

Marion County Code Enforcement Board

Case Number
934740-DG

Item 7.3

HEARING DATE: OCTOBER 30, 2024

Code Officer
D. GARRELS

Owner/Respondent
OCALA FREEDOM
INVESTMENTS LLC
1911 MORNING DR
ORLANDO, FL 32809

Occupant/Violator
OCALA FREEDOM
INVESTMENTS LLC

**Verbal contact with
owner/occupant**
No

Parcel Number
Location
4202-010-001

3612 SE 138TH ST,
SUMMERFIELD

Complainant
Citizen

Property Taxes
Paid

Assessed Value
\$134,323



Photo taken by CEO Garrels July 5, 2024

REQUEST TO APPEAR

Violation: Marion County Code, Chapter 16, Article III, Section 16-92; Accumulation of junk; unserviceable vehicles, Marion County Land Development Code, Article 4, Division 2, Section 4.2.6, Requirements for all residential zoning classifications, Marion County Land Development Code, Article 2, Division 22, Section 2.22.1, Private utilization of the right-of-way

Summary: A Code Enforcement Board lien was recorded August 21, 2024 for violations at 3612 SE 138TH ST, SUMMERFIELD, and the adjacent right-of-way. On August 6, 2024, an inspection showed the violations were cleared.

Department Recommendation

The department's recommendation is that the Code Board recommend to the Board of County Commissioners that they deny the request to reduce / rescind the fine now totaling \$4,800, plus administrative costs/fees of \$122.62.

Item 7.3

Notice Summary

Notice of Violation
November 2, 2023

Notice to Appear
April 19, 2024

Location

This 0.23 acre improved property is located within an R-1 Residential Zoning Classification, BELLEVIEW HEIGHTS ESTATES UNIT 2 subdivision.

BACKGROUND

On November 2, 2023, Code Officer Danny Garrels mailed a *Notice of Violation* to OCALA FREEDOM INVESTMENTS LLC and their registered agent for violations on property located at 3612 SE 138TH ST, SUMMERFIELD, parcel # 4202-010-001, and use of the adjacent right-of-way. On April 19, 2024, a *Notice to Appear* for the June 12, 2024 Code Enforcement Board (CEB) hearing was sent via certified mail. Proof of service was by Affidavit of Posting dated May 30, 2024.

On June 12, 2024, Code Supervisor Robin Hough presented the case to the CEB. OCALA FREEDOM INVESTMENTS LLC was not present. The CEB found them to be in violation and directed them to bring the violation(s) into compliance on or before July 4, 2024, or be fined \$150 a day for each day the violation(s) continued past the date set for compliance up to a maximum of \$9,000. Proof of service for the Board Order was by certified mail returned signed green card.

On July 10, 2024, the CEB imposed the fine per the prior order based on an Affidavit of Continuing Violation filed by Officer Garrels. Proof of service for the Board Order was by certified mail signed green card.

On August 6, 2024, Officer Garrels inspected the property and filed an *Affidavit of Compliance*. OCALA FREEDOM INVESTMENTS LLC has requested to appear before the Board to ask for a one time lien forgiveness.



Photo taken by CEO Garrels August 6, 2024

RECOMMENDATION OF MARION COUNTY CODE ENFORCEMENT BOARD


On **October 30, 2024**, the Code Enforcement Board of Marion County, Florida, pursuant to Chapter 2, Article V of the Marion County Code, held a hearing on case number **934740** issued by a Marion County Code Inspector. Based upon the evidence and testimony presented, and by a motion approved by a majority of those members present and voting, the Code Enforcement Board adopted the following recommendation(s):

Based upon a request from **OCALA FREEDOM INVESTMENTS LLC**, for a rescission or reduction of the lien imposed by the Prior Order dated **July 12, 2024**, **OCALA FREEDOM INVESTMENTS LLC, 3612 SE 138TH ST, SUMMERFIELD, Parcel No. 4202-010-001**, Marion County Florida.

The Board recommends to the Marion County Board of County Commissioners that the lien as levied under its Prior Order be amended to reduce or (rescind) the lien.

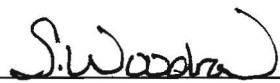
DONE AND ORDERED by the Code Enforcement Board of Marion County, Florida, this this **01** day of **November, 2024**.

**MARION COUNTY
CODE ENFORCEMENT BOARD**

By: 
F. Joe Krim, Jr., Chairperson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Order have been furnished to **OCALA FREEDOM INVESTMENTS LLC, % MAIRIELYS ORDONEZ R/A, 1911 MORNING DR., ORLANDO, FL 32809** by US mail this **01, November, 2024**.


Board Secretary



GREGORY C HARRELL CLERK & COMPTROLLER MARION CO
 DATE: 08/21/2024 11:52:50 AM
 FILE #: 2024110799 OR BK 8403 PG 1124
 REC FEES: \$10.00 INDEX FEES: \$0.00
 DDS: \$0 MDS: \$0 INT: \$0

CASE #658453 / 934740-DG

**MARION COUNTY CODE ENFORCEMENT BOARD LIEN ORDER
 AFFIDAVIT OF COMPLIANCE**

1. The Marion County Code Enforcement Board found **OCALA FREEDOM INVESTMENTS LLC** to have violated Marion County Code, Chapter 16, Article III, Section 16-92; Accumulation of junk; unserviceable vehicles, Marion County Land Development Code, Article 4, Division 2, Section 4.2.6, Requirements for all residential zoning classifications, by operating a business in an improper zone, Marion County Land Development Code, Article 2, Division 22, Section 2.22.1, Private utilization of the right-of-way as referenced in the Board Order dated June 14, 2024.
2. The violator(s) was (were) given until **July 04, 2024** to comply with said Order or be fined **one hundred and fifty dollars (\$150.00) per day**, which shall continue to accrue daily, until the violation(s) is (are) cleared, commencement of a foreclosure action, or until extinguished by law, up to a maximum of **nine thousand dollars (\$9,000.00)**.
3. On **August 06, 2024, at 10:40 a.m.**, I reinspected the property located at **3612 SE 138TH ST, SUMMERFIELD** for compliance.
4. I observed that the violation(s) has (have) been brought into compliance as of **August 06, 2024**.
5. The existing fine of **four thousand eight hundred dollars (\$4,800.00)** will remain as a lien against any real or personal property owned by **OCALA FREEDOM INVESTMENTS LLC** until said fine is paid or otherwise extinguished by law. **The collection agency fee and administrative costs will also be added to the total payoff amount and the lien will be reported to credit bureaus.**

I HEREBY swear under penalties of perjury that the above facts are true to the best of my knowledge.

AFFIANT

PERSONALLY KNOWN and sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of August 2024, by Code Officer Danny Garrels.

Signature of Notary Public-State of Florida



SANDRA COLEMAN
 Notary Public
 State of Florida
 Comm# HH276559
 Expires 8/13/2026

I HEREBY CERTIFY THAT THE
 FOREGOING DOCUMENT IS A
 TRUE AND CORRECT COPY OF
 THE ORIGINAL

CLERK
 MARION COUNTY CODE ENFORCEMENT



GREGORY C HARRELL CLERK & COMPTROLLER MARION
DATE: 08/21/2024 11:54:00 AM
FILE #: 2024110801 OR BK 8403 PG 1127
REC FEES: \$10.00 INDEX FEES: \$0.00
DDS: \$0 MDS: \$0 INT: \$0

**FINAL ADMINISTRATIVE ORDER OF
THE MARION COUNTY CODE ENFORCEMENT BOARD**

This cause having come before the Code Enforcement Board of Marion County, Florida on **July 10, 2024**, on the petition of Marion County for an Order imposing a fine in Case Number **934740** and the Board having considered the Affidavit of Continuing Violation filed therein, it is hereby found and ordered that:

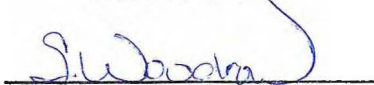
1. The violation(s) of Marion County Code, Chapter 16, Article III, Section 16-92; Accumulation of junk; unserviceable vehicles, Marion County Land Development Code, Article 4, Division 2, Section 4.2.6, Requirements for all residential zoning classifications, by operating a business in an improper zone, Marion County Land Development Code, Article 2, Division 22, Section 2.22.1, Private utilization of the right-of-way, on real property located at **3612 SE 138TH ST., SUMMERFIELD, Parcel No. 4202-010-001**, Marion County, Florida, was (were) not brought into compliance on or before **July 04, 2024**, as required by the previous Order of this Board dated **June 14, 2024**.
2. In accord with the previous Order of this Board which is incorporated herein by reference, there is hereby imposed upon **OCALA FREEDOM INVESTMENTS LLC**, a fine in the amount of **one hundred fifty dollars (\$150.00) per day, beginning July 05, 2024**, for each day the violation(s) continue(s) past the date set for compliance, which shall continue to accrue daily unless and until the violation(s) is (are) cleared or until extinguished by law. Upon recordation the fine has reached its maximum amount and the amount of the Code Enforcement lien is **nine thousand dollars (\$9,000.00)**. The collection agency fee and administrative costs will also be added to the total payoff amount and the lien will be reported to credit bureaus.
3. The violator(s) shall notify the Code Inspector in writing immediately when the violation(s) has (have) been brought into compliance. **IT IS THE RESPONSIBILITY OF THE RESPONDENT(S) TO NOTIFY CODE ENFORCEMENT AT (352) 671-8900, ON OR BEFORE THE COMPLIANCE DATE TO DEMONSTRATE TO MARION COUNTY'S SATISFACTION THAT THE VIOLATION(S) HAVE BEEN CORRECTED.**
4. The violator(s) has (have) the right to file a petition for writ of certiorari to the Circuit Court to appeal the decision of the Board. An appeal must be filed with the Circuit Court within thirty (30) days of the date of this Order. Section 162.11, Florida Statutes, provides as follows:

162.11 Appeals - An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within 30 days of the execution of the order to be appealed.
5. Failure to comply with this Order within the specific times set forth above will result in the recordation of this Order in the Public Records. This order shall be a lien against any non-homestead real property or personal property now owned by the violator, and any non-homestead real property or personal property which violator may own in the future, until the satisfaction of this order. Such lien may be foreclosed and the property sold to enforce such lien. If such lien is filed, you will be assessed all cost incurred in recording and satisfying this lien.

The holder of this order and the lien hereunder is the Marion County Board of County Commissioners, with the address of 601 SE 25th Avenue, Ocala, FL 34471.

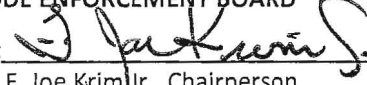
I HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL

**TRUE AND CORRECT COPY OF
THE ORIGINAL**



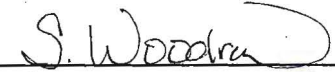
CLERK
MARION COUNTY CODE ENFORCEMENT

MARION COUNTY
CODE ENFORCEMENT BOARD

By: 
F. Joe Krim Jr., Chairperson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Order have been furnished to **OCALA FREEDOM INVESTMENTS LLC, % MAIRIELYS ORDONEZ R/A, 1911 MORNING DR., ORLANDO, FL 32809**, by certified mail # **9589 0710 5270 0989 2499 09** this **12** day of July, 2024.


Board Secretary