

MEMORANDUM

TO: Jim Barnes, Village Manager

FROM: Feroz Khalil, Code Compliance Supervisor

DATE: May 10, 2023

SUBJECT: Lien Reduction, Case#NOH-18-5668, NOH-18-2817,NOH-18-2015, NOH-18-670
Expanding Enterprise Llc
14082 Wellington Trace, Wellington, FL

Request:

Property owner, Expanding Enterprise Llc submitted a Lien reduction application seeking a reduction of a lien associated with a compliance action at 14082 Wellington Trace. Expanding Enterprise Llc initially submitted a settlement offer in the amount of \$5,000.00.

Staff reviewed the application and offered a settlement in the amount of \$59,480 plus \$177.12 code fee, an 80% reduction or \$237,920.00 from the original lien amount of \$297,400.00 plus \$177.12 code fee. A copy of the Fine Reduction Request is attached.

Village of Wellington Policy VW-A-021 outlines lien reduction requests up to 80 percent of the lien and not greater than \$60,000.00 may be negotiated and approved by the Code Compliance Manager. Reduction requests up to 80 percent of the lien and greater than \$60,000.00 involving homestead properties may be approved by the Village Manager. Reductions greater than 80 percent of the lien and \$60,000.00 involving non-homestead, non-residential and multifamily properties shall be approved by the Village Council.

If the Village Manager is inclined to consider a fine reduction, section 2-199(b) of the Village Code of Ordinances states that the following factors may be considered: "the gravity of the violation, any actions taken by the violator to correct the violation, any previous or subsequent violations committed by the violator, whether there were intervening matters that prevented or obstructed the violator from timely complying with the order to correct the violation, and/or the financial ability of the violator to pay the full amount of the fine."

Background:

Case NOH-18-5668, the action was initiated based on a neighborhood inspection. The initial inspection on 9/24/18 by the code officer found the violation. A Courtesy notice was issued on 11/1/18 and subsequent NOV/NOH on 2/13/19. A follow up inspection found the violation was not corrected. On 3/21/19 the Special Magistrate enter an Order Finding the Violation with a Fine Certification Hearing on 5/16/19.

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The Fine Certification Hearing was presented to the Special Magistrate on 5/16/19, Fines commencing on 4/19/19, \$25.00 per day/per violation, 5 years Cease and Desist and cost. The daily fine continued to accrue until the violations are corrected.

Case NOH-18-2817, the action was initiated based on a citizen complaint. The initial inspection on 4/10/18 by the code officer found the violation. A Courtesy notice was issued on 5/21/18 and subsequent NOV/NOH on 8/10/18. A follow up inspection found the violation was not corrected. On 10/18/18 the Special Magistrate enter an Order Finding the Violation with a Fine Certification Hearing on 12/13/18.

The Fine Certification Hearing was presented to the Special Magistrate on 12/13/18, Fines commencing on 11/16/18, \$25.00 per day/per violation, 5 years Cease and Desist and cost. The daily fine continued to accrue until the violations are corrected.

Case NOH-18-2015, the action was initiated based on a neighborhood inspection. The initial inspection on 2/12/18 by the code officer found the violation. A Courtesy notice was issued on 2/12/18 and subsequent NOV/NOH on 12/5/18. A follow up inspection found the violation was not corrected. On 1/17/19 the Special Magistrate enter an Order Finding the Violation with a Fine Certification Hearing on 3/21/19.

The Fine Certification Hearing was presented to the Special Magistrate on 3/21/19, Fines commencing on 2/22/19, \$25.00 per day, 5 years Cease and Desist and cost. The daily fine continued to accrue until the violations are corrected.

Case NOH-18-670, the action was initiated based on a neighborhood inspection. The initial inspection on 11/20/17 by the code officer found the violation. A Courtesy notice was issued on 11/20/17 and subsequent NOV/NOH on 1/4/18. A follow up inspection found the violation was not corrected. On 2/15/18 the Special Magistrate enter an Order Finding the Violation with a Fine Certification Hearing on 4/19/18.

On 3/26/2018 the code officer filed an Affidavit of Compliance.

Total lien amount \$297,400.00

The lien amount is detailed in the table below:

Case Number	Total Fines	Costs Incurred	Total Lien	Village Settlement Offer	Violation Type Length of Non-Compliance
NOH-18-5668	\$139,500.00	\$44.15	\$139,544.15	\$27,944.15	Violations came into compliance 5-9-2022
NOH-18-2817	\$127,100.00	\$44.80	\$127,144.80	\$25,464.80	Violations came into compliance 5-10-2022
NOH-18-2015	\$30,800.00	\$44.15	\$30,844.15	\$6,204.15	Permit came into compliance 7-5-2022
NOH-18-670	\$0	\$44.02	\$44.02	\$44.02	Violations came into compliance 3-26-2018

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Staff Recommendation:

After reviewing the case and following policy number VW-A-023. An 80% reduction was applied which totals to the settlement of \$59,657.12, which includes the code fee of \$177.12.



Feroz Khalil

Code Compliance Supervisor

Attachments:

Request for Reduction of Fine
Property Appraiser Information

Approval:

\$59,657.12

Settlement Amount



Jim Barnes
Village Manager

5/15/23
Date