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** Board Certified by the Florida Bar in
City, County and Local Government Law*

DATE: September 10, 2018

TO: Mayor Chris Alahouzos
Vice Mayor David Banther
Commissioner Rea Seiber
Commissioner Susan Miccio-Kikta
Commissioner Jacob Karr

FROM: Jay Daigneault, Esquire

CC: Mark LeCouris, City Manager

RE: ***Cladakis v. City of Tarpon Springs Code Enforcement Board***, Sixth Judicial
Circuit Court Case No. 18-0027-AP-88A—Settlement offer

Dear Mayor, Vice Mayor, and Commissioners:

The above-referenced case is an appeal of an order issued by the City's Code Enforcement Board (the "Board") on March 8, 2018, whereby the Board denied a property owner's request for reconsideration of a fine. The property owner has made a request to settle the code enforcement lien underlying the case, which settlement would terminate the litigation.

In April, 2017, the Board issued an order requiring that the code violations present on the property (the accumulation of trash and debris, a fence in need of repair, and the existence of an invasive tree species) be corrected by June 15, 2017. On July 20, 2017, the Board found that its order had not been complied with in the time specified, and ordered a fine of \$100/day. Neither the order finding the violation nor the order imposing the fine were appealed by the property owner.

The property was ultimately brought into compliance on February 22, 2018. In March, 2018, the Board denied the owner's request for reconsideration of the fine, and the owner timely appealed that order. When the initial brief in the appeal was filed, I moved to strike it because the owner actually was attempting to appeal not the order denying reconsideration of the fine, but the order imposing the fine. The appellate court agreed, struck the brief, and ordered the property owner to file an amended brief restricted to arguing the merits of the appeal. Thereafter, I received a series of emails from property owner's counsel asserting that, though it was not appealed, the lien emanating from the July 20, 2017 order could not be foreclosed by the City because the property owner was not given proper notice of the hearing.

As of September 7, the principal of the lien was \$25,100.00, in addition to \$907.29 in interest, and \$203.00 in costs. To date, the City has spent about \$1,500.00 prosecuting appeal.

Through counsel, the property owner has made an offer to settle the lien for the amount of \$5,000.00.

Having reviewed the file and the applicable law in detail, I recommend that the Board of Commissioners accept the \$5,000.00 in full and final settlement of this lien. This settlement will obviate the need to foreclose the lien and the significant expense associated with both concluding the appeal and litigating the notice issues raised by the property relative to the imposition of the lien.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", is positioned above the typed name.

Jay Daigneault, Esq.
City Attorney