMENTAL ORDER IMPOSING FINE**

**Special Magistrate Mawhinney** introduced the first case.

**Code Enforcement Officer Watson** presented the case details and the staff recommendations.

1. Case # 2020-00029  
Sandra L. Bergman  
Estate of Theodore H. Bergman  
110 S. Winona Ave

Parcel No. 26-27-32-503000-029021  
City Codes Cited: Lake Alfred Minimum Property Maintenance Code

- Section:106.3 – Declaration of nuisance; demand for correction
- Section: 302.1 - Sanitation and storage of materials
- Section: 302.4 - Weeds and overgrowth

The respondent was not in attendance.

**Special Magistrate Mawhinney**, on Case No. 2020-00029 for Sandra L. Bergman / Estate of Theodore H. Bergman found the violations continued to exist, certified the fines, and entered a Supplemental Order Imposing Fines through May 6, 2021, for 57 days at \$50.00 per day in the amount of \$2,850.00, and assessed the city's administrative costs of \$41.36 payable within thirty (30) days.

**Assistant City Attorney Claytor** reminded the Magistrate that those providing testimony needed to be sworn in.

**Special Magistrate Mawhinney** conducted the swearing-in ceremony and all in attendance took the oath. He introduced the next case.

**Code Enforcement Officer Watson** presented the case details.

2. Case # 2020-00030  
John Tomczak  
825 S. Lakeshore Way

Parcel No. 26-28-05-525000-002030

City Codes Cited: Lake Alfred Minimum Property Maintenance Code

- Section:106.3 Declaration of nuisance; demand for correction
- Section: 302.4 Weeds and overgrowth

**Code Enforcement Officer Watson** said cases number two and three were by the same owner and asked the Magistrate if he wanted to hear the cases together.

**Special Magistrate Mawhinney** replied yes.

**Code Enforcement Officer Watson** presented the case details and said the violations were the same on both parcels.

3. Case # 2020-00031  
John Tomczak  
835 S. Lakeshore Way

Parcel No. 26-28-05-525000-002040

City Codes Cited: Lake Alfred Minimum Property Maintenance Code

- Section:106.3 – Declaration of nuisance; demand for correction
- Section: 302.4 - Weeds and overgrowth

Respondent John Tomczak was in attendance.

**Special Magistrate Mawhinney** asked Mr. Tomczak if he had any testimony for his consideration.

**John Tomczak** said he could pay the \$120.00 administrative costs from the last hearing today. He went on and said the grass was being cut today because he had to borrow a neighbor's lawnmower. He continued and spoke about his broken equipment, trying to kill the grass with chemicals, trying to resolve the issue with the store he purchased the equipment from, the store manager hanging up the phone on him, and not having the money to pay for a lawn service. He continued and said the grass was cut, except for an area near the aloe plants. He concluded by saying he did not have the resources to pay for any additional fees.

**Special Magistrate Mawhinney** said he could contact the Code Enforcement Officer when the property was brought into compliance for a reinspection and shared with him there was a procedure in place for consideration of a reduction in fines.

**John Tomczak** said this was private property and the city was acting like a Homeowners

Association.

**Special Magistrate Mawhinney**, on Case No. 2020-00030 for John Tomczak, found the violations continued to exist, certified the fines, and entered a Supplemental Order of Imposing Fines through May 6, 2021, for fifty-seven (57) days at \$50.00 per day in the amount of \$2,850.00. He assessed the city's administrative costs of \$41.36 with the amount payable within thirty (30) days.

**Special Magistrate Mawhinney**, on Case No. 2020-00031 for John Tomczak, found the violations continued to exist, certified the fines, and entered a Supplemental Order of Imposing Fines through May 6, 2021, for fifty-seven (57) days at \$50.00 per day in the amount of \$2,850.00. He assessed the city's administrative costs of \$41.36 with the amount payable within thirty (30) days.

**Assistant City Attorney Claytor** confirmed the Orders were the same for both cases 2020-00030 and 2020-00031, and **Special Magistrate Mawhinney** stated yes.

#### FINE REDUCTION REQUEST

**Special Magistrate Mawhinney** introduced the next case.

4. Case # 2019-00004  
Martin Family Trust  
295 E Park Lane

Parcel No. 26-27-29-496500-000022

Andrea and Carlos Lozada were in attendance.

**Andrea Lozada** said they had just purchased the property about two months ago and were not a part of the Martin Family Trust.

**Code Enforcement Officer Watson** presented the case details. He said the lien was satisfied on May 17, 2021.

**Community Development Director Bailey** said the request for the reduction of fines was received in April and then the case was scheduled for the hearing. The city received the lien satisfaction this week and said on staff's behalf, the case is closed.

**Special Magistrate Mawhinney** ordered the case closed and then introduced the next case.

**Code Enforcement Officer Watson** presented the case details.

5. Case # 2019-00011-R  
O & O Construction Group LLC  
680 E Haines

Parcel No. 26-27-33-516000-001140

City Codes Cited: Lake Alfred Minimum Property Maintenance Code

- Section:108.1.1           Unsafe structures and equipment
- Section: 302.4           Weeds and overgrowth
- Section: 308.1           Rubbish and Garbage

The fine reduction request was received on 3/29/2021.

**Code Enforcement Officer Watson** said the was staff recommending that we postpone the request for the property in compliance because we have a request for a supplemental order certifying fines of \$50.00 per day for eighteen (18) days at \$900.00 and the administrative costs of \$33.75. The staff has applied for a tax deed surplus of the fines for \$9,154.21 and the administrative costs of \$352.21.

He continued and said the new owner bought the property through a tax deed sale on December 17, 2020. After the sale, the new owners brought the property into compliance shortly after the March fine certification hearing. The city applied for the tax deed surplus which has the potential to pay off all the outstanding fines and administrative costs.

**Assistant City Attorney Claytor** explained the property was in compliance and the city has applied for surplus through the Circuit Court and we were awaiting any type of communication and/or monies to be received in response to the claim for surplus. Based on the information we have available to us; this may be sufficient to satisfy the lien and record a release.

**Omar Arroyo** said he was the new owner.

**Special Magistrate Mawhinney** asked if he understood what the city was proposing which was to postpone a reduction hearing until we find out if there will be any fine to be reduced.

**Omar Arroyo** stated that he understood and was okay with the postponement.

**Special Magistrate Mawhinney** continued Case 2019-00011-R until the City receives a response on the surplus funds from the tax deed.

**Community Development Director Bailey** asked a question regarding the last 18 days where the fines were not certified and wanted to know if we needed a supplemental order.

**Assistant City Attorney Claytor** said there was not perfected lien interest until there was an order entered that would be recorded and then recommended the city wait to have an internal discussion once we received notice back from the court.

**Special Magistrate Mawhinney** introduced the next case.

**Code Enforcement Officer Watson** presented the case details.

FIRST OFFENSE:

6. Case # 2021-00007  
James E. Lambert  
295 W Pershing Dr.  
Parcel No. 26-27-32-513640-000090

City Codes Cited: Lake Alfred Minimum Property Maintenance Code

- Section 106.3 Declaration of a nuisance; demand for correction
- Section 302.1 Sanitation and storage of materials
- Section 302.8 Motor Vehicles

Lake Alfred Code of Ordinances

- Section 54-92 Parking in designated zones prohibited, exceptions.

Respondent James E. Lambert was in attendance.

**Code Enforcement Officer Watson** said he had met with Mr. Lambert and reviewed the code violations. The front and side yards were now cleared of the debris and vehicles. The only issues remaining were in the rear yard. He shared the staff's recommendation and stood for questions.

A brief discussion ensued, and it was clarified that only the motor vehicle code violation and parking in designated zones violation had been corrected.

**James Lambert** said he had a guy coming with a Bobcat and everything will be gone. He concluded by saying within thirty (30) days it will be done.

**Assistant City Attorney** said since there have been some corrected violations, we could notate the order however, we would not like to strike those from the order in the event there is a repeat case.

**Special Magistrate Mawhinney** asked if the violations for section 106.3 and section 302.1 remained.

**Community Development Director Bailey** replied that was correct.

**Special Magistrate Mawhinney**, on Case No. 2021-00007 for James E. Lambert, found the violations did exist, and as of today's date, two of those violations continue to exist. He provided the property owner thirty (30) days to bring the property into compliance, or a \$50.00 per day fine will commence accruing. He assessed the city's administrative costs of \$45.56 and said they were payable within thirty (30) days.

**Special Magistrate Mawhinney** introduced the next case.

**Code Enforcement Officer Watson** presented the case details.

7. Case # 2021-00013  
Ash Street, LLC / Valentin M. Macedo  
26 Palm Circle Dr

Parcel No. 26-27-33-000000-033040

City Codes Cited: Lake Alfred Minimum Property Maintenance Code

- Section 107.7 Transfer of Ownership
- Section 108.1.1 Unsafe Structures
- Section 108.1.3 Structure unfit for human occupancy – LAMPMC

Respondent Valentin M. Macedo and his son were in attendance. Also in attendance was the new owner, John Durant.

**Code Enforcement Officer Watson** said both the property owner and the Lake Alfred Mobile Home Park were notified as the staff was notified, that the Mobile home had been abandoned. The current occupant has also stated he bought the mobile home from the Mobile Home Park. Therefore, Section 107.7 for the Transfer of Ownership was cited. He presented the staff's recommendation and concluded by saying Code Enforcement had not received a signed, notarized statement from the previous owner that the grantee acknowledges that the violation exists as required by section 107.7- Transfer of Ownership.

**Assistant City Attorney Claytor** asked for an explanation of the chain of title for the record.

**John Durant** testified the original owner bought the home fifteen years ago, Mr. Jose Pagan was the guy that bought it from him. He said he spoke to him and he brought him the title. Mr. Durant said he bought the house from Juan at the Lake Alfred Mobile Home Park Motel. He said he did not purchase the title, but he asked Juan for the title because he finished paying for the house three and a half months ago. He said he kept on asking for the title but kept getting the runaround. He said he made a few phone calls and found out where the original owner of the trailer lived. He had the title and transferred it over to the gentleman Jose and then he brought it to me.

**Assistant City Attorney Claytor** asked Mr. Durant if he was now the record titleholder for the mobile home on 26 Palm Circle Drive, and Mr. Durant replied yes and said Lake Alfred Mobile Home Park sold him the home for \$1,400.00.

**Assistant City Attorney Claytor** submitted the title into evidence and said it would appear that the Lake Alfred Mobile Home Park did not hold the title to the unit that was sold. Therefore, it would have been the previous owner that would have violated section 107.7 and we would have not been able to hold the Mobile Home Park accountable for compliance with section 107.7. He noted the Attorney for the Mobile Home Park, Attorney Fox, was in attendance and said it would appear we would have no legal claim or violation to the Lake Alfred Mobile Home Park for that section of the code. [The evidence submitted is attached hereto and made a part of the minutes.]

**Community Development Director Bailey** said at that time staff did not have the information on the deed. She continued and said the property manager at the park, and a few others, had indicated the home was abandoned and the city assumed the park would go through the abandonment process. We cited both to get the proper documentation to acknowledge who was to be cited in the case.

A discussion surrounded the tangible property owner of record was Valentin Macedo per the Property Appraiser, John Durant had secured the title from Jose Pagan, and the new title has not been applied for or issued to John Durant.

**John Durant** said he was in the process of securing the title in his name.

**Special Magistrate Mawhinney** asked if the city was requesting the violations be cited to the owner of the record, Valentin Macedo, and reviewed the staff recommendation.

He was told by the Community Development Director that was correct.

**Community Development Director Bailey** provided the history of the case details regarding the home and the unsafe structure violation.

**Valentin Macedo** said he closed on a house in June of 2019 and within a month they sold the mobile home to Jose Pagan. We sold it to him for \$1,000 and after that, we gave him the title and we do not know if he ever registered the trailer under his name or what he did with it. He said he just became aware of this issue a month ago.

**Community Development Director Bailey** said since we received the title today, staff would be happy to cancel the case against Valentin Macedo and move forward with the new property owner, except for section 107.7 because a violation did not exist in 2019.

**Special Magistrate Mawhinney** asked if the city was proposing to dismiss the case and Community Development Director Bailey said yes. She continued and said we still want to work with John Durant on addressing the violations.

**John Durant** asked for about six months to bring the property to code and mentioned he was a GC [General Contractor.]

**Assistant City Attorney Claytor** said the city was going to recommend the case be dismissed and said it would most likely be brought back to the Magistrate at the next Code Enforcement hearing in June. He explained that if the Magistrate decided to dismiss the case, there would not be any order entered at this time.

**Special Magistrate Mawhinney** said presently there is not a case against John Durant as the owner, however, it sounds as if there may be a case initiated and brought back assuming the property cannot be brought into compliance before the hearing. He continued and said he would allow the title to be a part of the record and dismissed Case No. 2021-00013 for Valentin M. Macedo.

**John Durant** said he would get to it and take care of the violations. Thank you.

**Special Magistrate Mawhinney** introduced the next case.

REPEAT OFFENSE:

8. Case # 2019-00008-R  
George Williams  
0 Midway Ave.

The respondent was not in attendance.

**Code Enforcement Officer Watson** said the staff's recommendation was to administratively close the case.

**Special Magistrate Mawhinney** dismissed Case No. 2019-00008-R for George Williams.

**Code Enforcement Officer Watson** said the staff's recommendation was to administratively close the case.

**Special Magistrate Mawhinney** dismissed Case No. 2019-00008-R for George Williams.

The next hearing date is scheduled for Thursday, June 17, 2021, at 2:00 p.m.

At 2:57 p.m., the Code Enforcement Special Magistrate Hearing was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Linda Bourgeois".

Linda Bourgeois, BAS, MMC,  
City Clerk



# CERTIFICATE OF TITLE

Identification Number <b>HF563A</b>	Year <b>1968</b>	Make <b>HILC</b>	Body <b>HS</b>	WT-L-BHP <b>56'</b>	Vessel Regis. No.	Title Number <b>3104194</b>
Prev State <b>FL</b>	Color <b>UNK</b>	Primary Brand	Secondary Brand	No of Brands	Use <b>PRIVATE</b>	Prev Issue Date <b>01/21/2005</b>
Odometer Status or Vessel Manufacturer or OH use				Hull Material	Prop	Date of Issue <b>12/31/2007</b>

Lien Release  
Interest in the described vehicle is hereby released  
By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Registered Owner  
**VALENTIN MACEDO**  
**26 PALM CIRCLE DR**  
**LAKE ALFRED FL 33850**

1st Lienholder  
**NONE**

DIVISION OF MOTOR VEHICLES TALLAHASSEE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

*Carl A. Ford*  
Carl A. Ford  
Director

Control Number **88123285**

*Electra Theodorides-Bustle*  
Electra Theodorides-Bustle  
Executive Director

**TRANSFER OF TITLE BY SELLER (This section must be completed at the time of sale.)**

Federal and/or state law require that the seller state the mileage, purchaser's name, selling price and date sold in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

This title is guaranteed to be free from any liens except as noted on the face of the certificate and the motor vehicle or vessel described is hereby transferred to:

Seller Must Enter Purchaser's Name: **JOSE KAGAN** Address: **26 Palm Circle Dr Lake Alfred FL 33850**

Seller Must Enter Selling Price: **5000.00** Seller Must Enter Date Sold: **7/24/19**

I/We state that this  5 or  6 digit odometer now reads [ ] [ ] [ ] [ ] [ ] [ ] (no tenths) miles, date read \_\_\_\_\_ and I hereby certify that to the best of my knowledge the odometer reading:  1. reflects ACTUAL MILEAGE.  2. is IN EXCESS OF ITS MECHANICAL LIMITS.  3. is NOT THE ACTUAL MILEAGE.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.**

SELLER Must Sign Here: *Valentin macedo*  
Print Here: **Valentin macedo**  
Selling Dealer's License Number: \_\_\_\_\_ Tax No.: \_\_\_\_\_

CO-SELLER Must Sign Here: \_\_\_\_\_  
Print Here: \_\_\_\_\_  
License Number: \_\_\_\_\_ Tax Collected: \_\_\_\_\_

PURCHASER Must Sign Here: *Jose Kagan*  
Print Here: **Jose Kagan**

CO-PURCHASER Must Sign Here: \_\_\_\_\_  
Print Here: \_\_\_\_\_

**NOTICE: \$10.00 PENALTY IS REQUIRED BY LAW IF NOT SUBMITTED FOR TRANSFER WITHIN 30 DAYS AFTER DATE OF PURCHASE**

HSMV 82250 (REV 12/05)

**STATE OF FLORIDA**

VOID IF ALTERED