



## Agenda Item Summary

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**File ID:** 19-0281

**CNST-8**

**Meeting Date:** 2/12/2019

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**PLACEMENT:** Consent

**TITLE:**

**REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF DANIEL AND BRANDY KENT**

**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 Daniel and Brandy Kent.

**DEPARTMENT:** Building

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

**REQUESTED BY:** Deakin Investments, 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. Deakin Investments, LLC Fine Reduction Request:**

The attached Fine Reduction Stipulation and Agreed Recommended Order involves property located at 5826 SE Inez Avenue, Stuart, Martin County.

On July 18, 2012, the Code Enforcement Magistrate entered in to an Order Finding Violation against Daniel and Brandy Kent for violation of Section 67.201.A Nuisance Declared: Weeds, Undergrowth, under General Ordinances, Martin County. An Affidavit of Compliance with Fines was recorded on December 5, 2018 in Official Records book 3030 page 135 with a total amount of \$229,675.00 in fines.

Deakin Investments, LLC is the Current Owner. Pursuant to a Quitclaim Deed recorded in Official Records Book 2725, Page 1003, Martin County, Florida Public Records, Respondents have no remaining interest in the property.

Staff has determined that a lien reduction is warranted. Current owner was not responsible for the violation, but has offered to pay \$1,000.00 to resolve the outstanding fine which has accrued. The current owner also brought the property into compliance, and paid the outstanding hard cost lien for the demolition of the structure on the property in the amount of \$8,673.57. The current value of the property is listed at \$27,000.00 per the Martin County Property Appraiser's website.

**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 \$1,000.00 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

<b>Subtotal</b>		
<b>Project Total</b>		

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

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

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