

January 21, 2011

Sumter County
Board of County Commissioners
7375 Powell Road
Wildwood, FL 34785



Re: Respondent Gordon C. Hill
File No. CE2010-0149

Dear Commissioners

The purpose of this letter is to request that the Board of County Commissioners waive the staff costs of \$522.12 outstanding in this code case.

The background is set forth in:

1. Sumter County Special Master "Findings of Fact, Conclusions of Law, and Order"
2. The Respondent's November 24, 2010 to the Board submitting "A REQUEST FOR A REVIEW AND REVERSAL OF SPECIAL MASTER ORDER"

The above described documents are incorporated by reference

The request is based on the following:

1. The Building Permit has been issued.
2. All required inspections have been approved.
3. The property is currently in compliance.
4. The violation was created by the original contractor; his license expired August 31, 2010 and he has left the State of Florida.
5. Respondent hired a new contractor who obtained the Building permit and brought the roof in to compliance at an additional \$785.00 cost to the Respondent.

Thank you for your consideration of this request.

Sincerely,

Gordon C. Hill
58 Robin Road
Wildwood, FL 34785
(352) 748-4929

CC. Alysia Akins, Division of Planning & Development

Copy To:

- Comms _____
- Co Atty _____
- Co Fin _____
- Other _____
- Pub Wks Div _____
- Bldg & Dev Div 1
- Admin Div _____
- Com Svcs Div _____

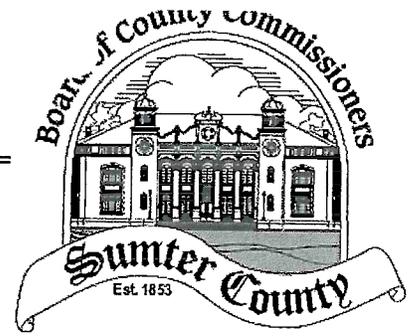
*To 2/8/11
AGENDA
1-24-11
CH*

Board of County Commissioners

Division of Planning & Development

Code Compliance Department

7375 Powell Road, Suite 115 • Wildwood, FL 34785 • Phone (352) 689-4478 • FAX: (352) 689-4461
Website: <http://sumtercountyfl.gov/CodeEnforcement>



January 10, 2011

Gordon Hill
58 Robin Road
Wildwood, FL 34785

RE. CE2010-0149

Dear Mr Hill

This letter is being sent in response to your request for review and reversal of the Special Master's order for your code case. At this time, the required building permit has been issued and all required inspections have been approved, therefore, your property is currently in compliance. However, the ordered staff costs of \$522.12 are still due. The Special Master reviewed your request at the December 30, 2010 hearing and has advised you submit a written request to the Board of County Commissioners asking that your ordered staff costs of \$522.12 be waived due to the property now being in compliance and the original violation being created by your contractor. Please provide a copy of your written request to our office as well.

If you have any questions regarding the process and/or procedures for your request, please feel free to contact me @ 352-689-4478.

Sincerely,

Alysia Akins
Licensing/Code Enforcement Coordinator

CC: Bradley Arnold, County Administrator
Brad Cornelius, Division Director
Bob Kegan, Building Official

91 7108 2133 3934 6367 6329

Akins, Alysia

From: Akins, Alysia
Sent: Tuesday, November 30, 2010 4 35 PM
To: Cornelius, Brad
Cc: Kegan, Bob, Hartman, Lee
Subject: RE: GORDON HILL CODE CASE

Here is additional information pertaining to this case:

(11/30/2010 4 32 PM AAO)

Mr. Bob spoke with Mr Hill and explained his options are to either remove the roofer or obtain the required engineering in order to get the required permit – Mr Bob gave Mr. Hill Rusty Robinson's contact information who should be able to assist Mr Hill with the required engineering so he can obtain the permit – Mr Bob informed Mr Hill after the permit is obtained and the required inspections are approved, he can request the Special Master remove the ordered costs

Alysia Akins
Licensing/Code Enforcement Coordinator

PLEASE NOTE NEW MAILING ADDRESS AND PHONE/FAX NUMBERS.....

**THE VILLAGES SUMTER COUNTY SERVICE CENTER
SUMTER COUNTY BUILDING DEPARTMENT
7375 POWELL ROAD, SUITE 115
WILDWOOD, FL 34785**

**(352) 689-4478 VOICE
(352) 689-4461 FAX**

From: Akins, Alysia
Sent: Tuesday, November 30, 2010 12:06 PM
To: Cornelius, Brad
Cc: Kegan, Bob; Hartman, Lee
Subject: FW: GORDON HILL CODE CASE

Please see the below statements in regards to Mr Hill's code case.

Alysia Akins
Licensing/Code Enforcement Coordinator

PLEASE NOTE NEW MAILING ADDRESS AND PHONE/FAX NUMBERS.....

**THE VILLAGES SUMTER COUNTY SERVICE CENTER
SUMTER COUNTY BUILDING DEPARTMENT
7375 POWELL ROAD, SUITE 115
WILDWOOD, FL 34785**

**(352) 689-4478 VOICE
(352) 689-4461 FAX**

From: Akins, Alysia
Sent: Monday, November 29, 2010 4:47 PM
To: Kegan, Bob
Cc: Hartman, Lee

11/30/2010

Subject: GORDON HILL CODE CASE

I have analyzed the request for reversal that Mr Hill has submitted and researched the case history Here are the current issues at hand that we need to address in order to issue a follow-up response for Brad's review.

- 1) Mr. Woodward's contractor status with the state is delinquent/active
- 2) Mr. Woodward's license expired 8/31/2010
- 3) Mr. Woodward's business license expired 8/31/2011
- 4) Mr. Woodward's license is for a certified building contractor
- 5) Steven Alan Woodward Sr. owns real property – parcel G29A201A
- 6) Mr. Hill's building permit was applied for on 6/30/2010 by Mr. Woodward
- 7) Mr. Woodward failed to submit the required roofing information for the permit
- 8) Mr. Hill's permit was cancelled by staff on 10/25/2010 due to the required info not being submitted
- 9) Mr. Hill's special master order was signed at the next month's hearing as all orders are signed the following month
- 10) I started my vacation immediately following the orders being signed and the orders were not mailed out until I returned
- 11) A copy of Mr Hill's contract with Mr. Woodward is needed in order to pursue further action with Mr. Woodward's license through DBPR
- 12) I did not receive the change in contact info. for Mr Woodward
- 13) Mr. Hill's CNV was mailed 5/4/2010
- 14) Mr. Hill's NOV was mailed 5/28/2010
- 15) Martha spoke with Mr. Woodward on 7/12/2010 in which he informed her that he would be in the following day to finalize the permit
- 16) Mr. Hill's RFH/NOH was mailed 9/15/2010
- 17) Mr. Bob spoke with Mr Patton from DBPR in regards to the status of Mr Woodward's license and the nature in which Mr Hill's permitting process was handled by Mr. Woodward. Mr Bob gave Mr Patton Mr. Hill's phone number in which Mr Patton is going to contact Mr. Hill in regards to filing a complaint against Mr. Woodward with DBPR

Alysia Akins
Licensing/Code Enforcement Coordinator

PLEASE NOTE NEW MAILING ADDRESS AND PHONE/FAX NUMBERS.....

**THE VILLAGES SUMTER COUNTY SERVICE CENTER
SUMTER COUNTY BUILDING DEPARTMENT
7375 POWELL ROAD, SUITE 115
WILDWOOD, FL 34785**

**(352) 689-4478 VOICE
(352) 689-4461 FAX**

November 24, 2010

Board of County Commissioners
Division of Planning & Development
7375 Powell Road Suite 115
Wildwood, FL 34785



Respondent: Gordon C. Hill
Re: File No. CE2010-0149

Dear Head of Division-

On this date I plan to appear before the office handling Building Permits for the purpose of "paying under protest" the amount necessary to stop the accruing of daily penalties ordered by the Special Master on October 28, 2010.

Enclosed please find "REQUEST FOR REVIEW AND REVERSAL OF SPECIAL MASTER ORDER".

I would like to discuss this with the appropriate County official to see if an equitable solution might be reached.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to be "G Hill", written over the word "Respectfully,".

Gordon C. Hill
58 Robin Road
Wildwood, FL 34785
Tel. (352) 748-4929
Ghill50@cfl.rr.com

CC: Commissioner Randy Mask, District 5

A REQUEST FOR A REVIEW AND REVERSAL OF SPECIAL MASTER ORDER

Respondent: Gordon C. Hill

File No: CE2010-0149

The "Sumter County Special Master **"Findings of Fact, Conclusions of Law, and Order"** are incorporated here by reference.

The Respondent is an 85 year old disabled blinded veteran of World War II, a widower living alone since November, 2006. He has a severe hearing loss and needs assistance to shop, visit doctors, clinics and transportation to and from airports.

Reason for this request

1. The respondent is the victim of deception and gross negligence (at a minimum) of the Contractor's failure to meet the requirements to obtain a building permit.
2. The respondent was informed by an employee of the County office for Building Permits that it was the obligation of the contractor to obtain a permit; **that the law was enacted to protect the property owner.**
3. County Inspector Jim Shady in his testimony before the Special Master testified in part:
 - a. *"the building permit had been applied for and was ready to be issued; however, the **contractor had not obtained it.**"* (Emphasis added)Further, Mr Shady testified that:
 - b. *"the permit fee be doubled and (he, Mr Shady) **would like to place the Order on the contractor as opposed to the owner.**"* (Emphasis added)
 - c. The Hearing was held September 30, 2010; the Order was signed October 28, 2010; the Order was not mailed to the Respondent until November 17, 2010; the Order required that payment was to be made by October 1, 2010 or a daily fine of \$15 (**not the \$10 recommended by Inspector Shady**). A retroactive order not received by the Respondent until November 18, 2010; an impossibility to timely comply with to avoid daily penalties across the period October 1 through November 18, 2010

The "**Findings of Fact, Conclusions of Law and Order**" are silent as to why the recommendation of County Inspector Shady was ignored in the Order against the owner rather than the contractor.

Background

1. April 20, 2010 Respondent contracted with Steven A. Woodward d/b/a W.D. Aluminum, License #CBC1253945 to install an "over roof" on the house located at 58 Robin Road, Wildwood, FL. Mr Woodward was well known within the community of Continental Country Club with years of experience of contracting for roofing, siding, awnings, etc. Mr Woodward stated that a building permit was not required for a roof over (Apparently this was correct until such time Section 13-51.(A)(2A) was enacted).
2. April 30, 2010 work on the roof over was started and completed. The contractor was paid in full.

3. Subsequently (on an unrecorded date) a County employee arrived at the Respondent's residence to hand deliver a notice of non-compliance in not obtaining a building permit. During this meeting the County employee indicated that they were unable to contact the contractor (The contractor had closed his Leesburg office and moved to 3709 CR 511, Wildwood, FL 34785, Phone #352-411-4866). That information was given to the County employee. The employee explained to the Respondent that **the burden was on the contractor not the owner** to obtain the permit; that the law was enacted **to protect** the property owner from non-licensed contractors, shoddy construction, etc. Following the meeting, the respondent called the contractor who then traveled to the Respondent's home. There the contractor called the Building Permit Office to explain that in the past a permit was not required, etc. He agreed to follow-up with the County officials.

4. May 14-24 the Respondent was out of state visiting with family in CT and ME.

5. June 29- July 24 the Respondent was a patient at the VA Hospital Blinded Veterans Rehab Center, Birmingham, AL.

6. Respondent does not recall of any further action that took place as to a permit violation until September. At an unrecorded date, the Respondent received Certified Notice stating that there was a continuing non-compliance and that a Hearing was scheduled for late September. He was amazed; he thought the issue had been resolved earlier. The timing for the Hearing was crucial as the Respondent was committed to fly to Baltimore-Washington Airport to attend meetings September 23-25; then on to CT & ME for family visits returning home on October 3, 2010. The Respondent called the contractor who explained there was nothing to worry about, that he (the contractor) had applied for the Permit and that there would be no need for a Hearing. The Respondent flew out on schedule feeling relieved that the issue was resolved.

7. The Respondent returned to Florida Oct. 3, 2010 prepared for a 3-week multiple visits by children, grand children and in-laws which took place at his home October 30 through November 17, 2010.

8. On November 18 it came as a complete shock when the Respondent received a regular mail notice of the Special Master's Order against the Respondent. The Respondent had thought the matter had been resolved in September. The Respondent has been unable to reach the contractor since receiving the Order of the Special Master.

9. The hearing before the Special Master took place On September 30, 2010.

10. The Special Master's Order is dated October 28, 2010.

11. The regular mail notice to the Respondent was mailed on November 17, 2010. (The certified notice has not been received as of November 22, 2010)

12. In part, the Order requires *"The Respondent was to comply by obtaining the required permits and paying staff costs of \$522.12 by 10/1/2010. If not, a \$15 daily fine will accrue until ****paid..."*

Respondent Conclusion

1. The Respondent has been the victim of the contractor's failures.

2. The spirit of the applicable law "to protect the property owner" has been violated within the Order punishing the property owner.

3. To assess daily penalties retroactive from November 18 back to October 1, 2010 prevents the Respondent from timely complying with the Order.

4. It is reasonable and equitable to request for a REVIEW AND REVERSAL OF THE ORDER.

SUMTER COUNTY SPECIAL MASTER
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Respondent: Gordon Hill
File No CE2010-0149

This cause was presented for public hearing before the Sumter County Special Master, Sumter County, Florida, on September 30, 2010, after due notice to the Respondent. The Special Master having heard testimony under oath, received evidence, and heard argument of counsel (if any), thereupon issues its Findings of Fact, Conclusions of Law, and Order as follows:

I: FINDINGS OF FACT:

- A. The Respondent owns real property located at 58 Robin Road, Wildwood, Florida, also known as parcel identification number G22AT015.
- B. The Respondent was sent a Notice of Hearing by certified mail, and the property was posted, stating a hearing would be held before the Sumter County Special Master to determine whether the Respondent was violating Section 13-51(A)(2)(A) of the Sumter County Code.
- C. Photographs of the violations taken on 9/30/2010 were submitted into the record.
- D. The Respondent was not present.
- E. Jim Shady, Inspector, testified the property has homestead exemption. Mr. Shady testified the code case began on 5/4/2010, and his last visit to the property was on 9/30/2010, in which the property remained in violation due to a re-roof being done without proper permits. Mr. Shady testified the building permit had been applied for and was ready to be issued; however, the contractor has not obtained it. Mr. Shady testified the permit fee was doubled and would like to place the Order on the contractor as opposed to the owner.
- F. Mr. Shady recommended the Respondents bring the property into compliance by obtaining the required permits and paying staff costs in the amount of \$522.12 immediately or a \$10 daily fine be assessed.

II: CONCLUSIONS OF LAW:

- A. 13-51.(A)(2)(A) PERMITS REQUIRED
No person shall locate, erect, construct, enlarge, extend, structurally alter, repair, move, improve, remove, convert or demolish any building or structure within the jurisdiction of this Chapter, or cause the same to be done without full compliance with the terms of this Chapter and other applicable regulations.
- B. The Respondent is in violation of the above-named code due to a re-roof being done without proper permits.

91 7108 2133 3934 6367 9245

91 7108 2133 3934 6367 9252

III: ORDER:

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that

- A. The Respondent was found in violation due to a re-roof being done without proper permits.
- B. The Respondent was ordered to comply by obtaining the required permits and paying staff costs in the amount of \$522.12 by 10/1/2010. If not, a \$15 daily fine will accrue until the property is found in compliance and costs are paid.
- C. In addition to any fines, the Respondent shall be responsible for any additional inspection costs, collection costs, administrative costs, legal fees, attorneys' fees, recording costs, and any other costs associated with the collection of this ORDER.

DONE AND ORDERED this 28th day of October, 2010, in Bushnell, Sumter County, Florida.



R. Lee Hawkins, Jr., Special Master

I hereby certify that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law, and Order will be furnished by certified mail to the respondents on this 28th day of October, 2010



Alysia Akins - Code Enforcement/Licensing Coordinator