



# SPECIAL MAGISTRATE HEARING AGENDA

Wednesday, November 06, 2024 at 3:00 PM

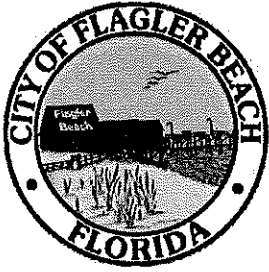
City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

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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. September 25, 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:** P01244FB; **APPELLANT:** KASSIDY PRESS **\*\*VIA TELEPHONIC APPEARANCE\*\***; **POLICE OFFICER:** OFFICER K. JONES #7069
  - b. **CITATION NO:** P01200FB; **APPELLANT:** MARK FIELDING; **POLICE OFFICER:** OFFICER K. JONES #7069
7. New Cases - Code Enforcement: NONE
8. Status Updates - Code Enforcement
  - a. Case #EEN23-0019; 1005 Oceanshore LLC; ADDRESS OF VIOLATION; 1005 N Ocean Shore Blvd; TAX PARCEL ID NO.: 01-12-31-1100-00040-0040; VIOLATION: City of Flagler Beach Code of Ordinances, Chapter 13, Nuisances, Article I. In General, Section 13-1 Definition (4)
  - b. **CASE # EEN23-0022**; Julie Guimond; ADDRESS OF VIOLATION: 2261 S Flagler Avenue; TAX PARCEL ID NO. 19-12-32-4550-00030-0230; VIOLATION: 2020 Florida Building Code, Building 7th Edition, Sec. 105 Permits [A] 105.1 Required
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, September 25, 2024 at 3:00 PM

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

**1. Call the meeting to order**

Magistrate Popp called the hearing to order at 3:00pm.

**2. Roll Call**

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

**3. Approval of Meeting Minutes**

a. August 28, 2024

Approved

**4. Deletions and changes to the agenda**

None

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

**6. Parking Citation Appeals**

a. **CITATION NO:** P01160FB

**APPELLANT:** BECKY O'ROURKE **\*\*VIA TELEPHONIC APPEARANCE\*\***

**POLICE OFFICER:** OFFICER J. SAUNDERS # 7087

The Appellant appeared via telephone and was sworn in by the Clerk. Ofc. Saunders was not present. The Appellant testified she was unaware she could not park in the street. The Appellant stated she resides out-of-state. The Appellant stated she does have a residence in Palm Coast, FL. Discussion ensued regarding the safety concerns with parking in the street. The City's disposition took into consideration the Appellant being from out-of-state and would accept a reduced fine. Magistrate Popp ordered the fine reduced to thirty (30) dollars with sixty (60) days to pay. The Clerk will mail orders to the Appellant.

b. **CITATION NO:** P01066FB

**APPELLANT:** RODNEY YOVONN

**POLICE OFFICER:** OFFICER S. NOBRE #7082

The Appellant was not present. Ofc. Nobre was not present, but submitted an affidavit in support of citation along with photographic evidence. The Clerk reported the Appellant had previously been scheduled for the August 2024 hearing, but had requested to be rescheduled. The Clerk reported the Appellant was placed on the September 2024 hearing agenda, a notice was sent and proof of service was received. The Clerk also reported speaking to the Appellant directly a couple times. Magistrate Popp directed the Clerk to telephone the Appellant. The Clerk reached the Appellant via telephone and Magistrate Popp allowed a telephonic appearance. The Appellant was sworn in by the Clerk. The Appellant stated his name, Rodney Yovonn, and address, 2149 Old Daytona Road, Port Orange, FL 32128, for the record. The Appellant testified he was parked in the front yard of his employer's property and was not aware he was parked in the City's right-of-way in the wrong direction. Discussion ensued regarding the safety concerns with parking in the wrong direction. The

City's disposition is a reduced fine and community education due to confusion over identifying City right-of-ways. Magistrate Popp ordered the fine reduced to thirty (30) dollars and education of ten (10) licensed drivers with sixty (60) days to complete. The Clerk will mail orders to the Appellant.

## 7. New Cases - Code Enforcement

### a. CASE NO: EEN24-0063

**RESPONDENT:** GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

**ADDRESS OF VIOLATION:** 210 MOODY BLVD

**TAX PARCEL ID NO:** 12-12-31-4500-00350-0010

**VIOLATION:** SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was present and sworn in by the Clerk. Code Enforcement Officer John Gifford was present and sworn in by the Clerk. Mr. Gifford testified the Respondent is working through the permitting process to come into compliance. The Respondent testified the permit is currently in-progress. The City's disposition is to allow sixty (60) days to come into compliance. Magistrate Popp ordered the violation to be cured within sixty (60) days. The City Attorney will prepare the order and the Clerk will mail the order to the Respondent.

### b. CASE NO: EEN24-0058

**RESPONDENT:** OCEAN BEACH CLUB II CONDO

**ADDRESS OF VIOLATION:** 3510 S OCEAN SHORE BLVD

**TAX PARCEL ID NO:** 29-12-32-4910-00000-0000

**VIOLATION:** SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was not present. Code Enforcement Officer John Gifford testified he has been in contact with the Respondent and they are working through the permitting process to come into compliance. The City's disposition is to allow sixty (60) days to come into compliance. Magistrate Popp ordered the violation to be cured within sixty (60) days. The City Attorney will prepare the order and the Clerk will mail the order to the Respondent.

### c. CASE NO: EEN24-0066

**RESPONDENT:** SEACREST MANOR CONDOMINIUM

**ADDRESS OF VIOLATION:** 400 N FLAGLER AVENUE

**TAX PARCEL ID NO:** 12-12-31-5440-00000-0000

**VIOLATION:** SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was not present. Code Enforcement Officer John Gifford testified the Respondent has cured the violation. The City Attorney will prepare an order. The Clerk will mail the order to the Respondent.

d. **CASE NO:** EEN24-0060

**RESPONDENT:** MAYO CONDO

**ADDRESS OF VIOLATION:** 112 S 7TH STREET

**TAX PARCEL ID NO:** 12-12-31-4170-00000-0000

**VIOLATION:** SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was present and sworn in by the Clerk. Mr. Gifford testified the Respondent is working through the permitting process to come into compliance. The Respondent testified the permit is currently in-progress. The City's disposition is to allow sixty (60) days to come into compliance. Magistrate Popp ordered the violation to be cured within sixty (60) days. The City Attorney will prepare the order and the Clerk will mail the order to the Respondent.

**8. Status Updates - Code Enforcement: NONE**

**9. Other Business**

Discussion about amending the hearing schedule due to the Code Enforcement Officer being unable to attend the October 2024 hearing. Details and dates to be determined by City Staff.

Code Enforcement reported one (1) case status update on the next agenda.

Clerk reported two (2) parking citation appeals on the next agenda.

**10. Adjournment**

Magistrate Popp adjourned the hearing at 3:37pm.



## Special Magistrate Hearing

APPEAL OF PARKING CITATION

November 6, 2024

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**Citation Number:** P01244FB

**Appellant:** Cassidy Press \*via telephonic appearance\*

**Police Officer:** Officer K. Jones # 7069

**Attachments:** Notice of Hearing  
Hearing Request to Contest Local Parking Citation Form  
Parking Violation  
Affidavit In Support of Citation Submitted by Ofc. Jones  
Certified Mailing



# City of Flagler Beach

Planning & 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. P01244FB

KASSIDY PRESS

60 LASA COMMONS CIR APT. 203

ST. AUGUSTINE, FL 32084

Appellant.

v.

CITY OF FLAGLER BEACH,

Appellee.

\_\_\_\_\_ /

### NOTICE OF HEARING

TO: KASSIDY PRESS **\*\*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, NOVEMBER 6, 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 60 LASA COMMONS CIR APT. 203, ST. AUGUSTINE, FL 32084, 15<sup>TH</sup> day of October, 2024 regular and certified mail to the Appellant.

  
\_\_\_\_\_  
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  
OCT - 9 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 filled out within 30 days of issuance)

PO1244FB  
Citation Number

10/8/24  
Date of Citation

I Kassidy Press 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]  
Signature

10/8/24  
Date

856-986-5876  
Phone #

6401 S West Shore Blvd Apt 1605 Tampa, FL  
Mailing Address: 33616

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\***

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



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.

AGENCY CASE # 2024-00018692		CITATION # P01244FB		DATE 10/08/2024		TIME 2:21 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 KASSIDY		MIDDLE LYNDA		LAST PRESS		SUFFIX	
STREET 60 LASA COMMONS CIR APT 203			CITY SAINT AUGUSTINE		STATE FL	ZIP 32084	
DL/ID # P620512019600		STATE FL	BIRTH DATE 12/20/2001	RACE W	GENDER F	TELEPHONE	
YR VEHICLE 2024		TAG # 79DTAL		TRAILER TAG #		TAG EXP DATE 12/20/2025	STATE FL
COLOR GRY	STYLE PICKUP	MAKE FORD	MODEL MAVRICK	V.I.N. OR MOTOR # 3FTTW8H98RRB17366			
ROADWAY INFORMATION							
BUSINESS NAME							
ADDRESS #	OCCURRED ON STREET, ROAD, HIGHWAY S OCEANSHORE BLVD						
FEET 83	MILES	DIRECTION SOUTH	AT/FROM STREET, ROAD, HIGHWAY S 17TH ST				
LATITUDE -81.119876			LONGITUDE 29.465464			ZONE	
VIOLATION							
CODE # 19-25		CHARGE DESCRIPTION PARKING ON DUNES					
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 \$150.00	IF PAID 30 AFTER DAYS		FINE \$192.82	FILING FEE	
COURT INFORMATION (if applicable)							
COURT DATE		COURT TIME		COURTROOM # / OTHER DETAIL			

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> 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  
OCT 14 2024  
City of Flagler Beach  
Building Department

REPORTING OFFICER			
OFFICER SIGNATURE <i>Keith Jones</i>		BADGE # 7069	D # 7069
TROOP UNIT			
RANK OFFICER	FIRST K	MIDDLE	LAST JONES

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



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

Section 6, Item a.

Kassidy Press

Appellant,

v.

CITATION # P01244FB

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 K. Jones#7069, who deposes and says:

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

2. On October 8, 2024 [Date] at approximately 2:20pm [Time], I observed a 2024 gray Ford pickup [description of vehicle] with license plate FL-79DTAL [tag number] parked on the dunes located on the east side of South Ocean Shore Boulevard (1700 Block) [street name if on street, address if on a private drive].

3. I ascertained that the vehicle was registered to Kassidy Lynda Press [Registered Owner of Vehicle].

4. The vehicle was parked in violation of Sec. 19-25 [Applicable Ordinance Section].

5. Specifically, the vehicle was parked on the east side of S Ocean Shore Blvd on the dunes by the walkover [short narrative description of violation].

6. While approaching the vehicle with a citation, contact was made with a female and explained parking on the dunes. She stated she was from St. Augustine and it was noted that she should have known about dunes and how important they are to the environment. I didn't initiate my body worn camera until later. In the video, you can see the female I spoke to and that we are standing on the east side of the roadway. I have taken a screenshot of the body camera video and have attached it to this affidavit. The photograph is a fair and accurate representation of the location of the vehicle and dunes.

7. Due to my observation of a vehicle parked in violation of the relevant code section, I issued citation # P01244FB [citation #].

8. I have submitted to the City for presentation the body camera footage that recorded during my investigation of the parking violation. I have personally reviewed the body camera footage and it is a fair and accurate representation of the location of the vehicle .

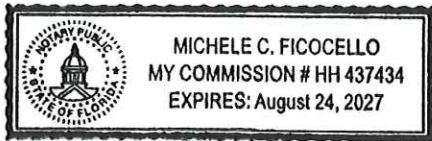
FURTHER AFFIANT SAYETH NAUGHT.

Dated this 21 day of October, 2024.

[Signature]  
Officer K. Jones #7069

Sworn to and subscribed before me by means of X physical presence or \_\_\_ online notarization this 21<sup>st</sup> day of October, 2024 by Off. K. Jones who is personally known to me or produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public – State of Florida



Print name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



CITATION NO: P01244FB

PHOTOGRAPH SUBMITTED BY OFC. JONES

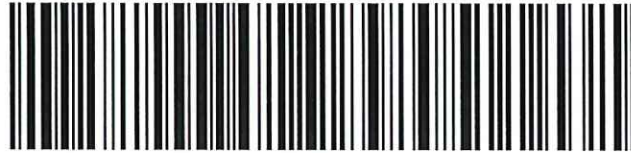
**Return address:**

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

**Recipient address:**

KASSIDY PRESS  
60 LASA COMMONS CIR APT. 203  
ST. AUGUSTINE, FL 32084

USPS CERTIFIED MAIL



9214 8901 9403 8382 3232 49

**USPS Tracking Label Number: 9214 8901 9403 8382 3232 49**

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	10/14/2024 10:50
SHIPMENT RECEIVED ACCEPTANCE PENDING	FLAGLER BEACH,FL 32136	10/15/2024 13:12
PROCESSING EXCEPTION REG WEATHER DELAY	FLAGLER BEACH,FL 32136	10/15/2024 13:27
ORIGIN ACCEPTANCE	FLAGLER BEACH,FL 32136	10/18/2024 15:01
PROCESSING EXCEPTION REG WEATHER DELAY	FLAGLER BEACH,FL 32136	10/18/2024 15:16
PROCESSED THROUGH USPS FACILITY	JACKSONVILLE FL DISTRIBUTION CE 32203	10/18/2024 16:16
PROCESSING EXCEPTION REG WEATHER DELAY	JACKSONVILLE,FL 32203	10/19/2024 19:02
PROCESSED THROUGH USPS FACILITY	TAMPA,FL 33630	10/23/2024 07:47
DEPARTED USPS REGIONAL FACILITY	TAMPA,FL 33630	10/24/2024 03:10
NO ACCESS TO DLVRY LOCATION	TAMPA,FL 33611	10/24/2024 19:49



## Special Magistrate Hearing

APPEAL OF PARKING CITATION

November 6, 2024

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**Citation Number:** P01200FB

**Appellant:** Mark Fielding

**Police Officer:** Officer K. Jones # 7069

**Attachments:** Notice of Hearing  
Hearing Request to Contest Local Parking Citation Form  
Parking Violation  
Certified Mailing



# City of Flagler Beach

Planning & 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. P01200FB

MARK FIELDING  
41 GRAHAM WOODS PLACE  
PALM COAST, FL 32137

Appellant.

v.

CITY OF FLAGLER BEACH,

Appellee.


NOTICE OF HEARING

TO: MARK FIELDING

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, NOVEMBER 6, 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 41 GRAHAM WOODS PLACE, PALM COAST, FL 32137, 15<sup>TH</sup> day of October, 2024 regular and certified mail to the Appellant.

  
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

SEP - 3 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 filled out within 30 days of issuance)

P01200FB  
Citation Number

8/30/24  
Date of Citation

Max Fielding 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]  
Signature

9/3/24  
Date

245-465-6090  
Phone #

41 GRAHAM Woods PL  
Mailing Address:

PALM COAST, FL 32137

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

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



# 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.

AGENCY CASE # 2024-00016194		CITATION # P01200FB		DATE 08/30/2024	TIME 3:32 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 MARK	MIDDLE LELON	LAST FIELDING		SUFFIX	
STREET 41 GRAHAM WOODS PL		CITY PALM COAST	STATE FL	ZIP 32137	
DL/ID # F435552552300	STATE FL	BIRTH DATE 06/30/1955	RACE W	GENDER M	TELEPHONE
YR VEHICLE 2015	TAG # 20JUS	TRAILER TAG #	TAG EXP DATE 06/30/2026	STATE FL	
COLOR GRY	STYLE PICKUP	MAKE TOYT	MODEL TACOMA	V.I.N. OR MOTOR # 3TMLU4EN9FM176354	
<b>ROADWAY INFORMATION</b>					
BUSINESS NAME					
ADDRESS #	OCCURRED ON STREET, ROAD, HIGHWAY N 5TH ST				
FEET	MILES	DIRECTION	AT/FROM STREET, ROAD, HIGHWAY N OCEANSHORE BLVD		
LATITUDE -81.128698		LONGITUDE 29.483552		ZONE	
<b>VIOLATION</b>					
CODE # 19-24	CHARGE DESCRIPTION PARKING IN STREET				
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 WWW.CITYOFFLAGLERBEACH.COM			
IF PAID 30 WITHIN DAYS	FINE \$60.00	IF PAID 30 AFTER DAYS	FINE \$102.82	FILING FEE	
<b>COURT INFORMATION (if applicable)</b>					
COURT DATE	COURT TIME	COURTROOM # / OTHER DETAIL			

**INSTRUCTIONS**

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

- 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
- BY MAIL TO: CITY OF FLAGLER BEACH, P.O. BOX 70, FLAGLER BEACH, FL 32136
- PAY THE CITATION ONLINE AT 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

SEP - 3 2024

City of Flagler Beach  
Building Department

<b>REPORTING OFFICER</b>			
OFFICER SIGNATURE <i>[Signature]</i>	BADGE # 7069	D # 7069	TROOP UNIT
RANK OFFICER	FIRST K	MIDDLE	LAST JONES

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



Mailer: City of Flagler Beach

Date Produced: 10/23/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8382 3241 92. Our records indicate that this item was delivered on 10/22/2024 at 01:15 p.m. in PALM COAST, FL 32137. The scanned image of the recipient information is provided below.

Signature of Recipient :



Mark Fielding

Address of Recipient :

41 GRAHAM WOODS I  
PALM COAST, FL 32137-0006

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:

MARK FIELDING  
41 GRAHAM WOODS PLACE  
PALM COAST, FL 32137

Customer Reference Number: C5378106.32490483  
Return Reference Number P01200FB NOTICE OF HEARING



**Return address:**

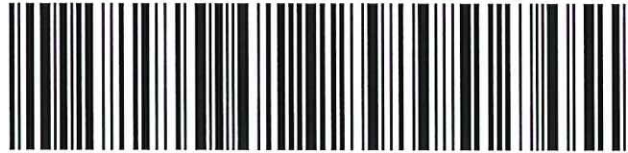
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

MARK FIELDING  
41 GRAHAM WOODS PLACE  
PALM COAST, FL 32137

MAILING DATE: 10/14/2024  
DELIVERY DATE: 10/22/2024

USPS CERTIFIED MAIL



9214 8901 9403 8382 3241 92

**USPS Tracking Label Number: 9214 8901 9403 8382 3241 92**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	10/14/2024 10:50
SHIPMENT RECEIVED ACCEPTANCE PENDING	FLAGLER BEACH,FL 32136	10/15/2024 13:12
ORIGIN ACCEPTANCE	FLAGLER BEACH,FL 32136	10/18/2024 12:58
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	10/18/2024 14:13
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	10/18/2024 21:06
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	10/20/2024 00:13
NO AUTHORIZED RECIPIENT AVAILABLE	PALM COAST,FL 32137	10/21/2024 13:15
DELIVERED INDIVIDUAL PICKED UP AT PO	PALM COAST,FL 32137	10/22/2024 13:15

CUSTOM 1:



# Special Magistrate Hearing

Code Enforcement

November 6, 2024

**Case Number:** EEN23-0019

**Respondent:** 1005 Oceanshore LLC

**Address of Violation:** 1005 Ocean Shore Blvd.

**Tax Parcel ID Number:** 01-12-31-1100-00040-0040

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

**Attachments:** Staff Findings

Affidavit of Posting – Dated October 28, 2024

Notice of Status Hearing – Dated September 13, 2024

Mailing Costs – Dated September 13, 2024

Certified Mailings

**Total Cost of Mailings** \$128.18

5/18/2023	Notice of Violation	\$17.40
7/12/2023	Notice of Hearing	\$18.52
10/4/2023	Notice of Status Hearing	\$18.52
1/9/2024	Notice of Status Hearing	\$18.52
2/12/2024	Notice of Status Hearing	\$18.66
7/5/2024	Notice of Status Hearing	\$16.00
9/13/2024	Notice of Status Hearing	\$20.56



# City of Flagler Beach

Planning & Zoning Department  
P.O. Box 70 \* 800 S Daytona Ave.  
Flagler Beach, FL 32136  
[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

## CITY OF FLAGLER BEACH

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**Case Number:** EEN23-0019

**Applicant:** 1005 Oceanshore LLC

**Property Owner(s):** Cortlin Dillon  
Jenna Dillon

**Site Location:** 1005 N Oceanshore Blvd  
Flagler Beach, FL 32136

**Property ID #:** 01-12-31-1100-00040-0040

**Total Acreage:** .27 +/- acres

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### BACKGROUND APRIL 2021 – NOVEMBER 2024:

#### Demolition Permit Applications

##### April 2021:

The Property Owner/CJ Dillon Enterprises applied and was **issued demolition permit** PB210848 for the interior which was **finalized 06/20/22.**

##### June 2022:

The Property Owner/CJ Dillon Enterprises applied and was **issued demolition permit** PB221153 for the interior. The city sent notice on 11/21/2022 to advise the permit was set to expire and the property owner/CJ Dillon Enterprises **withdrew the demolition permit on 12/12/2022.**

##### June/July 2023

The Property Owner/CJ Dillon Enterprises applied and was **issued demolition permit** PB221153 on 06/22/2022 for the interior. **No fee paid and no work completed. Permit expired 03/18/2023.**

The Property Owner/WKL Roofing LLC, applied and was **issued permit** PB 231644 on 07/26/2023 to **demolish and to re-roof. No work completed. Permit expired 01/22/2024.**

**Notices of Violation**

1. **May 18, 2023**
  - Chapter 13 of the Code of Ordinances dilapidated condition of a structure.

**Notices of Hearing**

1. **July 12, 2023**
  - Notice of Hearing – Non-Compliance
2. **October 4, 2023**
  - Notice of Hearing – Non-Compliance
3. **January 9, 2024**
  - Notice of Hearing – Non-Compliance
4. **February 12, 2024**
  - Notice of Hearing – Non-Compliance
5. **July 5, 2024**
  - Notice of Hearing – Non-Compliance
6. **September 13, 2024**
  - Notice of Hearing – Non-Compliance

**Hearing Date(s)**

1. **July 26, 2023**
  - Order by Magistrate: Comply w/Finding of Fact, meet with Building Official, Code Enforcement to identify and secure potential hazards from property.
    - City Staff and Respondent held on-site meeting - August 17, 2023

**Status Hearing Date(s)**

2. **October 25, 2023**
  - Status: Need for construction screen mitigated. Order by Magistrate: Employ erosion and sedimentation control measures and schedule status hearing for January 2024.
3. **January 24, 2024**
  - Respondent emailed Code Enforcement Officer and stated he had emergency. Magistrate granted continuance.
4. **February 28, 2024**
  - Respondent stated he submitted application for building permit on 02/28/2024 and that improvements would be completed in 3 to 6 months. (*See Feb/March notes Building, Engineering, Planning and Zoning Review below.*)
  - Status hearing set for July 2024 if no progress made.
5. **July 24, 2024**
  - Respondent stated he engaged a new civil engineering firm and will have a new site plan within the month.
  - City Attorney stated if site plan submitted, it can be heard at the October 2024 regular meeting of the Planning and Architectural Review Board (PARB).

- Magistrate shared concerns of possible storm damage prior to approvals.
- Respondent to secure property from unauthorized entry into property, mitigate from potential storm damage, and submit site plan within the month August 2024 and appear before October 2024 Planning and Architectural Review Board.
- City Attorney to update Magistrate during regular hearing.
- Status Hearing scheduled January 2025.
  - Notice of Status Hearing for November 6, 2024 mailed as Respondent did not comply with order from September 13, 2024 Status Hearing to secure the property and submit site plan.

#### 6. November 2024 -

#### Building, Engineering, and Planning/Zoning Review

Feb/March 2024

**Respondent submitted an application for building permit on the same date as the Status Hearing 02/28/2024. Application Denied - Site Plan not provided.**

- The submittal was **denied on 03/21/2024 by Planning and Zoning as the submittal lacked a site plan as required by the Land Development Code Section 8.05.02, and noted in the comments provided by Jack Shad, Planner North East Florida Regional Council (NEFRC).**
- **The comments made by the NEFRC identified the deficiencies in the submittal including the lack of a site plan demonstrating but not limited to parking requirements, landscaping, and screening from the abutting residential area.**

#### Respondent, Respondent Attorney, and City Planner Communication

July 10, 2024

Respondent and his attorney sent a calendar invite to City Planner for a meeting at **3:30 pm on 07/10/2024 via zoom.**

- Following the zoom meeting an email was forwarded from the City Planner to Mr. Chiumento's office with relevant excerpts from the City's Land Development Code outlining the requirements for a site plan.
- Contrary to testimony by Respondent in July 2024 that the City Planner changed the scope, the same requirement was noted by the Planner from NEFRPC on 03/21/2024 when the submittal was denied for lack of a site plan.

#### Correspondence from Property Owner to City Planning Department

September 13, 2024

Property Owner sent email stating they "started exploring new options in terms of restaurant design and concept." Her email stated they had "**submitted a full plan package to the City in February of 2024 which was subsequently denied due to a number of misstatements from your predecessor and your requirement of a minor site plan.** Since then, as within our rights as

property owners, we have **begun to explore new construction options which would completely change the footprint of the proposed new structure and renovation.** While we will happily send a current survey, **we do not want to prepare a site plan based on plans with which we will not likely move forward.** Furthermore, **if the new concept will not be approved then we must make a decision as to how we will proceed with construction based upon the current plans within the City's possession.** Our primary concern at this juncture is that the entire concept will be denied and, as such, we would like to mitigate duplicate engineering costs. Simply put, **it would be wasteful to have a site plan engineered if we prefer to take the project in another direction.”**

Her email concluded by stating, “with this information, **please tell us how best to get preliminary information on approvals regarding the new proposed concept.** Once we have a **firm answer from the city, we can proceed with a site plan** and drawings relevant to the project to proceed with construction.”

**City Planner Response to Respondent:**

Contrary to the statements made by the property owner, **a full plan package was not submitted to the city; nor was it denied due to a number of misstatements from the NEFRPC; nor is it City Planner’s requirement to have a site plan.** The submittal was denied March 2024 due to the lack of a site plan as required by the LDC.

The following items were submitted for a building permit in February 2024, which was denied under Planning Review, and subsequently closed out:

- Survey
- Elevations
- Specifications for sliding doors
- Interior/Exterior Photometric Lighting Plan.

In response to the property owner’s email seeking a firm answer from the City, **submit a site plan** for the proposed development.

**RECOMMENDATION**

The Respondent has been provided adequate notice that a nuisance is occurring and been given a reasonable period of time to eliminate the nuisance.

The property has high visibility and the dilapidated structure is not only contributing to blight, but is also an immediate threat to life and safety.

Based on evidence presented by the Building Official, recommend Magistrate make the finding there is an immediate threat to life and safety and authorize code enforcement to present the matter to the City Commission for consideration to use City forces and mitigate the life safety hazard of the dilapidated structure. Recommend Magistrate levy fines of \$250 per day against the Respondent’s real and personal property effective immediately.

AFFIDAVIT OF POSTING

STATE OF FLORIDA

COUNTY OF FLAGLER

Ref: City of Flagler Beach

vs.

1005 OCEANSHORE, LLC  
58 ISLAND ESTATES PARKWAY  
PALM COAST, FL 32137

CODE ENFORCEMENT CASE NO.: EEN23-0019

John Gifford, Code Enforcement Officer states:

1. That I am employed as a Code Enforcement Officer by the City of Flagler Beach.
2. That pursuant to Florida Statute 162.12, Notices on the 28<sup>th</sup> day of October, 2024, I posted the foregoing notice to 1005 Oceanshore, LLC, 1005 N. Ocean Shore Blvd, Flagler Beach, FL 32136, as well as a posted notice 105 S. 2<sup>nd</sup> Street Flagler Beach, Florida (City Hall), for the dated October 28, 2024.

FURTHER, Affiant saith not.

  
Code Enforcement Officer

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of physical presence notarization the 28<sup>th</sup> day of October, 2024 by John Gifford, City of Flagler Beach Code Enforcement Officer, who is personally known to me.

(SEAL) 

  
NOTARY PUBLIC



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

Section 8, Item a.

1005 OCEANSHORE LLC  
58 Island Estates Parkway  
Palm Coast, FL 32137

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )  
 )  
Petitioner, )  
vs. )  
1005 OCEANSHORE LLC, owner, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CASE NO: EEN23-0019

NOTICE OF STATUS HEARING

Premises: 1005 N OCEAN SHORE BLVD, 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, NOVEMBER 6, 2024 @ 3:00PM**, 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 NOTICE OF VIOLATION dated May 18, 2023. 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. 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.

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 Avenue, Flagler Beach, Florida 32136, (386) 517-2000 ext 249.

DATED: September 13, 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 # 9589 0710 5270 1562 5621 25 and 9589 0710 5270 1562 5621 32 September 13, 2024.

Code Enforcement

Notice Type: HEARING NOTICE

Date: 9/13/2024

Code Enforcement Complaint # **EEN23-0019**

Name: 1005 OCEAHSHORE LLC

Mailing Address: 1005 N OCEAN SHORE BLVD  
FLAGLER BEACH, FL 32136

Name (2): 1005 OCEAHSHORE LLC

Mailing Address (2): 58 ISLAND ESTATES PARKWAY  
PALM COAST, FL 32137

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$9.64	\$19.28
Regular Mail Cost	2	\$0.64	\$1.28
		<b>TOTAL</b>	<b>\$20.56</b>

9589 0710 5270 1562 5621 32

U.S. Postal Service™ *Notice of status Hearing*  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only *EEN 23-0019*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee  
\$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage *\$9.64*

Total Postage \$

Sent To

Street and Apt. No.

City, State, ZIP+4®

**1005 OCEANSHORE LLC**  
**1005 N Ocean Shore Blvd**  
**Flagler Beach, FL 32136**

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 1562 5621 25

U.S. Postal Service™ *status Hearing*  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only *EEN 23-0019*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee  
\$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage *\$9.64*

Total Postage \$

Sent To

Street and Apt. No.

City, State, ZIP+4®

**1005 OCEANSHORE LLC**  
**58 Island Estates Parkway**  
**Palm Coast, FL 32137**

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions





# City of Flagler Beach

Building & Zoning Department  
P.O. Box 70 • 800 South Daytona Avenue  
Flagler Beach, FL 32136

*Handwritten signature*

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.  
**CERTIFIED MAIL®**



9589 0710 5270 1562 5621 32

1005 OCEANSHORE LLC  
1005 N Ocean Shore Blvd  
Flagler Beach, FL 32136

*a/26*

US POSTAGE

quadrant  
FIRST-CLASS MAIL  
IMI  
**\$009.64**<sup>0</sup>  
09/13/2024 ZIP 32136  
043M31251069



ORLANDO FL 328

19 SEP 2024 PM 13 L

NIXIE 339 DE 1 0009/24/24

RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD

BC: 32136007070 \*2974-03620-13-45

~~VACANT~~  
~~32136007070~~



# Special Magistrate Hearing

Code Enforcement

November 6, 2024

**Case Number:** EEN23-0022

**Respondent:** Julie Guimond

**Address of Violation:** 2261 S Flagler Avenue

**Tax Parcel ID Number:** 19-12-32-4550-00030-0230

**Violation:** 2020 Florida Building Code, Building 7th Edition, Sec. 105 Permits [A] 105.1 Required

**Attachments:** Staff Findings

Affidavit of Posting - Dated October 28, 2024

Notice of Status Hearing - Dated October 23, 2024

Mailing Costs - Dated October 23, 2024

Certified Mailing

Findings of Fact ordering administrative costs paid and outstanding invoice – Dated August 29, 2023

**Total Cost of Mailings** \$54.65

7/18/2023	Notice of Violation	\$9.16
8/8/2023	Notice of Hearing	\$9.16
10/4/2023	Notice of Status Hearing	\$9.16
11/1/2023	Notice of Status Hearing	\$9.16
1/9/2024	Notice of Status Hearing	\$9.16
10/23/2024	Notice of Status Hearing	\$8.85



# City of Flagler Beach

Planning & Zoning Department  
P.O. Box 70 \* 800 S Daytona Ave.  
Flagler Beach, FL 32136  
[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

## CITY OF FLAGLER BEACH

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**Case Number:** EEN23-0022

**Respondent:** 2261 S. Flagler Ave., Flagler Beach, FL

**Property Owner(s):** Julie Guimond

**Site Location:** 2261 S Flagler Ave  
Flagler Beach, FL 32136

**Property ID #:** 19-12-32-4550-00030-0230

**Total Acreage:** .19 +/- acres

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### **BACKGROUND SUMMARY: JUNE 2023 – NOVEMBER 2024:**

#### Alleged Violations called in by Following Witnesses:

##### **June 13, 2023**

1. Phil Morgan, 2260 S. Flagler Ave, Flagler Beach, FL  
386.503.0150
2. Bonnie S. McLellan, 2249 S. Flagler Ave., Flagler Beach, FL  
386.262.2448

##### **October 22, 2024**

1. Email to City Manager forwarded to City Planning staff from Bonnie Bogdany, 2249 Flagler Ave., Flagler Beach, FL

#### Courtesy Notice

##### **June 15, 2023:**

The Property Owner provided a courtesy notice to comply within 21 days, July 7, 2024. Non-compliant.

**Notice of Violation****1. July 18, 2023**

- Construction activity without permits - FL Building Code, Section 105.1
- Pool water stagnant and untreated presenting immediate threat to health and safety – Chapter 13, Article 1.

**Notices of Hearing****1. August 08, 2023**

- Notice of Hearing – Non-Compliance

**2. October 4, 2023**

- Notice of Hearing – Non-Compliance

**3. November 1, 2023**

- Notice of Hearing – Non-Compliance

**4. January 9, 2024**

- Notice of Hearing – Non-Compliance

**5. October 23, 2024**

- Notice of Hearing – Non-Compliance

**Hearing Date(s)****1. August 23, 2023, 2023**

- Order by Magistrate: Comply w/Finding of Fact, have the pool covered for safety and pest control on or before 08/28/2024
- Property owner granted City Staff permission to inspect property.

**Inspections Following Hearing****1. September 12, 2023**

- Pool had not been covered. Small fish in the pool and pool still green.

**2. October 23, 2024**

- Ms. Bogdany allowed City staff to view the subject property from their property. Yard and pool are in deplorable condition.

**Status Hearing Date(s)****2. October 25, 2023**

- Status hearing scheduled for November 15, 2023.

**3. November 15, 2023**

- Respondent was not present for hearing due to illness.

**4. January 24, 2024**

- Code Enforcement testified fence is locked. Pool is covered.

**5. November 6, 2024**

**RECOMMENDATION**

---

The Respondent has been provided adequate notice that a nuisance is occurring and been given a reasonable period of time to eliminate the nuisance.

The property contributes to blight, and is an immediate threat to life and safety to surrounding neighbors and community.

Based on evidence presented, recommend Magistrate levy fines of \$250 per day against the Respondent's real and personal property effective immediately.



AFFIDAVIT OF POSTING

STATE OF FLORIDA

COUNTY OF FLAGLER

Ref: City of Flagler Beach

vs.

JULIE GUIMOND  
2261 S FLAGLER AVENUE  
FLAGLER BEACH, FL 32136

CODE ENFORCEMENT CASE NO.: EEN23-0022

John Gifford, Code Enforcement Officer states:

1. That I am employed as a Code Enforcement Officer by the City of Flagler Beach.
2. That pursuant to Florida Statute 162.12, Notices on the 28<sup>th</sup> day of October, 2024, I posted the foregoing notice to Julie Guimond, 2261 S. Flagler Avenue, Flagler Beach, FL 32136, as well as a posted notice 105 S. 2<sup>nd</sup> Street Flagler Beach, Florida (City Hall), for the dated October 28, 2024.

FURTHER, Affiant saith not.

  
Code Enforcement Officer

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of physical presence notarization the 28<sup>th</sup> day of October, 2024 by John Gifford, City of Flagler Beach Code Enforcement Officer, who is personally known to me.

(SEAL) 

  
NOTARY PUBLIC

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

Section 8, Item b.

JULIE GUIMOND  
2261 S FLAGLER AVENUE  
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )  
 )  
Petitioner, )  
vs. )  
JULIE GUIMOND, owner, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CASE NO: EEN23-0022

NOTICE OF STATUS HEARING

Premises: 2261 S FLAGLER 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, NOVEMBER 6, 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 your failure to comply with the Magistrate Order dated **January 24, 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.

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 Avenue, Flagler Beach, Florida 32136, (386) 517-2000 ext 249.

DATED: October 23, 2024

  
\_\_\_\_\_  
Lupita McClenning, City Planner o/b/o  
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 8384 1769 73 October 23, 2024.

Code Enforcement

Notice Type: STATUS HEARING

Date: 10/23/2024

Code Enforcement Complaint # **EEN23-0022**

Name: JULIE GUIMOND

Mailing Address: 2261 S FLAGLER AVE  
FLAGLER BEACH, FL 32136

Name (2):

Mailing Address (2):

	Mailings	Cost Per Item	Total
Certified Mail Cost	1	\$8.16	\$8.16
Regular Mail Cost	1	\$0.69	\$0.69
		<b>TOTAL</b>	<b>\$8.85</b>

Mailer: City of Flagler Beach

Date Produced: 10/29/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8384 1769 73. Our records indicate that this item was delivered on 10/28/2024 at 10:26 a.m. in ORMOND BEACH, FL 32176. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

**201 S HALIFAX DR, ORMOND  
BEACH, FL 32176**

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:

JULIE GUIMOND  
2261 S FLAGLER AVENUE  
FLAGLER BEACH, FL 32136

Customer Reference Number: C5402526.32660292

Return Reference Number EEN23-0022 NOTICE OF STATUS HEARING



**Return address:**

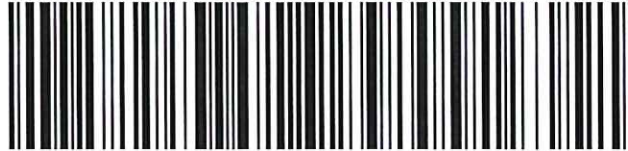
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

JULIE GUIMOND  
2261 S FLAGLER AVENUE  
FLAGLER BEACH, FL 32136

MAILING DATE: 10/23/2024  
DELIVERY DATE: 10/28/2024

**USPS CERTIFIED MAIL**



9214 8901 9403 8384 1769 73

**USPS Tracking Label Number: 9214 8901 9403 8384 1769 73**

<b>USPS Tracking History</b>	<b>Location</b>	<b>Date / Time</b>
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	10/23/2024 13:05
SHIPMENT RECEIVED ACCEPTANCE PENDING	FLAGLER BEACH,FL 32136	10/23/2024 16:13
FORWARDED	FLAGLER BEACH,FL 32136	10/24/2024 09:45
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	10/25/2024 21:09
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	10/26/2024 08:04
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	10/26/2024 15:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	10/27/2024 03:11
DELIVERED LEFT WITH INDIVIDUAL	ORMOND BEACH,FL 32176	10/28/2024 10:26

CUSTOM 1:

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

CITY OF FLAGLER BEACH,

Petitioner,

vs.

CASE NUMBER EEN 23-0022

JULIE GUIMOND,

Respondent.

\_\_\_\_\_ /

**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 July 23, 2023 after due notice to Respondent 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 2261 S Flagler Avenue, Flagler Beach, Florida, and has Flagler County Tax Parcel ID 19-12-32-4550-00030-0230 (the "Subject Property").
2. Julie Guimond is the Owner of the Subject Property.
3. On July 18, 2023, the Code Enforcement Officer for the City of Flagler Beach properly served a Notice of Violation on Respondent. Said Notice of Violation cited Respondent for construction activity on the Subject Property without proper permits. In addition, while prosecuting the case the Code Enforcement Officer observed the pool water to be stagnant and untreated, a condition presenting an immediate threat to health and safety.
4. The Notice of Violation required correction of the conditions by August 18, 2023.
5. The violations were not cured by August 18, 2023.

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

6. Respondent shall cure the violation related to the pool on or before August 28, 2023 by treating the pool water and placing a cover over the pool.

7. Respondent shall cure the violation related to the non-permitted construction activity on or before November 22, 2023 by obtaining an after-the-fact permit for construction activity that has been conducted or, otherwise, by removing the construction that was performed without proper permits.

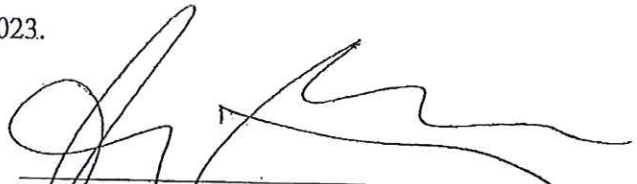
8. If either violation is not cured within the time allowed herein, fines of up to \$250.00 per day for each day the Subject Property remains in noncompliance may be imposed by the undersigned following a subsequently noticed hearing.

9. Respondent shall pay the administrative costs incurred by the City in the amount of \$9.16 to the City within thirty (30) days of this Order.

10. The undersigned retains jurisdiction to enter further orders to achieve correction of the violation found herein.

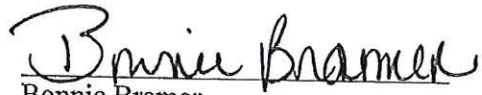
11. Any future violation of the same Code section by Respondent within five years of the date of this Order may be prosecuted as a repeat violation.

**ORDERED** on this 28<sup>th</sup> day of August, 2023.

  
\_\_\_\_\_  
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 Respondent at 2261 S Flagler Avenue, Flagler Beach, FL 32136 on this 29 day of August, 2023.

  
\_\_\_\_\_  
Bonnie Bramer,  
Clerk to the Special Magistrate

**City of Flagler Beach**

800 SOUTH DAYTONA AVENUE / PO BOX 70  
Flagler Beach, FL 32136  
(386) 517-2000

Invoice For Enforcement: EEN23-0022

Print Date: 10/23/23 Section 8, Item b.


GUIMOND JULIE

**Pay by Account In Full**



**Pay by Account In Full**

**\$ 9.16**

Invoice No	Invoice Date	CO Number	Address	Amount Due
 00070602	10/23/23	EEN23-0022	2261 S FLAGLER AVE	\$ 9.16
Fee Details:	Quantity	Description	Amount Cost	Balance
	9.160	ADMINISTRATIVE COST	\$9.16	\$ 9.16
<b>Total Amount Due</b>				<b>\$ 9.16</b>