

INDIAN SHORES

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



SPECIAL MAGISTRATE PUBLIC HEARING

AGENDA – FEBRUARY 14, 2018

BEGINS 1:00 P.M.

- 1.0 Consideration of condition at 19201 Gulf Boulevard, Indian Shores, FL 33785 in regard to Code Enforcement Case No. 2017-01, violations of Section 38-36, 38-37, 38-38, 18-122 and 18-304 of the Town of Indian Shores Code of Ordinances.

Elaine Jackson, MMC

Interim Town Clerk

Any person who decides to appeal any decision of the Special Magistrate with respect to any matter considered at any such meeting, will need a record of the proceedings, and for such purpose, my need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the Town Clerk's office with your request. Phone 727.595.4020. Fax 727.596.0050.

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

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.

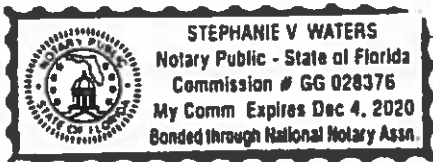
10. Petitioner has incurred the following costs in this enforcement action:


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

INDIAN SHORES

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



NOTICE – NOTICE – NOTICE

The Town of Indian Shores, Florida, will hold a Special Magistrate Public Hearing on **Wednesday, February 14, 2018 at 1:00 P.M.** in the 4th Floor Council Chamber located at 19305 Gulf Boulevard, Indian Shores, FL 33785, for the purpose of addressing existing conditions at 19201 Gulf Boulevard, Indian Shores, FL 33785 in regards to Code Enforcement Case No. 2017-01, violations of Sections 38-36, 38-37, 38-38, 18-122 and 18-304 of the Town of Indian Shores Code of Ordinances. This is a continuation of the Public Hearing held on January 9, 2018.

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

Elaine Jackson, MMC

Interim 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 **February 14, 2018 at 1:00 PM in the Council Chambers at Town Hall, 19305 Gulf Boulevard, Indian Shores, FL 33785.**

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hagedorn
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



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: February 1, 2018

TOWN OF INDIAN SHORES, FLORIDA

BY Elaine Jackson

Elaine Jackson, Interim 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 _____ day of February, 2018

Elaine Jackson
Elaine Jackson, Interim Town Clerk
Town of Indian Shores

AFFIDAVIT OF MAILING:

State of Florida
County of Pinellas

I, Elaine Jackson, Interim Town Clerk for the Town of Indian Shores, Florida, on February 1, 2018, 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,

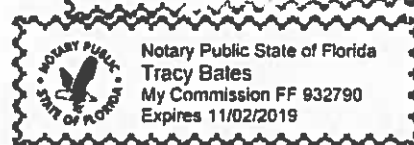
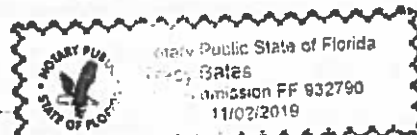
Elaine Jackson
Signature of Affiant

SUBSCRIBED AND SWORN TO, OR AFFIRMED, before me on this 1ST day of February 2018, by *Elaine Jackson*

(SEAL)

Notary Public *Tracy Bates*

My commission expires 11.02.2019



AFFIDAVIT OF HAND DELIVERY

STATE OF FLORIDA

PINELLAS COUNTY

I, Rodney C. Espinola,
for the Town of Indian Shores, Florida, on the 30 day of
Jan, 2018, did hand delivered the
Notice of Hearing, Public Notice and Agenda to

_____ at
19201 Gulf Boulevard, Indian Shores, Florida 33785.

Rodney C. Espinola
Signature of Affiant

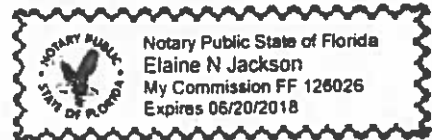
*Delivered to Stephanie
@ 11:30 AM.*

Subscribed and Sworn ton or affirmed before me this 30th day of
January 2018, by

Elaine N. Jackson
Elaine N. Jackson

My Commission Expires 6/20/18

(SEAL)



INDIAN SHORES

19305 Gulf Boulevard
Indian Shores, FL 33785

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



7016 0910 0000 8975 3482

7016 0910 0000 8975 3482

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

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

OFFICIAL USE

Certified Mail Fee: 3.45

Extra Services & Fees (check box, add fee as appropriate):
 Return Receipt (hardcopy) 2.75
 Return Receipt (electronic)
 Registered Mail
 Insured Mail
 Signature Required
 Signature Confirmation

Postage: 47

Total Postage and Fees: 6.67

PS Form 3811, April 2015 PSN 5500-02-000-9047
PS Form 3870, April 2015 PSN 5500-02-000-9047
See Reverse for Instructions

RECEIVED
JAN 31 2018
Postmark Here

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

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 Rosbough Susor
1625 W. Temperance Rd.
Temperance, MI
48182-9470*

2. Article Number (Transfer from service label)

7016 0910 0000 8975 3482

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1-6-40

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

- Certified Mail
- Registered Mail
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- G.O.D.
- 4. Restricted Delivery? (Extra Fee) Yes No

INDIAN SHORES

• 19305 Gulf Boulevard
Indian Shores, FL 33785

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL

7016 0910 0000 8975 3468

U.S. Postal ServiceSM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee: 3.45

Extra Services & Fees (check box, add fee as appropriate):
 Return Receipt (hardcopy) 2.75
 Return Receipt (electronic)
 Adult Signature Required
 Signature Required (over 21)
 Restricted Delivery

Postage and Fees: 4.19

Total Postage and Fees: 6.67

Sent to: Bonga Bonga Inc. c/o Lynn Rogacki
19201 Gulf Blvd
Indian Shores FL 33785

City, State, ZIP+4[®]

PS Form 3800, April 2015 PSN 7539-02-000-6017 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 ■ 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.

Bonga Bonga Inc.
c/o Lynn Rogacki
19201 Gulf Blvd
Indian Shores, FL

2. Article Number (Transfer from service label) 33785-

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature]

B. Received by (Printed Name) [Signature]

C. Date of Delivery 2-2-18

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

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

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number (Transfer from service label) 7016 0910 0000 8975 3468

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

INDIAN SHORES

19305 Gulf Boulevard
Indian Shores, FL 33785

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



7016 0910 0000 8975 3475

7016 0910 0000 8975 3475

U.S. Postal ServiceSM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$ 3.15

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ 2.75
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Signature Required \$
 Restricted Mail \$
 Postage 0.47

Total Postage and Fees 6.67



To: Jutta Rosbough Susor
 Official number, No. or PO box: 5029
 City, State, Zip: St. Petersburg, FL 33708

PS Form 3800, April 2013 PSN 7530-01-000-9037 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:

*Jutta Rosbough Susor
5029 - 77th St. N
St. Petersburg, FL
33708*

2. Article Number

(Transfer from service label)

7016 0910 0000 8975 3475

PS Form 3811, February 2004

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature of Addressee Signature of Agent

B. Received by (Printed Name) Address

C. Date of Delivery 2/2/18

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

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

102965-02-04-1540