

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-1

AGENDA ITEM SUMMARY

Meeting Date: December 20, 2022

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 \$23,000 for the full satisfaction of a code enforcement lien that was entered against Ochnas Oeil Christians of Nurse Training, Inc. on November 6, 2019.

Summary: The property was cited for a wooden fence installed without the required building permit, improperly parked vehicles, and expired permits. On December 5, 2018, the Code Enforcement Special Magistrate (CESM) entered an order giving Ochnas Oeil Christians of Nurse Training, Inc. until June 3, 2019 to obtain a permit for the fence located at 4862 Andros Dr., West Palm Beach, FL. Compliance with the CESM's Order was not achieved by the ordered compliance date, and a fine of \$100 per day was imposed. The CESM then entered a claim of lien against Ochnas Oeil Christians of Nurse Training, Inc. on November 6, 2019. The Code Enforcement Division issued an affidavit of compliance for the property on September 6, 2022 stating that as of September 2, 2022 the cited code violation was fully corrected. The total accrued lien amount on October 3, 2022, the date on which settlement discussions began, totaled \$132,647.04, of which Irlande Jean, President of Ochnas Oeil Christians of Nurse Training, Inc., has agreed to pay Palm Beach County \$23,000 (17%) for full settlement of their outstanding code enforcement lien. District 7 (SF).

Background and Justification: The initial violation that gave rise to this code enforcement lien was for a wooden fence installed without first obtaining the required building permit. The Special Magistrate gave Ochnas Oeil Christians of Nurse Training, Inc. until June 3, 2019 to bring the 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 June 10, 2019 confirmed that the property was still not in compliance. A code lien was then entered against Ochnas Oeil Christians of Nurse Training, Inc. on November 6, 2019. The Code Enforcement Division issued an affidavit of compliance for the property stating that as of September 2, 2022 the cited code violations had been corrected. On October 3, 2022, Irlande Jean, Ochnas Oeil Christians of Nurse Training, Inc.'s President, contacted the Collections Section of the Office of Financial Management & Budget to discuss settlement of the code lien. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and County's Attorney's office, has agreed to present a proposed settlement offer in the amount of \$23,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

11/28/2022
Date

Approved by:


County Administrator

12/7/22
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs					
External Revenues	(\$23,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$23,000)				
#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:

ASD Dell 11/28/22 N/A
11/23/22 OFMB 11/28 Contract Dev. and Control
11/23/22 11-28

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

N/A

Department Director

Background and Justification: (continued from page 1)

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

1. Ochnas Oeil Christians of Nurse Training, Inc. purchased the property on May 25, 2018, and the Deed was recorded on June 5, 2018. A site inspection was conducted on June 18, 2018. During the inspection, the Code Enforcement Officer found that the property had four violations. The violations included improperly parked vehicles, two expired permits, and construction of an unpermitted wooden fence. The unpermitted fence was constructed before Ochnas Oeil Christians of Nurse Training, Inc. purchased the property, and the expired permits were from a prior owner.
2. Ochnas Oeil Christians of Nurse Training, Inc. was unaware of the unpermitted structure and two expired permits at the time it purchased the property.
3. Although Ochnas Oeil Christians of Nurse Training, Inc. purchased the property with the violations, within two months of the Notice of Violations, it corrected three of the four violations by having the vehicle removed and reactivating the two expired permits. The remaining violation was for the unpermitted fence, and the corporation hired a contractor to resolve the issue.
4. Ochnas Oeil Christians of Nurse Training, Inc. hired a licensed contractor to obtain the permit, but the contractor became ill and could not complete the process with the Building Division. The project was halted and the fine continued to accrue. When the Amnesty program was offered in October 2021, the corporation applied for the program; however, the application was denied because the property was not in compliance. Ochnas Oeil Christians of Nurse Training, Inc. has acknowledged that it should have moved faster to resolve the issue. At this time, it wishes to settle with Palm Beach County to obtain a full release of lien. Ochnas Oeil Christians of Nurse Training, Inc. is in the process of refinancing the mortgage and needs to remove the lien on the property.
5. An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of September 2, 2022, and the property is in full compliance with the CESM's Order.
6. The property is not a homestead property.
7. The cited violations did not involve any life/safety issues.

In light of the above stated circumstances, Staff believes 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.