

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
January 7, 2014

Present: Karen Hancsak; Town Clerk, Kathryn Rossmell and Tara Duhy, Town Attys., and Chief Yannuzzi.

Meeting called to order at approximately 10:05 A.M.

Special Magistrate Barbara Alterman explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. She added that the Town would present their case and she would render a decision and issue a Final Order or Order of Assessment.

At this point all individuals intending on providing testimony were sworn in.

**A. ADOPTION OF DECEMBER 3, 2013 MINUTES**

The minutes were adopted.

**B. FINE ASSESSMENT/STATUS HEARING**

**CASE NO. CE#2013-020 Jeffrey and Patricia Petersen, 50 River Drive, Ocean Ridge FL 33435**

**RE: Lot 50, McCormick Mile (50 River Drive)**

**NATURE OF VIOLATION**

Violate Sections 67-51 of the Town's Code of Ordinances by installing a boat lift without a permit

The Respondent was not present, however; Patricia Eller, mother-in-law, was present.

Atty Rossmell summarized the violation and advised that it still exists, however; the respondent did pay the administrative costs for the first hearing. She stated that the Town was recommending that there be a finding of proper notice, determination that the property is still in violation, and that a \$50 daily fine be assessed to the property until full compliance.

Special Magistrate Alterman accepted the following Town exhibits: A copy of the Final Order, the attached green certified receipt for Mr. Petersen, and an unclaimed letter as composite #1; and the Administrative Recovery Sheet in the amount of \$281.83 as #2.

Ms. Eller submitted a letter from Admiral Boat Lifts dated 1/6/14 that stated that the permits with the State had been applied for and once received they would apply for the building permit. Special Magistrate Alterman advised that it was established at the last

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hearing that the respondent began work prior to the issuance of a building permit which was against the law. Ms. Eller stated that everything was proceeding and they should not still be in violation.

Special Magistrate Alterman read the letter aloud and accepted the following Respondent exhibit: A letter dated 1/6/14 from Admiral Boat Lifts as #1.

Town Clerk Hancsak testified that no permits had been applied for as of this date.

Special Magistrate Alterman stated that she did find there was proper notice and that the violation continues to exist past the Jan. 2, 2014 compliance date. She stated that she would order a \$50 daily fine assessed from Jan. 2, 2014 until compliance, and also include that the Administrative Costs for this hearing (\$281.83) be paid immediately and can be included in the lien.

Ms. Eller questioned why they would be fined daily while they were waiting for the other permits to which Special Magistrate Alterman commented that the proper procedure would have been to apply for and then receive the permit and then complete the work and the fine would continue to accrue until brought into full compliance to include final inspection.

**CASE NO. CE#2013-019    Ninive Giordano, 6007 Ridge Lane, Ocean  
Ridge, FL 33435  
RE:    Lot 7, Coastal Shores (6007 Ridge Lane)  
NATURE OF VIOLATION  
Violate Sections 67-51 of the Town's Code of  
Ordinances by remodeling the property without a  
permit**

The Respondent was not present.

Atty Rossmell summarized the violation and advised that it still exists. She stated that the Town was recommending that there be a finding of proper notice, determination that the property is still in violation, and that a \$50 daily fine be assessed to the property until full compliance and reimbursement for both administrative hearings.

Special Magistrate Alterman accepted the following Town exhibits: A copy of the Final Order, the returned unclaimed certified letter and a signed hand delivered letter from the Building Official after a courtesy inspection was completed as composite #1; and the Administrative Recovery Sheet in the amount of \$339.15 as #2.

Town Clerk Hancsak testified that the Final Order was also sent regular mail and the respondent did come into Town Hall on Dec. 23, 2013 questioning what was necessary for the violation to be brought into compliance. The Building Official actually met with her on the same day and wrote a letter on Dec. 24, 2013 outlining the violations that were

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observed and what she would need to do to bring the property into compliance. She added that no permits had been applied for as of this date.

Special Magistrate Alterman stated that she did find there was proper notice and that the violation continues to exist past the Jan. 2, 2014 compliance date. She stated that she would order a \$50 daily fine assessed from Jan. 2, 2014 until compliance, and also include that the Administrative Costs for this hearing (\$281.83) and the Dec. 3, 2013 hearing (\$361.32) be paid immediately and can be included in the lien.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:25 AM.

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Town Clerk