



Agenda Item Summary

File ID: 19-0202

CNST-10

Meeting Date: 1/29/2019

PLACEMENT: Consent

TITLE:

REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF DARRIN & RENEE F NOTLE

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 Darrin & Renee F. Nolte.

DEPARTMENT: Building

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

REQUESTED BY: 1969 SE Madison, LLC

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 the 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. 1969 SE Madison, LLC Fine Reduction Request:

The attached Fine Reduction Stipulation and Agreed Recommended Order involves property located at 1969 SE Madison, Stuart, Martin County.

On July 27, 2016, the Code Enforcement Magistrate entered into an Order Finding Violation against Darrin & Renee F. Nolte for violation of Section 67.201.A Nuisance Declared: Weeds. Undergrowth. Section 21.114 Exterior Walls all under General Ordinances, Martin County. An Affidavit of compliance with Fines was recorded in Official Records book 3023 page 2749 on October 29, 2018 with a total amount of \$149,475.00 in fines.

1969 SE Madison, LLC is the Current Owner. Pursuant to a Certificate of Title recorded in Official Records Book 3019, Page 1580, Martin County, Florida Public Records, Respondents have no remaining interest in the property.

Staff has determined that a lien reduction is warranted. Current owners were not responsible for the violation, but have offered to pay \$10,000.00 to resolve the outstanding fine which has accrued. The current owners are also the ones that brought the property into compliance. The current value of the property is listed at \$121,360.00 per the Martin County Property Appraiser's website. The current owners paid \$107,700.00 for the purchase of 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 lien on the property be reduced to \$10,000.00 and accepted as full payment.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda.
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:

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