



Agenda Item Summary

File ID: 19-0283

CNST-10

Meeting Date: 2/12/2019

PLACEMENT: Consent

TITLE:

REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF DANIEL M. KNOWLES ESTATE

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 M. Knowles Estate.

DEPARTMENT: Building

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

REQUESTED BY: Jean Marie Knowles-Mazur, Denis Knowles Carter, Vicki Anne Knowles, Jason Daniel Knowles, Jerome Knowles and Larry Daniel Knowles

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. Jean Marie Knowles-Mazur, Denis Knowles Carter, Vicki Anne Knowles, Jason Daniel Knowles, Jerome Knowles and Larry Daniel Knowles Fine Reduction Request:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 8096 SE Wren Avenue, Hobe Sound, Martin County.

On July 15, 2015, the Code Enforcement Magistrate entered an Order Finding Violation against Daniel M. Knowles Estate for violation of, Section 67.201.A Nuisance Declared: Weeds, Undergrowth, Section 67.201.B Nuisance Declared: Trash, Etc., Section 4.769- Site Addressing and Section 91.34.A-Generally Inoperable Vehicles all under General Ordinances, Martin County. An Affidavit of Compliance with fines was recorded in Official Records book 3021 page 2994 with a total amount of \$172,775.00 in fines.

The property is currently going through probate. Pursuant to a Petition for Summary Administration that has been filed in the Martin County, Florida Public Records, the Respondent Daniel M Knowles has been deceased since October 9, 2013, and his son who was also living on the property , Jerome Knowles, is also deceased having passed away on August 13, 2014. The remaining heirs to the estate and current owners by operation of law are Jean Marie-Knowles- Mazur, Denis Knowles Carter, Vicki Anne Knowles, Jason Daniel Knowles, Jerome Knowles and Larry Daniel Knowles.

Staff has determined that a lien reduction is warranted. The current heirs were not responsible for the violation, but have offered to pay \$5,575.00 to resolve the outstanding fine which has accrued. The current owners brought the property into compliance. The current value of the property is listed at \$53,520.00 per the Martin County Property Appraiser's website. The current heirs also paid \$4,449.50 in back taxes.

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 \$5,575.00 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		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

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

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