



City of Stuart

MAGISTRATE HEARING DOCKET

**CITY OF STUART, FLORIDA
121 S.W. FLAGLER AVENUE
STUART, FLORIDA 34994**

**AUGUST 16, 2023 AT 2:00 PM
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.

PLEDGE OF ALLEGIANCE

VIOLATION HEARINGS

- 1. CASE No. CE23080023 CITY OF STUART v. THE CROCKER GROUP, INC. and MANCIL'S TRACTOR SERVICE LLC**
CASE NO: CE23080023
ADDRESS OF VIOLATION: Vacant Land per Exhibit "A" to the Stipulation and Consent Order
CODE SECTION: Sec. 5.05.08.4, LDC
DESCRIPTION OF VIOLATION: Cutting down trees not in accordance with the Tree Removal Permit #22060023, issued to the Respondents.

Stefano Nicolosi

ADJOURNMENT

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

Meeting Date: 8/16/2023

Prepared by: Stefano Nicolosi

Title of Item:

CASE No. CE23080023 CITY OF STUART v. THE CROCKER GROUP, INC. and MANCIL'S TRACTOR SERVICE LLC

Address:

Vacant Land per Exhibit "A" to the Stipulation and Consent Order

Code Section:

Sec. 5.05.08.4, LDC

Description of Violation:

Cutting down trees not in accordance with the Tree Removal Permit #22060023, issued to the Respondents.

Summary Explanation/Background Information:

Violation occurred on or about August 1, 2022 as verified by Inspector Rosa Walls, and later confirmed by CBO Stefano Nicolosi.

ATTACHMENTS:

1. Notice of Violation and NOH Crocker & Mancil
2. Stipulation and Consent Order - Crocker Signed

**CITY OF STUART, FLORIDA
NEIGHBORHOOD SERVICES DIVISION**

NOTICE OF VIOLATION AND NOTICE OF HEARING SUMMONS

NOTICE OF VIOLATION

August 9, 2023

JAMES P. CROCKER, MANAGER-MEMBER
THE CROCKER GROUP, LLC
3920 SE COMMERCE AVENUE
STUART, FLORIDA 34997; AND

DON R. MANCIL, JR., PRESIDENT
MANCIL'S TRACTOR SERVICE, INC.
5701 SW SUNSHINE FARMS WAY
PALM CITY, FLORIDA 34990

CASE #: CE23080023

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

SUBJECT PROPERTY: VACANT 9.43 ACRES, EAST OF COMMERCE AVENUE, SOUTH OF INDIAN STREET
OBSERVATION DATE: BEGINNING ON AUGUST 1, 2022, AND CONTINUING TO AUGUST 9, 2023
PARCEL ID #: 38-38-41-002-065-00010-3

VIOLATION(S): SEC. 5.05.00, STUART LAND DEVELOPMENT CODE
CORRECTIVE ACTION(S): REMEDIATE TREE REMOVAL AS CITED BELOW.
CORRECTION DATE: BY SEPTEMBER 1, 2023

On July 11, 2022, Tree Removal Permit #22060023 (the "Permit") was issued to Mancil's Tractor Service, Inc. (Contractor) and to Ted Glasrud Associates FL LLC (then Property Owner) for the Subject Property. Upon issuance, the Permit stated prominently on Page 1, the following:

1. Please place a ribbon around all the trees that will remain
2. Please schedule an inspection, before you start the removal of exotics

Without a prior inspection or approval, on or about August 1, 2022, Mancil's Tractor Service, Inc. completed the removal of vegetation, by clear-cutting most or all of the trees on the Property, including the trees noted on the tree survey as protected and needing to be retained. This was verified by the City's Inspector Rosa Walls on August 1, 2022, and subsequently verified by the undersigned. The Tree Removal has also expired for lack of appropriate remedial action. A copy of the "expired" permit status is included as **Exhibit "1,"** dated August 8, 2023. Since the expiry of the Permit, the Respondents have not tried to finalize the Permit or remediate the violation as required by Sec. 5.05.08, Stuart Land Development Code. The City further alleges The Crocker Group, LLC subsequently purchased the Property by a Warranty Deed dated August 19, 2022, which was recorded at Official Record Book 3332, Page 581, Public Records of Martin County, Florida on August 24, 2022, also without attempting to remediate the expired Permit or the violation.

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 a City Code Enforcement Magistrate on **SEPTEMBER 20, 2023 at 2:00 PM** in the City of Stuart Commission Chambers, at 121 S.W. Flagler Avenue, Stuart, Florida 34994. The violation(s) charged is a civil infraction and subjects you to a maximum civil penalty of **up to \$940,663.33**, pursuant to Sec. 5.05.08, Stuart Land Development Code.

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 **\$1,000.00** may 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 or (772) 600-1296.

STEFANO NICOLOSI
Building Official

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Violation and Notice of Hearing Summons has been furnished to THE CROCKER GROUP, LLC, by Certified Mail # _____ sent to JAMES P. CROCKER, MANAGER-MEMBER, 3920 SE COMMERCE AVENUE, STUART, FLORIDA 34997 and by Email at james@thehog.com and to MANCIL TRACTOR SERVICE, INC. by Certified Mail # _____ sent to DON R. MANCIL, JR., PRESIDENT, 5701 SW SUNSHINE FARMS WAY, PALM CITY, FLORIDA 34990 and by email at rick@mancil.com on this ____ day of AUGUST, 2023.

Paul J. Nicoletti
Interim City Attorney

CITY OF STUART, FLORIDA
CODE ENFORCEMENT MAGISTRATE

Case No. CE23080023

CITY OF STUART, FLORIDA,

Petitioner,

v.

Mr. James P. Crocker, MGRM
The Crocker Group LLC
3920 SE Commerce Avenue
Stuart, FL 34997

PCN# 38-38-41-002-065-00010-3

AND

Mr. Don R. Mancil, Jr., President
Mancil's Tractor Service, Inc.
5701 SW Sunshine Farms Way
Palm City, FL 34990

Respondent(s).

STIPULATION AND CONSENT ORDER

STIPULATION

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

1. The person(s) signing this Stipulation has/have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
2. The violation(s) that are more fully described in the Notice of Violation/Notice of Hearing Summons 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 **OCTOBER 31, 2023**, to take the necessary corrective action to bring the property into compliance with Sec. 5.05.08.4. Stuart Land Development Code, by entering into a Remedial Action Plan acceptable to the Development Director. Thereafter, the Respondent(s) shall remediate the Subject Property and bring it into compliance with the Stuart Land Development Code as provided in the Remedial Action Plan.
4. **An Administrative Fine in the amount of \$1,000.00 is levied against the Respondent(s) and shall be paid with the filing of this Stipulation.** In the event the Respondent(s) do not correct the violations(s) and bring the property into compliance as set forth in section 3, an additional civil penalty of \$250.00 per violation, per day shall be assessed for each day the violation continues after the compliance date established in the approved Remedial Action Plan. **The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent(s).**

5. **Administrative costs in the amount of \$500.00 shall be awarded to the City and paid 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 raises no objection to the admission of the City's file into evidence in this case, and 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 Consent Order.
7. Should the Respondent(s) come into compliance in accordance with this Stipulation and Consent Order, and subsequently violate the same code section within a five (5) year period, as provided in Sec. 162.04(5), Florida Statutes, such reoccurrences are subject to the provisions of Section 162.06, Florida Statutes.
8. **The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a reinspection 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.
9. This Stipulation may be signed in counterparts, and each signed original or electronic copy thereof shall be valid evidence of the authority intended and granted therein by the signor.

CITY OF STUART, FLORIDA
CODE ENFORCEMENT DIVISION

By: 
Stefano Nicolosi
Building Official

Date: 8/15/23

APPROVED AS TO FORM
AND CORRECTNESS:


PAUL J. NICOLETTI
Interim City Attorney
(Consent Order on next page)

RESPONDENT(S)

The Crocker Group, LLC

Signed: 
Print: James P. Crocker

Date: 8-15-2023

Mancil Tractor Service, Inc.

Signed: _____
Print: _____

Date: _____

CONSENT ORDER

THIS MATTER came before the Magistrate on _____, and having been consented to by the Respondents(s) 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.

Wendy H. Werb, Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing Stipulation and Consent Order has been furnished by Email to THE CROCKER GROUP, LLC, at james@thehog.com, and to MANCIL TRACTOR SERVICE, INC. at rick@mancil.com on this _____ day of _____, 2023.

Vito Lorenzo, Code Inspector
City of Stuart

Exhibit "A"
Legal Description

Tracts 65, 66 and 67 lying East of SE Commerce Avenue and South of SE Indian Street and West of the Florida East Coast Railway, and the Easterly 100 feet of the Northerly 123 feet of Tract 106 lying West of the Florida East Coast Railway, Sewall's Point Land Company Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 7 of the Public Records of Palm Beach (now Martin) County, Florida.

less and excepting from Tract 65 and 66 lands conveyed to Harold H. Dubner, as Trustee in Official Records Book 450, Page 1798 more particularly described as follows:

A portion of Lots 65 and 66, PORT SEWALL, as recorded in Plat Book 3, Page 7, Palm Beach (now Martin) County, Florida, Public Records, being more particularly described as:

Begin at the Northeasterly corner of Lot 65 (being the intersection of the Southwesterly right-of-way line of the Florida East Coast Railway and the Southeasterly right-of-way line of Indian Avenue). Thence South $66^{\circ}46'28''$ West along the Southeasterly right-of-way line of Indian Avenue a distance of 290 feet; thence South $23^{\circ}13'32''$ East a distance of 190 feet; thence North $66^{\circ}46'28''$ East a distance of 352.85 feet to the Southwesterly right-of-way line of the Florida East Coast Railway; thence North $41^{\circ}31'42''$ West along said right-of-way line a distance of 200.12 feet to the Point of Beginning.