

INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindiashores.com



NOTICE – NOTICE – NOTICE

The Town of Indian Shores, Florida, will hold a Special Magistrate Public Hearing on **Tuesday, January 9, 2018 at 10:00 A.M.** in the 4th Floor Council Chambers located at 19305 Gulf Boulevard, Indian Shores, FL 33785, for the purpose of addressing compliance with an Administrative Order handed down by the Special Magistrate on April 27, 2017 for 19201 Gulf Boulevard, Indian Shores, FL 33785 in regards to Code Enforcement Case No. 2017-01.

A handwritten signature in blue ink that reads "Stephanie V. Waters". The signature is written in a cursive style and is positioned above a horizontal line.

Stephanie V. Waters

Town Clerk

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petruccelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Stephanie V. Waters, CMC
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindianshores.com

NOTICE OF HEARING

Code Enforcement Case No. 2017-01

Town of Indian Shores,
A Florida Municipal Corporation,
Petitioner.

vs.

LYNN ROGACKI
JUTTA ROSBOUGH SUSOR
1625 W. Temperance Rd.
Temperance, MI 48182-9470

JUTTA ROSBOUGH SUSOR
5029 - 77th Street North
St. Petersburg, FL 33708

BONGA BONGA, INC.
c/o LYNN ROGACKI
19201 Gulf Blvd.
Indian Shores, FL 33785,
Respondents.

ADDRESS OF VIOLATION:

**19201 Gulf Blvd.
Indian Shores, FL 33785
Parcel ID #: 30-30-15-34722-001-0200
Legal Description: GULF VIEW CABIN VILLA BLK A, LOTS 20, 21, 22, 23, 24, 25
AND 26.**

Pursuant to Chapter 162, Florida Statutes, and the Town of Indian Shores Code of Ordinances, Chapter 2 Article V, you are hereby notified a Public Hearing will take place before the Town of Indian Shores Special Magistrate regarding code violations at the above-referenced property on **January 9, 2018 at 10:00 AM in the Council Chambers at Town Hall, 19305 Gulf Boulevard, Indian Shores, FL 33785.**

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hager
Councillor

Michael (Mike) Petrucci
Councillor

William F. (Bill) Smith
Councillor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Stephanie V. Waters, CMC
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney



The purpose of the hearing is to determine whether there has been compliance with the Administrative Order handed down by the Special Magistrate at the April 27, 2017 hearing, related to the Notice of Violation dated March 3, 2017, by the date certain. If the violations have not been corrected by the date certain, a fine of up to \$250 per day per violation may be imposed for each day the violation(s) continues past the date and time specified. The respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. A copy of the Administrative Order is attached to this Notice of Hearing as Exhibit "A." The Special Magistrate will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and evidence fine assessed against you may become a lien against the property.

If you desire to appeal any decision of the Special Magistrate with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to ensure that a verbatim record is made which includes the testimony and evidence upon which the appeal is to be based. This case may be presented to the Special Magistrate even if the violations or repeat violations have been corrected prior to the hearing. The hearing may proceed in the absence of the alleged violator

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (727)595-4020.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED: 12/15/17

TOWN OF INDIAN SHORES, FLORIDA

BY Stephanie V. Waters

Stephanie V. Waters, Town Clerk

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing for Code Violations has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondent this 15 day of December 2017.

Stephanie V. Waters
Stephanie V. Waters, Town Clerk
Town of Indian Shores

LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES
Case No. CE 2017.01

Town of Indian Shores,
Petitioner,

v.

Lynn Rogacki
Jutta Rosbough Susor
1625 W. Temperance Rd.
Temperance, MI 48182-9470

and

Bonga Bonga, Inc.
% Michael Rogacki
Registered Agent
19201 Gulf Blvd.
Indian Shores, FL 33785,
Respondents.

**ORDER FINDING VIOLATIONS, SETTING TIME TO COMPLY
OR SUFFER AN ADMINISTRATIVE FINE**

This case was heard before the Special Magistrate on March 01, 2017 and March 29, 2017. Regina A. Kardash, Esq., Town Attorney, represented the Petitioner, Town of Indian Shores ("Town"). Paul Decailly, Esq., represented the Respondents. Based upon the evidence, the Special Magistrate enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The property located at 19201 Gulf Blvd, Indian Shores, Florida 33785 ("Property") contains the deficiencies as listed in Notice of Hearing for Code Violations ("Notice") dated March 03, 2017, and each is herein incorporated by reference.

2. Respondents Lynn Rogacki and Jutta Rosbough Susor are the owners of record of the Property, Gulf View Cabin Villa Blk A, Lots 20, 21, 22, 23, 24, 25 and 26, Parcel ID No. 30-30-15-34722-001-0200. Respondent Bonga Bonga, Inc. operates the business on the Property, commonly known as Mahuffer's.
3. On March 31, 2016, the Property was first inspected. As of May 16, 2016 and August 26, 2016, the violations still existed. The Notice was mailed to Respondents on March 06, 2017, at the address listed in the tax collector's office for tax notices.
4. As to the violations of the Indian Shores Code of Ordinances ("Code"), Sections 38-36, 38-37, 38-38 and 18-122, the Respondents failed to correct the violations or bring the Property into compliance.
5. As of the April 11, 2017 hearing, the Respondent(s) did correct the violations of the Indian Shores Code of Ordinances ("Code"), Section 18-304 and did bring the property into compliance.
6. Previous notification of the aforementioned deficiencies was given as supported by the evidence received by this Special Magistrate.
7. The evidence adduced graphically illustrates the risk of fire and the Property's condition is a dangerous risk to the life, health, safety and welfare of the citizens of Indian Shores and passersby.
8. The Town incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The Town reserves the right to seek reimbursement for additional costs, e.g., certified mail, for this matter, as well the Special Magistrate's expenses.
9. The Special Magistrate reasonably spent and will spend time at \$175 per hour to review the case and its history, review and research the applicable Town Code provisions, conduct the hearing, and consider and adjudicate this case.

CONCLUSIONS OF LAW

10. Notice is sufficient and service is proper at the address listed in the tax collector's office for tax notices.

11. The Property continues to be in violation of the Indian Shores Code provision(s) listed in the Notice, namely, Sections 38-36, 38-37, 38-38 and 18-122, despite prior notification and opportunity to cure afforded to the Respondent.
12. The Respondents, jointly and severally, did violate Section 18-304 of the Code, corrected the violation(s), and brought the property into compliance on or before April 11, 2017.
13. The Property's condition is a dangerous risk to the life, health, safety and welfare of the citizens of Indian Shores and passersby. Further, given the Property's condition and the issues presented, the Property is not entitled to any "grandfather" status or protection.
14. The Town prevailed in the prosecution of this case and, pursuant to Section 1.c. of Resolution No. 3-2009 and Chapter 2, Section 2-207(e) of the Code, is entitled to recover all costs and expenses incurred.

ORDER

It is ADJUDGED that:


15. The Respondent(s) did correct the violation of the Code, Section 18-304 on or before April 11, 2017; accordingly, no fines will accrue.
16. As to Code Section 38-36, the Respondent(s) shall correct the violations on the Property and come into compliance on or before 8:00 a.m. on July 06, 2017, or suffer an administrative fine to be later determined.
17. As to Code Section 38-37, the Respondent(s) shall correct the violations on the Property and come into compliance on or before 8:00 a.m. on July 06, 2017, or suffer an administrative fine to be later determined.
18. As to Code Section 38-38, the Respondent(s) shall correct the violations on the Property and come into compliance on or before 8:00 a.m. on July 06, 2017, or suffer an administrative fine to be later determined.

19. As to Code Section 18-122, the Respondent(s) shall correct the violations on the Property and come into compliance on or before 8:00 a.m. on July 06, 2017, or suffer an administrative fine to be later determined.
20. Separate and distinct from the amount due or fine, if any, the Special Magistrate reserves jurisdiction to consider the imposition of the Town's costs and expenses of prosecuting this case, in an amount to be determined at a hearing before the Special Magistrate. Respondents, jointly and severally, shall pay such costs and expenses within thirty (30) days of the date of the Order fixing the amount of such costs and expenses toward the Town's costs and expenses for the Special Magistrate.
21. Upon complying, the Respondent shall notify Greg Yantorno, the Building Official, at 727.517.3940, or buildingofficial@myindianshores.com, who shall inspect the property and notify the Special Magistrate of the compliance.
22. Upon the Respondents' failure to timely comply, the code enforcement officer shall prepare and execute an Affidavit of Non-Compliance.
23. The Affidavit of Non-Compliance shall contain facts addressing the gravity of the violation, any efforts by the violator to correct the violation from the date that the violator was first advised of the violation to the date of the Affidavit of Non-Compliance, and any previous code violations by the violator. The code inspector shall also make a recommendation in the Affidavit of Non-Compliance regarding the amount of the fine that should be imposed against the violator. The code inspector shall also set forth in the Affidavit of Non-Compliance the Town's costs of prosecuting the violation against the violator.
24. The code inspector shall forward any Affidavit of Non-Compliance to the Special Magistrate for further action, requesting the Special Magistrate enter an order against the violator (i) finding that the violator has not complied with Special Magistrate's order finding a violation and requiring compliance and (ii) imposing a fine against the violator which shall include the costs and expenses the Town incurred in prosecuting the violation.
25. The Special Magistrate reserves jurisdiction to hear any matter pertaining to the compliance or non-compliance as set forth in this Order including, but not limited

to, compliance or non-compliance, administrative fines and administrative costs and expenses.

Appeals: Any aggrieved party may appeal this order to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of this Order.

DONE AND ORDERED on June 23, 2017.


Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:

Regina A. Kardash, Esq., Town Attorney, Persson & Cohen, P.A., 6853 Energy Court,
Lakewood Ranch, FL 34240

Paul Decailly, Esq., Decailly Law Group, PA, PO Box 490, Indian Rocks Beach, FL
33785-0490

Lynn Rogacki and/or Jutta Rosbough Susor, 1625 W. Temperance Rd., Temperance, MI
48182-9470

Bonga Bonga, Inc., % Michael Rogacki, Registered Agent, 19201 Gulf Blvd., Indian
Shores, FL 33785

AFFIDAVIT OF MAILING:

State of Florida

County of Pinellas

I, Stephanie V. Waters, Town Clerk for the Town of Indian Shores, Florida, on December 15, 2017, mailed via Regular Mail the Notice of Public Hearing for the Special Magistrate Hearing for Case No 2017-01 (19201 Gulf Blvd. Indian Shores, FL 33785) to the three addresses below.

LYNN ROGACKI
JUTTA ROSBOUGH SUSOR
1625 W. TEMPERANCE RD.
TEMPERANCE, MI 48182-9470

JUTTA ROSBOUGH SUSOR
5029 - 77TH STREET NORTH
ST. PETERSBURG, FL 33708

BONGA BONGA, INC.
C/O LYNN ROGACKI
19201 GULF BLVD.
INDIAN SHORES, FL 33785,

Stephanie V. Waters

Signature of Affiant

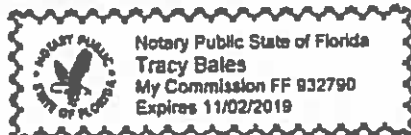
SUBSCRIBED AND SWORN TO, OR AFFIRMED, before me on this 15 day of December 2017, by Stephanie V. Waters.

(SEAL)

Notary Public

Tracy Bates

My commission expires 11.02.2019



INDIAN ROCKS BEACH
 204 4TH AVE
 INDIAN ROCKS BEACH
 FL
 33785-9998
 1142300200
 (800)275-8777 1:56 PM

Product Description	Sale Qty	Final Price
First-Class Mail Large Envelope (Domestic) (SAINT PETERSBURG, FL 33709) (Weight:0 Lb 1.90 Oz) (Estimated Delivery Date) (Monday 12/18/2017)	1	\$1.19
Certified Mail (USPS Certified Mail #) (70160910000089754205)	1	\$3.35
Return Receipt	1	\$2.75
First-Class Mail Large Envelope (Domestic) (INDIAN ROCKS BEACH, FL 33785) (Weight:0 Lb 2.00 Oz) (Estimated Delivery Date) (Monday 12/18/2017)	1	\$1.19
Certified Mail (USPS Certified Mail #) (70160910000089753987)	1	\$3.35
Return Receipt	1	\$2.75
First-Class Mail Large Envelope (Domestic) (TEMPERANCE, MI 48182) (Weight:0 Lb 1.90 Oz) (Estimated Delivery Date) (Monday 12/18/2017)	1	\$1.19
Certified Mail (USPS Certified Mail #) (70160910000089754748)	1	\$3.35
Return Receipt	1	\$2.75
Total		\$21.87
Credit Card Remitd (Card Name:MasterCard) (Account #:XXXXXXXXXX4541) (Approval #:01567E) (Transaction #:800)		\$21.87

 BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit USPS.com USPS Tracking or call 1-800-222-1811.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

 Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

HELP US SERVE YOU BETTER
 TELL US ABOUT YOUR RECENT
 POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>
 840-5335-0064-002-00019-25775-02

or scan this code with
 your mobile device:



or call 1-800-410-7420

YOUR OPINION COUNTS

Bill #: 840-53350064-2-1925775-2
 Clerk: 04

7016 0910 0000 8975 4748

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

INDIAN ROCKS BEACH FL 33785
OFFICIAL USE

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee to total)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.19
Total Postage and Fees	\$7.29

0200
04
DFP
15
2017
Postmark
Here
USPS
12/15/2017

Sent To
Lynn Rogacki, Jutta Rosbough Susar
Street and Apt. No., or PO Box No.
1635 W Temperance Rd
City, State, ZIP+4®
Temperance, MI 40182-9470
PS Form 3800, April 2015 PSN 7530-07-000-9017 See Reverse for Instructions

7016 0910 0000 8975 3987

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

INDIAN ROCKS BEACH FL 33785
OFFICIAL USE

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee to total)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.19
Total Postage and Fees	\$7.29

0200
04
INDIAN ROCKS BEACH FL 33785
DFP
15
2017
Postmark
Here
USPS
12/15/2017

Sent To
Bonga Bonga Inc 90 Lynn Rogacki
Street and Apt. No., or PO Box No.
19201 Gulf Blvd
City, State, ZIP+4®
Indian Shores, FL 33785
PS Form 3800, April 2015 PSN 7530-07-000-9017 See Reverse for Instructions

7016 0910 0000 8975 4205

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

INDIAN ROCKS BEACH FL 33785
OFFICIAL USE

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee to total)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.19
Total Postage and Fees	\$7.29

0200
04
INDIAN ROCKS BEACH FL 33785
DFP
15
2017
Postmark
Here
USPS
12/15/2017

Sent To
Jutta Rosbough Susar
Street and Apt. No., or PO Box No.
5039 - 77th Street North
City, State, ZIP+4®
St Petersburg, FL 33708
PS Form 3800, April 2015 PSN 7530-07-000-9017 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Lynn Rogacki
 Jutta Rosbaugh Susor
 16025 W Temperance Rd.
 Temperance, MI 48182-9470

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
 X *Jutta Rogacki*

B. Received by (Printed Name)
 Jutta Rogacki

C. Date of Delivery
 12/18/17

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7016 0910 0000 8975 4748

2. Article Number
 (Transfer from service label) 7016 0910 0000 8975 4205

PS Form 3811 February 2004 Domestic Return Receipt 102595-02-M-1540

1. Article Addressed to:
 Jutta Rosbaugh Susor
 5009 - 7TH STREET NORTH
 ST. PETERSBURG, FL 33708

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

2. Article Number
 (Transfer from service label) 7016 0910 0000 8975 3987

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
Jutta Rogacki

B. Received by (Printed Name)
 Jutta Rogacki

C. Date of Delivery
 12-18-17

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:
 Bonga Bonga Inc.
 910 Lynn Rogacki
 19701 GULF BLVD.
 JUDAI, FL 33705

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
Jutta Rogacki

B. Received by (Printed Name)
 Jutta Rogacki

C. Date of Delivery
 12-18-17

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

OCCUPANCY INSPECTION REPORT

ANNUAL INSPECTION COMPLAINT RE-INSPECTION
DATE: 03/31/16 _____ _____

Occupancy Address:	<u>19201 Gulf Blvd.</u>	Code	_____
Occupancy Name:	<u>Mahuffer's</u>	Telephone No.:	Business Agent _____
Occupancy Type:	<u>Assembly</u>	No. of Occupied units	<u>1</u>
		No. of Unoccupied units	_____

DEFICIENCIES REQUIRING CORRECTION

1. Remove fire place inside bar.
2. Remove ALL extension cords
3. Provide outlet covers for ALL outlets.
4. Remove all multi plugs.
5. Cover exposed wires on sign and on junction box above street light in front of building
6. Address numbers to be more visible from the street
7. Address unprotected wiring throughout the bar.
8. Emergency lighting to be provided throughout bar.
9. Remove or show record of fire proofing objects hanging from ceiling
10. Remove propane heaters from kitchen area.
11. Replace all missing ceiling tiles
12. Remove wood pile from in front of electrical panel south wall.
13. Occupancy to be established and sign to be posted.

Places of Assembly 50 to 149 Persons

\$100.00

Deficiencies listed above must be corrected by: **04/30/16**

A Re-Inspection may be conducted on or after the above date to verify compliance.

An additional fee will be imposed for non-compliance

For additional information contact Fire Prevention at (727) 595-1117

Fire Safety Technician: Marshall Eiss Ext. 103



PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

OCCUPANCY INSPECTION REPORT

ANNUAL INSPECTION COMPLAINT RE-INSPECTION
DATE: _____ _____ 08/18/17

Occupancy Address:	19201 Gulf Blvd.	Code	_____
Occupancy Name:	Mahuffer's	Telephone No.:	Business Agent _____
Occupancy Type:	Assembly	No. of Occupied units	1
		No. of Unoccupied units	_____

DEFICIENCIES REQUIRING CORRECTION

1. Remove fire place inside bar.
2. Address number to be more visable from street.
3. Remove or show record of fireproofing objects hanging from ceiling.
4. Replace missing ceiling tiles.

Re-inspection fees code compliance 2nd visit \$50.00

Deficiencies listed above must be corrected by: 09/17/17

A Re-Inspection may be conducted on or after the above date to verify compliance.

An additional fee will be imposed for non-compliance

For additional information contact Fire Prevention at (727) 595-1117

Fire Safety Technician: Marshall Eiss Ext. 103

**LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES, Florida**

Case No CE 2017.01

**THE TOWN OF INDIAN SHORES,
a Florida municipal corporation,**

Petitioner,

v.

**LYNN ROGACKI, JUTTA ROSBOUGH SUSOR,
BONGA BONGA, INC., c/o MICHAEL ROGACKI,**

Respondents.

AFFIDAVIT OF NON-COMPLIANCE

**STATE OF FLORIDA
COUNTY OF PINELLAS**

BEFORE ME, the undersigned authority, personally appeared Marshall Eiss of the Pinellas Suncoast Fire and Rescue District, the Fire Inspector and Life Safety Technician for the Petitioner, TOWN OF INDIAN SHORES ("Affiant"), who was sworn and says:

1. Affiant is over the age of eighteen.
2. Affiant has personal knowledge of the facts stated herein and is authorized to make this Affidavit on behalf of the Petitioner.
3. Affiant has various duties relative to the operation of Petitioner. These duties include overseeing compliance with the adopted Fire Code (NFP) throughout the Town and the PSFRD's respective jurisdiction, this includes making inspections and reports regarding properties and businesses within the Town. It is the regular practice of Affiant, on behalf of Petitioner, to account for such matters and other acts, events, and conditions or opinions concerning fire safety and code enforcement matters within the Town. Specifically, on behalf of and for Petitioner, Affiant has maintained files, records and information concerning the

Respondents and the status of the property located at 19201 Gulf Blvd., Indian Shores, FL, and otherwise known as Mahuffer's.

4. Respondents were cited with a Notice of Violation for violating Sections 38-36, 38-37, 38-38, 18-122, and 18-304 of the Town of Indian Shores Code of Ordinances, which incorporated violations of the Florida Building Code and NFP (National Fire Prevention Code). At a hearing held on March 1, 2017, and concluded on March 29, 2017, the Town's Special Magistrate entered an Order Finding Violations, Setting Time to Comply or Suffer an Administrative Fine ("Order") finding the Respondents in violation of Sections 38-36, 38-37, 38-38, and 18-122, and ordered a compliance date of July 6, 2017, at 8:00 A.M.

5. Affiant conducted a re-inspection of the property on July 14, 2017, and the Respondent has failed to comply with the following items:

a. Removal or modification of the inside fireplace. Although the outside part of the chimney has been removed, the chimney is still functional as it still goes thru the roof.

b. Removal of ALL extension cords. A permit has been secured from the Town to provide the necessary corrections; however, to Affiant's knowledge the work has not been completed.

c. Cover exposed wires on sign and on junction box above street light in front. A permit has been secured from the Town to provide the necessary corrections; however, to Affiant's knowledge the work has not been completed.

d. Address unprotected wiring throughout bar. A permit has been secured from the Town to provide the necessary corrections; however, to Affiant's knowledge the work has not been completed.

e. Provide emergency lighting throughout bar. A permit has been secured from the Town to provide the necessary corrections; however, to Affiant's knowledge the work has not

been completed.

f. Remove or show record of fireproofing objects hanging from ceiling. No corrective action plan has been submitted at this time.

g. Replace all missing ceiling tiles.


6. Affiant believes that it will take the Respondents 30 days to adequately complete the repairs necessary to come into compliance with the Special Magistrate's Order based on the current status of the property.

7. Affiant believes that the violations pose a significant life safety hazard due to the general fire hazard, and to patrons of the establishment and surrounding properties from electrocution and/or electrical fires as a result of the deficiencies listed in the original inspection and subsequent re-inspection.

8. Affiant has scheduled a re-inspection date of August 13, 2017.

9. Affiant has not been contacted by the Respondents regarding a corrective plan of action for the deficiencies listed in the original inspection or the subsequent re-inspection.

FURTHER AFFLIANT SAYETH NAUGHT.

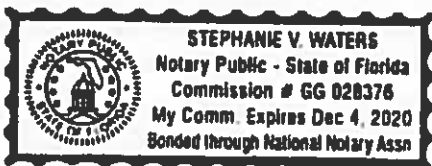

Print Name: MARSHALL R. EISS

SWORN TO AND SUBSCRIBED before me by Marshall R. Eiss who is (Notary choose one) personally known to me, or who has produced N/A as identification, this day of August, 2017. 10


Notary Public

Stephanie V. Waters
Print Name of Notary Public

My Commission Expires: 10/4/20



LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES, Florida

Case No CE 2017.01

THE TOWN OF INDIAN SHORES,
a Florida municipal corporation,

Petitioner,

v.

LYNN ROGACKI, JUTTA ROSBOUGH SUSOR,
BONGA BONGA, INC., c/o MICHAEL ROGACKI,

Respondents.

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Gregory Yantorno of Universal Engineering Sciences, Inc., the Building Official for the Petitioner, TOWN OF INDIAN SHORES ("Affiant"), who was sworn and says:

1. Affiant is over the age of eighteen.
2. Affiant has personal knowledge of the facts stated herein and is authorized to make this Affidavit on behalf of the Petitioner.
3. Affiant has various duties relative to the operation of Petitioner. These duties include overseeing the Town's Building Department, administering the Town's Building Code and the applicable Florida Building Code, issuing permits, inspecting the progress of work, and enforcing the Town's Building Code and Land Development Code as appropriate. It is the regular practice of Affiant, on behalf of Petitioner, to account for such matters and other acts, events, and conditions or opinions concerning building and code enforcement matters within the Town. Specifically, on behalf of and for Petitioner, Affiant has maintained files, records and

information concerning the Respondents and the status of the property located at 19201 Gulf Blvd., Indian Shores, FL, and otherwise known as Mahuffer's.

4. Respondents were cited with a Notice of Violation for violating Sections 38-36, 38-37, 38-38, 18-122, and 18-304 of the Town of Indian Shores Code of Ordinances, which incorporated violations of the Florida Building Code and NFP (National Fire Prevention Code). At a hearing held on March 1, 2017, and concluded on March 29, 2017, the Town's Special Magistrate entered an Order Finding Violations, Setting Time to Comply or Suffer an Administrative Fine ("Order") finding the Respondents in violation of Sections 38-36, 38-37, 38-38, and 18-122, and ordered a compliance date of July 6, 2017, at 8:00 A.M.

5. As of July 6, 2017, the Respondents had submitted incomplete permit applications to fix the electrical work associated with the violations, and thus none of the violations were timely corrected. The applications were subsequently revised, and the permits to begin the work were picked up from the Building Department on Monday, July 10, 2017, with an expected work commencement date of Wednesday, July 26, 2017.

6. As of August 9, 2017, Respondents have not requested a final inspection.

7. Affiant believes that it will take the Respondents two weeks to adequately complete the repairs necessary to come into compliance with the Town Code, Florida Building Code and other life safety codes based on the current status of the permits and remaining work. The following work needs to be completed in order to be considered compliant:

a. All unprotected wiring must meet the requirements of the 2011 NEC Article 300.4 and all abandoned wiring must be removed.

b. All uncovered receptacles, switches and junction boxes including signage must be brought into compliance with 2011 NEC Article 314.25.

c. Proper emergency lighting must be installed throughout the building per the

2011 NEC Article 700.16.

d. All unpermitted electrical work must be permitted.

e. Wall and ceiling finishes must be brought up to code and maintained per the 2014 Florida Building Code Section 803.

8. Affiant believes that the gravity of this violation is significant due to the threat posed to patrons of the establishment and surrounding properties as a result of substandard electrical wiring and potential for harm from electrocution and/or electrical fires.

9. Affiant recommends a fine be instituted of \$250/day for failure to comply with the Special Magistrates Order requiring compliance by July 6, 2017, and said fine should continue until the Town finds the property to be in compliance.

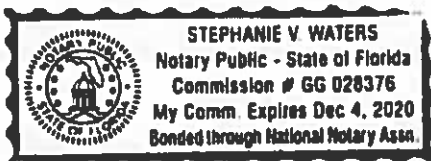
10. Petitioner has incurred the following costs in this enforcement action:

Publication	\$ 0
Inspection	\$ 0
Special Magistrate time to date	\$ 0
Additional Staff Time	\$ 0
TOTAL:	\$ 0

FURTHER AFFIANT SAYETH NAUGHT


Print Name: Gregory Yantorno

SWORN TO AND SUBSCRIBED before me by Gregory Yantorno who is (Notary choose one) personally known to me, or who has produced N/A as identification, this day of August, 2017. 9




Notary Public

Stephanie V. Waters
Print Name of Notary Public

My Commission Expires: 12/4/20