

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008

Division: County Attorney

Bulk Item: Yes  No

Staff Contact Person: Cynthia L. Hall

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**AGENDA ITEM WORDING:**

Authorization to institute collection proceedings and/or enter settlement negotiations with John A. Tuckus, III in Code Enforcement Case CE07010057.

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**ITEM BACKGROUND:**

On January 5, 2007, John A. Tuckus, III was cited for violation of Monroe County Code Section 19-129(a), a commercial vehicle being stored on the property which is residential and Monroe County Code Section 8-17(a), trash and debris located on the left hand side of the property and in the back side of the property. The case was brought before the Special Magistrate on March 29, 2007, at which time Mr. Tuckus was still not in compliance. The Special Magistrate set compliance for April 19, 2007, after which a fine would begin to run in the amount of \$250.00 per count per day. Pursuant to an Order Imposing Penalty/Lien dated May 31, 2007, Mr. Tuckus is compliant and as of that date owes \$9,100.00. No fines have been paid to date.

**PREVIOUS RELEVANT BOCC ACTION:** None

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval

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**TOTAL COST:** \_\_\_\_\_

**BUDGETED:** Yes \_\_\_ No \_\_\_

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes \_\_\_ No \_\_\_    **AMOUNT PER MONTH** \_\_\_\_\_    **Year** \_\_\_\_\_

**APPROVED BY:** County Atty  <sup>C&H</sup> OMB/Purchasing \_\_\_ Risk Management \_\_\_

**DOCUMENTATION:** Included  Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_



BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
LARRY J. SARTIN  
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA,  
Petitioner.

CASE NO. CE07010057

vs.

JOHN A. TUCKUS, III  
Respondent(s).

\_\_\_\_\_ /

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE having come on for public hearing before the Code Enforcement Special Magistrate on March 29<sup>th</sup> 2007, at the Monroe County Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, the Special Magistrate, having reviewed the evidence, heard testimony under oath and being otherwise fully apprised in the premises, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That the Respondent(s) is/are the tenant of record of property located at:  
BK 8, LT 18, KEY LARGO MOBILE HOMESITES, PLAT NO 3, KEY LARGO,  
MONROE COUNTY, FLORIDA (RE#00564146-000800);
2. That the Respondent(s) was/were duly noticed of this hearing; and
3. That the above-named property is in violation of the Monroe County Code as more particularly described in Exhibit "A", which is attached hereto and incorporated herein.


Therefore it is

ORDERED AND ADJUDGED that:

- A. Respondent(s) is/are in violation of the Monroe County Code(s) and is/are ordered to comply with the provisions of said codes by April 19<sup>th</sup> 2007. A compliance / review hearing will be held on April 26<sup>th</sup> 2007.
- B. Upon complying, Respondent(s) shall notify the Code Inspector in this case who shall re-inspect the property and notify the Code Enforcement Department of compliance.
- C. Noncompliance by the above date will result in the imposition of a fine, \$250.00 ( TWO HUNDRED-FIFTY DOLLARS), per count, per day, for each day thereafter that Respondent(s) is/are in violation.
- D. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) has been levied for the administrative recovery for prosecution and investigation.
- E. In the event of nonpayment of fines/liens imposed, a certified copy of an order imposing a fine may be recorded in the public records and shall thereafter constitute a lien against the land on which the violation or violations exist and upon any other real or personal property owned by the violator(s).
- F. You have the right to appeal this order to the Circuit Court of Monroe County. If you wish to appeal, you must do so no later than thirty (30) days from the date of this Order. Failure to timely file a written Notice of Appeal will waive your right to appeal.

DONE AND ORDERED at the Division of Administrative Hearings, Tallahassee, Florida, this

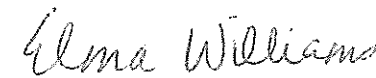
6<sup>th</sup> day of April, 2007.

  
 \_\_\_\_\_  
 Larry J. Sartin  
 Code Enforcement Special Magistrate

STATE OF FLORIDA  
COUNTY OF LEON

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Larry J. Sartin, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6<sup>th</sup> day of April, 2007.

  
 \_\_\_\_\_  
 Notary Public

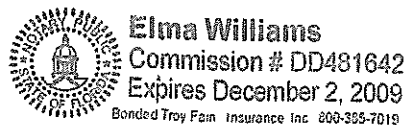


EXHIBIT "A"

VIOLATION(S):

COUNT 1. Pursuant to Monroe County Code §19-129(a) (a) Within any residential district, no trucks, trailers or wagons of one-ton or greater capacity or recreational vehicle-type unit, as defined in F.S 320.01, in excess of forty-two (42) feet in length and in excess of eight and one-half (8.5) feet in width shall be parked for storage purposes, including overnight, on any public right-of-way or on private property except within a completely enclosed garage.

COUNT 2. Pursuant to Monroe County Code §8-17(a) Premises to be cleaned and mowed. (a) For the purposes of promoting the health, safety and general welfare of the residents of the county, all lands inside and outside of subdivisions, including vacant lands, and improved property within the unincorporated area of the county, shall be kept cleared of debris, garbage, litter, yard trash, refuse, special solid waste, solid waste, trash, industrial waste and/or which tend to be a breeding place or haven for snakes, rodents, insects, and vermin of all kinds and character, and/or which tend to create a fire hazard, endanger the lives and property of the residents of the county, create a traffic hazard, create a nuisance or unsanitary condition and/or which render the soil or air impure, unwholesome, or unhealthful.

CORRECTION(S):

COUNT 1. Remove truck, trailer, or motor home from the above described property or store in a completely enclosed garage. Contact your Code Enforcement Inspector upon compliance.

COUNT 2. Remove all debris, garbage, litter and/or items specified by the Code Enforcement Inspector. Removal of said materials does not authorize the cutting or removal of native or other vegetation without a permit if required.


CONTACT YOUR CODE INSPECTOR UPON COMPLIANCE

Upper Keys (305)852-7135

Middle Keys (305)289-2810

Lower Keys (305)292-4495

I HEREBY CERTIFY that a true and correct copy of the above has been furnished to the Respondent(s) via first-class mail at 226 Lee Ave., Key Largo, Fl 33037 , this 10<sup>th</sup> day of April, 2007.

  
Code Enforcement Liaison  
Karen L. Bass

Please make check or money order payable to Monroe County Code Enforcement and mail to 2798 Overseas Highway, Marathon, FL 33050.

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
LARRY J. SARTIN  
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA  
Petitioner,

vs.

CASE NO. CE07010057

JOHN A. TUCKUS, III  
Respondent(s).

Doc# 1653017 07/16/2007 9:17AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1653017  
Bk# 2308 Pg# 918

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on March 29<sup>th</sup> 2007, at the Marathon Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, after due notice to the Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §19-129(a), §8-17(a).

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by April 19<sup>th</sup> 2007, and further, that failure to correct the violation(s) by the compliance date may result in a fine \$250.00,( TWO HUNDRED-FIFTY DOLLARS) per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on April 26<sup>th</sup>, 2007, Inspector Hattery testified that the violation(s) had not yet been corrected.

At a meeting held on May 31<sup>st</sup> 2007, it was read into the record that the case is now compliant.

ACCORDINGLY, the Special Magistrate finding that the violation(s) have been corrected, as previously ordered, but not in the time ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$9,000.00 (NINE THOUSAND DOLLARS). Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.


THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY:  
BK 8, LT 18, KEY LARGO MOBILE HOMESITES, PLAT NO 3, KEY LARGO,  
MONROE COUNTY, FLORIDA (RE:00564146-000800)

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of the  
Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this  
case, who shall reinspect the property and notify the Special Magistrate of compliance.

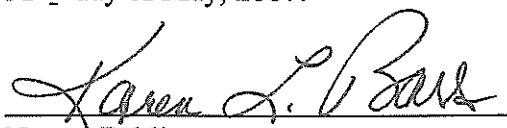
DONE AND ORDERED this 31<sup>st</sup> day of May, 2007, at the Marathon  
Government Regional Center, Marathon, Florida.


BY   
Larry J. Sartin  
Code Enforcement Special Magistrate

STATE OF FLORIDA  
COUNTY OF MONROE

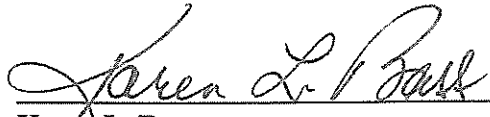
I HEREBY CERTIFY that on this day, before me, on officer duly authorized in  
the State aforesaid and in the County aforesaid, to take acknowledgments, personally  
appeared Larry J. Sartin, personally known to me, who executed the foregoing and  
acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this  
31<sup>st</sup> day of May, 2007.

  
Notary Public

 Karen L. Bass  
My Commission DD333077  
Expires June 28, 2008

I HEREBY CERTIFY that a true and correct copy of the above and foregoing  
Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at  
226 Lee Ave., Key Largo, FL 33037, this 31<sup>st</sup> day of May, 2007.

  
Karen L. Bass,  
Code Enforcement Liaison