

36-3

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 20, 2018

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 \$130,000 for the full satisfaction of a code enforcement lien that was entered against Victor and Barbara Dieguez on April 4, 2012.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on November 2, 2011 for property owned by Victor and Barbara Dieguez giving them until January 31, 2012 to bring their property located at 130 Cypress Avenue in West Palm Beach into full code compliance. The property had been cited for adding on to an existing stable and installing a utility building without first obtaining the required building permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$100 per day was imposed. The CESM then entered a claim of lien against Victor and Barbara Dieguez on April 4, 2012. The Code Enforcement Division issued an affidavit of compliance for the property on February 9, 2017 stating that as of October 21, 2016 the cited code violations had been fully corrected. The total accrued lien amount as of May 31, 2018, the month in which settlement discussions began, totaled \$208,194.96, of which Victor and Barbara Dieguez have agreed to pay Palm Beach County \$130,000 (62.4%) for full settlement of their outstanding code enforcement lien. District 2 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien was for adding on to an existing stable and installing a utility building without first obtaining the required building permits. The Special Magistrate gave Victor and Barbara Dieguez until January 31, 2012 to bring their property into full code compliance or a fine of \$100 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on February 1, 2012 confirmed that the property was still not in full compliance. A code lien was then entered against Victor and Barbara Dieguez on April 4, 2012. The Code Enforcement Division issued an affidavit of compliance for the property on February 9, 2017 stating that as of October 21, 2016 the cited code violations had been corrected. The Collections Section of OFMB was contacted on April 12, 2018 by Mr. Dieguez's daughter requesting a meeting with OFMB Collections, Code Enforcement and the County Attorney's office. A meeting was scheduled with Mr. Dieguez and his daughter on May 3, 2018 to begin discussions on a settlement. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and County Attorney's Office, has agreed to present a proposed settlement offer in the amount of \$130,000 to the Board for approval.

(continued on page 3)

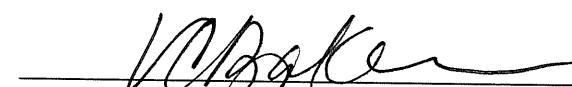
Attachments: none

Recommended by:


Department Director

11/5/18
Date

Approved by:


County Administrator

11/13/2018
Date

Background and Policy Issues Continued (Victor and Barbara Dieguez)
Page 3

The factors considered during staff's review and evaluation of this settlement are as follows:

1. The Dieguezes' son was the one who initially did the barn renovation work and constructed a shed without the required building permits. After the code violations were cited, the Dieguezes hired a licensed contractor on August 24, 2011 to draw up plans and obtain the required building permits to bring the unpermitted improvements into full code compliance. After a couple of years of taking money from the Dieguezes and assuring them that the building code issues were being resolved, their contractor committed suicide. After his death, they hired another licensed contractor who ultimately resolved all of the building code violations with the full code compliance being achieved on October 21, 2016.
2. The major contributing factor in the delay for obtaining compliance was due to the misinformation the original contractor was giving the Dieguezes and on whom they completely relied for his expertise to help them resolve the building code violations. They were shocked to learn that the information he had been giving them all along was inaccurate and he never obtained the required permits.
3. The Building Division listed the total value of the improvements to the property at \$90,000.
4. The building code violations did not involve any life safety issues and did not adversely impact the neighboring property owners.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of October 21, 2016 and the property is in full compliance with the CESM's Order.

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

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.