



Agenda Item Summary

File ID: 18-0715

CNST-11

Meeting Date: 9/11/2018

PLACEMENT: Consent

TITLE:

REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF 2121 PELICAN TERRACE LAND TRUST JONATHAN DAVID GEORGE TTEE

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 Stipulation and Agreed Recommended Order regarding the Code Enforcement case of 2121 Pelican Terrace Land Trust, Jonathan David George TTEE.

DEPARTMENT: Building

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

REQUESTED BY: Nick Victor Stoyshich

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. Nick Victor Stoyshich Fine Reduction Request:

The attached Fine Reduction Stipulation and Agreed Recommended Order involves property located at 2121 NE Pelican Terrace, Jensen Beach, Martin County.

On January 17th, 2018, an Order Finding Violation was issued by the Code Enforcement Magistrate to 2121 NE Pelican Terrace Land Trust, Jonathan David George TTEE, for the following violations: Section 105.1 Florida Building Code (FBC) - Required, as incorporated by Section 21.1. Compliance was required by February 28, 2018. On August 1, 2018, an Affidavit of Compliance/Accrued fines was issued reflecting an outstanding fine of \$15, 875.00.

On March 29, 2018 a Quit- Claim Deed was recorded transferring ownership of the property to Nick Victor Stoyshich. The violation was minor in nature as it was a fence installed without a permit.

Nick Victor Stoyshich has agreed to pay \$1,587.50 to correct the outstanding fine on the property.

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 fine be reduced to \$1,587.50 and accepted as full payment.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda.
Provide staff with further direction.

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
Subtotal		

Project Total		
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ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment
 ☐ Chair Letter
 ☐ Contract / Agreement
- ☐ Grant / Application
 ☐ Notice
 ☐ Ordinance
 ☐ Resolution
- ☐ Other: