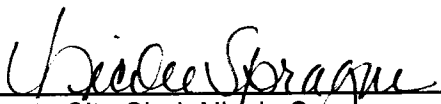


CITY OF CLEARWATER, FLORIDA
Case CW21-14557

AFFIDAVIT OF MAILING

I, Nicole Sprague, Official Records and Legislative Staff for Clearwater, Florida, hereby deposes and says:

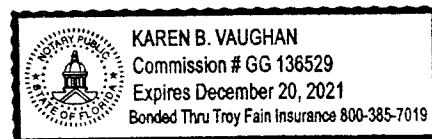
1. That pursuant to Florida Statute 162.12(1)(a), a NOTICE OF HEARING was sent by first class mail to Roy V. Luttrull, 725 Seneca St., Clearwater, FL 33756 on March 25, 2021.


Deputy City Clerk Nicole Sprague

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 25th day of **March 2021** by **Deputy City Clerk Nicole Sprague**
who is personally known to me and who did not take an oath.


Signature of Notary Public – State of Florida
(seal below)



**NOTICE OF HEARING
CIVIL CITATION
CITY OF CLEARWATER, FLORIDA**

Certified Mail
March 25, 2021

Owner: **Roy V. Luttrull**
725 Seneca St.
Clearwater, FL 33756

Re: CW21-14557

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, April 21, 2021, at 1:00 p.m.** there will be a public hearing before the Special Magistrate in the Council Chambers, Clearwater Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning violation of Section(s) **33.055** of the Clearwater City Code. (See attached Civil Citation).

You are hereby ordered to appear before the Special Magistrate on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. If you are absent but represented at the hearing, your representative must present to the Special Magistrate your letter authorizing your representative to speak on your behalf. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Special Magistrate making a determination. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violations should you be found to be in violation of the City Code.

The case shall be presented to the Special Magistrate even if the violations described in the attached Civil Citation are corrected prior to the appeal hearing.

Should you be found in violation of the City Code, the Special Magistrate has the power by law enter an order assessing a fine and all costs of towing and storing against you. Additionally, as provided in section 705.103(4), Florida Statutes, a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Deputy City Clerk Nicole Sprague within five (5) days at 727-562-4097. If you have any questions regarding the cited violations or if the violations are corrected prior to the hearing, please contact the Officer whose name appears on Civil Citation.

Sincerely,


DEPUTY CITY CLERK

The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the hearing if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. **Kindly refrain from private conversations, cellular phone use, etc. that distract meeting participants.**

Any party may appeal a final order of this Special Magistrate by filing an appeal with the Circuit Court within 30 days of entry of the order. Appellants need a record of proceedings; a verbatim record of testimony and evidence that is the basis for the appeal may be required. F.S. § 286.0105, CDC Sec 7-104



CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
CLEARWATER POLICE DEPARTMENT, 645 PIERCE STREET, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4242

POLICE DEPARTMENT

CIVIL CITATION

CITATION NUMBER: _____

ISSUE DATE: 02-03-21 ISSUE TIME: 1542 hrs.

NAME: Roy V. Luttrull

ADDRESS: 725 Seneca St. Clearwater, Florida

ZIP: 33756

DATE VIOLATION OBSERVED: 02-03-21 TIME VIOLATION OBSERVED: 1542 hrs.

Section of City Code Violated:

33.055. - Prohibited mooring, beaching or placing of vessels.

(2) It is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel in any navigable waters within the city. No vessel that is in an unregistered, derelict, wrecked, junked, or substantially dismantled condition shall be permitted to dock, moor, or tie up at any private seawall, dock, or moorage space within the city, except that such vessel may moor at licensed marine facilities for the purpose of repair.

DATE OF LAST INSPECTION: 02-02-21 Civil Penalty Due after hearing: \$105.00

OFFICER: J. Perz

CPD Derelict Vessel Case Number CW21-14557

Dear Roy V. Luttrull :

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE PROPERTY (VESSEL) DESCRIBED HEREIN. The following property (vessel), to wit: 1971 28' vessel FL 6514 AV, is unlawfully upon public property known as 90 Memorial Causeway Blvd. and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice.



"Equal Employment and Alternative Action Employer"



CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

CLEARWATER POLICE DEPARTMENT, 645 PIERCE STREET, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4242

POLICE DEPARTMENT

You have been identified as the last known owner or responsible party for the above described vessel, which the undersigned law enforcement officer of the Clearwater Police Department (CPD) has determined to be derelict as defined in section 823.11, Florida Statutes, which is a violation of City of Clearwater Code of Ordinances section 33.055.

The facts upon which CPD has made the determination that the vessel described above is derelict are as follows:

NARRATIVE: (vessel discovery, owner information, reasonable cause, etc.)

The vessel was discovered on 09-03-20 in a derelict condition. The vessel was ran aground the Memorial Causeway Blvd., The hatches are open and are letting water in, the bottom is covered with barnacles, and there are no means of propulsion. The keel is buried into the sand, and the vessel is immovable. This vessel is in a wrecked condition where the vessel is ran aground and could not be removed without mechanical assistance.

The owner has been contaced and stated he will not remove teh vessel because he does not have funds to do so.

City of Clearwater Code of Ordinances section 33.055, along with sections 376.15 and 823.11, Florida Statutes, make it unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel on the public waters of the State.

Subsection 705.101(3), Florida Statutes, defines all derelict vessels as abandoned property. Sections 376.15, 705.103, and 823.11, Florida Statutes, authorize law enforcement to remove or cause to be removed any derelict vessel from the public waters of the State and to destroy it. All costs incurred by law enforcement or authorized agents in the removal of the derelict vessel are recoverable against the owner or responsible party thereof.

In accordance with the above legislative mandate, CPD hereby orders you as the last known owner or party responsible for this vessel to remove it from the public waters of the State immediately or to provide proof that legal transfer of the vessel's ownership occurred prior to the date of this notice. Failure to do so will result in a hearing before a special magistrate pursuant to article 7 of the Clearwater Community Development Code, notice of hearing attached, at which hearing the City will seek to adjudicate a violation of City of Clearwater Code of Ordinances section 33.055. If the vessel is not removed from the public waters of the State, and you are found guilty of violating section 33.055, CPD intends to remove or cause the removal of this derelict vessel (if it has not already been removed), and the vessel will be destroyed.



CITY OF CLEARWATER

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CLEARWATER POLICE DEPARTMENT, 645 PIERCE STREET, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4242

POLICE DEPARTMENT

The determination that this vessel is derelict may affect your interests. In addition to a fine, all costs of towing and storing will be assessed against you. As provided in section 705.103(4), Florida Statutes, a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. If you choose not to attend the hearing, the City will proceed against you in your absence.

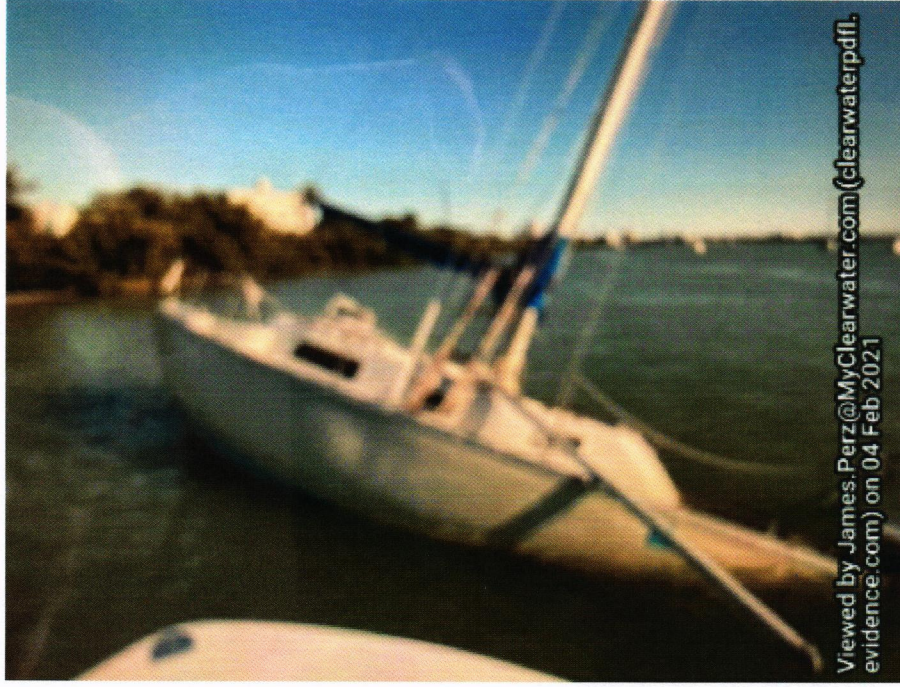
Sincerely,

Law Enforcement Officer Name: Officer J. Perz

Law Enforcement Officer Telephone Number: 727-562-4242

Clearwater Police Department

Enclosures



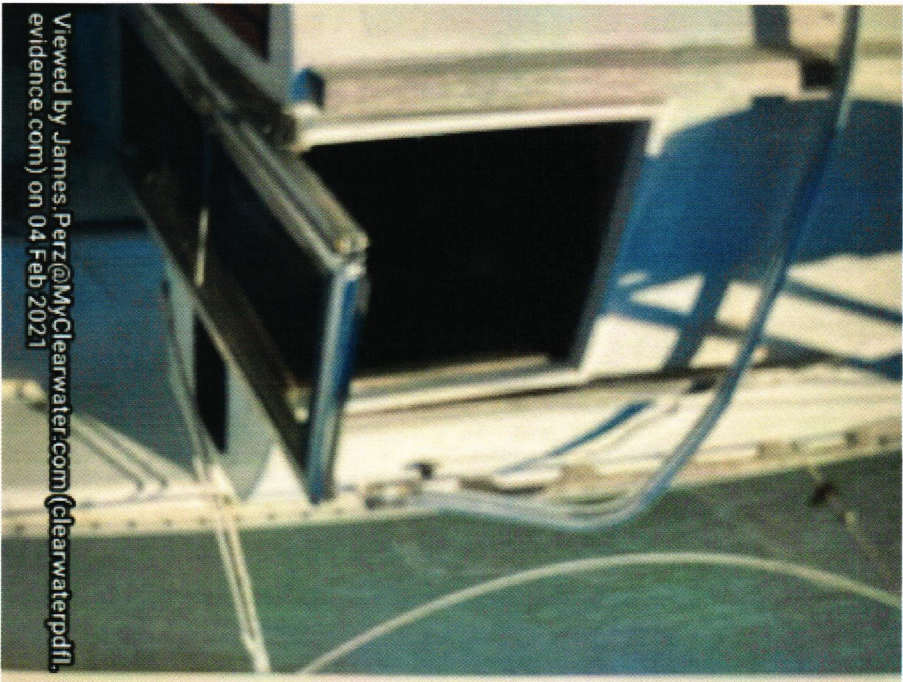
Viewed by James Perz@MyClearwater.com (clearwaterpdf.
evidence.com) on 04 Feb 2021



Viewed by James.Perez@MyClearwater.com (clearwaterpdfll.
evidence.com) on 04 Feb 2021



Viewed by James Perz@MyClearwater.com (clearwaterpdfil.
evidence.com) on 04 Feb 2021



Viewed by James: Perz@MyClearwater.com (clearwaterpdf@evidence.com) on 04 Feb 2021



Viewed by James Perz@MyClearwater.com (clearwaterpdf.
evidence.com) on 04 Feb 2021



NOTICE

CLEARWATER POLICE DEPARTMENT
MARINE UNIT

TO THE OWNER AND ALL INTERESTED IN THE ATTACHED PROPERTY

THIS PROPERTY 28' SAILBOAT FL6514AV

UNLAWFULLY UPON PUBLIC PROPERTY KNOWN AS 45 CAUSEWAY BLVD

AND MUST BE REMOVED WITHIN 5 DAYS; OTHERWISE, IT WILL BE REMOVED AND DISPOSED OF
PURSUANT TO CHAPTER 705, FLORIDA STATUTES. THE OWNER WILL BE LIABLE FOR THE COSTS OF
REMOVAL, STORAGE, AND PUBLICATION OF NOTICE.

REPORT NUMBER CW 21-14557

DATE OF POSTING 2-3-21

OFF. PERZ
CLEARWATER POLICE OFFICER
727-562-42
TELEPHONE
James. Perz@myclearwater.com
EMAIL

CLEARWATER POLICE DEPARTMENT
645 PIERCE STREET
CLEARWATER, FL 33756

Viewed by James Perz@MyClearwater.com (clearwaterpdf1.
evidence.com) on 04 Feb 2021

CLEARWATER POLICE DEPARTMENT

CW - INCIDENT CW21-14557

Report Date: 02/03/2021

Primary Information

Incident Type: **MARINE BOARDING**
Occurrence From: **02/03/2021 15:42**
Occurrence To: **02/03/2021 16:00**
Source Of Call: **ON VIEW**
Dissemination Code: **UNCLASSIFIED**
Reporting LEO: **PERZ, JAMES R. OFCR-CWPD (CW9063 / CW - CP - CPRB / CLEARWATER POLICE DEPARTMENT)**
Backup LEO: **MCMULLEN, RYAN DET-CWPD (CW6620A / CW - CP - CPRB / CLEARWATER POLICE DEPARTMENT)**
Report Status: **Approved**
Report Status Date: **02/03/2021**
Approved By: **KASPAREK, NIKOLE SGT-CWPD (CW7325 / CLEARWATER POLICE DEPARTMENT)**

Response Information

Time Call Received: **02/03/2021 15:42**
Time Dispatched: **02/03/2021 15:42**
Time Arrived: **02/03/2021 15:42**
Time Completed: **02/03/2021 19:38**

Address #1 - OCCURRED #1 - 90 MEMORIAL CSWY

Primary Information

Address: **90 MEMORIAL CSWY, CLEARWATER, Florida 33767 UNITED STATES**
Description: **CLEARWATER BRIDGE**
UCR Municipality (Formerly: Contract City): **CLEARWATER**
Grid: **267A**
Occurred Squad (PCSO ONLY): **SQ7**

Data Challenge

Subject #1 - OTHER #1 - LUTTRULL, ROY VERNON Jr

Primary Information

Subject Name: **LUTTRULL, ROY VERNON Jr**
Record Type: **PERSON**
Bio: **43 yr. old, WHITE, MALE**
Birth Date: **02/22/1977**
Juvenile: **NO**
Place Of Birth City: **KANSAS CITY**
Place Of Birth State: **Missouri**
Place Of Birth Country: **UNITED STATES**
Residence Status: **PERMANENT**
Residence Type: **CITY**

This report is property of CLEARWATER POLICE DEPARTMENT. Neither it nor its contents may be disseminated to unauthorized personnel.

CLEARWATER POLICE DEPARTMENT

CW - INCIDENT CW21-14557

Report Date: 02/03/2021

Subject #1 - OTHER #1 - LUTTRULL, ROY VERNON Jr - Continued

Relationship Information

Homicide Victim: **NO**
 Hate Crime Victim: **NO**
 Domestic Violence: **NO**
 Use Of Force: **NO**

Personal Information

Ethnicity: **AMERICAN**
 Height: **604**
 Weight: **200**
 Eye Color: **BROWN**
 Hair Color: **BROWN**
 Hair Length: **SHORT**
 Hair Style: **BUZZ/CREW CUT**
 Facial Characteristics: **GOATEE**
 Complexion: **MEDIUM**
 Teeth: **MISSING**
 Physical Build: **MEDIUM**
 Handed: **RIGHT HANDED**
 US Citizen: **YES**
 Citizenship Country: **UNITED STATES**

Scars, Marks, and Tattoos

Description	Type	Body Part	Side	Location
LUTTRULL	TATTOO	BACK	---	---
MULTIPLE TT	---	---	---	---
TT UNDER HIS LEFT EYE	---	---	---	---

Addresses

Relationship	Address
HOME ADDRESS	725 SENECA ST, CLEARWATER, Florida 33756 UNITED STATES

Telephones / E-Addresses

Relationship	Number/E-Address
CELLULAR PHONE	(727) 485-3246 (CELLULAR)
HOME	(727) 724-8019

Analysis Information

Sick Or Injured: **NO**
 MHU Referral for Follow Up: **NO**
 Suspicious P/V: **NO**
 Marchman Act: **NO**
 Disturbance: **NO**

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CLEARWATER POLICE DEPARTMENT

CW - INCIDENT CW21-14557

Report Date: 02/03/2021

Analysis Information - Continued

Alarm:	NO
Baker Act:	NO
Electronic Identification:	NO

Vehicle #1 - PERTINENT #1 - FL6514AV

Primary Information

Vehicle Type:	BOAT
Vehicle Description:	1971
Exterior Top Color:	WHITE
Exterior Bottom Color:	WHITE
Vehicle VIN Number:	12868
Tag Number:	FL6514AV
Tag State:	FL
Tag Type:	INDIVIDUAL

Vessel Information

Vessel Hull Material:	FIBERGLASS
Vessel Length:	28
Vessel Propulsion:	SAIL ONLY
Vessel Type:	SAILBOAT

Property #1 - 8 IMAGES OF VESSEL, STICKER, CIVIL CITATION

Primary Information

Property Type:	PHOTO/NEG/SLIDE/LATENT
Description:	8 IMAGES OF VESSEL, STICKER, CIVIL CITATION
Property Status:	EVIDENCE/SEIZED
Status Date:	02/03/2021
Quantity:	1
Owner:	CLEARWATER POLICE
Submitted To:	Property & Evidence
Remote Bin:	CW - EVIDENCE.COM
Collected Date/Time:	02/03/2021 15:42

Narrative

SYNOPSIS OF EVENT:

On Wednesday, February 2, 2021 at 1542 hours I have started a derelict vessel process on a derelict 28' sailboat with Florida registration FL6514AV that was in the waters just south and west of the inter coastal waterway and Memorial Causeway Bridge, N 27° 58' 05" W 82° 48' 32". The registered owner, Roy Luttrull has stated that he can not and will not remove the vessel. I have started a derelict vessel process to get this vessel removed as quickly as possible.

INVESTIGATIVE ACTION TAKEN:

This vessel has been at this location since September 3rd, 2020.

This report is property of CLEARWATER POLICE DEPARTMENT. Neither it nor its contents may be disseminated to unauthorized personnel.

CLEARWATER POLICE DEPARTMENT

CW - INCIDENT CW21-14557

Report Date: 02/03/2021

Narrative - Continued

The vessel is in a wrecked condition. It ran aground and would not be able to free itself without mechanical assistance. The bottom is covered in barnacles, there are open hatches allowing the elements in, and there is no source of power.

Using the David program, I found the registered owner is a Roy Luttrull Jr.

I have spoken with Luttrull 3 times and he has been polite, however has told me that he does not have the financial means to remove the vessel, therefore he will not be removing it.

I completed a Civil Citation for Mr. Luttrull. I sent this Civil Citation to the City Attorney's Office.

I made a digital image of the Civil Citation, the sticker that was placed on the vessel, and photos of the vessel. All 8 images were uploaded to evidence.com. I made hard copies of these items, and have forwarded them to the City Attorney's Office for review.

DISPOSITION:

State Attorney's Information- None at this time. City of Clearwater Attorneys will be handling.

No further action at this time.

Record Status Information

Record Origination Operator: System, ACISS (PINELLAS CO SHERIFFS OFC / PINELLAS COUNTY SHERIFF'S OFFICE)

Record Origination Date: 02/03/2021 19:44

Last Update Operator: KASPAREK, NIKOLE SGT-CWPD (CW7325 / CW - CP - CPRB / CLEARWATER POLICE DEPARTMENT)

Last Update Date: 02/03/2021 20:42

INFORMATION SHEET

Vessel & Owner

Vessel Name: None

Vessel Reg #: FL6514AV

Location: 91 Memorial Causeway

Owner Name: Roy V. Luttrull

Owner Address: 725 Seneca St., Clearwater, FL 33756

Owner Phone #: (727) 485-3246