



## Agenda Item Summary

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**File ID:** 22-0909

**CNST-9**

**Meeting Date:** 6/21/2022

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**PLACEMENT:** Consent

**TITLE:**

**REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF DAVID F. CULBERSON CASE NUMBER 15-0097167**

**EXECUTIVE SUMMARY:**

Pursuant to the provisions of Section 1.98B, General Ordinances, 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 David F. Culberson.

**DEPARTMENT:** Building

**PREPARED BY:** **Name:** Rachel Spradley  
**Title:** Nuisance Abatement Coordinator

**REQUESTED BY:** David Culberson

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

David F. Culberson Fine Reduction Request:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 32 SE Taho Terrace, Stuart, FL 34997, Martin County, Florida.

On January 28, 2016, an Order Finding Violation was issued by the Code Enforcement Magistrate to David F. Culberson for the following violation(s): Section 21.106 - Enclosures, General Ordinances, Martin County Code.; Section 21.105 - Swimming Pools, General Ordinances, Martin County Code; and Section 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by February 5, 2016 for the damaged pool enclosure and on February 29, 2016 for the overgrowth and unsanitary pool. On May 17, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$380,800.00 plus costs in the amount of \$575.00.

Staff had offered to reduce the lien amount to \$16,430.00, representing ten percent of the value of

the property: however, the Magistrate ruled that \$5,000.00 is appropriate to settle the outstanding fines in this case.

**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 recommendations that the lien on the property be reduced to \$5,000.00 and accepted as full payment.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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