



Agenda Item Summary

File ID: 18-0713

CNST-10

Meeting Date: 9/11/2018

PLACEMENT: Consent

TITLE:

REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF WYNN FAMILY TRUST

EXECUTIVE SUMMARY:

Pursuant to the provisions of Section 1.98.B, General Ordinance, Martin County Code, the Board of County Commissioners is asked to consider approval of a Fine Reduction and Agreed Recommended Order regarding the Code Enforcement case of Wynn Family Trust.

DEPARTMENT: Building

PREPARED BY: **Name:** Dawn Matias
Title: Business Operations Manager

REQUESTED BY: Wynn Family Trust

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

A. Code Enforcement Statistics - Fiscal Year 2017

During fiscal year 2017, the Code Enforcement Division responded to approximately 7,231 Requests for Service (Investigations) of which approximately 97.8% (7,073) were resolved prior to the close of the fiscal year. Over this same period of time, the Code Enforcement Division resolved a total of 7,424 Code Enforcement cases.

Of those 7,231 code enforcement investigations, 4,045 of these investigations were directly related to alleged violations of the Martin County Code(s). Over the course of the fiscal year, the Magistrate ultimately issued compliance orders which could result in an accruing fine/lien upon property for 77 of the code enforcement actions.

During fiscal year 2017 a total of 15 fine reduction recommendations were forwarded from the Code Enforcement Magistrate to the Board of County Commissioners in accordance with Martin County Code and the average fine reduction equated to approximately 7.15% of the face value of the fine.

B. Wynn Family Trust Fine Reduction Request:

The attached Fine Reduction Stipulation and Agreed Recommended Order involves property located at 1550 NE Ocean Blvd. B-101, Stuart, Martin County.

On December 20, 2017, an Order Finding Violation was issued by the Code Enforcement Magistrate to Wynn family Trust, for the following violations: Section 105.1 Florida Building Code (FBC) - Required, as incorporated by Section 21.1 (Construction Without a Permit - Screen Room). Compliance was required by January 31, 2018. On May 18, 2018, an Affidavit of Compliance/Accrued fines was issued reflecting an outstanding fine of \$9,600.00 plus administrative fees in the amount of \$575.00. The administrative fees have been paid to date so therefore the remaining balance is \$9,600.00.

On July 12, 2018, the Building Department received a check in the amount of \$960.00 from Paul Wynn which represents payment of 10 percent of the remaining balance of the fine.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board accept the Magistrate's recommendation that the lien on the property be reduced to \$960.00 and accepted as full payment.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and provide staff with further directions.

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | | <input type="checkbox"/> Resolution |