



City of Stuart

**MAGISTRATE HEARING DOCKET
CITY OF STUART, FLORIDA
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**December 16, 2021 AT 10:00 AM
Commission Chambers**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306 . Fax: (772) 288-5305 . E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he 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. **Stipulation and Agreed Order-Juanita H. Leonard** Deborah Carrasco
CE21110033
Outdoor storage & parking & storage disabled
vehicles
Stipulation was signed by owner.
2. **City of Stuart vs Thor and Janine O'Brien** V. Lorenzo
CE21020066
10-61(j)(2), 10-69
Outdoor Storage and Parking on the Grass

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 12/16/2021

Narrative:

Stipulation was signed by owner.

Magistrate Action:

Fine Amount:

\$100.00 Per day per violation

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
Stipulation & Agreed Order	12/14/2021	Cover Memo



RECEIPT OF HAND DELIVERY

DATE December 14, 2021

Property Owner

TO: Juanita Leonard / Otis Leonard

ATTENTION Leonard family

Location of Property in violation 1620 SE Apache Ave

Date and Time of Service 12/14/2021

Recipient [Signature]

Signature of Owner/Recipient

CITY OF STUART, FLORIDA
CODE ENFORCEMENT MAGISTRATE

Case No. CE21110033

CITY OF STUART, FLORIDA,
Petitioner,

PCN: **0938410050020006030000**

v.

Juanita H. Leonard
1620 SE Apache Ave.
Stuart, FL. 34994

Respondent(s).

STIPULATION AND AGREED ORDER

STIPULATION

The City of Stuart, Florida and the Respondent(s), hereby stipulate and agree to the following:

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 do exist at the property which is located at: 1620 SE Apache Ave. and described therein, and the legal description of the property is attached as Exhibit "A."
3. The Respondent is granted until **January 18th 2022** 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 attached hereto as Exhibit "B."
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 accrue for each day the violation continues after the compliance date. **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 **\$0.00 shall be paid by the Respondent to 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 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 approves this Stipulation, and requests the Magistrate enter the Agreed Order which requires the Respondent to correct the violations and bring the property into compliance or be liable for the fines and additional costs described above.
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: _____

Date: _____

RESPONDENT(S)

By: _____

By: _____

Date: _____

AGREED ORDER

THIS MATTER came before the Magistrate on _____, and having been fully advised of the premises.

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.

Magistrate

Copy furnished to the parties by U.S. Mail / Hand Delivery / Fax

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 12/16/2021

Narrative:

Outdoor Storage and Parking on the Grass

Magistrate Action:

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City of Stuart vs Janine & Thor Obrien	12/15/2021	Exhibit

CITY OF STUART, FLORIDA
CODE ENFORCEMENT MAGISTRATE

Case No: CE21020066

CITY OF STUART, FLORIDA,

Petitioner,

v.

Thor Paul Christopher O'Brien and
Janine Danielle O'Brien

Respondent(s).

PCN# 093841001007000205

ORDER GRANTING CONTINUANCE

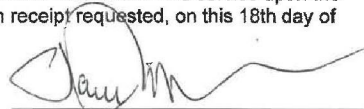
THIS CAUSE came before the Magistrate on the ore tenus motion by the City Attorney, Michael Mortell, and was supported by the Respondent, Janine O'Brien, seeking to extend the date set for completion of the violation hearing in this case to a time certain, based upon the administrative granting of a time extension for compliance by the Village. Having taken the sworn testimony regarding the matters, and accepting City's Exhibits 1-13 into evidence,

IT IS HEREBY ORDERED that this case is hereby rescheduled and shall be set for final hearing, as follows:

Final Hearing Date: DECEMBER 16, 2021
Time: 10:00 AM, or as soon thereafter as practicable
Hearing Location: Stuart City Commission Chambers
121 SW Flagler Avenue
Stuart, Florida 34994

DONE AND ORDERED this 18th day of November, 2021.

I hereby certify that a correct copy of the above Final Order of Violation has been furnished by email to the city staff at: rcavo@ci.stuart.fl.us, mmortell@ci.stuart.fl.us, snicolosi@ci.stuart.fl.us, vlorenzo@ci.stuart.fl.us for further distribution and service upon the Respondent by Hand Delivery or Certified Mail, return receipt requested, on this 18th day of November, 2021.



Paul J. Nicoletti, Magistrate

CITY EXHIBIT 1

order granting continuance

7020 0640 0001 1458 6167

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here 11/19/21
Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Thor Paul O'Brien + Janine Danielle O'Brien	
Street and Apt. No., or PO Box No. 304 SE FLA ST	
City, State, ZIP+4® Stuart, FL 34994	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Agent ☒ Addressee X [Signature] (940220)	
1. Article Addressed to: Thor Paul O'Brien + Janine Danielle O'Brien 304 SE FLA ST Stuart, FL 34994		B. Received by (Printed Name) C. Date of Delivery 11/24/21	
2. (Transfer from service label) 7020 0640 0001 1458 6167		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
3. Service Type ☒ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Restricted Mail		CODE ENFORCEMENT CITY OF STUART ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

CITY EXHIBIT 2



CITY EXHIBIT 3



CITY EXHIBIT 4



CITY EXHIBIT 5



CITY EXHIBIT 6