

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

3G-2

AGENDA ITEM SUMMARY

Meeting Date: February 7, 2023

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 \$12,000 for the full satisfaction of a code enforcement lien that was entered against David Miserendino on April 6, 2011.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an Order on January 5, 2011 for the property owned by David Miserendino giving him until February 4, 2011 to bring his property located at 18465 46th Ct N, Loxahatchee, FL into full code compliance. The property was cited for overgrown vegetation and accumulation of yard trash, rubble, and debris on the lot. Compliance with the CESM's Order was not achieved, and a fine of \$50 per day was imposed. The CESM then entered a claim of lien against David Miserendino on April 6, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on June 29, 2012. The total accrued lien amount on November 30, 2022, the date on which settlement discussions began, totaled \$42,293.50, of which David Miserendino has agreed to pay Palm Beach County \$12,000 (28%) for full settlement of his outstanding code enforcement lien. District 6 (SF).

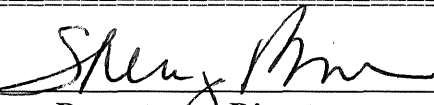
**Background and Justification:** The property was cited for overgrown vegetation and accumulation of yard trash, rubble and debris on the lot. Due to financial hardship, David Miserendino moved his family out of the home, and the property became dilapidated. At the time of the violations, the property was vacant and in foreclosure. A notice of lis pendens was recorded in June 2010 followed by the code lien in May 2011. David Miserendino lost the property to foreclosure in June 2012. Palm Beach County was named a defendant during the foreclosure, and our interest in the property was extinguished. However, the lien followed David Miserendino and attached to all other properties he owned. David Miserendino is in the process of selling a vacant lot he owns. Because he is still liable for the outstanding code lien, the lien cross-attached to the lot.

On October 24, 2022, David Miserendino contacted the Collections Section of the Office of Financial Management & Budget to discuss settlement of the code lien. He is requesting a fine reduction and full release of the lien in order to sell the lot and provide a clear title to the buyer.

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.


Attachments: none

Recommended by:

  
Department Director

1/18/2023  
Date

Approved by:

  
County Administrator

1/24/23  
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	(\$12,000)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	(\$12,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

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

**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:**

*Lucy Malt 1/19/2023*  
*AD 1/18/23 OFMB 9A1119*  
*MG 1/19/23*

\_\_\_\_\_  
 N/A  
 Contract Dev. and Control

**B. Legal Sufficiency:**

*MG 1/18/23*

\_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 N/A  
 Department Director

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