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VILLAGE OF PINECREST
Department of Building and Planning

DATE: June 30, 2022

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA
Village Manager

FROM: Paul Buckler, R.A. 
Building Official

RE: Request for Reduction of Code Enforcement Fines
Todd and Samantha Migon, 6700 SW 132 Street; Case No. BC 18-0044

PETITION REQUEST

Todd and Samantha Migon, representing Samantha Loud Migon Trust, have submitted a request for reduction of fines and penalties that have accrued related to a previous code enforcement violation at their property located at 6700 SW 132 Street. As of June 27, 2022, total outstanding code enforcement fines and penalties in the amount of \$141,174.48 are due. A copy of Mr. Migon's request is attached for the Village Council's consideration.

The Village of Pinecrest issued a Building Permit for renovations and additions at the existing residence on August 21, 2012. Although some inspections were completed and approved, the final building inspection required completion of additional work. The work was not completed within the time frame of the issued permit and the permit subsequently expired on July 3, 2017. The permit was not renewed as required and a Notice of Violation was issued on May 7, 2018. A Hearing before the Special Magistrate was convened on September 5, 2018 and the owners were given 30 days to renew the expired permit. The permit was not renewed as required and fines in the amount of \$100 per day accrued pursuant to the provisions of the Special Magistrate's Order.

The permit was renewed on May 13, 2022 (Permit BL2022-0555) and all required work was inspected and found to be complete on May 16, 2022.

Pursuant to Division 2-150 of the Village's Code of Ordinances, the Village Council has the authority to consider requested reductions in code enforcement penalties that exceed \$100,000.00. A "Fine Calculation Worksheet" including relevant dates and a description of accrued costs and fines are attached.

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Village of Pinecrest
Building and Planning Department
Request for Mitigation

FINE CALCULATION WORKSHEET

As of: June 27, 2022

Code Compliance Case Number: BC18-0044
Property Owner Name: SAMANTHA LOUD MIGON TRUST
Folio #: 20-5014-006-0070
Address of Violation: 6700 SW 132 STREET
Type of Violation: Expired Building Permit
Lien Filed: December 24, 2018

Notice of Violation Issued: May 7, 2018

Special Magistrate Hearing: September 5, 2018

Date of Required compliance: November 4, 2018

Date of Compliance: May 13, 2022

Number of days in violation: 1,286

Fine Amount Per Day: \$100.00

Total Daily Accrued Fines: \$128,600.00

Direct Costs: \$532.89

(Penalty Fee \$200.00)

(Hearing Fee \$75.00)

(Postage Fee \$12.89)

(Attorney Fee \$225.00)

(Lien Recording Fee \$20.00)

Accrued Interest: \$11,486.16

Staff Costs: \$555.43

Total Amount Due: **\$141,174.48**

CASE HISTORY

The original Owner Builder Permit BL2011-1422 expired on July 3, 2017. It was renewed with permit # BL2022-0555, issued on May 13, 2022

- Permit BL 2011-1422 expired on July 3rd, 2017
- A Notice of Violation was issued on May 7th, 2018
 - Notice of Violation was mailed by regular and certified mail to the address of record listed on the MDC Property Appraiser's website for 6700 SW 132 Street
 - Certified mail 7015-3430-0000-8816-4792 was received on May 16th, 2018
- A Notice to Appear was issued on July 30th, 2018
 - Notice to Appear was mailed by regular and certified mail to the address of record listed on the MDC Property Appraiser's web site for 6700 SW 132 Street
 - Certified mail 7015-3010-0001-7380-9492 was received on August 2nd, 2018
- A Hearing before the Special Magistrate was conducted on September 5th 2018. The Property owner was given 60 days to renew the expired permit
 - The Special Magistrate's Order was mailed by regular and certified mail to the address of record listed on the MDC Property Appraiser's website for 6700 SW 132 Street
 - Certified mail 7017-3380-0000-6165-2920 was received on September 17th, 2018
- An Affidavit of Non-Compliance was mailed by regular mail on November 13th, 2018 to the address of record listed on the MDC Property Appraiser's website for 6700 SW 132 Street

As of today, the mailing address of the location of violation still remains at 6700 SW 132 Street. As of today, the property appraiser shows that SAMANTHA LOUD MIGON TRUST resides at 6700 SW 132 Street and claims Homestead Exemption at this location.

June 03, 2022

VILLAGE OF PINECREST

V.

**SAMANTHA LOUD MIGON TRUST
6700 SW 132 ST
PINECREST, FL. 33156-6926**

FOLIO: 2050140060070

DATE OF VIOLATION: 05/07/2018

ISSUE DATE: 07/30/2018

CASE #: BC18-0044

OFFICER: ESTHER CABRERA

DEPARTMENT: DPZ

FINE / PENALTY: (\$119,767.64)

BUILDING PERMIT #: BL2022-0555
BL2011-1422

VIOLATIONS:

1. FLORIDA BUILDING CODE
105.4.1.1 Permit BL2011-1422 is expired. A new permit is required.
2. FLORIDA BUILDING CODE
110.1 Failure to obtain required inspection.

BRIEF HISTORY:

The building violation is for Building Permit **BL2011-1422** which was issued on 08/21/2012 for renovations and additions to the residence located at 6700 SW 132 ST.

All work inspections were completed and finalized including zoning by 11/01/2016 except for final building.

Final building walk through was on 11/02/2016 and was failed. Final Building was denied because finish work still needed to be completed such as interior stairwell, railing system as well as other unfinished interior works.

The cause for unfinished interior work at the time was due to the lack of funds to complete the renovations. My wife and I were foreclosed upon by Total Bank for land we owed here in South Florida for future developments. Unfortunately, we got caught in the residential market crash, and at the same time we started renovating our Pinecrest Residence. By 2015 a large financial settlement was made by my wife and I with Total Bank and creditors through the United States Bankruptcy Court, Southern District of Florida, Miami Division.

My wife I continued to try and fund our home expenditures through money I earned while operating a small design build firm. However, it was a slow and daunting task because we had three children to feed and school every month. So, the funds we had put aside for the renovations ended up going to the Bankruptcy Settlement and the monthly earnings went to monthly expenses.

As for the violation BC18-0044 created on 07/30/18 and for the hearing that took place 09/05/2018 in front of the Magistrate, my family and I were out of town for the summer staying at my parent's place in Wisconsin. Unfortunately, we were not aware of the hearing and as our mail was not forwarded.

When we returned, we started to receive fines with interests due to a lien against our property. I personally met with Pinecrest's Chief Building Official, Leo Llanos, to try and get this resolved. However, to renew the permit I was asked to resubmit for permitting and pay new permit fees, a sum that frankly we could not afford at the time.

Efforts to work through this issue continued, but we were at a stalemate. We could not schedule the final inspection without the new permits and we did not have the funds to pay for those permits. Prior to Covid my business had slowed considerably and Covid shut us down, like many in the construction industry.

I continued to make efforts to resolve this issue with the Village of Pinecrest Building Department but during the Covid pandemic phone calls and messages went unanswered for an extended period of time. Whatever funds we saved up to finish the house now went to our unemployment and family monthly living. I had made numerous attempts with phone calls and messages with the building department and as things were starting to get back to some since of normalcy my family all caught Covid and I personally had to be hospitalized. Since then, I have undergone a second battle with Covid.

Recently I have obtained a management position with Royal Caribbean Cruise Lines which enabled us to pay for and finish the renovations as well provide sufficient funds for a new permit. The new permit issued on 5/13/2022 at a cost of \$8,791.88. We were able to obtain the building final on 5/16/2022 and passed the inspection.

Overall, we have paid to the Village \$34,626.14 in total permit fees. I have never tried to shirk our responsibility and efforts to work with Village staff back in 2018 and 2019 went nowhere. I understand that our financial strains of our own making but the combination of the cost to complete the construction and then the added expense of obtaining new permits instead of extending the prior permits was simply something that we could not financially afford given that fact that my business was failing.

We would request that the above be taken into consideration by the Commission. Building Dept. staff has been extremely helpful and were willing to reduce/waive the vast majority of the penalties but explained that due to the amount this was out of their hands and required us to petition the Commission. The fines in this case are nearly 3x what the actual permits we have paid to the Village have cost and are untenable.

We have lived in Pinecrest for over two decades and love our slice of heaven. If these late fees stand then my family will have no choice but to once again declare bankruptcy or sale our home. We throw ourselves on the mercy of the Commission and ask that you consider the totality of the circumstances in reaching a fair and just decision.

Sincerely,

Todd & Samantha Migon