

EXHIBIT A

DRAFT PROPOSED ENFORCEMENT ACTION COMPLAINT

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Plaintiff,

Case No.

vs.

CITRUS COUNTY, DT VILLAGES ELEVEN,
LLC, DT VILLAGES INVESTMENT, LLC,
DEER TRUST MANAGEMENT INVESTMENT,
LLC, PUFFIN 4, LLC, FOXRUN 4, LLC, DT
TERRA VISTA LLC, and VAN DER VALK
CONSTRUCTION, LLC,

Defendants.

COMPLAINT

Plaintiff, Southwest Florida Water Management District (the “District”), files this Complaint against Defendants, Citrus County, DT Villages Eleven, LLC, DT Villages Investment, LLC, Deer Trust Management Investment LLC, Puffin 4 LLC, Foxrun 4 LLC, DT Terra Vista LLC, and Van Der Valk Construction, LLC (collectively, “Defendants”), and alleges as follows:

1. This is an action for injunctive relief and recovery of civil penalties in excess of \$50,000, investigative costs, court costs, and reasonable attorney’s fees, for unauthorized construction activities conducted without a required Environmental Resource Permit (“ERP”), in violation of Chapter 373, Florida Statutes, and Chapters 40D-4, *Florida Administrative Code* (“F.A.C.”) (prior to October 1, 2013), and 62-330, F.A.C. (on or after October 1, 2013).

JURISDICTION AND VENUE

2. The Court has jurisdiction over this matter pursuant to Article V, Section 5 of the Florida Constitution, Chapter 373, Florida Statutes, and Chapters 40D-4 and 62-330, F.A.C.

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3. The Court has personal jurisdiction over the Defendants pursuant to section 48.193, Florida Statutes, as the action arises out of wrongful acts committed within the State of Florida.

4. Venue is proper in Citrus County, Florida, as the property at issue in this action is located in Citrus County, one or more of the Defendants reside in Citrus County, and the actions giving rise to the Complaint occurred in Citrus County.

PARTIES

5. The District is a public corporation of the State of Florida operating pursuant to Chapter 373, Florida Statutes, as a multi-purpose water management district with its principal office located at 2379 Broad Street, Brooksville, Florida 34604.

6. The District is charged with the responsibility to conserve, protect, manage, and control water resources within its geographical boundaries, and to administer and enforce Chapter 373, Florida Statutes, and the rules promulgated thereunder in Chapters 40D-4 and 62-330, F.A.C. All of the property described herein lies within the geographic boundaries of the District.

7. The District's regulatory authority includes administration and enforcement of the permitting of surface water management systems under Sections 373.413 and 373.416, Florida Statutes. Pursuant to this statutory authority, the District implements Chapters 40D-4, F.A.C. (prior to October 1, 2013), and 62-330, F.A.C. (on or after October 1, 2013).

8. Defendant, Citrus County ("County"), is a political subdivision of the State of Florida and is responsible, through its Board of County Commissioners, for enacting and applying the County's Comprehensive Plan and Land Development Code. The County owns and is obligated to maintain certain public rights-of-way within the residential subdivision known as Inverness Village Unit 4 ("IVU4"), located in unincorporated Citrus County, Florida.

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9. Defendant, DT Villages Eleven, LLC (“DT Villages Eleven”), is a Florida limited liability company with its principal address located at 884 Dillard Street, Winter Garden, Florida 34787. DT Villages Eleven is owned and/or managed by Anton Van Usen.

10. Defendant, DT Villages Investment, LLC (“DT Villages Investment”), is a Florida limited liability company with its principal address located at 884 Dillard Street, Winter Garden, Florida 34787. DT Villages Investment is owned and/or managed by Anton Van Usen.

11. Defendant, Deer Trust Management Investment, LLC (“Deer Trust”), is a Florida limited liability company with its principal address located at 884 Dillard Street, Winter Garden, Florida 34787. Deer Trust is owned and/or managed by Anton Van Usen and Ingrid Vossebeld.

12. Defendant, Puffin 4, LLC (“Puffin”), is a Florida limited liability company with its principal address located at 884 Dillard Street, Winter Garden, Florida 34787. Puffin is owned and/or managed by Ingrid Vossebeld.

13. Defendant, Foxrun 4, LLC (“Foxrun”), is a Florida limited liability company with its principal address located at 884 Dillard Street, Winter Garden, Florida 34787. Foxrun is owned and/or managed by Ingrid Vossebeld.

14. Defendant, DT Terra Vista, LLC (“DT Terra Vista”), is a Florida limited liability company with its principal address located at 884 Dillard Street, Winter Garden, Florida 34787. DT Terra Vista is owned and/or managed by Ingrid Vossebeld.

15. Defendant, Van Der Valk Construction, LLC (“Van Der Valk Construction”), is a Florida limited liability company with its principal address located at 1601 N. Florida Avenue, Hernando, Florida 34442. Van Der Valk Construction is owned and/or managed by Chris Matser and constructs homes in IVU4.

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16. Defendants DT Villages Eleven, DT Villages Investment, Deer Trust, Puffin, Foxrun, and DT Terra Vista (collectively, “Lot Owner Defendants”) each own one or more residential lots within IVU4.

GENERAL ALLEGATIONS

17. IVU4 is a single-family residential subdivision located in unincorporated Citrus County, Florida. The original plat for IVU4 contained 637 lots and was recorded in the Citrus County Official Records on December 12, 1972 at Plat Book 9, Pages 17-21. *See Exhibit A* attached hereto and incorporated herein.

18. As part of the original plat, the then-property owner, Continental Land Development One, Inc. (“Continental”), dedicated “all streets, canals, parks and other public places” to the County. The Board of County Commissioners accepted the dedication by resolution, recognizing it “shall be binding on all persons hereafter.” Since the County accepted the dedication prior to Continental’s completion of horizontal infrastructure (i.e., roadways and surface water management), Continental posted a cash payment of \$143,600.00 pursuant to a bond agreement with the County.

19. Under the terms of the bond agreement, Continental committed to completing the required infrastructure within 48 months, but defaulted on that obligation. By July of 1978, Continental filed for bankruptcy. In November of 1978, the cash payment escheated to the County, and development at IVU4 went dormant for decades.

Unpermitted Construction Activities in the Northern Portion of IVU4

20. In 2004, Marpad, Inc. (“Marpad”), a Florida for-profit corporation owned and/or managed by Chris Matser, took title to more than 400 of the 637 lots in IVU4. *See Exhibit B* attached hereto and incorporated herein. Marpad recorded a partial replat of IVU4 in the Citrus

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County Official Records on July 7, 2005 at Plat Book 17, Pages 118-120, reducing the total number of lots to 615. *See Exhibit C* attached hereto and incorporated herein.

21. The partial replat of IVU4 included a dedication signed by Chris Matser as Marpad's President stating that "all tracts and roadways shown on this plat were previously dedicated to the public," as well as an Abstractor's Certificate stating "all access roads are public rights-of-way owned and maintained by the Board of County Commissioners of Citrus County." The Board of County Commissioners expressly approved the replat and accepted the dedication without completed infrastructure or any additional bonding requirements.

22. Concurrent with the replat, Marpad also took on two loans from Hibernian Executive Teoranta ("Hibernian"), an entity owned and/or managed by Anton Van Usen, in an aggregate principal amount of \$5,160,000.00. The loans from Hibernian were secured by a mortgage against Marpad's interests in IVU4.

23. Once the replat was approved and recorded – and despite having no paved roads, no central water system, and no central sewer system – the County began issuing building permits for construction on lots owned by Marpad in the northern part of IVU4. These construction activities were undertaken without an ERP, in violation of Chapter 373, Florida Statutes, and Chapter 40D-4, F.A.C.

24. On May 5, 2006, the District received a complaint regarding construction of a residential subdivision without a permit. The District conducted site visits at IVU4 on May 10, 2006 and again on June 12, 2006, where the District documented construction of homes and clearing of roadways without the required ERP. On July 3, 2006, the District issued a Notice of Unauthorized Construction to Marpad and requested that construction cease immediately. *See Exhibit D* attached hereto and incorporated herein.

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25. Marpad forwarded the Notice of Unauthorized Construction to the County, and the County responded:

Your Notice of Unauthorized Construction to Marpad, Inc. was forwarded to me by the project manager. Please be advised that Inverness Village Unit 4 was platted in 1972, but the developer never constructed the proposed improvements. Citrus County is in the process of establishing a Special Assessment District to provide the funds *to construct the required improvements of paved roads, drainage, and central utilities. . . . The County is aware of the need and will file for an ERP related to the above referenced improvements.*

See **Exhibit E** attached hereto and incorporated herein (emphasis added).

26. For a period of more than two (2) years, the District actively coordinated with Marpad and the County in attempt to bring the northern portion of IVU4 into compliance. On January 3, 2007, the District issued a second Notice of Unauthorized Construction to Marpad acknowledging the County's intent to apply for an ERP for the roadways and clarifying that a separate ERP would be needed for the residential phases of development. See **Exhibit F** attached hereto and incorporated herein. The District then conducted multiple meetings with both Marpad and the County to discuss the required ERP submittals. However, toward the end of 2007, Marpad defaulted on its loans and Hibernian initiated foreclosure proceedings.

27. On February 18, 2008, the County finally submitted an ERP application for the roadways in the northern portion of IVU4 and received a Request for Additional Information ("RAI") from District staff. The District granted multiple extensions of time for the County to respond to the RAI from April through August of 2008. Rather than respond, on September 9, 2008, the County ultimately withdrew its application. All the while, unauthorized construction activities continued in violation of Chapter 373, Florida Statutes, and Chapter 40D-4, F.A.C.

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28. When the County withdrew its ERP submittal, the District was forced to initiate further enforcement efforts, which were ultimately resolved when the District issued an ERP to the County for its roadways on June 13, 2012. In 2013, more than six (6) years after the District's initial Notice of Unauthorized Construction, the County constructed a surface water management system to serve development in the northern portion of IVU4. The cash payment of \$143,600.00 from the bond agreement with the original developer, Continental, was applied toward the County's construction costs. The remaining construction costs were financed through a special assessment against the benefited lots in IVU4.

29. While the District's enforcement efforts were pending, Defendant DT Villages Eleven took title through a foreclosure sale to 370 undeveloped lots previously owned by Marpad. A Certificate of Title to those lots was recorded in favor of DT Villages Eleven on August 10, 2009. *See Exhibit G* attached hereto and incorporated herein. Like Hibernian, DT Villages Eleven is owned and/or managed by Anton Van Usen.

30. DT Villages Eleven proceeded to split ownership of those 370 lots between itself, Chris Matser (*i.e.*, Marpad's President), and the other Lot Owner Defendants, each of which is also owned and/or managed by Anton Van Usen or his wife, Ingrid Vosseveld. Van Der Valk Construction, also owned and/or managed by Chris Matser, continued to build single-family homes on lots owned by these entities.

Unpermitted Construction Activities in the Southern Portion of IVU4

31. On May 28, 2021, District staff conducted a site visit and observed new unpermitted construction activities in the southern portion of IVU4. *See Exhibit H* attached hereto and incorporated herein. Staff documented a "Sales Office" sign advertising residential lots for sale, including home construction contracted through Van Der Valk Construction, and observed

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ongoing construction of roadways and homes without an ERP, in violation of Chapter 373, Florida Statutes, and Chapter 62-330, F.A.C.

32. On September 7, 2021, the District issued a Notice of Violation to DT Villages Eleven, DT Villages Investment, Van Der Valk Construction, and the County. *See Exhibit I* attached hereto and incorporated herein. The Notice of Violation outlined multiple unauthorized construction activities occurring on site without an ERP and demanded these activities cease until the required permits were issued.

33. In a letter dated September 23, 2021, the County responded by disclaiming its ownership in the platted rights-of-way for IVU4 and by stating that it had not issued any permits for roadway improvements. *See Exhibit J* attached hereto and incorporated herein. An attorney representing DT Villages Eleven and DT Villages Investment similarly responded by disclaiming responsibility for obtaining an ERP, constructing a surface water management system, or undertaking maintenance of that system. *See Exhibit K* attached hereto and incorporated herein.

34. Since issuing the Notice of Violation, the District has communicated regularly with the Defendants in attempt to remedy the unpermitted development within platted lots and within the County-owned right-of-way. Multiple proposed resolutions, including establishment of a Municipal Service Benefit Unit to finance the required infrastructure improvements, have failed.

35. As of the date of this Complaint, none of the Defendants have agreed to bear responsibility for bringing the southern portion of IVU4 into compliance. Meanwhile, the County continues to issue building permits, and construction of impervious and semi-impervious surface area continues without an ERP. The failure to construct any surface water management system to serve the development has resulted in flooding, erosion, and other off-site environmental impacts, and will continue to do so until the violations are corrected.

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COUNT I

Failure to Obtain Environmental Resource Permit

36. The District realleges the matters set forth in paragraphs 1-35 above as if fully set forth herein.

37. Section 373.413, Florida Statutes, and Rules 40D-4.041(1)(a), F.A.C., and 62-330.020(2), F.A.C., require an ERP prior to the construction, alteration, operation, or maintenance of a surface water management system, activities that impact wetlands, or any other regulated activity described in Chapter 373, Florida Statutes, or Chapters 40D-4, F.A.C., or 62-330, F.A.C., that is not otherwise exempt from permitting requirements.

38. Pursuant to Rule 62-330.020(2), F.A.C., regulated activities requiring an ERP expressly include “any project that, by itself or in combination with an activity conducted after October 1, 2013, cumulatively results in: . . . (b) A total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic; (c) A total of more than 9,000 square feet of impervious and semi-impervious surface area; (d) A total project area of more than five acres; [and] . . . (g) Any project that is part of a larger common plan of development or sale.”

39. Since at least May of 2021, Defendant Van Der Valk Construction has engaged in unauthorized construction activities in the southern portion of IVU4 that, by itself or in combination with activities conducted after October 1, 2013, cumulatively results in a total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic, without the required ERP. These unauthorized construction activities were conducted on rights-of-way owned and maintained by the County.

40. Since at least May of 2021, Defendant Van Der Valk Construction has engaged in unauthorized construction activities in the southern portion of IVU4 that, by itself or in

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combination with activities conducted after October 1, 2013, cumulatively results in a total of more than 9,000 square feet of impervious and semi-impervious surface areas, without the required ERP. These unauthorized construction activities were conducted on lots owned by the Lot Owner Defendants and on rights-of-way owned and maintained by the County.

41. Since at least May of 2021, Defendant Van Der Valk Construction has engaged in unauthorized construction activities in the southern portion of IVU4 that, by itself or in combination with activities conducted after October 1, 2013, cumulatively results in a total project area of more than five acres, without the required ERP. These unauthorized construction activities were conducted on lots owned by the Lot Owner Defendants and on rights-of-way owned and maintained by the County.

42. Since at least May of 2021, Defendant Van Der Valk Construction has engaged in unauthorized construction activities in the southern portion of IVU4 that, by itself or in combination with activities conducted after October 1, 2013, cumulatively results in a project that is part of a larger common plan of development or sale, without the required ERP. These unauthorized construction activities were conducted on lots owned by the Lot Owner Defendants and on rights-of-way owned and maintained by the County.

43. Section 373.430(1)(b), Florida Statutes, prohibits any person from “fail[ing] to obtain any permit required by this part or by rule or regulation adopted pursuant hereto, or to violate or fail to comply with any rule, regulation, order, or permit adopted or issued by a water management district.” Under Section 373.430(2), whoever commits a violation of Section 373.430(1) is liable for any damages caused and for civil penalties provided in Section 373.129.

44. Section 373.129, Florida Statutes, authorizes the District to recover a civil penalty for each offense in an amount not to exceed \$15,000.00 per offense. Each additional day during

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which such violation occurs constitutes a separate offense. The District may further recover investigative costs, court costs, and reasonable attorney's fees.

WHEREFORE, the District respectfully requests that this Court: enter judgment against the Defendants and in favor of the District; enjoin further construction activities and require the Defendants to obtain all required permits prior to resuming construction; award the District civil penalties for the violations; award the District its costs and expenses, including reasonable attorney's fees; and award any such other relief as this Court deems just and proper.

Respectfully submitted this ____ day of June, 2025.

**STEARNS WEAVER MILLER
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