

# ORDER

SPECIAL MAGISTRATE CIVIL CITATION HEARINGS  
CITY OF CLEARWATER, FLORIDA  
Case CW24-143876

CITY OF CLEARWATER,  
Petitioner,  
vs.

Brian McIntyre  
140 Island Way Apt. 277  
Clearwater, FL 33767  
Respondent(s)

) Derelict Vessel:  
) 1989 24' Nimble Sailboat  
)  
)  
) FL6212GY  
)  
) 69 Bay Esplanade  
)  
)

This case came before Special Magistrate Nancy Mag on Wednesday, November 13, 2024, after due notice to the Respondent(s), and having heard testimony under oath and received evidence, the Special Magistrate issues the following Findings of Fact, Conclusions of Law, and Order:

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the testimony and evidence received, **it is evident that 1 violation exists:** the vessel is derelict under City of Clearwater code Article VII Sec 33.055. The Respondent(s) were not present and had no representation. Notice was sent by certified mail as well as by first class mail with an affidavit of mailing.

## ORDER

### It is the Order of the Special Magistrate that:

1. The above-referenced vessel is hereby declared **derelict** pursuant to City of Clearwater code Article VII Sec 33.055; and
2. Petitioner City of Clearwater is hereby awarded fees and costs of \$116.56 for investigative costs, \$93.00 for civil penalty and \$150.00 for administrative fees totaling **\$359.56**.

A certified copy of the Order imposing fees and costs may be recorded in the Public Records of Pinellas County, Florida, and once recorded shall constitute a lien against any real property owned by the Respondent(s), pursuant to Chapter 162, Florida Statutes.

**After three (3) months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law.**

The Respondent(s) may request a rehearing of the decision of the special magistrate. A request for rehearing shall be made, in writing, and shall be delivered to the city clerk within ten days of the date that the special magistrate mails the written order. A request for rehearing shall be based only on the ground that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the special magistrate. The written request for rehearing shall specify the precise reasons therefor. If such a rehearing request has been delivered to the city clerk, the special magistrate's final order shall not be deemed rendered as that term is used in Section 7-102.H.2.j as to any existing party until a signed, written order disposing of the rehearing request has been mailed to all parties.

Any aggrieved party including the city may appeal a final order of the special magistrate to the circuit court, if allowed, by filing for a petition for writ of certiorari within 30 days of rendition of the special magistrate's final order. The date of rendition of the final order shall be the date the final order is mailed to the aggrieved party. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate.

**DONE AND ORDERED** this 13<sup>th</sup> day of November 2024, at Clearwater, Pinellas County, Florida.

Attest:

**CIVIL CITATION HEARINGS  
CITY OF CLEARWATER, FLORIDA**

\_\_\_\_\_  
Nicole Sprague  
Deputy City Clerk

\_\_\_\_\_  
Hon. Nancy Mag, Special Magistrate  
Date signed: \_\_\_\_\_

Sent by certified mail, with return receipt requested, to the Respondent(s) this \_\_\_\_\_ day of November 2024.

\_\_\_\_\_  
Nicole Sprague  
Deputy City Clerk

**PLEASE RETURN TO:  
CITY OF CLEARWATER  
OFFICIAL RECORDS & LEGISLATIVE SERVICES  
P.O. BOX 4748  
CLEARWATER, FL 33758-4748**