



CITY OF STUART, FLORIDA
 CODE ENFORCEMENT MAGISTRATE

Case No: CE22080003 and CE21050005

CITY OF STUART, FLORIDA,

Petitioner,

v.

ROBERT J. HAAS, JR.
 228 S.E. 14A STREET
 STUART, FLORIDA 34994

Respondent(s).

STATE OF FLORIDA
 COUNTY OF MARTIN

I, the undersigned, duly appointed City Clerk of the City of Stuart, Florida, HEREBY CERTIFY that this is a true and correct copy of the original.

Signature: Mary L. Kinkel

CITY CLERK

DATE: 7/18/2023

PCN# 09-36-41-001-007-00802-0

FINAL ORDER

THIS MATTER came before the Magistrate on June 21, 2023 for adjudication of Final Judgment, and having been fully advised in the premises;

IT IS **HEREBY ORDERED** as follows:

FINDINGS OF FACT

1. The Magistrate finds that a Notice of Violation was issued, and the parties entered into a Stipulation and Agreed Order on August 3, 2022, which was approved by the Magistrate on August 19, 2022.
2. Pursuant to the terms of the Stipulation and Agreed Order, the Respondent was granted until October 31, 2022 to take the necessary corrective actions to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances set forth in the Notice of Violation giving rise to the Agreed Order.
3. Based upon the evidence and testimony provided, the Magistrate finds that the real property was brought into compliance May 12, 2023.
4. Pursuant to the evidence presented at the Final Hearing, it is determined that the Respondent brought the property into compliance and provided a report from a licensed engineer authorizing the issuance of an after the fact permit on May 12, 2023.
5. There was a prior code enforcement case, Case# CE21050005, with a fine in the amount of \$600.00, which was previously entered by the Magistrate.

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6. Pursuant to the Stipulation and Agreed Order, a civil penalty of \$250.00 per day was to be assessed for each day the violation continued past October 31, 2022. Further, there would be an administrative cost in the amount of \$300.00 which was waived pursuant to the Stipulation.

7. From October 31, 2022 to May 12, 2023 is one hundred and ninety-three (193) days, which at \$250.00 per day equates to a total amount of \$48,250.00.

8. Evidence was presented at the hearing whereby the Magistrate determined that a letter from an engineer was submitted on Respondent's behalf in January 2023, which date was seventy-three (73) days after October 31, 2022, and although the City notified the contractor that the letter was insufficient, the contractor failed to notify the engineer or Respondent that the letter did not satisfy the after the fact permit requirements.

9. Accordingly, the Magistrate reduced the fine from \$48,250.00 to \$18,850.00; \$18,250.00 of that amount being for \$250.00 per day for seventy-three (73) days for Case# CE22080003, and \$600.00 of that amount being for the fine in Case# CE21050005. Therefore, \$18,850.00 is the total amount due for cases CE22080003 and CE21050005 combined.

ORDERED and ADJUDGED:

- A. The Magistrate hereby enters this Final Order in the amount of eighteen thousand, eight hundred and fifty dollars (\$18,850.00) as the Final Judgment which shall accrue interest at the statutory rate beginning upon the date on which this Order is signed and continuing to accrue until the Final Order has been satisfied.
- B. The prior orders adjudicating fines previously ordered shall remain in full force and effect until paid in full.

DONE and ORDERED this 15th day of July, 2023.



Wendy H. Werb, Magistrate