



SPECIAL MAGISTRATE HEARING MINUTES

Wednesday, January 22, 2025 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, Code Enforcement Officer Gary Hinebaugh, City Planner Lupita McClenning, Chief Building Official Rick McFadden and Clerk to the Magistrate Michele Ficocello.

3. Approval of Meeting Minutes

a. November 6, 2024

Approved

b. December 12, 2024 Emergency Hearing

Approved

4. Deletions and changes to the agenda

Agenda Item 8c. granted continuance.

5. Request To Identify Persons Having Cases on The Agenda

6. Parking Citation Appeals

None

7. New Cases - Code Enforcement

None

8. Status Updates - Code Enforcement

a. CASE NO. **EEN24-0043**; Mike Jones Trust A/K/A Adel Assad; ADDRESS OF VIOLATION: 2244 S. Ocean Shore Blvd.; TAX PARCEL ID NO.: 19-12-32-4400-00010-0070; VIOLATION: CHAPTER 13 – NUISANCES SEC. 13-1. (4) DEFINITION

Respondent was present and sworn in by the Clerk. Code Enforcement Officers John Gifford and Gary Hinebaugh were sworn in by the Clerk. Mr. Hinebaugh testified the Respondent has cured all the violations on the subject property and is in compliance. Mr. Hinebaugh provided photographic evidence. The City Attorney reported administrative costs of \$18.34. Magistrate Popp ordered the case closed and administrative costs to be paid by the Respondent within thirty (30) days.

b. CASE NO. **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)

Respondent was present and sworn in by the Clerk. Code Enforcement Officer John Gifford testified the demolition is complete with erosion control being the only outstanding concern. Mr. Gifford

provided photographic evidence. Ms. McClenning added the Code requires soil stabilization. Magistrate Popp inquired if the property was secure. The City Attorney clarified the Respondent is in compliance with the code enforcement case, but the City is trying to avoid a future code enforcement case relating to erosion control and securing the subject property. The Respondent testified as to the status of the property. Magistrate Popp ordered the imposition of fines be removed with no penalty incurred. The City had no objection but requested administrative costs be recovered. Magistrate Popp ordered the Respondent pay mailing costs of \$163.58 and \$248.80 of administrative costs. Magistrate Popp advised the Respondent to work with Code Enforcement in regards to erosion control efforts.

- c. CASE NO. **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

Case was granted a continuance.

- d. CASE NO. **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)

Mr. Gifford provided testimony and photographic evidence as to the status of the case. Mr. Gifford stated efforts to contact a representative for the subject property have failed. The subject property is in disrepair and the condition of the property has not changed. The Clerk provided the last Findings of Fact order for the City Attorney to reference. Based on the last Findings of Fact Order in June 2024, the City recommended moving forward with an Imposition of Fines at \$100 a day from the compliance date including administrative costs of \$81.00 and any expenses moving forward. Magistrate Popp so ordered. The City Attorney will prepare the order.

- e. CASE NO. **EEN23-0011**; Sachem Capital Corp; ADDRESS OF VIOLATION; 3590 S Ocean Shore Blvd; TAX PARCEL ID NO.: 29-12-32-0000-01032-0000; VIOLATION: City of Flagler Beach Code of Ordinances, Chapter 13, Section 13-1, Definition (2), (3), (4).

Lucian Johnson, attorney for the Respondent, was present and provided testimony regarding the status of the subject property along with the history of ownership. Mr. Johnson stated he has been working with City Staff and a demolition permit has been issued with the work commencing February 3, 2025. Mr. Johnson stated the outstanding utility bill has been paid and the two (2) structures will be demolished with the foundations to remain. The City Attorney advised the permission to foreclose order can move forward allowing the Respondent sufficient time to come into compliance. After compliance, the Respondent can request relief from the City Commission. Discussion ensued. Magistrate Popp explained the importance of the Respondent coming into compliance and the effects this outstanding case has had on the community. The City Attorney will prepare an order approving authorization to foreclose including a one hundred-twenty (120) day foreclosure and a status hearing prior to initiating the foreclosure. The City's administrative costs to date will also be included. The City requested the fines continue and Magistrate Popp so ordered.

- f. CASE NO. **EEN22-0106**; Cortez Artedi & Welhelmina; ADDRESS OF VIOLATION; 1336 S. Flagler Ave; TAX PARCEL ID NO.: 18-12-32-2750-00181-0090; VIOLATION: City of Flagler Beach Code Of Ordinances, Chapter 13 Nuisances, Article 1 – In General, Section 13-1 Definition (4)

The Respondent was not present. The Clerk was not able to make contact with the Respondent via telephone or email before the start of the hearing. The Respondent submitted an email to the City prior to the hearing and the document was provided to the Magistrate (attached to the minutes). Mr. Gifford provided testimony and photographic evidence as to the status of the subject property. The City Attorney reported the recorded order imposing fines was dated May 26, 2023 (attached to the

minutes). Discussion ensued as to the history of contact with the Respondent. Magistrate Popp granted the request to foreclose. The City Attorney will prepare the order to include clarification on the process for the Respondent. Magistrate Popp requested the order include the history of the case.

9. Other Business

Mr. Gifford reported he completed the certification for an erosion control inspector. Discussion ensued regrading encroachments into the right-of-way, upcoming swale projects and code enforcement vs. law enforcement responsibilities. Mr. Gifford reported no new cases for the next hearing date. The Clerk reported no parking citation appeals for the next hearing date. The status hearing for case EEN23-0022 was moved to the March 2025 hearing date.

10. Adjournment

Magistrate Popp adjourned hearing at 3:48pm.

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

CITY OF FLAGLER BEACH.

Petitioner,

vs.

CASE NUMBER EBN 22-0106

ARTEDI CORTEZ and
WELHELMINA CORTEZ,

Respondents.

FINDING OF NON-COMPLIANCE AND IMPOSITION OF FINES

THIS MATTER having come before the Code Enforcement Magistrate for the City of Flagler Beach, Florida (the "City") for hearing and determination on the 24th day of May, 2023 on a request for imposition of fines and the Code Enforcement Magistrate having received and considered the evidence and argument presented, hereby enters the following Findings of Fact and Order:

FINDINGS OF FACT

1. The property subject to this proceeding is located at 1336 S Flagler Avenue, Flagler Beach, FL 32136, has Flagler County Tax Parcel ID 18-12-32-2750-00181-0090, and is more particularly described as:

FUQUAY SUB DIV BL-18F SLY 10 FEET LOT 9 & 10 OR
BOOK 105 PAGE 415 OR 123 PG 270

the ("Subject Property").

2. ARTEDI CORTEZ and WELHELMINA CORTEZ are the record title owners of the Subject Property.

3. On January 28, 2023, the undersigned, after due notice and a hearing conducted on January 25, 2023, found Respondents in violation of Chapter 13 of the City of Flagler Beach Code of Ordinances due to the dilapidated condition of the structure located on the Subject Property and the overgrown condition of the grass, weeds, and vegetation on the Subject Property.

4. Due to the severity of the dilapidated condition of the structure, the undersigned ordered that a fine in the amount of \$250.00 per day would begin to accrue as of January 25, 2023 and continue to run until said condition was cured. The undersigned also provided that, prior to imposition of accrued fines, he would take into account how promptly Respondents acted to address the violation related to the structure and scheduled a status hearing for April. As of the April status hearing, no efforts had been made to cure the violation related to the structure and the Respondents did not appear at the hearing. As of the instant hearing, no efforts have been made to cure the violation related to the structure and the Respondents did not appear at the hearing.

5. In the January Order, the undersigned allowed Respondents until February 9, 2023 to cure the violation related to the overgrown condition. Respondents have not cured the overgrown conditions.

BASED UPON THE FOREGOING, IT IS ORDERED:

6. Respondents have not complied with the January 29, 2023 Order.

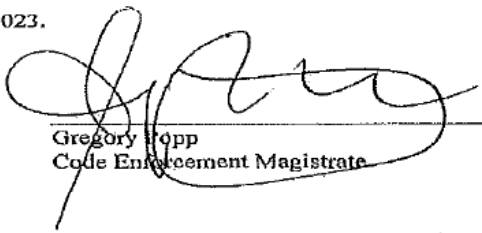
7. A fine in the amount of \$250.00 per day for each day beginning January 25, 2023 and continuing to run until the violation related to the structure is cured is hereby imposed. As of the hearing date of May 24, 2023, that fine is in the amount of Thirty Thousand Dollars (\$30,000.00).

8. In addition, a fine in the amount of \$100.00 per day for each day beginning February 9, 2023 and continuing to run until the violation related to the overgrown grass, weeds, and vegetation is cured is hereby imposed. As of the hearing date of May 24, 2023, that fine is in the amount of Ten Thousand Five Hundred Dollars (\$10,500.00).

9. Upon recordation of a certified copy of this Order in the Public Records of Flagler County, Florida, this Order shall constitute a lien against all real and personal property of Respondents in the amount of the two fines as well as the administrative costs incurred by the City of Thirty-Three Dollars and Fifty-Six Cents (\$33.56) which total amount as of May 24, 2023 is Forty Thousand Five Hundred Thirty-Three Dollars and Fifty-Six Cents (\$40,533.56).

10. Any appeal of this Order shall be to the Circuit Court of Flagler County, Florida.

ORDERED on this 24 day of May, 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 Respondents by Certified and Regular Mail to Respondents this 26 day of May, 2023.



Bonnie Bramer
Bonnie Bramer,
Clerk to the Special Magistrate

City of Flagler Beach Code Enforcement

Case #: EEN22-0106

Respondent: CORTEZ ARTEDI & WELHELMINA

Property Address: 1336 S FLAGLER AVENUE, FLAGLER BEACH, FL 32136

Mailing Address: P.O. BOX 4185, WESTMINSTER, CA 92684

Other Address:

Notice Type	Date	Regular Mail Pieces	Regular Mail Cost Per Piece	Total	Certified Mail Pieces	Certified Mail Cost Per Piece	Total	Total Mailing Cost
REQUEST TO FORECLOSE	12/23/2024	2	\$0.69	\$1.38	2	\$8.16	\$16.32	\$17.70
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00

Total Cost To Date	\$17.70
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Fines Ordered	Starting Date	Present Date	Total Days	AMT.	Fine Accrual To Date
1/28/2023	1/25/2023	1/22/2025	728	\$250.00	\$182,000.00
5/25/2023	2/9/2023	1/22/2025	713	\$100.00	\$71,300.00
				TOTAL:	\$253,300.00

Michele Ficocello

From: John Gifford
Sent: Wednesday, January 22, 2025 12:15 PM
To: Lupita McClenning; Michele Ficocello; Gary Hinebaugh; Drew Smith
Subject: FW: External - January 22 meeting on foreclosure

From: Artedi Cortez <artedzart@gmail.com>
Sent: Wednesday, January 22, 2025 9:48 AM
To: John Gifford <JGifford@CityofFlaglerBeach.com>
Subject: External - January 22 meeting on foreclosure

You don't often get email from artedzart@gmail.com. [Learn why this is important](#)
Caution: This email originated from outside the organization. Do not click or open attachments unless you recognize the sender and know the content is safe.

Please be informed I was advised not to attend this meeting. Force Maguire conditions associated with the 3 recent hurricanes renders your foreclosure remedy outright unlawful. Your actions will be contested in court. Furthermore, you are not authorized to order a meeting. Only a judge has such authority. You should be terminated for abuse of power and ignorance of the law. Foreclosure you are trying to implement is an unlawful course of action. This is all for now.

Artedi Cortez