

1. Requested Motion:

Meeting Date: 6/18/12

Authorize the Town Attorney to execute the Notice of Intent to Dismiss Outstanding Financials and select the option that states that the Town concurs with the action to dismiss all outstanding financial obligations for the cases on the list attached to the notice.

Why the action is necessary: The Lee County Clerk of Court cannot dismiss outstanding financials for municipal ordinance cases until the Town consents to same.

What the action accomplishes: Authorizes the Town Attorney to execute the Notice of Intent and submit it to the Clerk of Court..

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

Consent
 Administrative

Resolution
 Ordinance
 Other


Council
 Town Staff
 Town Attorney

5. Background: The Clerk of Court has requested that the Town authorize the dismissal of outstanding financials representing uncollected fines for municipal ordinance violations. The Clerk has attempted to collect these outstanding fines utilizing the services of a collection agency. All of the cases are older than seven years and collection efforts have been unsuccessful. The Court will no longer issue bench warrants for uncollected fines, and the Clerk has determined that further collection efforts for these cases are futile. The total amount of uncollected fines for these cases is \$647.00. If collection efforts had been successful, the Town would have received \$582.30. As you can see, all of the cases are for open container violations. It is my recommendation that the Town concur with the Clerk's intended action of dismissing the outstanding financial obligations that are more than 7 years old.

6. Alternative Action: Do not concur with the Clerk's intended action.

7. Management Recommendations: Concur with the Clerk's intended action.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

Notice of Intent to Dismiss Outstanding Financials

Subject: Notice of Intent to Dismiss Outstanding Financials
From: Janice Bunting, Lee County Clerk of Courts, Criminal & Traffic Courts Manager
Date: May 30, 2012



The Lee County Clerk of Court ("the Clerk") is directed to pursue collections of outstanding financial obligations on Municipal and County Ordinance cases pursuant to Chapter 28.246(6) of the Florida Statutes. The attached Exhibit A lists those cases by offense, where the fine amount (or other costs/fees) is yet unpaid. All of these cases are older than seven years and based on offense type, may fall within the statute of limitations for civil infractions or based on adopted ordinance language. Collection efforts to date were unsuccessful and 90% of the listed fine amount is what reflects monies which will no longer be paid to your agency. Of importance, these cases were established prior to the introduction of the \$10 filing fee instituted in Florida Statute 34.045(1)(a).

The Lee County Clerk of Courts Criminal & Traffic Courts Division is sending notification of those ordinance cases eligible for dismissal of outstanding monetary obligations. With your approval, the Clerk will prepare a Petition to the County Administrative Judge requesting the dismissal for the cases listed in the attached Exhibit A.

If you do not concur with the Clerk's actions, please respond in writing, attaching this Notice and the Exhibit, and check the appropriate option below. Please return by June 15th, 2012 to:

Mary Montgomery, Criminal Operations Support Supervisor
Lee County Clerk of Court
P.O. Box 2507
Fort Myers, Florida 33902

- I concur with the action to dismiss all outstanding financial obligations for the cases listed in Exhibit A.
- I concur with the action to dismiss on most cases listed but have denoted other actions to allow further pursuit of collections on certain cases listed in Exhibit A (as notated on Exhibit A in the DL Suspend or Civil Judgment* columns) .
- I do not concur with the dismissal action for any cases listed in Exhibit A and request the Clerk to continue pursuit of collections (through the Clerk's collection agent) for another year.

The Petition and Order to dismiss the outstanding financial balances on the cases listed in Exhibit A will be submitted to the County Administrative Judge for signature on June 30th, 2012. Based on your response to this Notice, cases will/ may be removed from the final Exhibit attached to the dismissal petition.

* Submission of any Petition and Orders for Civil Judgments should be completed by the city/county attorney and submitted to the attention of the assigned Judge for the specified cases.

Signature of Department Director
or Designated Representative

Date

cc: City Attorneys for Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach and Sanibel, Lee County Attorney

EXHIBIT A

Case Number	Ordinance	Offense	Defendant	Fine Balance	DL Suspend	Civil Judgment
00-MO-000070	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Adam Gene Watkins	\$0.00		
01-MO-006315	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Anthony Glen Harper	\$0.00		
99-MO-006698	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Barry Mitchell Warner	\$0.00		
00-MO-002824	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Brandon Lee Willis	\$0.00		
99-MO-005483	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Bruce Klements	\$0.00		
99-MO-002926	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Carlos Florez	\$0.00		
99-MO-001968	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Charles Edward Arnold	\$0.00		
99-MO-005446	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Charles J Reeves	\$78.00		
00-MO-002220	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Christopher A Dyson	\$0.00		
00-MO-002246	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Christopher Allen Snyder	\$0.00		
99-MO-003196	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Christopher Paul Watschke	\$0.00		
99-MO-009219	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Christopher Ramsey Brown	\$0.00		
02-MO-000232	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Cory Spence	\$0.00		
99-MO-011569	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Cynthia Lynn Whitehead	\$0.00		
99-MO-004539	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
99-MO-005209	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
99-MO-005418	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
99-MO-007300	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
99-MO-007577	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
99-MO-007951	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
99-MO-011571	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Roy Jackson	\$0.00		
01-MO-006130	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	David Thomas Wallace	\$0.00		
99-MO-011201	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Deborah C Wright	\$0.00		
99-MO-005217	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Debrah Wright	\$0.00		
99-MO-007073	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Diane Rose Stronghorse	\$0.00		
01-MO-011029	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Donald Wesley Carter	\$0.00		
99-MO-005208	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Edward James Minnick	\$0.00		
99-MO-009215	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Fernando Lomas	\$0.00		
00-MO-005738	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Francisco Valtazar	\$0.00		
00-MO-000008	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Gary P Snapp	\$0.00		
00-MO-006759	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Gerald Lee Pillars	\$0.00		
99-MO-005211	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	James E Brendlinger	\$0.00		
99-MO-003364	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Jason Dennis Adams	\$0.00		
00-MO-006762	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Jeffrey Alan Cole	\$0.00		
00-MO-002642	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Jimmy Lee Frederick	\$0.00		
99-MO-004541	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	John A Hon	\$0.00		
99-MO-006418	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	John D Elliott	\$0.00		
99-MO-003449	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	John Stephenson	\$0.00		
99-MO-003936	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Jose Angel Martinez	\$78.00		
00-MO-005736	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Jose Tavera Lopez	\$0.00		

* Zero Fine Balance indicates monetary balance owed is for court costs, public defender fees, or collection agent fees

EXHIBIT A

Case Number	Ordinance	Offense	Defendant	Fine Balance	DL Suspend	Civil Judgment
99-MO-003365	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Joseph C Bykowski	\$0.00		
99-MO-003255	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Joseph D Turner	\$0.00		
01-MO-004314	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Joseph Michael Skiles	\$0.00		
99-MO-004978	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Judith Callarman	\$0.00		
99-MO-006427	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Judy Callarman	\$0.00		
99-MO-002400	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Julio Angel Rosa	\$0.00		
01-MO-000853	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Lila C Bellame	\$178.00		
00-MO-000005	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Lisa A Lattore	\$0.00		
99-MO-002752	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Mark Alan Chambers	\$0.00		
99-MO-005091	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Michael J Brauen	\$0.00		
01-MO-001120	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Milton Elwood Mccraney	\$0.00		
99-MO-003195	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Pamela Lee Monroe	\$0.00		
99-MO-003466	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Pamela Lee Monroe	\$0.00		
99-MO-003565	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Peter Campbell Stevens	\$0.00		
00-MO-000347	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Richard Loring Weed	\$0.00		
99-MO-002549	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Richard Shannon Kennefic	\$0.00		
01-MO-000623	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Riko Hernandez	\$0.00		
99-MO-005481	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Robert Martin Balisheski	\$0.00		
99-MO-006694	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Rodney D Wiggins	\$0.00		
99-MO-002862	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Rodrick Obrien Woodruff	\$0.00		
99-MO-003107	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Ryan Westley Eibe	\$0.00		
99-MO-010262	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Sandra Kay Yerian	\$0.00		
99-MO-003563	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Scott R Winkelman	\$0.00		
00-MO-001740	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Shawn M Hamilton	\$0.00		
00-MO-002847	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Spencer Paul Stone	\$0.00		
00-MO-009499	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Stephen Aaron Skrip	\$0.00		
99-MO-011401	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Theodore P Pratico	\$0.00		
01-MO-003997	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Timothy J Simonson	\$0.00		
99-MO-003137	MO.96-(05)	FMB MO OPEN CONTAINER ALCOHOL	Victor Lee Begg	\$0.00		
03-MO-013144	MO.96(05)	OPEN CONTAINER ALCOHOL	Arthur James Sakas	\$0.00		
03-MO-009928	MO.96(05)	OPEN CONTAINER ALCOHOL	Carl Lewis Reevees	\$0.00		
02-MO-013271	MO.96(05)	OPEN CONTAINER ALCOHOL	Carlos Francisco Juan	\$0.00		
02-MO-004966	MO.96(05)	OPEN CONTAINER ALCOHOL	Chad Allen Russell	\$75.00		
03-MO-014798	MO.96(05)	OPEN CONTAINER ALCOHOL	Charles William Rowland	\$78.00		
02-MO-012552	MO.96(05)	OPEN CONTAINER ALCOHOL	Danny Keith Wells	\$0.00		
02-MO-002426	MO.96(05)	OPEN CONTAINER ALCOHOL	Guy L Hensley	\$0.00		
03-MO-005520	MO.96(05)	OPEN CONTAINER ALCOHOL	Jason Jon Bargewell	\$78.00		
03-MO-010850	MO.96(05)	OPEN CONTAINER ALCOHOL	Kathy Jo Gibson	\$0.00		
02-MO-002293	MO.96(05)	OPEN CONTAINER ALCOHOL	Leila Marie Backscheider	\$0.00		
03-MO-000297	MO.96(05)	OPEN CONTAINER ALCOHOL	Marvin A Summerall	\$40.00		

* Zero Fine Balance indicates monetary balance owed is for court costs, public defender fees, or collection agent fees

EXHIBIT A

Case Number	Ordinance	Offense	Defendant	Fine Balance	DL Suspend	Civil Judgment
02-MO-002389	MO.96(05)	OPEN CONTAINER ALCOHOL	Richard Edwin Gonzalez	\$0.00		
03-MO-000377	MO.96(05)	OPEN CONTAINER ALCOHOL	Richard Joseph Donovan	\$42.00		

* Zero Fine Balance Indicates monetary balance owed is for court costs, public defender fees, or collection agent fees