

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: October 2, 2007

Consent

Regular

Workshop

Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve a negotiated settlement offer in the amount of \$30,000.00 for the full satisfaction of a Code Enforcement Lien that was entered against Delbert J. Larsen and Alta Mae Larsen Co-Trustees and Successor Trustees of the Larsen Revocable Living Trust Agreement.

Summary: The Code Enforcement Special Master (CESM) entered an Order on June 2, 2004 giving the Larsens until August 31, 2004 to cut down the overgrown vegetation, clean up the trash, debris and outside storage of furniture and lumber, repair the fence, and repair the boarded up windows on the east side of the building. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50.00 per day was imposed. The CESM then entered a claim of lien against the Larsens on November 3, 2004. The cited code violations were fully corrected as of November 9, 2006. The total accumulated lien amount through June 30, 2007 totaled \$53,994.53, of which Ms. Shari Roser, daughter of Alta Mae Larsen and the late Delbert J. Larsen, has agreed to pay the County \$30,000.00 (55.6%) for full settlement of their outstanding Code Enforcement Lien. (District 2) (PGE)

Background and Policy Issues: The violations that gave rise to this code enforcement case were for overgrowth, trash, debris, and open storage of building materials, furniture, etc., fence in disrepair, and boarded up windows, which needed replacement. The Special Master gave the Larsens until August 31, 2004 to obtain compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on August 31, 2004 confirmed that the property was still not in compliance. A code lien was then entered against the Larsens on November 3, 2004. The Collections Section of OFMB was recently contacted by Ms. Shari Roser, who is Mr. and Mrs. Larsen's daughter and representative of the trust, to discuss a settlement of their outstanding code lien. The Collection Section of OFMB, after careful review, evaluation, and discussions, agreed to present the proposed settlement offer in the amount of \$30,000.00 to the Board for approval.

(Continued on Page 3)

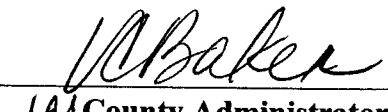
Attachments:

Recommended by:


Department Director

9/26/07
Date

Approved by:


for County Administrator

9/27/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>20011</u>	<u>2012</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$30,000)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$30,000)</u>	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No X
Budget Account No.: Fund 0001 Department 600 Unit 6241 Object 5900


Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

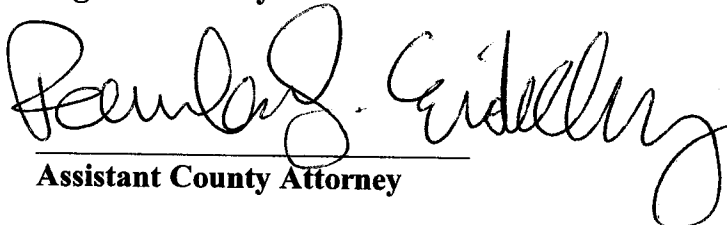


 OFMB

N/A

 Contract Dev. and Control

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment

Background and Policy Issues Continued

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The mitigating factors considered, during our review and evaluation, are as follows:

1. The Larsens acquired the subject triplex property on December 5, 1968. They maintained and oversaw this property along with some other properties they owned. At the time the violations were cited in December 2003, Mr. Larsen was seriously ill and his wife, for whom he cared, had Alzheimer's disease and dementia. Mr. Larsen was hospitalized on January 4, 2004 through May 31, 2004 with renal failure, congestive heart failure and severe lung disease. After going home, he received hospice care until his death on August 5, 2005. His daughter, Ms. Roser, unaware of the code violations on the property, found the letter from Code Enforcement in her parents' house on June 1, 2004 after she brought her father home from the hospital. She then contacted Code Enforcement and began working on getting the violations corrected. In July 2004, Ms. Roser paid a contractor to order and install new windows for the boarded up windows and the contractor never delivered or installed the windows. After paying nearly \$30,000 for the maintenance repairs and upkeep of the property from July 2004 thru March 2006, the violations were still not fully corrected. Ms. Roser then hired a property agent to assist her in getting the remaining violations corrected (namely the windows) which were ordered and installed by a legitimate and licensed contractor on November 9, 2006. Additionally, when Mr. Larsen passed away in August 2005, and due to his wife's condition, legal issues immediately arose regarding the guardianship of Mrs. Larsen and the control of the Larsen Trust between Ms. Roser and her daughter. From October 2005 through May 2006 the repairs were on hold pending the Court determining who should oversee and control the Trust. Ms. Roser was ultimately awarded full control of the Larsen Trust in May 2006.
2. The net proceeds from the sale of the Larsen Trust properties will be used to pay for Mrs. Larsen's care in the assisted care living facility that she is in. The subject property has been sold and funds are being held in escrow for the County's code lien.
3. Ms. Roser, who ended up having to take care of her parents' property when they both got ill, was working proactively on trying to get the violations corrected as quickly as possible upon finding out about the violations. Had she hired reputable and licensed contractors in the beginning, the violations would have most likely been resolved a lot sooner. The chronology of events regarding the improvements and repairs to the property after Ms. Roser became involved, show that she was proactively working on the problems together with taking care of her ill parents.
4. Ms. Roser, as representative of the Trust, has acknowledged that she unknowingly was being duped by her original contractor, who was supposed to be working with the initial window contractor whom he had known. She later found out he had taken the Trust's money and never ordered the windows. After reviewing the entire case, the circumstances involved, and having several discussions with Ms. Roser, she has agreed, subject to County Commission approval, to pay the proposed reduced lien amount of \$30,000 to resolve the code lien matter.
5. The gravity of the violations, together with the fact that there were no life/safety issues involved, warrants consideration of a reduction of their substantial lien amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of November 9, 2006 and that the subject property is in full compliance with the CESM's Order. Further, the cited violation did not involve any health/safety issues.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board of County Commissioners, per Countywide PPM# CW-F-048. This settlement offer exceeds the \$2,500 limit and requires Board approval.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.