

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-7

AGENDA ITEM SUMMARY

Meeting Date: August 25, 2020

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 \$50,000 for the full satisfaction of a code enforcement lien that was entered against Oscar Rojas Pro Dog Academy LLC, c/o Eduardo Gutierrez, Registered Agent on January 21, 2019.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on June 6, 2018, for the property owned by Oscar Rojas Pro Dog Academy LLC providing them until September 4, 2018 to bring their property located at Simone Dr. Loxahatchee into full compliance. The property had been cited for 1) installing fencing without a valid building permit; 2) installing utility/storage structures without a valid building permit; 3) engaging in or managing any business, profession, or occupation in the county without obtaining a receipt from the tax collector; and 4) prohibited Zoning Matrix use, more specifically, Kennel type 2- Pro Dog Academy is prohibited. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$250 per day was imposed. The CESM then entered a claim of lien against Oscar Rojas Pro Dog Academy, LLC on January 21, 2019. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property stating that the cited code violations had been fully corrected as of March 31, 2020. The total accrued lien amount through April 1, 2020, the date on which settlement discussions began, totaled \$170,303.42. Oscar Rojas Pro Dog Academy, LLC has agreed to pay Palm Beach County \$50,000, (29%) for full settlement of his outstanding Code Enforcement lien. District 6 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for: 1) installing fencing without a valid building permit; 2) installing utility/storage structures without a valid building permit; 3) engage in or managing any business, profession or occupation in the county without obtaining a receipt from the tax collector; and 4) prohibited Zoning Matrix use, more specifically, Kennel type 2- Pro Dog Academy is prohibited. The Special Magistrate provided Oscar Rojas Pro Dog Academy LLC until September 4, 2018 to bring their property into full code compliance or a fine of \$250 per day would begin to accrue. A code lien was then entered against Oscar Rojas Pro Dog Academy LLC on January 21, 2019. The Code Enforcement Division issued an Affidavit of Compliance for the property on March 31, 2020 stating the cited code violations had been corrected. The Collections Section of OFMB was first contacted by Oscar Rojas Pro Dog Academy LLC attorney on April 1, 2020, to discuss a settlement. Collections, after extensive review, evaluation, and discussions with Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$50,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by: Sheng Pan 8/11/2020
Department Director Date

Approved by: RBaker 8/14/2020
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues	(\$50,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$50,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes _____ No X
 Does this item include the use of federal funds? Yes _____ No X

Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

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:

Rebecca Lawler 8/11/2020 N/A
 OFMB 8/11 MYJ 8/11/20 RAK 8/11/20
AP 8/11/20 8/11/20
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

Background and Justification Continued (Oscar Rojas Pro Dog Academy LLC c/o Eduardo Gutierrez, Reg Agt) Page 3

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

1. The cited violations on Oscar Rojas Pro Dog Academy LLC's property were for installing fence without permit, installing utility/storage without permit, managing a business without receipt from Tax Collector and prohibited Zoning Matrix use, more specifically, Kennel type 2- Pro Dog Academy is prohibited. He was given until September 4, 2018 to comply or a daily fine in the amount of \$250 would begin to accrue. All Code Enforcement notices were sent to the corporation's Registered Agent at the mailing address filed with the Florida Dept. Division of Corporations. The business owner has acknowledged that he should have moved quickly to resolve the open violations, but were limited financially and a lack of knowledge on what permit application to complete delayed compliance.
2. The subject property reached full compliance on March 31, 2020. The Code violations did not pose a negative or detrimental impact to the surrounding area.
3. The property owner is in the process of refinancing his mortgage, the lender will only approve the loan if the lien with Palm Beach County Code Enforcement is released.
4. None of the cited code violations in this case involved any life and safety issues.

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.