



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

CITY OF FLAGLER BEACH

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

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 28th 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. 2nd 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 28th day of October, 2024 by John Gifford, City of Flagler Beach Code Enforcement Officer, who is personally known to me.




NOTARY PUBLIC

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

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 2nd 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.

City of Flagler Beach

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
		TOTAL	\$8.85



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 :

A handwritten signature in black ink, consisting of several fluid, connected strokes.

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:

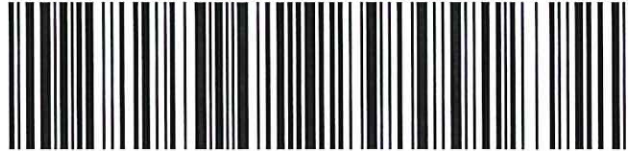
CITY OF FLAGLER BEACH
105 S 2ND ST
FLAGLER BEACH FL 32136

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

USPS Tracking History	Location	Date / Time
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.

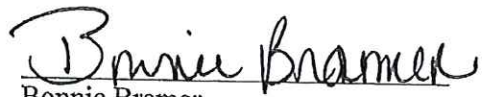
11. Any future violation of the same Code section by Respondent within five years of the date of this Order may be prosecuted as a repeat violation.

ORDERED on this 28th 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: 10/31/2024


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

Total Amount Due	\$ 9.16
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