

**CLERK SUMMARY
MAGISTRATE HEARING DOCKET OF THE STUART MAGISTRATE
OCTOBER 20, 2025
AT 10:00 AM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

PLEDGE OF ALLEGIANCE

10:00 AM

Magistrate: Paul J. Nicoletti

VIOLATION HEARINGS

1. MAKENZIE SPITTLER IMPOUNDMENT HEARING

Lee Baggett

CASE NO: 2025-00033830

ADDRESS OF VIOLATION: 31 SE OSCEOLA STREET, STUART,
FLORIDA 34994

CODE SECTION: SECTION 40-104, CODE OF ORDINANCES

DESCRIPTION OF VIOLATION: MAKENZIE SPITTLER'S
VEHICLE WAS PARKED IN A TOW ZONE AND WAS TOWED
FROM DOWNTOWN

Magistrate Nicoletti, asked for the names of those who will testify from both parties. Makenzie Spittler, owner of the vehicle, approached the podium and provided the passenger's name, Jen

Dunker, in the vehicle the evening of the offense that will testify. Lee Baggett, City Attorney provided the names Jessica Tharpe, Community Services, Warren and Dustin Driscoll, KW Record Service, and Officer Preston Kuffner.

Magistrate Nicoletti swore in Makenzie Spittler and asked for her opening statements.

Ms. Spittler provided her statement and shared what occurred on the night of October 3rd around 10 p.m. and parked on Osceola Street. She shared two (2) pictures that she was able to retrieve from the ice cream shop across the street from where her car was parked, and stated she does not believe the signage was properly noticed and that there was not an actual police officer present when her vehicle was towed.

Magistrate Nicoletti and Ms. Spittler continued discussion on what is proper signage, interpreted the Ordinance, and stated that per Ordinance Sec 40-104, a police officer has to be present, and she believes they were not.

City Attorney Baggett provided a statement and stated that there were 56 signs, and that there were pictures from the towing company that showed the sign a foot away from her car. City Attorney cross-examined Ms. Spittler.

Magistrate Nicoletti swore in Jessica Tharp.

City Attorney Baggett questioned Ms. Tharp and her involvement with the Special Events Application for the Arts & Craft event. Discussion continued about the signage and its amount and Ms. Spittler asked Ms. Tharp if she had physical views of these signs.

Magistrate Nicoletti swore in Officer Preston Kaufner.

City Attorney Baggett started to question Officer Kaufner, his position and hours, and communication with reference to this vehicle and it being towed. Ms. Spittler referred to the police report and Officer Bryant being the name on the report rather than Officer Kaufner. Ms. Spittler continued to question Officer Kaufner.

Magistrate Nicoletti swore in Warren Driscoll, Owner of KW Wrecker, Towing Company.

City Attorney Baggett and Ms. Spittler questioned Mr. Driscoll.

Magistrate Nicoletti accepted Ms. Spittler's photo into evidence.

City Attorney Baggett did not object to the photos.

Discussion continued between Ms. Spittler, City Attorney Baggett, and Magistrate Nicoletti.

Magistrate Nicoletti asked Officer Kuffner if there were ample signs on each side of the street, to which Officer Kuffner said yes.

Ms. Spittler finalized by saying she did not see the signs and is stating that just because she didn't see the truck signs does not mean she has never seen a sign on Osceola.

City Attorney Baggett has asked to enter the photos into evidence, recalled Ms. Tharp back for questioning, and handed into the record an email that was from the applicant.

Magistrate Nicoletti accepted the City's Exhibits 1-8, Ms. Spittler did not object.

MAGISTRATE FINDING: Accepted Exhibits 1-8 into evidence. Findings are preponderance that signs existed, and the street was noticed enough. The City did not charge a \$100 fine, and cannot do anything with regard to the towing charge. Magistrate Nicoletti found in the city's favor.

ADJOURNMENT

11:20 AM