

MAGISTRATE HEARING DOCKET CITY OF STUART, FLORIDA January 12, 2017 AT 1:00 PM

121 S.W. FLAGLER AVE. STUART, FLORIDA 34994

Magistrate Hearing Dockets are available on our website at http://www.cityofstuart.us Phone: (772) 600-1254. E-mail: clerk@ci.stuart.fl.us Special Needs: Participants with special needs can be accommodated by calling the Magistrate Clerk at least 5 working days prior to the Meeting excluding Saturday and Sunday. We can be reached by phone at (772)600-1254, or by email at clerk@ci.stuart.fl.us. If you are hearing impaired, please contact us using the Florida Relay Service, Customer Service: Dial 711 or English: (V) 800-682-8706, (TTY) 800-682-8786 Spanish: (V, TTY) 1-800-855-2886 If a person decides to appeal any decision made by the Magistrate with respect to any matter considered at this hearing, he/she will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

WHAT IS CIVILITY?: Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

VIOLATION HEARINGS

1. <u>Stipulation &</u> Agreed Orders

> Michael Roberts Eric Wickstrom Hugh Dove Thor & Janine O'Brien Jaret Moskal

ADJOURNMENT

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST MAGISTRATE HEARING DOCKET

Meeting Date: 1/12/2017

Narrative:

Michael Roberts Eric Wickstrom Hugh Dove Thor & Janine O'Brien Jaret Moskal

Magistrate Action:

ATTACHMENTS:

DescriptionUpload DateTypeStipulations1/11/2017Attachment

CITY OF STUART CODE ENFORCEMENT DIVISION

CITY OF STUART,

CASE No. CE16090037

V.

MICHAEL A. ROBERTS

STIPULATION FOR SETTLEMENT

THIS STIPULATION is entered into by and between the CITY OF STUART, a municipal corporation located at 121 SW Flagler Avenue, Stuart, Florida 33494 (hereinafter referred to as "CITY"), and MICHAEL A. ROBERTS, 1510 se 5TH Street, Stuart, Florida 34996 (Hereinafter referred to as RESPONDENT")

WHEREAS, on or about November 12, 2016, the Code Magistrate found the RESPONDENT in violation for citations known as CE 02154 and CE 01255, for failure to obtain a Building Permit for demolition and reconstruction of a driveway, and for failure to Stop Work as ordered by the Inspector, and the Magistrate ordered compliance on or before November 21, 2016, failing which a fine in the amount of \$100.00 per day would accrue; and awarded costs in the amount of the \$300.000 to the City; and

WHEREAS, the CITY has determined that as of this date, the violations have not been brought into compliance; and

WHEREAS, the CITY and RESPONDENT are mutually desirous of resolving the violations and improving the property for the benefit of the public safety and welfare.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the CITY and RESPONDENT agree:

1. RESPONDENT shall bring the property into compliance with that certain Order issued by thee Code Magistrate on November, 12, 2016, located at:

1510 SE 5th Street, Stuart, Florida PCN: 0338410230310013090000

As follows:

- 2. RESPONDENT has already obtained the necessary Building Permit; and shall complete construction, and shall obtain a Certificate of Completion from the City, and shall advise the Code Enforcement Office at 772-600-0118, Ext. 3932 no later than January 31, 2017.
- 3. If Respondent complies with this Stipulation, then the CITY agrees to recommend a Fine Reduction to the Code Magistrate from the accrued fine of \$4,000 to the acceptable fine of \$300, and to accept costs in the amount of \$300, for a total of \$600.00 to be paid to the CITY, no later than January 31, 2017, failing which, all accrued fines and costs shall be due.
- 4. REMEDIES: If the RESPONDENT fails to comply with the terms of this Stipulation, the CITY shall be free to take whatever ation it deems necessary to enforce its codes, including further actions before the Code Enforcement Magistrate or to a court of competent jurisdiction for enforcement, including injunctive relief.

CITY OF STUART v. ROBERTS CASE No. CE16090037

WHEREFORE, the Parties have signed and sealed this Stipulation on the date first written above.

RESPONDENT	FOR THE CITY	
By: Michael Roberts	By: Chalimar Gregory, Code Compliance Supervisor	
FOR	Approved as to Form and Correctness: Out F3N: 366269 Michael J. Mortell, City Attorney	
CONSENT ORDER		
THIS MATTER came before the Magistrate been fully advised in the premises, the Parties having	on, 201, and having g consented to entry hereof, it is	
ORDERED that the above Stipulation is app	proved and the Parties shall comply therewith.	
DONE at City Hall, Stuart, Florida, this	day of, 201	
	Thomas J. Baird, Magistrate	
Conice furnished to the mostice has also to all the second		

Case No: CE16090047

CITY OF STUART, FLORIDA,

Petitioner,

V.

Eric P. Wisckstrom 160 SE Alamanda Way Stuart, FL 34996

Respondent(s).

PCN# 0538410020000159050000

STIPULATION AND AGREED ORDER

STIPULATION

- 1. The persons signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
- The violations that are more fully described in the Notice of Violation/Notice of Hearing filed in this case exist at the property described therein, and the legal description of the property is attached on Exhibit "A."
- 3. The Respondent is granted until March 20, 2017, to take the necessary corrective action to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, or Florida Building Code, as applicable, and as described in the Notice of Hearing/ Notice of Violation.
- 4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of \$100.00 per violation, per day shall be assessed for each day the violation continues after the compliance date. The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent.
- 5. Administrative costs in the amount of \$300.00 shall be Waived by the City with the filing of this Stipulation. In accordance with Sec.162.09, Florida Statutes, a hearing is not

Case No: CE16090047

Stipulation and Agreed Order

necessary for the issuance of an order imposing the fine, and no additional notification will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.

- 6. The Respondent acknowledges that the City of Stuart Code Enforcement Magistrate may enter an Order which requires the Respondent to correct the violations and bring the property into compliance, as stated in this Stipulation and Agreed Order.
- 7. The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.

CITY OF STUART, FLORIDA CODE ENFORCEMENT DIVISION By: Chalimar Gregory	By: ERIC WICKSTrom By: A Addition	
Date: 1-9.17	Date: 1-9-17	
AGREED ORDER		
THIS MATTER came before the Mahaving been fully advised of the premises;	agistrate on, and	
IT IS HEREBY ORDERED that the aboabide thereby, and	ove Stipulation is approved and the parties shall	
IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.		
	Thomas J. Baird, Magistrate	



CITY OF STUART **CODE ENFORCEMENT**

830 SE MARTIN LUTHER KING, JR. BLVD STUART, FL 34994-2139

NOTICE OF VIOLATION

Oct 20, 2016 WICKSTROM ERIC P 160 SE ALAMANDA WAY **STUART, FL 34996**

Case #: CE16090047

You are hereby notified that the following violation(s) of the Code of Ordinances of the City of Stuart exists on the property listed:

ADDRESS: 648 SW PINE AVE

OBSERVATION DATE: 09/22/16

PARCEL ID #: 0538410020000159050000

CORRECTION DATE: 11/30/2016

VIOLATION(S)

AND CORRECTIVE ACTIONS:

NO BUILDING OR STRUCTURE SHALL BE USED, OCCUPIED OR NO CHANGE IN THE EXISTING OCCUPANCY CLASSIFICATION SHALL BE MADE UNTIL THE BUILDING OFFICIAL HAS ISSUED A CERTIFICATE OF

OCCUPANCY CONSISTANT WITH THE INTENDED USE

Exceeding the land development code for density

Correction: 111.1

IMMEDIATELY CEASE MULTI-FAMILY RESIDENTIAL OCCUPANCY AND

RETURN STRUCTURE TO ORIGINAL FLOORPLAN

2.03.00

Comply with the Land Devlopment Code

NOTICE OF HEARING SUMMONS

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on 01/12/2017 at 10:00 AMin the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254.

Code Enforcement Officer	Certified Mail #
Chalimar Gregory / Vito Lorenzo / Augustyn Arbuzov	w / Ryan Betsinger

Case No: CE16110044

CITY OF STUART, FLORIDA,

Petitioner,

 $\underline{\mathbf{v}}$.

THOR & JANINE OBRIEN
204 SE ILA ST
STUART FL 34994

Respondent(s).

PCN# 0938410010070022050000

STIPULATION AND AGREED ORDER

STIPULATION

- 1. The persons signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
- The violations that are more fully described in the Notice of Violation/Notice of Hearing filed in this case exist at the property described therein, and the legal description of the property is attached on Exhibit "A."
- 3. The Respondent is granted until January 23, 2017, to take the necessary corrective action to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, or Florida Building Code, as applicable, and as described in the Notice of Hearing/ Notice of Violation.
- 4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of \$100.00 per violation, per day shall be assessed for each day the violation continues after the compliance date. The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent.
- 5. Administrative costs in the amount of \$300.00 shall be waived by the City with the filing of this Stipulation. In accordance with Sec.162.09, Florida Statutes, a hearing is not necessary for the issuance of an order imposing the fine, and no additional notification

Case No: CE16110044
Stipulation and Agreed Order

- will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.
- 6. The Respondent acknowledges that the City of Stuart Code Enforcement Magistrate may enter an Order which requires the Respondent to correct the violations and bring the property into compliance, as stated in this Stipulation and Agreed Order.
- 7. The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.

CITY OF STUART, FLORIDA CODE ENFORCEMENT DIVISION	RESPONDENT(S)	
By: Chalimar Gregory Date:	By: By: Date:	
AGREED ORDER		
THIS MATTER came before the having been fully advised of the premises	ne Magistrate on, ans;	
IT IS HEREBY ORDERED that the above Stipulation is approved and the parties shall abide thereby, and		
IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.		
	Thomas J. Baird, Magistrate	



CITY OF STUART CODE ENFORCEMENT

830 SE MARTIN LUTHER KING, JR. BLVD STUART, FL 34994-2139

NOTICE OF VIOLATION

Nov 29, 2016

OBRIEN THOR PAUL 204 SE ILA ST STUART, FL 34994

Case #: CE16110044

You are hereby notified that the following violation(s) of the Code of Ordinances of the City of Stuart exists on the property listed:

ADDRESS: 204 SE ILA ST

PARCEL ID #: 0938410010070002050000

OBSERVATION DATE: 11/28/16 CORRECTION DATE: 12/09/2016

VIOLATION(S)

10-69 (B) (9)

AND

ONLY FULLY OPERABLE VEHICLES, VESSELS, OR AIRCRAFT SHALL BE

PARKED OR STORED ON RESIDENTIAL PROPERTY.

CORRECTIVE

ECTIVE 10-

10-36

ACTIONS:

Work without a Permit

10-69 (c) (3) (f)

ALL VEHICLES, VESSELS, AND TRAILERS SHALL BE PARKED OR

STORED ON AN APPROVED PAVED SURFACE.

Correction: 10-69 (B) (9)

PARKED OR STORED VEHICLES, VESSELS AND AIRCRAFT MUST BE

FULLY OPERABLE.

10-36

Obtain and Complete all Requirements of Permit

10-69 (c) (3) (f)

ALL VEHICLES, VESSELS AND TRAILERS SHALL BE PARKED OR STORED

ON AN APPROVED PAVED SURFACE.

NOTICE OF HEARING SUMMONS

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on 01/12/2017 at 10:00 AM in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254..

Ode Enforcement Officer

Certified Mail #

70162140000044960262

Chalimar Gregory / Vito Lorenzo / Augustyn Arbuzow / Ryan Betsinger

Case No: CE16120086

CITY OF STUART, FLORIDA,

Petitioner,

 $\underline{\mathbf{v}}$.

Hugh Dove 4650 SE ROCKY POINT WAY STUART FL 34997 Respondent(s). PCN# 1038410040000013020000

STIPULATION AND AGREED ORDER

STIPULATION

- 1. The persons signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
- 2. The violations that are more fully described in the Notice of Violation/Notice of Hearing filed in this case exist at the property described therein, and the legal description of the property is attached on Exhibit "A."
- 3. The Respondent is granted until **February 3, 2017,** to take the necessary corrective action to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, or Florida Building Code, as applicable, and as described in the Notice of Hearing/ Notice of Violation.
- 4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of \$100.00 per violation, per day shall be assessed for each day the violation continues after the compliance date. The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent.
- 5. Administrative costs in the amount of \$300.00 shall be waived by the City with the filing of this Stipulation. In accordance with Sec.162.09, Florida Statutes, a hearing is not necessary for the issuance of an order imposing the fine, and no additional notification

Case No: CE16120086

Stipulation and Agreed Order

will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.

- 6. The Respondent acknowledges that the City of Stuart Code Enforcement Magistrate may enter an Order which requires the Respondent to correct the violations and bring the property into compliance, as stated in this Stipulation and Agreed Order.
- 7. The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-288-5325 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.

CITY OF STUART, FLORIDA CODE ENFORCEMENT DIVISION By: Vito Lorenzo Date: 1/5/17	By: Date:	
AGREED ORDER		
THIS MATTER came before the Ma having been fully advised of the premises;	agistrate on, and	
IT IS HEREBY ORDERED that the above Stipulation is approved and the parties shall abide thereby, and		
IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.		
	Thomas J. Baird, Magistrate	

Case No: CE16120055

CITY OF STUART, FLORIDA,

Petitioner,

V.

Jaret J Moskal 402 SE Parkway Drive Stuart, FL 34996 PCN# 0338410040000026090000

Respondent(s).

STIPULATION AND AGREED ORDER

STIPULATION

- 1. The persons signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
- The violations that are more fully described in the Notice of Violation/Notice of Hearing filed in this case exist at the property described therein, and the legal description of the property is attached on Exhibit "A."
- 3. The Respondent is granted until ______, 2017, to take the necessary corrective action to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, or Florida Building Code, as applicable, and as described in the Notice of Hearing/ Notice of Violation.
- 4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of **per violation, per day** shall be assessed for each day the violation continues after the compliance date. The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent.
- 5. Administrative costs in the amount of \$300.00 shall be waived by the City with the filing of this Stipulation. In accordance with Sec.162.09, Florida Statutes, a hearing is not

Case No: CE16120055
Stipulation and Agreed Order

necessary for the issuance of an order imposing the fine, and no additional notification will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.

- 6. The Respondent acknowledges that the City of Stuart Code Enforcement Magistrate may enter an Order which requires the Respondent to correct the violations and bring the property into compliance, as stated in this Stipulation and Agreed Order.
- 7. The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.

CITY OF STUART, FLORIDA CODE ENFORCEMENT DIVISION	RESPONDENT(S)	
By: Chalimar Gregory Date:	By: By: Date:	
AGREED ORDER		
THIS MATTER came before the Mahaving been fully advised of the premises;	agistrate on, and	
IT IS HEREBY ORDERED that the above Stipulation is approved and the parties shall abide thereby, and		
IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.		
	Thomas J. Baird, Magistrate	



CITY OF STUART CODE ENFORCEMENT

830 SE MARTIN LUTHER KING, JR. BLVD STUART, FL 34994-2139

NOTICE OF VIOLATION

Dec 13, 2016 MOSKAL JARET J 402 SE PARKWAY DR STUART, FL 34996

Case #: CE16120055

You are hereby notified that the following violation(s) of the Code of Ordinances of the City of Stuart exists on the property listed:

ADDRESS: 402 SE PARKWAY DR

OBSERVATION DATE: 12/13/16

PARCEL ID #: 033841004000026090000
VIOLATION(S) 10-36

CORRECTION DATE: 12/29/2016

VIOLATION(S)

AND

Work without a Permit

CORRECTIVE

105.1

ACTIONS:

CONSTRUCT, ENLARGE, ALTER, REPAIR, MOVE, DEMOLISH OR INSTALL

WITHOUT A PERMIT.

Correction:10-36

Obtain and Complete all Requirements of Permit

105.1

OBTAIN REQUIRED PERMIT.

NOTICE OF HEARING SUMMONS

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on 01/12/2017 at 10:00 AMin the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254.

7016 2140 0000 4496 0361

Code Enforcement Officer

Chalimar Gregory / Vito Lorenzo / Augustyn Arbuzow / Ryan Betsinger

Certified Mail #