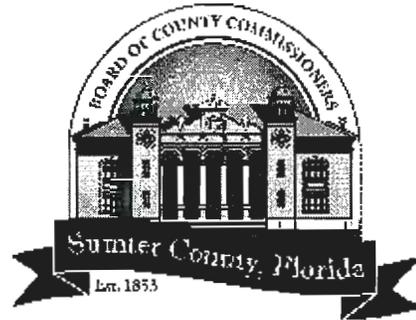


# ***Board of County Commissioners Sumter County, Florida***

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401  
Website: <http://sumtercountyfl.gov>



## **COURTESY NOTICE OF VIOLATION**

7/13/2020

**File #: CE2020-0213**

DAVID L SUTHERLAND  
212 LINCOLN AVE APT #1  
CAPE CANAVERAL, FL 32920

Dear DAVID L SUTHERLAND:

We regret to inform you that a violation of the Sumter County Code exists on your property located:

Parcel #:	F32F003	Section/Township/Range:	321922
Subdivision:		Tract:	
Block:		Lot(s):	
Legal Description (partial):	LOTS 3 & 4 BLK 1 TRACYS POINT THIRD ADD PB 2 PG 31 1/2		

The violation(s) is(are) as follows:

CE2020-0213

2009 I.P.M.C. S 302.4 WEEDS

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 24". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property

You are being notified a violation exists on your property and your next inspection will be July 29, 2020.

Thank you for your attention in this matter.

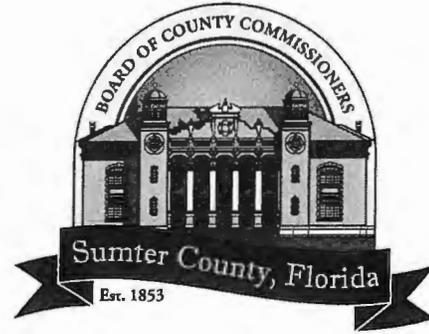
Sincerely,

Guylaine Chasse  
Development Technician



**Board of County Commissioners  
Sumter County, Florida**

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401  
Website: <http://sumtercountyfl.gov>



**NOTICE OF HEARING**

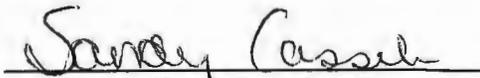
File #: CE2020-0213

SUTHERLAND, DAVID L  
212 LINCOLN AVE APT #1  
CAPE CANAVERAL, FL 32920

YOU ARE NOTIFIED that a public hearing concerning Sumter County Code Violations as alleged in the STATEMENT OF VIOLATION AND REQUEST FOR HEARING attached to this NOTICE and incorporated herein by reference will be held before the Sumter County Special Master on 9/24/2020, at 9:00 AM located at 215 E. McCollum Ave, Historic Courtroom, Bushnell, FL 33513.

At the hearing, the Special Master will hear testimony and receive evidence concerning the alleged violations and at the conclusion of the hearing shall issue an order.

I CERTIFY that a copy of this Notice of Hearing has been furnished by certified mail or personal service to the above named addressee, this 8/25/2020.

  
Sumter County Code Compliance

Any person who may feel the need to appeal any decision with respect to any matter considered at this hearing is hereby notified that a verbatim record of the proceedings, or a portion thereof, may be necessary for such purpose, and that the County assumes no responsibility for providing such record.

Persons with disabilities and needing assistance to participate in any of these proceedings should contact the Sumter County Administration office at 352-689-4400, 48 hours in advance of the scheduled meeting. If you are hearing or voice impaired, call 1-800-955-8771.

SEE ATTACHED SHEETS FOR IMPORTANT INFORMATION

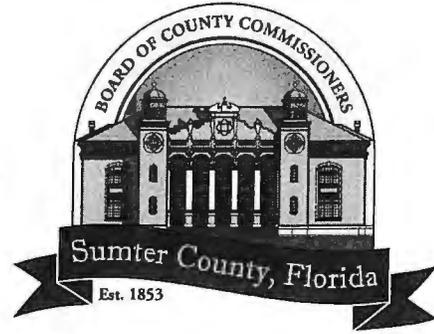
91 7199 9991 7039 6360 6219

## Important Information Regarding Code Compliance Hearings

1. Please be advised that even if the violation contained in the Statement of Violation has been corrected prior to the time set forth for the scheduled hearing, the violation may still be heard and action taken.
2. You may have witnesses subpoenaed to testify on your behalf. If you wish subpoenas issued, please contact the Building Department at (352) 689-4460 at least (7) days prior to the scheduled hearing date and give the name and address of persons to be subpoenaed. You will be responsible for having the subpoenas properly served and paying for any costs incurred.
3. For your information, hearings shall be conducted as follows:
  - a. The Statement of Violations will be read.
  - b. The alleged violator will be asked if he/she wishes to contest the charges.
  - c. If the charges are not contested, the Special Master may issue an Order directing compliance or authorize further civil or criminal proceedings pursuant to Sumter County Ordinance 08-2.
  - d. If the charges are contested, Code Compliance shall present its case and the alleged violator shall present his or her case. The case shall be presented by an attorney, or by the Inspector, or other member of staff. The alleged violator's case may be presented by him/herself, an attorney, or other representative chosen by the alleged violator.
  - e. The parties may call witnesses and all witnesses shall be sworn. All testimony shall be under oath and shall be recorded by the Secretary present.
  - f. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern all proceedings. Minutes shall be kept of all hearings, and all hearings and proceedings shall be open to the public.
  - g. Both parties may cross-examine witnesses and present rebuttal evidence.
  - h. The Special Master may call, question, and take testimony from the Inspector, alleged violator, and any witness.
  - i. After all evidence has been submitted, the Special Master shall close the presentation of evidence.
  - j. Any order to comply shall contain Findings of Fact and Conclusions of Law based on the evidence of record, and shall include an order. The decision shall be announced as an oral order at the hearing and shall be reduced to writing and mailed to all parties.
  - k. If the Special Master finds for a violation, its written order shall be issued as an Order To Comply. Such order shall establish a date certain for compliance and further action to be taken if the deadline for compliance is not met. In determining corrective and punitive actions, the Special Master shall consider the following factors:
    - 1) The gravity of the violation.
    - 2) Any actions taken by the violator to correct the violation.
    - 3) Any previous violations committed by the violator.

# ***Board of County Commissioners Sumter County, Florida***

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401  
Website: <http://sumtercountyfl.gov>



**COUNTY OF SUMTER (Petitioner)**

File #: CE2020-0213

vs.

SUTHERLAND, DAVID L (Respondent)

cc:

## **STATEMENT OF VIOLATION AND REQUEST FOR HEARING**

Pursuant to Sumter County Ordinance 08-2, the undersigned Code Secretary hereby gives notice of an uncorrected violation of the laws of Sumter County, more particularly described as follows, and requests a public hearing before the Special Master, Sumter County, Florida.

1. Violation of Code(s):

CE2020-0213

2009 I.P.M.C. S 302.4 WEEDS

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 24". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property

2. Property Owner(s):

SUTHERLAND, DAVID L

3. Location of Violation:

4. Legal Description of Property where violation exists:

Parcel #: F32F003 Section/Township/Range: 321922

Subdivision: Tract:

Block: Lot(s):

Legal Description (partial):

LOTS 3 & 4 BLK 1 TRACYS POINT THIRD ADD PB 2 PG 31 1/2

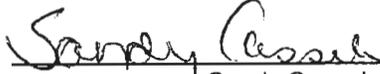
5. Date Violation first Observed: 7/9/2020

6. Date Property owner issued notice of violation: 8/6/2020

7. Date of Notice of Violation Inspection: 8/21/2020

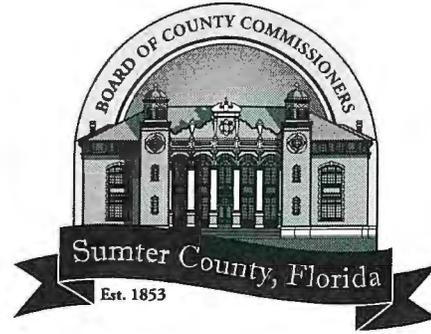
The undersigned Code Secretary hereby certifies that the above-described violation continues to exist, that attempts to secure compliance with the laws of Sumter County have failed as aforesaid, and that the violation should be referred to the Code Special Master, Sumter County for a public hearing.

DATED this Tuesday, the 25th day of August, 2020.

  
Sandy Cassels

**Board of County Commissioners  
Sumter County, Florida**

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401  
Website: <http://sumtercountyfl.gov>



**COUNTY OF SUMTER (Petitioner)**

File #: CE2020-0213

vs.

SUTHERLAND, DAVID L (Respondent)

cc:

**AFFIDAVIT PROOF OF NOTICE**

STATE OF FLORIDA  
COUNTY OF SUMTER

BEFORE ME, the undersigned authority, personally appeared Kevin Vann for Sumter County, who after being sworn, deposes and says:

That on Thursday, September 10, 2020, he posted a copy of the Request for Hearing at the property upon which the violation exists.

The property is known as:

Section/Township/Range: 321922  
Subdivision: Tract:  
Block: Lot(s):  
Legal Description (partial):  
LOTS 3 & 4 BLK 1 TRACYS POINT THIRD ADD PB 2 PG 31 1/2

That, pursuant to F.S. 162.12 2 (b) 1, he has also posted the Request for Hearing at the front door of the courthouse in Sumter County.

That a copy of the Request for Hearing has been sent certified, return receipt mail.

FURTHER AFFIANT SAYETH NOT  
DATED this Thursday, September 10, 2020.

Kevin Vann

---

Before me the above named Inspector, who personally known to me, did appear and execute this Proof of Notice this Thursday, the 10th day of September, 2020.

NOTARY PUBLIC

