



## SPECIAL MAGISTRATE HEARING AGENDA

Wednesday, June 26, 2024 at 3:00 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

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ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. Call the meeting to order

2. Roll Call

3. Approval of Meeting Minutes

[a.](#) May 22, 2024

4. Deletions and changes to the agenda

5. Request To Identify Persons Having Cases on The Agenda

6. Parking Citation Appeals

[a.](#) Citation No. **P00929FB**; APPELLANT: Charles Mersch \*via telephonic appearance\*; POLICE OFFICER: Sergeant D. Blank # 7043

[b.](#) Citation No. **P00844FB**; APPELLANT: Luke Williams; POLICE OFFICER: Sergeant J. Bingham # 7058

[c.](#) Citation No. **P00857FB**; APPELLANT: Robert Michael; POLICE OFFICER: Officer E. Scherr # 7078

7. New Cases - Code Enforcement

[a.](#) Case # **EEN24-0036**; Eggert Iris Claxton Life Estate c/o Liz Rubeis; ADDRESS OF VIOLATION: 1201 S Central Avenue; TAX PARCEL ID NO. 12-12-31-4500-00190-0260; VIOLATION: City of Flagler Beach Code of Ordinances Article I. – In General Section 13-1 Definition (4)

8. Status Updates - Code Enforcement

[a.](#) Case # **EEN24-0024**; Thomas T & Monzell Turner; ADDRESS OF VIOLATION: 1816 S Daytona Avenue; TAX PARCEL ID NO. 18-12-32-2750-00270-0050; VIOLATION: 2015 International Property Maintenance Code, Section 303 Swimming Pools, Spas and Hot Tubs: 303.2 Enclosures

9. Other Business

10. Adjournment

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.



## SPECIAL MAGISTRATE HEARING MINUTES

Wednesday, May 22, 2024 at 4:57 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

### 1. Call the meeting to order

Meeting called to order at 3:00pm

### 2. Roll Call

Drew Smith, City Attorney, John Gifford, Code Enforcement Officer, Michele Ficocello, Clerk to the Magistrate

### 3. Approval of Meeting Minutes

a. April 24, 2024

Approved

### 4. Deletions and changes to the agenda

Item 6e and Item 6f moved to the top of agenda. Item 6b, 6d to follow in order. Item 6a pulled from agenda.

### 5. Request To Identify Persons Having Cases on The Agenda

### 6. Parking Citation Appeals

a. Citation No. **1510**; APPELLANT: John Davis; POLICE OFFICER: Sergeant A. Yelvington #7064

Appellant present and sworn in by the Clerk. Officer present and sworn in by the Clerk. Appellant stated name, John Davis, address of business 319 Moody Blvd, Flagler Beach, address of residence, 64 La Mancha Drive, Palm Coast for the record. Appellant gave testimony as to having a loaner car at the time of the citation and parked in that particular spot due to the hazard of a paver missing. Appellant stated he did park over the missing paver after a customer expressed concern someone might be injured. Appellant reported the City has since replaced the paver after the citation was received. City Attorney questioned Sergeant Yelvington. Sergeant Yelvington testified to writing the citation for parking on the sidewalk and had submitted photographic evidence. Magistrate Popp inquired as to the City's disposition. City Attorney did not object to an educational effort. Magistrate Popp ordered community education of ten (10) licensed drivers with sixty (60) days to complete and submit completed form to the Clerk.

b. Citation No. **P00811FB**; APPELLANT: Daniel Bach; POLICE OFFICER: Officer M. Snyder #7086

Appellant present and sworn in by the Clerk. Officer present and sworn in by the Clerk. Appellant stated name, Daniel Bach, address 49 North Park Circle Palm Coast, Florida, for the record. Appellant testified he thought he was parking in a legal parking space due to the red brick area. Appellant expressed his concern over the red brick area not being properly marked as no parking zones. Discussion ensued regarding marking red brick areas as no parking zones. Officer Snyder testified to writing the citation and had submitted photographic evidence. Magistrate Popp inquired as to the City's disposition on an educational effort. City Attorney did not object. Magistrate Popp ordered community education of ten (10) licensed drivers with sixty (60) days to complete. Appellant

is to submit completed form to the Clerk. Appellant did request the City make an effort to eliminate the confusion with red brick pavers.

- c. Citation No. **2400**; APPELLANT: Margaret Wood; POLICE OFFICER: Chief M. Doughney #7066

Appellant present and sworn in by the Clerk. Officer was present and sworn in by the Clerk. Appellant stated name, Margaret Wood, address, 6 Fernwood Lane, Palm Coast, Florida, for the record. Appellant testified she parked where she did because she saw others park there before. Magistrate Popp inquired about possible concerns with parking in the manner Appellant did. Appellant agreed there were safety concerns. Magistrate Popp inquired as to the City's disposition. City Attorney had no objection to a beach cleanup or an educational effort. Magistrate Popp ordered community education of ten (10) licensed drivers with sixty (60) days to complete. Appellant is to submit completed form to the Clerk.

- d. Citation No. **3188**; APPELLANT: Martha Hinman; POLICE OFFICER: Chief M. Doughney #7066

Appellant present and sworn in by the Clerk. Officer present and sworn in by the Clerk. Appellant stated name, Martha Hinman and address, 2 Long Lake Way, Palm Coast, Florida, for the record. Appellant testified as to why and how she parked in the manner she did. Magistrate Popp explained the safety hazards with parking in the wrong direction. Magistrate Popp inquired as to the City's disposition. City did not object to a reduction in fine and an educational effort. Magistrate Popp ordered the fine reduced to \$25.00 and education of ten (10) licensed drivers with sixty (60) days to complete. Appellant directed to pay reduced fine with the Finance Department in City Hall and submit the completed community education form to the Clerk.

- e. Citation No. **3190**; APPELLANT: Kylene Baker; POLICE OFFICER: Chief M. Doughney #7066

Officer was present. Appellant was not present. The Clerk confirmed Appellant was served notice and there had been no further contact. Chief Doughney testified to writing the citation and had submitted photographic evidence. Magistrate Popp inquired as to the City's disposition of upholding the fine and adding an administrative fee. City Attorney requested administrative fee of \$8.00 to cover the cost of mailings. Magistrate Popp ordered citation upheld and \$8.00 administrative cost.

- f. Citation No. **P00806FB**; APPELLANT: Cynthia Popiel \*via telephonic appearance\*; POLICE OFFICER: Sergeant D. Blank #7043

Pulled from agenda.

## 7. New Cases - Code Enforcement: NONE

## 8. Status Updates - Code Enforcement

- a. Case # **EEN24-0024**; Thomas T & Monzell Turner; ADDRESS OF VIOLATION: 1816 S Daytona Avenue; TAX PARCEL ID NO. 18-12-32-2750-00270-0050; VIOLATION: 2015 International Property Maintenance Code, Section 303 Swimming Pools, Spas and Hot Tubs: 303.2 Enclosures

Code Enforcement Officer sworn in by the Clerk. Respondent was not present. Mr. Gifford testified to multiple methods and attempts to serve respondents with notices including posting notices. Most contacts with the residents are family members, not the property owner. Mr. Gifford presented evidence and photographs of the current state of the violation. There is no latch on the gate, the contractor building next-door is putting up a fence, but not right away, City Attorney stated it does not appear the property owners are receiving the notices and order, but it does appear they are avoiding Code Enforcement. The City Attorney recommended imposing the previous orders with retroactive fines and additional \$250 every day the violation is not cured. Also recommending a status hearing next month with the stipulation, if the respondents comply, the Magistrate may order some relief from the fines. The City Attorney hopes this will motivate the Respondents to comply. Magistrate Popp agreed. Magistrate Popp ordered a status hearing for June, a running fine of \$250.00 a day with retroactive fines from the April 2024 hearing date. Magistrate Popp advised Code Enforcement and

the Clerk to make every attempt to serve orders to Respondents including reaching out to the real estate agent listing the property for sale.

**9. Other Business**

Code Enforcement reported two (2) new cases for next agenda and the Clerk reported two (2) parking citation appeals for next agenda.

**10. Adjournment - 4:08pm**





## Special Magistrate Hearing

### APPEAL OF PARKING CITATION

June 26, 2024

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**Citation Number:** P00929FB

**Appellant:** Charles Mersch \*via telephonic appearance\*

**Police Officer:** Sergeant D. Blank # 7043

**Attachments:** Notice of Hearing  
Hearing Request to Contest Local Parking Citation Form  
Out-of-County Driver's License  
Parking Violation



## City of Flagler Beach

Building & Zoning Department  
P.O. Box 70 \* 800 South Daytona Avenue  
Flagler Beach FL 32136  
(386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. P00929FB

CHARLES MERSCH  
10779 NW 21<sup>ST</sup> STREET PL  
CORAL SPRINGS, FL 33071

Appellant.

v.

CITY OF FLAGLER BEACH,

Appellee.

### NOTICE OF HEARING

TO: CHARLES MERSCH \*\*VIA TELEPHONIC APPEARANCE\*\*

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY, JUNE 26, 2024 @ 3:00 P.M.** in City Council Chambers located at City Hall 105 S 2<sup>nd</sup> Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 10779 NW 21<sup>ST</sup> STREET PL, CORAL SPRINGS, FL 33071, 5th day of June, 2024 regular and certified mail to the Appellant.

A handwritten signature in blue ink, appearing to read "Michele C. Ficocello".

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, FL 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.



CITY OF FLAGLER BEACH  
HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30 days of issuance)

P00929FB

Citation Number

05/26/2024

Date of Citation

I Charles W. Mersch do hereby request a hearing before the City of Flagler Beach Local Hearing Officer. I understand that a hearing will be scheduled for next available Local Hearing Officer hearing date. I understand that I have the option to reschedule a hearing once by notifying the appropriate clerk for the Local Hearing Officer in writing at least 5 days prior to the scheduled hearing. I understand that if I do not reschedule my hearing and I fail to appear I can be adjudicated guilty where I am responsible for all fines and failure to comply may result in a vehicle registration stop. I understand that by contesting the violation, I am waiving the right to pay the fine imposed on the citation and that if the Local Hearing Officer upholds the violation he or she may impose a fine of up to \$250.00 and may assess reasonable administrative costs of up to \$100.00 against me. I attest that I fully understand the stipulations and the associated penalties.

Signature

Date

Phone #

10779 NW 21 ST PL Coral Springs FL 33071

Mailing Address:

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO:

**Michele Ficocello**

Customer Service Representative  
P.O. Box 70, Flagler Beach FL 32136  
[mficocello@cityofflaglerbeach.com](mailto:mficocello@cityofflaglerbeach.com)  
Phone: 386-517-2000, ext. 231

**\*TELEPHONIC APPEARANCE\***

**RECEIVED**

**JUN - 4 2024**

City of Flagler Beach  
Building Department

As per our conversation, I am  
requesting a telephonic appearance.  
Thank you in advance. Charles Mersch





## VIOLATOR INSTRUCTIONS

Section 6, Item a.

## PARKING VIOLATION

NOTIFICATION TO INDIVIDUAL CHARGED WITH A PARKING INFRACTION NOT REQUIRING A COURT APPEARANCE

FAILURE TO PAY THIS PARKING TICKET WITHIN 30 DAYS WILL RESULT IN A DELINQUENT FEE OF \$42.82, IN ADDITION TO THE AMOUNT INDICATED ON THE CITATION. FAILURE TO FULLY COMPLY WILL RESULT IN A SUMMONS BEING ISSUED.

## INSTRUCTIONS

YOU MUST ELECT ONE OF THE FOLLOWING OPTIONS WITHIN 30 DAYS OF THE DATE OF THIS TICKET.

1. PAYMENT MUST BE MADE IN PERSON TO THE CITY OF FLAGLER BEACH BETWEEN THE HOURS OF 8:30 A.M. AND 5:00 P.M. MON - FRI (HOLIDAYS EXCLUDED), 105 S. SECOND ST., FLAGLER BEACH, FL 32136

2. BY MAIL TO: CITY OF FLAGLER BEACH, P.O. BOX 70, FLAGLER BEACH, FL 32136

3. PAY THE CITATION ONLINE AT [WWW.CITYOFFLAGLERBEACH.COM](http://WWW.CITYOFFLAGLERBEACH.COM) <[HTTP://WWW.CITYOFFLAGLERBEACH.COM](http://WWW.CITYOFFLAGLERBEACH.COM)> UNDER THE ONLINE BILL PAY SECTION

NOTE: YOU MUST ENCLOSE THIS TICKET IF YOU MAIL IN PAYMENT.

PAYMENT SHOULD BE IN THE FORM OF MONEY ORDER, CASH, CARD OR CASHIER'S CHECK. PERSONAL CHECKS ARE ACCEPTED, MAKE CHECKS PAYABLE TO: CITY OF FLAGLER BEACH

THERE WILL BE NO POINTS ASSESSED ON YOUR DRIVER'S LICENSE FOR PARKING VIOLATIONS.

IF YOU ELECT A HEARING AND THE COMMISSION OF AN INFRACTION HAS BEEN PROVEN, A LOCAL HEARING OFFICER MAY IMPOSE A PENALTY NOT TO EXCEED \$250.00.

CONTACT THE CITY POLICE DEPARTMENT FOR INSTRUCTIONS ON HOW TO CONTEST A TICKET, 386-517-2020.

RECEIVED

JUN - 5 2024

City of Flagler Beach  
Building Department

AGENCY CASE # 2024-00009158		CITATION # P00929FB		DATE 05/26/2024		TIME 7:37 PM	
AGENCY NAME FLAGLER BEACH POLICE DEPARTMENT				TYPE OF DEPARTMENT 2-PD			
COUNTY OF CITATION FLAGLER			PLACE OR CITY OF CITATION FLAGLER BEACH				
VIOLATOR INFORMATION							
CHECK IF OWNER IS BUSINESS OR THE GOVERNMENT <input type="checkbox"/>		BUSINESS NAME					
FIRST CHARLES		MIDDLE WILLIAM		LAST MERSCH		SUFFIX	
STREET 10779 NW 21ST PL			CITY CORAL SPRINGS		STATE FL		ZIP 33071
DL/ID # M620159703080		STATE FL	BIRTH DATE 08/28/1970	RACE W	GENDER M	TELEPHONE	
YR VEHICLE 2018	TAG # AN81VZ		TRAILER TAG #		TAG EXP DATE 08/28/2025		STATE FL
COLOR WHI	STYLE TRUCK	MAKE TOYT	MODEL P/U	V.I.N. OR MOTOR # 5TFUW5F12JX752398			
ROADWAY INFORMATION							
BUSINESS NAME							
ADDRESS #		OCCURRED ON STREET, ROAD, HIGHWAY N 2ND ST					
FEET 86	MILES	DIRECTION EAST	AT/FROM STREET, ROAD, HIGHWAY N CENTRAL AVE				
LATITUDE -81.128374		LONGITUDE 29.481433			ZONE		
VIOLATION							
CODE # 19-23		CHARGE DESCRIPTION PARKING - WRONG DIRECTION					
OTHER VIOLATION COMMENTS NOTHING CAME BACK ON TAG							
PAYMENT INFORMATION							
NAME CITY OF FLAGLER BEACH							
ADDRESS P.O. BOX 70							
CITY FLAGLER BEACH			ZIP 32136		PHONE #		
EMAIL ADDRESS			WEB SITE PAGE <a href="http://WWW.CITYOFFLAGLERBEACH.COM">WWW.CITYOFFLAGLERBEACH.COM</a>				
IF PAID 30 WITHIN DAYS	FINE \$100.00	IF PAID 30 AFTER DAYS	FINE \$142.82	FILING FEE			
COURT INFORMATION (If applicable)							
COURT DATE		COURT TIME		COURTROOM # / OTHER DETAIL			

REPORTING OFFICER			
OFFICER SIGNATURE <i>Sgt. D. G. [Signature]</i>	BADGE # 7043	ID #	TROOP UNIT PATROL
RANK SERGEANT	FIRST D	MIDDLE	LAST BLANK

VIOLATOR SIGNATURE: \_\_\_\_\_

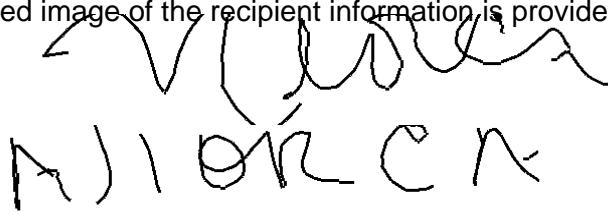
Mailer: City of Flagler Beach

Date Produced: 06/10/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 5517 38. Our records indicate that this item was delivered on 06/08/2024 at 05:28 p.m. in CORAL SPRINGS, FL 33071. The scanned image of the recipient information is provided below.

Signature of Recipient :



A) 10779 NW 21ST ST

Address of Recipient :

**10711 NW 21ST ST, CORAL  
SPRINGS, FL 33071**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

CHARLES MERSCH  
10779 NW 21ST STREET PL  
CORAL SPRINGS, FL 33071

Customer Reference Number: C5071278.30559177

Return Reference Number P00929FB

**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

CHARLES MERSCH  
10779 NW 21ST STREET PL  
CORAL SPRINGS, FL 33071

MAILING DATE: 06/05/2024  
DELIVERY DATE: 06/08/2024

USPS CERTIFIED MAIL



9214 8901 9403 8364 5517 38

**USPS Tracking Label Number: 9214 8901 9403 8364 5517 38**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	06/05/2024 10:41
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	06/05/2024 12:56
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	06/05/2024 17:02
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	06/05/2024 23:20
PROCESSED THROUGH USPS FACILITY	MIAMI FL DISTRIBUTION CENTER 33152	06/06/2024 13:23
PROCESSED THROUGH USPS FACILITY	MIAMI FL DISTRIBUTION CENTER 33152	06/07/2024 17:04
ARRIVAL AT UNIT	CORAL SPRINGS,FL 33071	06/08/2024 09:59
OUT FOR DELIVERY	CORAL SPRINGS,FL 33071	06/08/2024 10:10
DELIVERED LEFT WITH INDIVIDUAL	CORAL SPRINGS,FL 33071	06/08/2024 17:28

CUSTOM 1:



## Special Magistrate Hearing

### APPEAL OF PARKING CITATION

June 26, 2024

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**Citation Number:** P00844FB

**Appellant:** Luke Williams

**Police Officer:** Sergeant J. Bingham # 7058

**Attachments:** Notice of Hearing  
Hearing Request to Contest Local Parking Citation Form  
Parking Violation  
Affidavit In Support of Citation  
Photographs Submitted by Sergeant J. Bingham  
Certified Mailing



## City of Flagler Beach

Building & Zoning Department  
P.O. Box 70 \* 800 South Daytona Avenue  
Flagler Beach FL 32136  
(386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. P00844FB

LUKE WILLIAMS  
140 LEHIGH AVENUE  
FLAGLER BEACH, FL 32136

Appellant.

v.

CITY OF FLAGLER BEACH,

Appellee.

### NOTICE OF HEARING

TO: LUKE WILLIAMS

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY, JUNE 26, 2024 @ 3:00 P.M.** in City Council Chambers located at City Hall 105 S 2<sup>nd</sup> Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 140 Lehigh Avenue, Flagler Beach, FL 32136, 5th day of June, 2024 regular and certified mail to the Appellant.

A handwritten signature in blue ink, appearing to read "Michele C. Ficocello".

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, FL 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.



CITY OF FLAGLER BEACH  
HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30 days of issuance)

P00844FB  
Citation Number

4/14/2024  
Date of Citation

I Luke Williams do hereby request a hearing before the City of Flagler Beach Local Hearing Officer. I understand that a hearing will be scheduled for next available Local Hearing Officer hearing date. I understand that I have the option to reschedule a hearing once by notifying the appropriate clerk for the Local Hearing Officer in writing at least 5 days prior to the scheduled hearing. I understand that if I do not reschedule my hearing and I fail to appear I can be adjudicated guilty where I am responsible for all fines and failure to comply may result in a vehicle registration stop. I understand that by contesting the violation, I am waiving the right to pay the fine imposed on the citation and that if the Local Hearing Officer upholds the violation he or she may impose a fine of up to \$250.00 and may assess reasonable administrative costs of up to \$100.00 against me. I attest that I fully understand the stipulations and the associated penalties.

Luke Williams  
Signature

5/10/24  
Date

912-223-2070  
Phone #

140 Lehigh Ave  
Mailing Address: Flagler Beach, FL 32136

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO:

Michele Ficocello  
Customer Service Representative  
P.O. Box 70, Flagler Beach FL 32136  
[mficocello@cityofflaglerbeach.com](mailto:mficocello@cityofflaglerbeach.com)  
Phone: 386-517-2000, ext. 231

RECEIVED

MAY 10 2024

City of Flagler Beach  
Building Department



# PARKING VIOLATION

## VIOLATOR INSTRUCTIONS

NOTIFICATION TO INDIVIDUAL CHARGED WITH A PARKING INFRACTION NOT REQUIRING A COURT APPEARANCE

FAILURE TO PAY THIS PARKING TICKET WITHIN 30 DAYS WILL RESULT IN A DELINQUENT FEE OF \$42.82, IN ADDITION TO THE AMOUNT INDICATED ON THE CITATION. FAILURE TO FULLY COMPLY WILL RESULT IN A SUMMONS BEING ISSUED.

AGENCY CASE # 2024-00006263		CITATION # P00844FB		DATE 04/14/2024		TIME 1:56 PM	
AGENCY NAME FLAGLER BEACH POLICE DEPARTMENT				TYPE OF DEPARTMENT 2-PD			
COUNTY OF CITATION FLAGLER				PLACE OR CITY OF CITATION FLAGLER BEACH			
<b>VIOLATOR INFORMATION</b>							
CHECK IF OWNER IS BUSINESS OR THE GOVERNMENT <input type="checkbox"/>		BUSINESS NAME					
FIRST LUKE		MIDDLE		LAST WILLIAMS		SUFFIX	
STREET 140 LEHIGH AVE				CITY FLAGLER BEACH		STATE FL	
ZIP 32136							
DL/ID # W452522840210		STATE FL		BIRTH DATE		RACE	
GENDER		TELEPHONE					
YR VEHICLE		TAG #		TRAILER TAG #		TAG EXP DATE	
STATE							
COLOR RED		STYLE GOLF CART		MAKE CLUBCAR		MODEL CLUBCAR	
V.I.N. OR MOTOR #							

### INSTRUCTIONS

YOU MUST ELECT ONE OF THE FOLLOWING OPTIONS WITHIN 30 DAYS OF THE DATE OF THIS TICKET.

1. PAYMENT MUST BE MADE IN PERSON TO THE CITY OF FLAGLER BEACH BETWEEN THE HOURS OF 8:30 A.M. AND 5:00 P.M. MON - FRI (HOLIDAYS EXCLUDED), 105 S. SECOND ST., FLAGLER BEACH, FL 32136
2. BY MAIL TO: CITY OF FLAGLER BEACH, P.O. BOX 70, FLAGLER BEACH, FL 32136
3. PAY THE CITATION ONLINE AT [WWW.CITYOFFLAGLERBEACH.COM](http://WWW.CITYOFFLAGLERBEACH.COM)  
<[HTTP://WWW.CITYOFFLAGLERBEACH.COM](http://WWW.CITYOFFLAGLERBEACH.COM)> UNDER THE ONLINE BILL PAY SECTION

NOTE: YOU MUST ENCLOSE THIS TICKET IF YOU MAIL IN PAYMENT.

PAYMENT SHOULD BE IN THE FORM OF MONEY ORDER, CASH, CARD OR CASHIER'S CHECK. PERSONAL CHECKS ARE ACCEPTED, MAKE CHECKS PAYABLE TO: CITY OF FLAGLER BEACH

THERE WILL BE NO POINTS ASSESSED ON YOUR DRIVER'S LICENSE FOR PARKING VIOLATIONS.

IF YOU ELECT A HEARING AND THE COMMISSION OF AN INFRACTION HAS BEEN PROVEN, A LOCAL HEARING OFFICER MAY IMPOSE A PENALTY NOT TO EXCEED \$250.00.

CONTACT THE CITY POLICE DEPARTMENT FOR INSTRUCTIONS ON HOW TO CONTEST A TICKET, 386-517-2020.

<b>ROADWAY INFORMATION</b>							
BUSINESS NAME							
ADDRESS #		OCCURRED ON ST ROAD, HIGHWAY N 14TH ST					
FEET 53	MILES	DIRECTION WEST	AT/FROM STREET, ROAD, HIGHWAY N OCEANSHORE BLVD				
LATITUDE -81.133326		LONGITUDE 29.492605			ZONE		

<b>VIOLATION</b>	
CODE # 19-25	CHARGE DESCRIPTION PARKING - 15FT OF FIRE HYDRANT

OTHER VIOLATION COMMENTS
--------------------------

<b>PAYMENT INFORMATION</b>			
NAME CITY OF FLAGLER BEACH			
ADDRESS P.O. BOX 70			
CITY FLAGLER BEACH		ZIP 32136	PHONE #
EMAIL ADDRESS		WEB SITE PAGE <a href="http://WWW.CITYOFFLAGLERBEACH.COM">WWW.CITYOFFLAGLERBEACH.COM</a>	
IF PAID 30 DAYS	FINE \$36.00	IF PAID 30 DAYS	FINE \$78.82
FILING FEE			

<b>COURT INFORMATION (if applicable)</b>			
COURT DATE	COURT TIME	COURTROOM # / OTHER DETAIL	

RECEIVED

MAY 14 2024

City of Flagler Beach  
Building Department

<b>REPORTING OFFICER</b>			
OFFICER SIGNATURE <i>[Signature]</i>	BADGE # 7058	D # 7058	TROOP UNIT 7058
RANK SERGEANT	FIRST JOHNNY	MIDDLE	LAST BINGHAM

VIOLATOR SIGNATURE: \_\_\_\_\_

**BEFORE THE CODE ENFORCMENT MAGISTRATE FOR THE  
CITY OF FLAGLER BEACH, FLORIDA**

Section 6, Item b.

LUKE WILLIAMS

Appellant,

v.

CITATION # P00844FB

CITY OF FLAGLER BEACH,

Appellee.

**AFFIDAVIT IN SUPPORT OF CITATION**

STATE OF FLORIDA  
COUNTY OF FLAGLER

Before the undersigned officer duly authorized by the State of Florida to administer oaths this day personally appeared Sergeant J. Bingham #7058, who deposes and says:

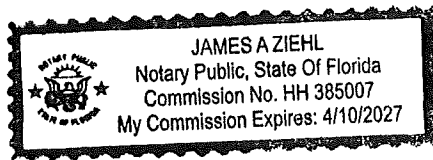
1. That I am over the age of eighteen and a sworn police officer employed by the City of Flagler Beach.
2. On 4-14-2024 at approximately 1:56 p.m., I observed a Red in color golfcart with license plate city decal 252 2024 parked on 14<sup>th</sup> Street North near North Ocean Shore Boulevard Flagler Beach, Flagler County, Fl. 32136.
3. I ascertained that the vehicle was registered to Luke Williams of Flagler Beach.
4. The vehicle was parked in violation of 19-25 within 15 feet of a fire hydrant.
5. Specifically, the vehicle was parked on the city right-of-way, facing east on the south side of the road.
6. During my investigation, I took a still photograph of the vehicle. This photograph is attached to this affidavit. The photograph is a fair and accurate representation of the vehicle and the manner it was parked at the time of my investigation.
7. Due to my observation of a vehicle parked in violation of the relevant code section, I issued citation # P00844FB.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 6 day of June, 2024.

  
Sergeant J. Bingham #7058

Sworn to and subscribed before me by means of X physical presence or \_\_\_ online  
notarization this 6 day of June, 2024 by \_\_\_\_\_ who  
is personally known to me or produced Sgt J. Bingham as identification.



Notary Public - State of Florida

Print name: James Ziehl

My Commission Expires: 4-10-27



New for the May release - Introducing Draft One, the iOS Axon app, new user and enterprise Wi-Fi configuration options for AB3 & AB4, and more.

[Click this banner to learn more](#)

Section 6, Item b.

 EVIDENCE    HELP

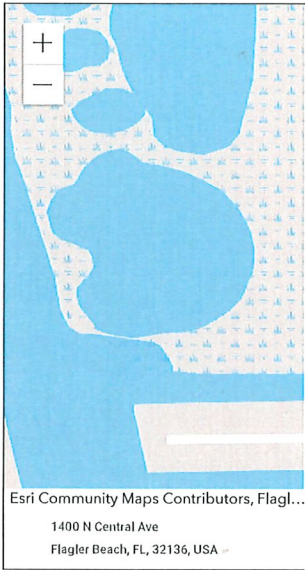
MY ACCOUNT  
Last login Jun 6, 2024  
SIGN OUT

SHARED EVIDENCE

TITLE                    100 14th St N

ID                        2024-00006263

CATEGORIES            Illegal Parking



Edits    Redactions

NO EDITS

DESCRIPTION

No description has been added yet

NOTES

No notes have been posted yet

METADATA

ASSIGNED TO:  
Bingham, Johnny (7058)

RECORDED ON (UTC-07:00):  
Apr 14, 2024 11:02:52 AM

UPLOADED ON:  
Apr 14, 2024 11:53 AM -07:00

UPLOADED BY:  
Bingham, Johnny (7058)

QUEUED FOR DELETION ON:  
Oct 13, 2024 11:02 AM -07:00

FILE FORMAT:  
image/jpeg

FILE SIZE:  
3.8 MB

DOCUMENT CHECKSUM:  
4454b49749b2712de5803422308bc034729a  
32564a7733d59f

EVIDENCE GROUP:

EXIF DATA

Modified Date:    2024:04:14 14:02:52  
Software:            17.4.1  
Orientation:        Rotate 90 CW  
Image Width:        4032

[VIEW MORE](#)

RECEIVED  
JUN - 6 2024  
City of Flagler Beach  
Building Department

Citation # P00844FB  
Photograph submitted by  
Sergeant J Bingham



Viewed by mficocello (my.EVIDENCE.com) on 06 Jun 2024

**RECEIVED**

**JUN - 6 2024**

City of Flagler Beach  
Building Department

**Citation # P00844FB**

Photograph submitted by  
Sergeant J Bingham

Mailer: City of Flagler Beach

Date Produced: 06/10/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 5526 74. Our records indicate that this item was delivered on 06/08/2024 at 10:50 a.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

**140 LEHIGH AVE**  
FLAGLER BEACH, FL 32136-3316

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

LUKE WILLIAMS  
140 LEHIGH AVENUE  
FLAGLER BEACH, FL 32136

Customer Reference Number: C5071278.30559178

Return Reference Number P00844FB



Return address:

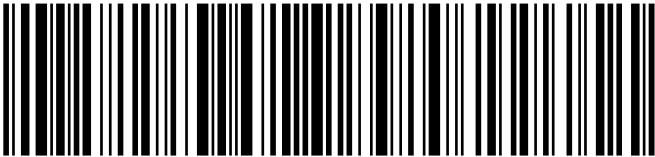
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

Recipient address:

LUKE WILLIAMS  
140 LEHIGH AVENUE  
FLAGLER BEACH, FL 32136

MAILING DATE: 06/05/2024  
DELIVERY DATE: 06/08/2024

USPS CERTIFIED MAIL



9214 8901 9403 8364 5526 74

USPS Tracking Label Number: 9214 8901 9403 8364 5526 74

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	06/05/2024 10:41
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	06/05/2024 12:56
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	06/05/2024 17:02
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	06/06/2024 10:42
DELIVERED INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	06/08/2024 10:50

CUSTOM 1:





## Special Magistrate Hearing

### APPEAL OF PARKING CITATION

June 26, 2024

---

**Citation Number:** P00857FB

**Appellant:** Robert Michael

**Police Officer:** Officer E. Scherr # 7078

**Attachments:** Notice of Hearing  
Hearing Request to Contest Local Parking Citation Form  
Parking Violation  
Affidavit In Support of Citation  
Photographs Submitted by Officer E. Scherr  
Certified Mailing



## City of Flagler Beach

Building & Zoning Department  
P.O. Box 70 \* 800 South Daytona Avenue  
Flagler Beach FL 32136  
(386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. P00857FB

ROBERT MICHAEL  
11210 MONUMENT LANDING BLVD  
JACKSONVILLE, FL 32225

Appellant.

v.

CITY OF FLAGLER BEACH,

Appellee.

### NOTICE OF HEARING

TO: ROBERT MICHAEL

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY, JUNE 26, 2024 @ 3:00 P.M.** in City Council Chambers located at City Hall 105 S 2<sup>nd</sup> Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 11210 Monument Landing Blvd, Jacksonville, FL 32225, 5th day of June, 2024 regular and certified mail to the Appellant.

A handwritten signature in blue ink, appearing to read "Michele C. Ficocello", is written over a horizontal line.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, FL 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.

RECEIVED

MAY 23 2024

City of Flagler Beach  
Building Department

CITY OF FLAGLER BEACH  
HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation.

Local Hearing Request (must be filed out within 30 days of issuance)

P00857FB

4/22/24

Citation Number

Date of Citation

I, Robert Michael Jr. do hereby request a hearing before the City of Flagler Beach Local Hearing Officer. I understand that a hearing will be scheduled for next available Local Hearing Officer hearing date. I understand that I have the option to reschedule a hearing once by notifying the appropriate clerk for the Local Hearing Officer in writing at least 5 days prior to the scheduled hearing. I understand that if I do not reschedule my hearing and I fail to appear I can be adjudicated guilty where I am responsible for all fees and failure to comply may result in a vehicle registration stop. I understand that by contesting the citation, I am waiving the right to pay the fine imposed on the citation and that if the Local Hearing Officer upholds the citation he or she may impose a fine of up to \$250.00 and may assess reasonable administrative costs of up to \$100.00 against me. I affirm that I fully understand the stipulations and the associated penalties.

Robert Michael Jr.

4/21/24

904 923-6288

Signature

Date

Phone #

11210 Monument Landing Blvd

Mailing Address

Jacksonville, FL 32225

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO

Michele Ficocello  
Customer Service Representative  
P.O. Box 70, Flagler Beach, FL 32136  
mficocello@cityofflaglerbeach.com  
Phone: 386-517-2000 ext. 231

UPON TIMELY SUBMISSION OF A LOCAL HEARING REQUEST, A HEARING WILL BE SCHEDULED BEFORE THE LOCAL HEARING OFFICER ON THE NEXT AVAILABLE HEARING DATE. A NOTICE OF HEARING WILL BE MAILED TO YOU AT LEAST TEN DAYS PRIOR TO THE SCHEDULED HEARING DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT Michele Ficocello

904-923-6288

11210 Monument Landing Blvd  
Jacksonville, FL 32225



## VIOLATOR INSTRUCTIONS

Section 6, Item c.

## PARKING VIOLATION

AGENCY CASE # 2024-00006747		CITATION # P00857FB		DATE 04/22/2024		TIME 9:53 PM	
AGENCY NAME FLAGLER BEACH POLICE DEPARTMENT				TYPE OF DEPARTMENT 2-PD			
COUNTY OF CITATION FLAGLER			PLACE OR CITY OF CITATION FLAGLER BEACH				
VIOLATOR INFORMATION							
CHECK IF OWNER IS BUSINESS OR THE GOVERNMENT <input type="checkbox"/>		BUSINESS NAME					
FIRST ROBERT		MIDDLE		LAST MICHAEL		SUFFIX	
STREET 11210 MONUMENT LANDING BLVD			CITY JACKSONVILLE		STATE FL		ZIP 32225
DL/ID # M240760802030		STATE FL	BIRTH DATE 06/03/1960	RACE B	GENDER M	TELEPHONE	
YR VEHICLE 2012	TAG # GSFT62		TRAILER TAG #		TAG EXP DATE 06/03/2024		STATE FL
COLOR RED	STYLE UTILITY	MAKE FORD	MODEL		V.I.N. OR MOTOR # 1FMCU0D75CKB62591		
ROADWAY INFORMATION							
BUSINESS NAME							
ADDRESS #		OCCURRED ON STREET, ROAD, HIGHWAY N 2ND ST					
FEET 143	MILES	DIRECTION EAST	AT/FROM STREET, ROAD, HIGHWAY N CENTRAL AVE				
LATITUDE -81.128176		LONGITUDE 29.481425			ZONE		
VIOLATION							
CODE # 19-23		CHARGE DESCRIPTION PARKING - WRONG DIRECTION					
OTHER VIOLATION COMMENTS							
PAYMENT INFORMATION							
NAME CITY OF FLAGLER BEACH							
ADDRESS P.O. BOX 70							
CITY FLAGLER BEACH			ZIP 32136		PHONE #		
EMAIL ADDRESS			WEB SITE PAGE WWW.CITYOFFLAGLERBEACH.COM				
IF PAID 30 WITHIN DAYS	FINE \$100.00	IF PAID 30 AFTER DAYS	FINE \$142.82	FILING FEE			
COURT INFORMATION(if applicable)							
COURT DATE		COURT TIME		COURTROOM # / OTHER DETAIL			

NOTIFICATION TO INDIVIDUAL CHARGED WITH A PARKING INFRACTION NOT REQUIRING A COURT APPEARANCE

FAILURE TO PAY THIS PARKING TICKET WITHIN 30 DAYS WILL RESULT IN A DELINQUENT FEE OF \$42.82, IN ADDITION TO THE AMOUNT INDICATED ON THE CITATION. FAILURE TO FULLY COMPLY WILL RESULT IN A SUMMONS BEING ISSUED.

## INSTRUCTIONS

YOU MUST ELECT ONE OF THE FOLLOWING OPTIONS WITHIN 30 DAYS OF THE DATE OF THIS TICKET.

1. PAYMENT MUST BE MADE IN PERSON TO THE CITY OF FLAGLER BEACH BETWEEN THE HOURS OF 8:30 A.M. AND 5:00 P.M. MON - FRI (HOLIDAYS EXCLUDED), 105 S. SECOND ST., FLAGLER BEACH, FL 32136

2. BY MAIL TO: CITY OF FLAGLER BEACH, P.O. BOX 70, FLAGLER BEACH, FL 32136

3. PAY THE CITATION ONLINE AT WWW.CITYOFFLAGLERBEACH.COM

&lt;HTTP://WWW.CITYOFFLAGLERBEACH.COM&gt; UNDER THE ONLINE BILL PAY SECTION

NOTE: YOU MUST ENCLOSE THIS TICKET IF YOU MAIL IN PAYMENT.

PAYMENT SHOULD BE IN THE FORM OF MONEY ORDER, CASH, CARD OR CASHIER'S CHECK. PERSONAL CHECKS ARE ACCEPTED, MAKE CHECKS PAYABLE TO: CITY OF FLAGLER BEACH

THERE WILL BE NO POINTS ASSESSED ON YOUR DRIVER'S LICENSE FOR PARKING VIOLATIONS.

IF YOU ELECT A HEARING AND THE COMMISSION OF AN INFRACTION HAS BEEN PROVEN, A LOCAL HEARING OFFICER MAY IMPOSE A PENALTY NOT TO EXCEED \$250.00.

CONTACT THE CITY POLICE DEPARTMENT FOR INSTRUCTIONS ON HOW TO CONTEST A TICKET, 386-517-2020.

RECEIVED

MAY 23 2024

City of Flagler Beach  
Building Department

REPORTING OFFICER			
OFFICER SIGNATURE 	BADGE # 7078	D #	TROOP UNIT PATROL
RANK OFFICER	FIRST E	MIDDLE	LAST SCHERR

VIOLATOR SIGNATURE: \_\_\_\_\_



BEFORE THE CODE ENFORCMENT MAGISTRATE FOR THE  
CITY OF FLAGLER BEACH, FLORIDA

Section 6, Item c.

ROBERT MICHAEL

Appellant,

v.

CITATION # P00857FB

CITY OF FLAGLER BEACH,

Appellee.

AFFIDAVIT IN SUPPORT OF CITATION

STATE OF FLORIDA  
COUNTY OF FLAGLER

Before the undersigned officer duly authorized by the State of Florida to administer oaths this day personally appeared Officer Scherr who deposes and says:

1. That I am over the age of eighteen and a sworn police officer employed by the City of Flagler Beach.

2. On 4/22/2024 at approximately 9:54 pm, I observed a red Ford Escape with license plate GSFT62 on 2<sup>nd</sup> St N.

3. I ascertained that the vehicle was registered to Robert Michael Jr.

4. The vehicle was parked in violation of 19-23 Manner of Parking.


5. Specifically, the vehicle was parked facing the wrong direction; i.e., against the flow of traffic.

6. During my investigation, I took a still photograph of the vehicle. This photograph is attached to this affidavit. The photograph is a fair and accurate representation of the vehicle and the manner it was parked at the time of my investigation.

7. Due to my observation of a vehicle parked in violation of the relevant code section, I issued citation P00857FB.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 21 day of June, 2024.

 Scherr  
Officer E. Scherr #7078



RECEIVED

JUN 24 2024

City of Flagler Beach  
Building Department



**Citation # P00857FB**  
Photograph submitted by  
Officer E. Scherr

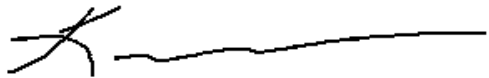
Mailer: City of Flagler Beach

Date Produced: 06/11/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 5538 93. Our records indicate that this item was delivered on 06/10/2024 at 03:21 p.m. in JACKSONVILLE, FL 32225. The scanned image of the recipient information is provided below.

Signature of Recipient :



Kiven Michael

Address of Recipient :

11210 MONUMENT LANDING BLVD  
JACKSONVILLE, FL 32225-5572

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ROBERT MICHAEL  
11210 MONUMENT LANDING BLVD  
JACKSONVILLE, FL 32225

Customer Reference Number: C5071278.30559179

Return Reference Number P00857FB



**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

ROBERT MICHAEL  
11210 MONUMENT LANDING BLVD  
JACKSONVILLE, FL 32225

MAILING DATE: 06/05/2024  
DELIVERY DATE: 06/10/2024

USPS CERTIFIED MAIL



9214 8901 9403 8364 5538 93

**USPS Tracking Label Number: 9214 8901 9403 8364 5538 93**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	06/05/2024 10:41
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	06/05/2024 12:56
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	06/05/2024 17:02
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	06/05/2024 23:20
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/06/2024 11:47
DEPARTED USPS REGIONAL FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/06/2024 12:42
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/07/2024 03:48
NO AUTHORIZED RECIPIENT AVAILABLE	JACKSONVILLE,FL 32225	06/07/2024 11:35
DELIVERED INDIVIDUAL PICKED UP AT PO	JACKSONVILLE,FL 32225	06/10/2024 15:21

CUSTOM 1:



# Special Magistrate Hearing

Code Enforcement

June 26, 2024

---

**Case Number:** Case # EEN24-0036

**Respondent:** Eggert Iris Claxton Life Estate c/o Liz Rubeis

**Address of Violation:** 1201 S Central Avenue

**Tax Parcel ID Number:** 12-12-31-4500-00190-0260

**Violation:** City of Flagler Beach Code of Ordinances Article I. – In General Section 13-1 Definition (4)

**Attachments:** Notice of Hearing (Dated May 31, 2024)  
Mailing Cost (Dated May 31, 2024)  
Certified Mailings  
Notice of Violation (Dated April 8, 2024)  
Mailing Cost (Dated April 8, 2024)  
Certified Mailings

**Total Cost of Mailings** \$32.00

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OF THE CITY OF FLAGLER BEACH, FLORIDA

Section 7, Item a.

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
2563 87TH DR SW STE 10  
GAINESVILLE, FL 32608

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )

Petitioner, )

vs. )

EGGERT IRIS CLAXTON, )  
LIFE ESTATE C/O LIZ RUBEIS, )  
owner, )

Respondent. )

CASE NO: EEN24-0036

NON COMPLIANCE - NOTICE OF HEARING

Premises: 1201 S CENTRAL AVE, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statutes*, the Code Enforcement Special Magistrate was created in Chapter 2, Article IV, Division 2, Sections 2-71 through 2-83, *City of Flagler Beach Code of Ordinances*, to hear Code Enforcement matters. The Special Magistrate shall conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring violations of any City Code into compliance, including imposing fines and other noncriminal penalties to enforce the *Code of Ordinances*.

YOU ARE HEREBY FORMALLY NOTIFIED that on **WEDNESDAY, JUNE 26, 2024 @ 3:00PM**, there will be a HEARING before the Special Magistrate in the City Commission Chambers, 105 2<sup>nd</sup> Street South, Flagler Beach, Florida, concerning your failure to comply with the Code Enforcement Officer's notice of violation dated **April 8, 2024**, and consideration of imposition of fines for such non-compliance. Your failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.


YOU ARE HEREBY NOTIFIED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case.

Should you be found in violation of the Code of Ordinances at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this hearing. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violation, should you be found in violation of the *Code of Ordinances*.

If you wish to have any witnesses subpoenaed, or have any other questions, please contact the office of Code Enforcement Officer within five (5) days, at 800 S. Daytona Ave, Flagler Beach, Florida 32136, (386) 517-2000 ext 249.

DATED: May 31, 2024

  
John Gifford, Code Enforcement Officer  
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by regular and certified mail #9214 8901 9403 8364 0251 54 and 9214 8901 9403 8364 0252 84 May 31, 2024.

## Code Enforcement

Notice Type: HEARING NOTICE

Date: 5/31/2024

Code Enforcement Complaint # **EEN24-0036**

Name: EGGERT IRIS CLAXTON

LIFE ESTATE C/O LIZ RUBEIS

Mailing Address: 1201 S CENTRAL AVENUE

FLAGLER BEACH, FL 32136

Name (2): EGGERT IRIS CLAXTON

LIFE ESTATE C/O LIZ RUBEIS

Mailing Address (2): 2563 SW 87TH DR STE 10

GAINESVILLE, FL 32608

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$7.36	\$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		<b>TOTAL</b>	<b>\$16.00</b>

Mailer: City of Flagler Beach

Date Produced: 06/11/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 0251 54. Our records indicate that this item was delivered on 06/10/2024 at 10:57 a.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :

*K E Se Hle*  
*Kate Se Hle*

Address of Recipient :

**PO BOX 70**

FLAGLER BEACH, FL 32136-0070

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
1201 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

Customer Reference Number: C5062314.30503339

Return Reference Number EEN24-0036 NOTICE OF HEARING

**Return address:**

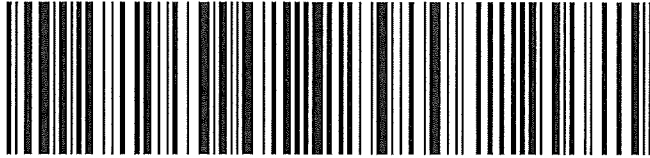
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
1201 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

MAILING DATE: 05/31/2024  
DELIVERY DATE: 06/10/2024

**USPS CERTIFIED MAIL**



9214 8901 9403 8364 0251 54

**USPS Tracking Label Number: 9214 8901 9403 8364 0251 54**

**USPS Tracking History**

	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/31/2024 14:28
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/31/2024 15:49
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/31/2024 17:02
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	06/05/2024 20:37
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	06/06/2024 08:00
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	06/07/2024 09:08
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	06/08/2024 02:59
AVAILABLE FOR PICKUP	FLAGLER BEACH,FL 32136	06/08/2024 08:05
DELIVERED INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	06/10/2024 10:57

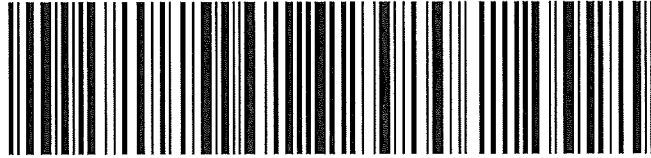
CUSTOM 1:

**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
2563 SW 87TH DR STE 10  
GAINESVILLE, FL 32608

**USPS CERTIFIED MAIL**


9214 8901 9403 8364 0252 84

**USPS Tracking Label Number: 9214 8901 9403 8364 0252 84**

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/31/2024 14:28
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/31/2024 15:49
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/31/2024 17:02
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/31/2024 23:19
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	06/01/2024 09:29
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/01/2024 12:49
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/02/2024 17:21
FORWARDED	GAINESVILLE,FL 32608	06/04/2024 11:43
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/07/2024 11:30
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/09/2024 14:34
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/14/2024 11:13
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/16/2024 09:12
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	06/20/2024 07:42



BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OF THE CITY OF FLAGLER BEACH, FLORIDA

Section 7, Item a.

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
2563 SW 87TH DR STE 10  
GAINESVILLE, FL 32608

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )

Petitioner, )

vs. )

EGGERT IRIS CLAXTON )  
LIFE ESTATE C/O LIZ RUBEIS, )  
owner, )

Respondent. )

CASE NO: EEN24-0036

NOTICE OF VIOLATION

Premises: 1201 S CENTRAL AVE, FLAGLER BEACH, FL 32136

YOU ARE NOTIFIED that violations of **CITY OF FLAGLER BEACH CODE OF ORDINANCES ARTICLE I. – IN GENERAL SECTION 13-1 DEFINITION (4)** exist on the premises located at 1201 S CENTRAL AVE., FLAGLER BEACH, FL 32136. The premises are more particularly described as follows:


Legal Description: GEORGE MOODY SUBD BLOCK MOODY W 1/2 LOT 25 AND W 1/2 LOT 26 OR 139 PG 694 OR 426 PG 839 OR and has **Tax Parcel ID # 12-12-31-4500-00190-0260**

The condition giving rise to the violation is described as follows:

**OUTSIDE OF RESIDENCE IN DISREPAIR. NO HOUSE NUMBER POSTED ON BUILDING.**

**You must correct the violations by no later than 5:00 p.m. on the 8th day May, 2024.** If the violation is not cured by the time stated above, a hearing will be scheduled before the City's Code Enforcement Special Magistrate. Should you be found in violation at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing. To clear up this matter please notify this office as soon as the violation is in compliance by calling 386-517-2000 Extension 249.

DATED April 08, 2024

  
John Gifford,  
Code Enforcement Officer  
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by Certified Mail™ # 9214 8901 9403 8356 2478 92 and 9214 8901 9403 8356 2479 22 April 08, 2024.



## Code Enforcement

Notice Type: VIOLATION NOTICE

Date: 4/8/2024

Code Enforcement Complaint # **EEN24-0036**

Name: EGGERT IRIS CLAXTON

LIFE ESTATE C/O LIZ RUBEIS

Mailing Address: 1201 S CENTRAL AVENUE

FLAGLER BEACH, FL 32136

Name (2): EGGERT IRIS CLAXTON

LIFE ESTATE C/O LIZ RUBEIS

Mailing Address (2): 2563 SW 87TH DR STE 10

GAINESVILLE, FL 32608

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$7.36	\$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		<b>TOTAL</b>	<b>\$16.00</b>



Mailer: City of Flagler Beach

Date Produced: 04/11/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8356 2479 22. Our records indicate that this item was delivered on 04/10/2024 at 01:21 p.m. in GAINESVILLE, FL 32608. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

**2563 SW 87TH DR STE 10,  
GAINESVILLE, FL 32608**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
2563 SW 87TH DR STE 10  
GAINESVILLE, FL 32608

Customer Reference Number: C4929724.29640354

Return Reference Number EEN24-0036 NOTICE OF VIOLATION



**Return address:**  
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**  
EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
2563 SW 87TH DR STE 10  
GAINESVILLE, FL 32608

MAILING DATE: 04/05/2024  
DELIVERY DATE: 04/10/2024

USPS CERTIFIED MAIL

9214 8901 9403 8356 2479 22

**USPS Tracking Label Number: 9214 8901 9403 8356 2479 22**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/05/2024 16:05
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/08/2024 10:39
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/08/2024 17:02
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/08/2024 22:00
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	04/09/2024 12:22
DELIVERED LEFT WITH INDIVIDUAL	GAINESVILLE,FL 32608	04/10/2024 13:21

CUSTOM 1:

Mailer: City of Flagler Beach

Date Produced: 04/25/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8356 2478 92. Our records indicate that this item was delivered on 04/24/2024 at 01:40 p.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :

*K E Settle*  
*Kate Settle*

Address of Recipient :

**PO BOX 70**

FLAGLER BEACH, FL 32136-0070

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
1201 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

Customer Reference Number: C4929724.29640353

Return Reference Number EEN24-0036 NOTICE OF VIOLATION

Return address:

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

Recipient address:

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
1201 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

MAILING DATE: 04/05/2024  
DELIVERY DATE: 04/24/2024

USPS CERTIFIED MAIL



9214 8901 9403 8356 2478 92

USPS Tracking Label Number: 9214 8901 9403 8356 2478 92

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/05/2024 16:05
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/08/2024 10:39
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/08/2024 17:02
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	04/13/2024 10:00
PROCESSED THROUGH USPS FACILITY	SARASOTA FL DISTRIBUTION CENTER 34260	04/15/2024 04:30
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/16/2024 07:30
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	04/17/2024 02:19
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	04/21/2024 13:07
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	04/22/2024 05:53
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/22/2024 11:44
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	04/23/2024 02:58
AVAILABLE FOR PICKUP	FLAGLER BEACH,FL 32136	04/23/2024 09:17
DELIVERED INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	04/24/2024 13:40

CUSTOM 1:





# Special Magistrate Hearing

Code Enforcement

June 26, 2024

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**Case Number:** EEN24-0024

**Respondent:** Thomas T & Monzell Turner

**Address of Violation:** 1816 S Daytona Ave

**Tax Parcel ID Number:** 18-12-32-2750-00270-0050

**Violation:** 2015 International Property Maintenance Code, Section 303 Swimming Pools, Spas and Hot Tubs: 303.2 Enclosures

**Attachments:** Notice of Status Hearing (Dated May 31, 2024)  
Mailing Costs (Dated May 31, 2024)  
Certified Mailings  
Findings of Fact, Conclusions of Law, and Order (Dated May 23, 2024)  
Mailing Costs (Dated May 23, 2024)  
Certified Mailings

**Total Cost of Mailings** \$32.00

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OF THE CITY OF FLAGLER BEACH, FLORIDA

THOMAS T & MONZELL TURNER  
10696 MOUNTAINLAUREL WAY  
UNION, KY 41091

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )  
 )  
Petitioner, )  
vs. )  
THOMAS T & MONZELL )  
TURNER, owner, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CASE NO: EEN24-0024

NOTICE OF STATUS HEARING

Premises: 1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statutes*, the Code Enforcement Special Magistrate was created in Chapter 2, Article IV, Division 2, Sections 2-71 through 2-83, *City of Flagler Beach Code of Ordinances*, to hear Code Enforcement matters. The Special Magistrate shall conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring violations of any City Code into compliance, including imposing fines and other noncriminal penalties to enforce the *Code of Ordinances*.


YOU ARE HEREBY FORMALLY NOTIFIED that on **WEDNESDAY, JUNE 26, 2024 @ 3:00 PM**, there will be a STATUS HEARING before the Special Magistrate in the City Commission Chambers, 105 2<sup>nd</sup> Street South, Flagler Beach, Florida, concerning **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** dated **May 23, 2024**. Your failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

YOU ARE HEREBY NOTIFIED to appear before the Special Magistrate on the above date to provide a status update.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this hearing. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violation, should you be found in violation of the *Code of Ordinances*.

If you wish to have any witnesses subpoenaed, or have any other questions, please contact the office of Code Enforcement Officer within five (5) days, at 800 S. Daytona Ave, Flagler Beach, Florida 32136, (386) 517-2000 ext 249.

DATED: May 31, 2024

  
John Gifford,  
Code Enforcement Officer  
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by regular and certified mail # 9214 8901 9403 8364 0422 50 and 9214 8901 9403 8364 0423 28 May 31, 2024.

Code Enforcement

Notice Type: STATUS HEARING

Date: 5/31/2024

Code Enforcement Complaint # **EEN24-0024**

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S DAYTONA AVE  
FLAGLER BEACH, FL 32136

Name (2): THOMAS T & MONZELL TURNER

Mailing Address (2): 10696 MOUNTAINLAUREL WAY  
UNION, KY 41091

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$7.36	\$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		<b>TOTAL</b>	<b>\$16.00</b>



Mailer: City of Flagler Beach

Date Produced: 06/04/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8364 0423 28. Our records indicate that this item was delivered on 06/03/2024 at 11:56 a.m. in UNION, KY 41091. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

THOMAS T & MONZELL TURNER  
10696 MOUNTAINLAUREL WAY  
UNION, KY 41091

Customer Reference Number: C5062314.30503342

Return Reference Number EEN24-0024 STATUS HEARING





Return address:

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

Recipient address:

THOMAS T & MONZELL TURNER  
10696 MOUNTAINLAUREL WAY  
UNION, KY 41091

MAILING DATE: 05/31/2024  
DELIVERY DATE: 06/03/2024

USPS CERTIFIED MAIL

9214 8901 9403 8364 0423 28

USPS Tracking Label Number: 9214 8901 9403 8364 0423 28

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/31/2024 14:28
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/31/2024 15:49
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/31/2024 17:02
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/31/2024 23:19
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	06/01/2024 09:29
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	06/02/2024 13:16
DELIVERED LEFT WITH INDIVIDUAL	UNION,KY 41091	06/03/2024 11:56

CUSTOM 1:

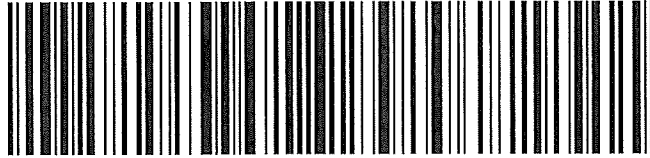
**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

THOMAS T & MONZELL TURNER  
1816 S DAYTONA AVENUE  
FLAGLER BEACH, FL 32136

**USPS CERTIFIED MAIL**



9214 8901 9403 8364 0422 50

**USPS Tracking Label Number: 9214 8901 9403 8364 0422 50**

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/31/2024 14:28
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/31/2024 15:49
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/31/2024 17:02
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	06/01/2024 12:48
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	06/06/2024 03:37
PACKAGE RETURN NOTICE GENERATED	FLAGLER BEACH,FL 32136	06/16/2024 03:06

BEFORE THE CODE ENFORCMENT MAGISTRATE FOR THE  
CITY OF FLAGLER BEACH, FLORIDA

CITY OF FLAGLER BEACH,

Petitioner,

vs.

CASE NUMBER EEN 24-0024

THOMAS T. TURNER and  
MONZELL TURNER,

Respondents.

\_\_\_\_\_ /

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**THIS MATTER** having come before the Code Enforcement Magistrate for the City of Flagler Beach, Florida on May 22, 2024 after due notice to Respondents and the undersigned having received evidence and heard testimony under oath thereupon issues the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. The property subject to this proceeding is located at 1816 S Daytona Avenue, Flagler Beach, Florida, and has Flagler County Tax Parcel ID 18-12-32-2750-00270-0050 (the "Subject Property").
2. Thomas T. Turner and Monzell Turner are the record owners of the Subject Property.
3. On April 2, 2024, the Code Enforcement Officer for the City of Flagler Beach properly served a Notice of Violation on Respondent. Said Notice of Violation cited a violation of Section 303.2 of the International Property Maintenance Code, as adopted by the City of Flagler Beach, related to swimming pool enclosures.
4. Specifically, there is a swimming pool in the rear yard of the Subject Property and one side of the rear yard currently does not have a fence. Plastic construction fencing has been erected to create a temporary barrier; however, the construction fencing is not a code compliant barrier and has been the only obstacle on that side of the fence for several months.
5. On April 26, 2024, the undersigned entered an Order requiring Respondents to obtain a permit to install the missing portions of fence necessary to secure the pool within fifteen

days of April 26, 2024 and requiring Respondents to complete the fence installation within thirty days of April 26, 2024.

6. Respondents have not applied for permits, obtained permits, or installed the necessary portions of fence.

7. The undersigned also ordered Respondents to attend the May 22, 2024 hearing either in person or by telephone.

8. Respondents did not attend the hearing and have made no effort to communicate with the Code Enforcement Officer regarding this violation.

**BASED UPON THE FOREGOING, IT IS ORDERED:**

9. As of May 22, 2024 fines in this case have accrued to \$7,250.00 and continue to accrue at the rate of \$250.00 per day until the violation is cured.

10. The City shall schedule and notice this matter for a Hearing to Impose Fines and Create Lien to be held at the regular hearing date in June.

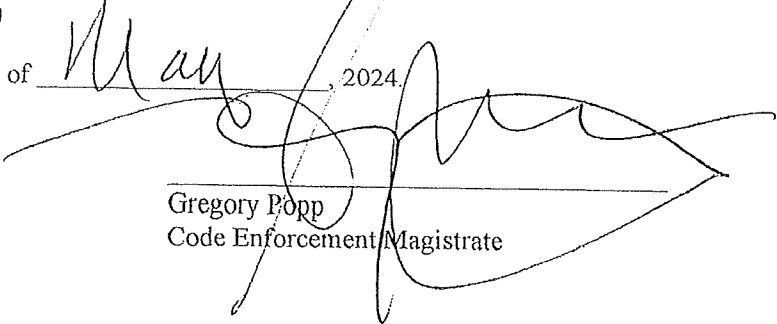
11. Unless the Respondents shall have taken prompt and decisive action to address this violation that represents a public safety hazard, the undersigned shall impose all fines accrued as of that date, which fines, once imposed, will constitute a lien against the Subject Property.

12. If Respondents take prompt and decisive action to remedy the violation, the undersigned will consider such actions in any request for abatement or reduction of the fines accrued.

13. Respondents are reminded that pursuant to Chapter 162, Florida Statutes, they are legally required to notify any potential purchasers of the Subject Property of this code enforcement action.

14. Respondents remain responsible the City's costs incurred in prosecution in the amount of \$24.00, which was required to be paid within thirty days of the April 24, 2024 but has yet to be paid.

ORDERED on this 23<sup>rd</sup> day of May, 2024.

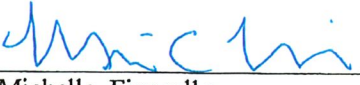


Gregory Popp  
Code Enforcement Magistrate



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been served upon Respondent by Certified and Regular Mail to Respondents at 1816 S Daytona Avenue, Flagler Beach, Florida 32136 and 10696 Mountain Laurel Way, Union, Kentucky 41091, on this 23<sup>rd</sup> day of May, 2024.

  
Michelle, Ficocello,  
Clerk to the Special Magistrate

Code Enforcement

Notice Type: FINDINGS OF FACT

Date: 5/23/2024

Code Enforcement Complaint # **EEN24-0024**

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S DAYTONA AVE  
FLAGLER BEACH, FL 32136

Name (2): THOMAS T & MONZELL TURNER

Mailing Address (2): 10696 MOUNTAINLAUREL WAY  
UNION, KY 41091

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$7.36	\$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		<b>TOTAL</b>	<b>\$16.00</b>

**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

THOMAS T & MONZELL TURNER  
1816 S DAYTONA AVENUE  
FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8363 1490 66

**USPS Tracking Label Number: 9214 8901 9403 8363 1490 66**

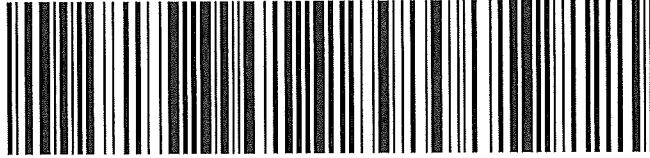
USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/23/2024 12:03
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/23/2024 14:19
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/23/2024 17:07
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	05/24/2024 12:24
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	05/29/2024 03:27
PACKAGE RETURN NOTICE GENERATED	FLAGLER BEACH,FL 32136	06/08/2024 03:31
UNCLAIMED/BEING RETURNED TO SENDER	FLAGLER BEACH,FL 32136	06/08/2024 12:26
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	06/11/2024 02:52
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	06/11/2024 08:13
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	06/12/2024 15:22
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	06/14/2024 10:09
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	06/15/2024 02:45

**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

THOMAS T & MONZELL TURNER  
10696 MOUNTAINLAUREL WAY  
UNION, KY 41091

**USPS CERTIFIED MAIL**


9214 8901 9403 8363 1491 03

**USPS Tracking Label Number: 9214 8901 9403 8363 1491 03**

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/23/2024 12:03
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/23/2024 14:19
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/23/2024 17:07
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/23/2024 23:08
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/24/2024 09:25
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	05/26/2024 10:42
PROCESSED THROUGH USPS FACILITY	COLUMBUS OH DISTRIBUTION CENTER 43218	05/28/2024 09:56
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	05/29/2024 11:21
ARRIVAL AT UNIT	UNION,KY 41091	05/31/2024 08:50
OUT FOR DELIVERY	UNION,KY 41091	05/31/2024 09:01
NO AUTHORIZED RECIPIENT AVAILABLE	UNION,KY 41091	05/31/2024 12:05
REMINDER TO SCHEDULE REDELIVERY	UNION,KY 41091	06/05/2024 03:34
PACKAGE RETURN NOTICE GENERATED	UNION,KY 41091	06/15/2024 03:34