

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes

June 30, 2021

9:00 AM

City Hall Auditorium, 200 East University Avenue

## Special Magistrate Hearing

*Jefferson M. Braswell (Special Magistrate)*

*Under the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, 201 E. University Avenue, Room 414A, Gainesville, FL 32601 at (352) 337-6237 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711. Any person desiring to appeal any decision with respect to any matter considered at these hearings will need a record of the proceedings, and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.*

**CALL TO ORDER**

Courtroom called to order at 9:00 a.m. Staff Present included: Special Magistrate Jefferson Braswell, Peter Backhaus, Jackie Clark, Andrew Persons, G. "Todd" Martin, Monique Morales and John C. Freeland

**ADMINISTRATION OF OATH OF OFFICERS (Oath will be administered to Defendants/Witnesses as individual cases are heard)**

Staff Administered Oath

**REDUCTION/RESCISSON REQUESTS**

**CEB 2005-016/CE-04-07408; ENGLERT, DOUGLAS F. AND TAMMIE JEAN**

RECOMMENDATION

*The Special Magistrate hears case and takes action deemed as necessary.*

**CASES TO BE HEARD**

**CEB 2005-016/CE-04-07408; ENGLERT, DOUGLAS F. & TAMMIE JEAN MAGISTRATE'S RULING**

Magistrate Braswell - Mr. Backhaus, I think what I'm inclined to want to do, and I think that's it's the right thing to do. I hear from Mr. Reeves I know the neighbors have long suffered this. There's only one thing that I'm focused on in this, and I really hope that when it goes to the City Commission they will be focused on the same thing; which is trying to facilitate this transaction so that this property has some hope of being preserved and brought into compliance. And I do want to say, and I think I speak for everybody who probably lives around this area, and perhaps speaking for the Commission who may or may not take this position, but it's been frustrating.

And so -- It's got a long history and it's kind of unacceptable. And I always want to send this message to people that are just letting their neighbors suffer around them while they are doing nothing -- complete inaction. I'm sorry, but I think that these sellers have all the culpability in the world. They just neglected this and let people around them suffer the consequences have them have their property values deteriorated as a result of their neglect. It's unacceptable.

And I do, and would like to see the city move forward with some type of other action other than just letting these things sit, and I think that maybe Code Enforcement should --- you know I would like to facilitate that in the future, but that's a different discussion and there's no culpability on the part of the city this belongs squarely on the part of the owner. This is not okay. So what do we do about it? And, what we do about it, is we facilitate this thing going to Mr. Hunter (buyer) and we put our faith that when you add up the transaction cost and the mortgage cost and so forth that he's going to have enough investment in here that he's going to do the right thing. And that's where I'm putting --

that's where I'm putting my stakes at, I'm going behind Mr. Hunter. And I want to help him get this transaction completed. He's got a great team of people around him.

And so I hope that the Commission will heed this Recommendation and I'm telling you, I'm about this close to saying \$5,000 goes to the sellers and I'm going to reduce it to \$5,000. And there's a part of me that is kind of angry enough to say you know, we don't want to see this, but it's been going on long enough. And I am squarely focused on making this transaction go forward. So this is not an easy decision, but I'm going to recommend that these fines be reduced to zero. I am going to recommend that the closing must occur by September 30, 2021 and if it does not close by that date that these fines will not be reduced and the Order will continue with the fines at whatever they are at this time, over \$1 million dollars, but they will not be reduced. So, this whole thing is dependent upon one transaction that's the closing by September the 30th and if it does, then the fines will be reduced to zero. Yes,  
Ms. Hudson ...

Attorney Hudson-Mr. Braswell, in an effort to make sure that the city itself is protected as well and the neighbors, I'm not sure within your – whether you are able to make it contingent upon this particular sale. So the reduction of the liens to zero contingent upon this particular sale.

Magistrate Braswell- Oh understood, great point. Yes, it would have to be to --- and that's why I want the contract included as an evidentiary exhibit. Okay. That was my thought process on that so somehow—it's highly unusual. Is there any way that anybody can get a copy of this contract so that we can get this entered into this record? Because this order is dependent upon that contract closing. Thank you.

Attorney Hudson-Ms. Hazen (real estate agent for the seller) is in the process of emailing it if you can let us know the email address.

Magistrate Braswell-They can send it to the Clerk's Office and they can print it out. Now, does anybody have any – okay, so that you for that. Anything else that you think we need to include? No – Okay. Anybody else want to speak on my decision? -- Before it becomes final. So what we'll do is we're going to introduce this contract into evidence. It will be dependent upon that particular contract closing by September the 30th. And if it closes on September the 30th, which will also depend on I guess getting the IRS lien closed out, then these fines will be reduced to zero and the purpose is to facilitate this closing so that this property can be properly rehabilitated. Are you okay with that, Mr. Backhaus?

Peter Backhaus-That is your decision.

Magistrate Braswell-Okay. That is my decision. Thank you for everybody's participation.

**SM 21-036/CE-20-02712; AMERICAN EAST HOSPITALITY LLC**

**RECOMMENDATION**

*The Special Magistrate hears case and takes action deemed as necessary.*

**THIS CAUSE**, having come for Public Hearing before the Special Magistrate on June 30, 2021, after due notice to Respondent, American East Hospitality LLC the Magistrate issues its Order Imposing Fine and Costs as follows:

It is ORDERED that:

1. The Respondent, American East Hospitality LLC, is found GUILTY of violating Sec. 16-19 of the Gainesville Code of Ordinances existing at 2002 NW 13th ST, Gainesville, FL also known as Alachua County, Florida, Tax Parcel 09013-002-001.
2. The previous ruling of the building existing at 2002 NW 13th ST, Gainesville, FL to be demolished to remedy this violation is hereby SUSTAINED. Charge of the costs thereof rest upon the parties having an interest in the subject property. In that instance, if the costs are not paid within ninety (90) days from the receipt of invoice, the City may place a lien against the property in the amount of the charges, including advertising, title research and related costs.
3. The Respondent shall pay Petitioner for costs of prosecuting this case in the amount of \$387.02.

**CONTINUANCE REQUESTS: None**

**COMPLIANCE/DISMISSAL: None**

**ADJOURNMENT**