



Agenda Item Summary

File ID: 20-0921

DEPT-3

Meeting Date: 8/11/2020

PLACEMENT: Departmental

TITLE:

FINE REDUCTION REQUEST BY FOUNTAIN PROPERTY MANAGEMENT, INC. REGARDING CODE ENFORCEMENT CASE NO. 15-0095293

EXECUTIVE SUMMARY:

On behalf of Fountain Property Management, Inc., Michael Mortell requested a reduction of the \$39,997.00 in fines and costs which accrued in reference to Code Enforcement Case No. 15-0095293. On July 15, 2020 the Code Enforcement Magistrate (Magistrate) considered the request and staff's recommendation of a reduction to \$3,997.50. Mr. Mortell initially offered to pay a total of \$575.00. Pursuant to the Fine Reduction Request and Recommendation Against Reduction, the Magistrate recommended denial of the requested reduction to \$575.00. Pursuant to Section 1.98.B, General Ordinances, Martin County Code, the Board of County Commissioners shall vote on the recommendation of the Magistrate.

DEPARTMENT: Building

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

REQUESTED BY: Fountain Property Management, Inc., Michael Mortell

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Fountain Property Management, Inc. Fine Reduction Request:

This Fine Reduction Request involves a parcel located at 871 NW Sunset Drive, Martin County, Florida.

On August 17, 2016, an Order Finding Violation was issued by the Code Enforcement Magistrate to Fountain Property Management, Inc. for the following violation(s): Section 105.1 FBC -Permits When Required Incor. By Sec. 21.1, Section 67.201.B-Nuisance Declared: Trash, Etc., General Ordinances, Martin County Code. Copy attached.

Compliance was required by September 19, 2016. On March 25, 2020, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$39,400.00 plus costs in the

amount of \$575.00. The total amount of accrued fines was the result of a \$100 per day fine for each of the two violations. Five hundred seventy-five dollars (\$575.00) is the amount imposed to cover the administrative cost of cases considered by the Code Enforcement Magistrate at a hearing.

On June 24, 2020, on behalf of Fountain Property Management, Inc., Michael Mortell initiated a fine reduction request. Staff offered to recommend approval of a reduction from \$39,997.00 to \$3,997.50, representing ten percent of the accrued fines plus costs. Mr. Mortell initially requested that all fines be waived and offered to pay a total of \$575.00. On July 15, 2020, the fine reduction request was considered by the Code Enforcement Magistrate. Staff advised the Magistrate that a reduction to \$575.00 was not warranted because the violation remained on the property for 337 days after the compliance date established in the Order Finding Violation. In addition, Staff took into consideration the \$420,000.00 assessed value of the property. Pursuant to the attached Fine Reduction Request and Recommendation Against Reduction, the Magistrate has recommended that the reduction to \$575.00 be denied.

Section 1.98.B, General Ordinances, Martin County Code provides that:

The Board of County Commissioners has delegated the authority of hearing requests for release or reduction of code enforcement liens to the Special Magistrate. If the Special Magistrate recommends release, or reduction, said recommendation shall be delivered to the Board of County Commissioners. The Board of County Commissioners shall then vote on the recommendation of the Special Magistrate.

Mr. Mortell has elected to present his fine reduction request to the Board of County Commissioners, understanding that the Code Enforcement Magistrate has recommended denial of the request. Prior to the conclusion of the July 15, 2020 hearing, Mr. Mortell appeared to modify his reduction request, but the details of the modification were not clear to Staff.

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 recommendation of the Code Enforcement Magistrate and deny the requested reduction to \$575.

ALTERNATIVE RECOMMENDATIONS

None

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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