

**CLERKS SUMMARY**  
**MAGISTRATE HEARING DOCKET OF THE STUART MAGISTRATE**  
**DECEMBER 16, 2022**  
**AT 10:00 AM**  
**COMMISSION CHAMBERS**  
**121 SW FLAGLER AVE.**  
**STUART, FLORIDA 34994**

**MAGISTRATE: Paul Nicoletti**

**PLEDGE OF ALLEGIANCE**

10:00 AM

**VIOLATION HEARINGS**

**3. City of Stuart vs Robert Stancavich**

Vito Lorenzo

CASE NO: CE21010007

ADDRESS OF VIOLATION: 1251 Sw Nortons Lane, Stuart FL

CODE SECTION:

DESCRIPTION OF VIOLATION:

Magistrate swore in (5) people; Vito Lorenzo, Code Enforcement Officer, Steve Nicolosi, Building Official, Deborah Carrasco, Code Enforcement Officer, Michael Mortell, City Attorney, and Robert Stancavich, Owner of Property.

Attorney Mortell gave a brief history on the case and read a staff report into the record (also in the agenda packet). Attorney Mortell requested that the Magistrate not combine the fines and adjudicate the fines from August 22, 2022 - December 16, 2022 for the amount of \$29,000.00.

**\*\*\*\* Recess 10:12 AM\*\*\*\***

**\*\*\*\* Reconvened 10:14 AM\*\*\*\***

Mr. Stancavich stated he wanted to speak to Jodi Nentwick (Development Director) to ensure he could do a walkway to connect both homes.

Magistrate explained the fines to Mr. Stancavich and spoke about the zoning of the property.

Mr. Nicolosi stated that he spoke to Mr. Stancavich and told him the steps he needed to take to get the property under the correct zoning.

Magistrate and Mr. Stancavich had a brief discussion.

Attorney Mortell read an email into the record that was between the Attorney and the City

Staff.

**MAGISTRATE FINDING:** Issue an order updating the fine as per the City's request from August 22 - December 16, 2022 of \$29,000.00 totaling the fines of \$83,750.

1. **Stipulation and Agreed Order Arlee & Doris Coleman** Vito Lorenzo  
**CE22100003**  
CASE NO: CE22100003  
ADDRESS OF VIOLATION: 1612 SE Palm Beach Rd, Stuart, FL  
CODE SECTION: 10-61 (j) (1)  
DESCRIPTION OF VIOLATION: Outdoor Storage

10:29 AM

Mr. Lorenzo reviewed the case and presented exhibits, property owner has until December 26, 2022 to come into compliance. If not in compliance, by then the property owner shall be fined \$250 per day, per fine. Upon signing of the stipulation, the administrative costs of \$300.00 shall be waived. If they come into compliance and violate the same code, the property owner will be fined an administrative fine of \$500.00 per day.

Magistrate reviewed the exhibits and asked Mr. Lorenzo to explain the pictures. He also noted for the record that the stipulation does incorporate Composite Exhibit 1.

**MAGISTRATE FINDING:** Stipulation is appropriate under the circumstances and entered the order.

2. **City of Stuart Vs Robert J. Haas Jr.** Deborah Carrasco  
CASE NO: CE22080003  
ADDRESS OF VIOLATION: 228 SE ILA St.  
CODE SECTION: 105.1 Florida Building Code Working without a Permit  
DESCRIPTION OF VIOLATION:

10:35 AM

Attorney Mortell provided a brief history of the case and stated the single family house has become a multi dwelling unit and being rented out on Airbnb. Attorney Mortell and Mr. Nicolosi have reached out to Airbnb and they are doing an investigation. Property owner has not communicated with anybody in the City to get an after-the-fact permit. The fines would run from November 1 - December 16, 2022, which is a total of \$11,250.00.

Magistrate entered two exhibits into the record, which are exhibits #1 and #2.

**MAGISTRATE FINDING:** Property owner did not come into compliance with the date set in the agreed order and will enter an order of fine for 45 days from November 1 - December 16, 2022, in the amount of \$250.00 per day with a total of \$11,250.00.

Mr. Nicolosi entered two exhibits into the record, which are exhibits #3 and #4.

Magistrate accepted the new exhibits into evidence.

Attorney Mortell read the Airbnb description of the property into the record.

Mr. Nicolosi read an email from Airbnb into the record.

**NEW CASE - Case No. 20090053 and 20090057 Magnifico Capital LLC.**

Attorney Mortell stated the City was looking to have an amended consent agreement significantly reducing the fines and provided a brief history of the case.

Magistrate stated that he was reading into the record as the consent agreement was done previously off record.

**ADJOURNMENT**

11:04 AM