

**CITY OF KEY COLONY BEACH, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

v.

ARMANDO V. RODRIGUEZ and FELIPA CARRETT,

Respondents.

**STIPULATED AGREEMENT, FINDINGS OF FACT
AND FINAL CODE ENFORCEMENT BOARD ORDER**

IN RE: 331 10th Street, Key Colony Beach, Florida
MAILING ADDRESS: PO Box 510950, Key Colony Beach, Florida 33051
ACCOUNT # AND PROPERTY ID: 1081965
Violation: Dumping or Litter under Section 7-12

The Code Enforcement Special Magistrate for Key Colony Beach, Florida, having before it the above-referenced Code Violation, Dumping or Littering of Refuse, Debris, or Materials resulting from construction-related activities occurring at the above-referenced Property into the City's nearby canal system (*Dumping or Littering, Chapter 7-12*), and having heard supplemental argument and testimony under oath at the public Violation Hearing held on January 11, 2023, in reference to the above-described Property and violation, and based upon this evidence, the Special Magistrate now issues the following **FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER.**

FINDINGS OF FACT

Respondents have stipulated on the record at an open hearing held on January 11, 2023,

to committing the alleged violation of *Dumping or Littering of Refuse, Debris, or Materials resulting construction-related activities occurring at the above-referenced Property into the City's canal system*. Therefore, the Code Enforcement Board now finds that this violation has occurred.

CONCLUSIONS OF LAW

The findings of fact above result in a violation of the City of Key Colony Beach Code of Ordinances, Section 7-12.

The violation of dumping or littering of refuse, debris, or materials resulting construction-related activities occurring at the above-referenced Property into the City's canal system is **deemed irreparable or irreversible in nature** pursuant to Section 162.09, *Florida Statutes*, and City of City of Key Colony Beach Code of Ordinances, Section 1-10(d)(4), resulting in a maximum fine of \$5,000.00.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Special Magistrate now accepts Respondents' prior admission to the Finding of Facts of violating the City of Key Colony Beach Code of Ordinances.

Pursuant to Section 162.09, *Florida Statutes*, and City of City of Key Colony Beach Code of Ordinances, Section 1-10(d)(4), the unlawful dumping or littering of refuse, debris, or materials resulting construction-related activities occurring at the above-referenced Property into the City's canal system is deemed irreparable or irreversible providing for a maximum fine of \$5,000.00.

Based on the maximum fine of \$5,000.00 for irreparable harm violation, the Code

Enforcement Board's prior assessed fine in the amount of \$17,797.20, is now hereby **vacated**.

In satisfaction of this violation, Respondents have offered, and Petitioner has agreed to accept, subject to approval of the Special Magistrate, a compromised fine in the amount of **\$5,000.00** plus cost of prosecution in the amount of **\$797.20**. Respondents shall pay all costs within **thirty (30) days** from the date of this Order.

A certified copy of this Order may be recorded in the Public Records of Monroe County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the Respondents and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. A certified copy of an Order Imposing Fine may be recorded in the Public Records of Monroe County, Florida, and once recorded shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondents. Any such recording and subsequent lien will be satisfied by the subsequent filing of a Compliance Order.

DONE and ORDERED this 12th day of June, 2023.



John G. van Laningham, Special Magistrate

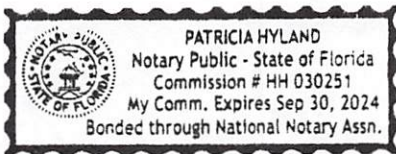
ATTEST:

Silvia Grasse
City Clerk
06-14-2023

STATE OF FLORIDA)
) ss.
COUNTY OF)

I hereby certify that on this day, before me an officer duly qualified to take acknowledgements, personally appeared SILVIA GRASSE, of the City of Key Colony Beach, to me known to be the person described in and, who executed the foregoing instrument and acknowledged before me that she executed the same. Witness my hand and official seal in the County and State as aforesaid this date 6/14/23.

Patricia Hyland
Notary Public, State of Florida



CERTIFICATE OF SERVICE

*Copies furnished FIRST-CLASS MAIL/EMAIL to

Armando Rodriguez and Vivian Garcia Rodriguez
P.O. Box 510950
Key Colony Beach, FL 33051

Nicholas Mulick, Esq.
Law Offices of Nicholas W. Mulick, PA
91645 Overseas Hwy
Marathon, FL 33150

Date: 6-16-2024