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M E M O R A N D U M

DATE: March 9, 2022

TO: City Council

FROM: Kelly M. Fernandez, City Attorney

SUBJECT: Settlement Agreement for Code Enforcement Case No. 11-0461

Attached please find a proposed Settlement Agreement for a code enforcement case involving the property located at 902 Gibbs Road #L-278 owned by James M. Oskandy. A brief history of this matter is as follows:

History

March 8, 2011 – Site visit by a code enforcement officer who was sent there because a City inspector noticed work going on in the unit. A handyman had been hired to renovate the kitchen who was not licensed and no permits had been pulled.

March 24, 2011 – A Notice of Violation (“NOV”) was issued after code enforcement staff confirmed with building department staff that a permit was required.

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

Venice
236 Pedro Street
Venice, Florida 34285

July 7, 2011 – Initial Code Enforcement Board (“CEB”) hearing scheduled, but continued to August 4th due to the code enforcement officer’s illness.

August 4, 2011 – Order entered by the CEB finding a violation occurred and requiring owner to get a building permit before August 18th.

September 1, 2011 – Order entered by the CEB imposing fine in the amount of \$3,250 as no compliance obtained.

October 6, 2011 – No further contact from owner and no compliance, so second Order entered by the CEB imposing a fine in the amount of \$1,750.

January 2012 – A permit was pulled, closing out the code enforcement case.

February 5, 2015 – Mr. Oskandy requested a fine reduction to \$100.00 which was heard by the CEB. He stated that the kitchen was remodeled, but it involved no changes to walls, only new cabinets and counters and appliances. A microwave/hood was installed where only a microwave had been which required an electrical line replacement per the City inspector. Mr. Oskandy admitted no permit was pulled until much later as he didn’t appreciate what the City was requesting him to do. He says he was told there were no issues with the work, but he didn’t understand that the work still required a permit to be in compliance. He believed the permit requirements were vague. The Board noted that they had been concerned with unpermitted electrical work being done in a condominium. The fine reduction request was denied by the CEB on a 3-2 vote.

Discussion

There have been no additional code enforcement matters involving Mr. Oskandy or this property. As of November 15, 2021, Mr. Oskandy owed the City a total of \$5,272.15 in unpaid fines and interest. As the amount due remained outstanding, prior to initiating a foreclosure action I sent Mr. Oskandy a demand letter which reinitiated discussions about a potential settlement of the amount due. Mr. Oskandy could have, but didn’t, appeal either of the Orders that imposed fines. However, Mr. Oskandy maintains that the fines imposed were excessive in relation to the violation. Although the likelihood of the City prevailing in a foreclosure action is high, the pursuit of foreclosure would involve additional time and expense with no guarantee that those costs would be recouped. Accordingly, Mr. Lavalley and I believe it is in the City’s best interests to resolve this indebtedness with the acceptance of \$2,500.00 as satisfaction of the amount due. Mr. Oskandy has executed the Settlement Agreement.

Please contact me with any questions.