



## Special Magistrate Hearing

### APPEAL OF PARKING CITATION

August 28, 2024

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**Citation Number:** P01037FB

**Appellant:** Michael Hans

**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 Submitted by Sgt. 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. P01037FB

MICHAEL HANS  
307 S 22<sup>ND</sup> STREET  
FLAGLER BEACH, FL 32136

Appellant.

v.

CITY OF FLAGLER BEACH,

Appellee.

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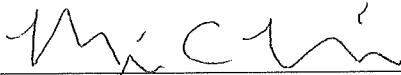
## NOTICE OF HEARING

TO: MICHAEL HANS

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, AUGUST 28, 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 307 S. 22<sup>nd</sup> Street, Flagler Beach, FL 32136, 2nd day of August, 2024 regular and certified mail to the Appellant.

  
Michele C. Ficocello, Clerk to the Special Magistrate

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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

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

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

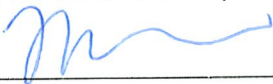
P01037FB

Citation Number

6.29.24

Date of Citation

I Michael Hays 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

7.22.24

Date

561.644.6715

Phone #

307 S 22nd Street, Flagler Beach, FL 32136

Mailing Address:

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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

JUL 26 2024

City of Flagler Beach  
Building Department



## PARKING VIOLATION

AGENCY CASE # 2024-00011691	CITATION # P01037FB	DATE 06/29/2024	TIME 9:28 AM
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 MICHAEL	MIDDLE JAY	LAST HANS	SUFFIX
STREET 1120 ESSEX RD		CITY WATKINSVILLE	STATE GA
ZIP 30677-3250		TELEPHONE	
DL/ID # 054870865	STATE GA	BIRTH DATE 02/01/1965	RACE M
GENDER M	TELEPHONE		
YR VEHICLE TAG #	TRAILER TAG #	TAG EXP DATE	STATE
COLOR RED	STYLE GOLF CART	MAKE EVOL	MODEL V.I.N. OR MOTOR #
<b>ROADWAY INFORMATION</b>			
BUSINESS NAME			
ADDRESS #	OCCURRED ON STREET, ROAD, HIGHWAY S 3RD ST		
FEET 42	MILES	DIRECTION EAST	AT/FROM STREET, ROAD, HIGHWAY S CENTRAL AVE
LATITUDE -81.127551		LONGITUDE 29.479432	ZONE
<b>VIOLATION</b>			
CODE # 19-23	CHARGE DESCRIPTION PARKING - WRONG DIRECTION		
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 \$100.00	IF PAID 30 AFTER DAYS	FINE \$142.82
FILING FEE			
<b>COURT INFORMATION (if applicable)</b>			

## 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.

### 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> 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

JUL 26 2024

City of Flagler Beach  
Building Department

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

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

MICHAEL HANS

Appellant,

v.

CITATION # P01037FB

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 6-29-2024 at approximately 9:22 a.m., I observed a red golf cart with city decal #359, 2024, parked on 3<sup>rd</sup> Street South near South Central Avenue Flagler Beach, Flagler County, Fl. 32136.

3. I ascertained that the vehicle was registered to Michael Hans of Flagler Beach.

4. The vehicle was parked in violation of 19-23 Parking in the wrong direction.

5. Specifically, the Golf Cart was parked on the city right-of-way, facing southwest (angled) in the grass on the south side of the road. It was parked on a section of 3<sup>rd</sup> Street South that does not have legal access to golf carts.

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 city citation # P01037FB.

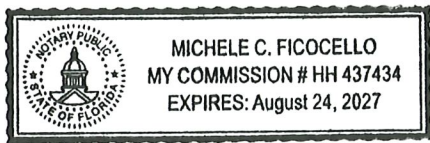


FURTHER AFFIANT SAYETH NAUGHT.

Dated this 20<sup>th</sup> day of August, 2024.

  
Sergeant J. Bingham #7058

Sworn to and subscribed before me by means of X physical presence or \_\_\_ online  
notarization this 20<sup>th</sup> day of August, 2024 by Sgt J. Bingham who  
is personally known to me or produced \_\_\_\_\_ as identification.



  
Notary Public – State of Florida

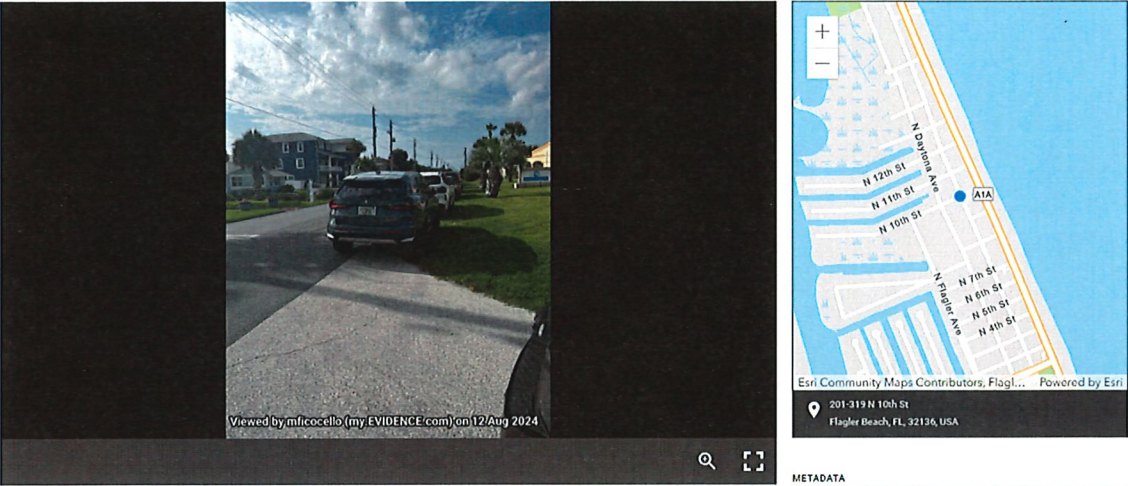
Print name: \_\_\_\_\_

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

TITLE 10th St N and N Central

ID 2024-00011758

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):  
Jun 30, 2024 6:13:21 AM

UPLOADED ON:  
Jun 30, 2024 11:57 AM -07:00

UPLOADED BY:  
Bingham, Johnny (7058)

QUEUED FOR DELETION ON:  
Dec 29, 2024 5:13 AM -08:00

FILE FORMAT:  
image/jpeg

FILE SIZE:  
4.7 MB

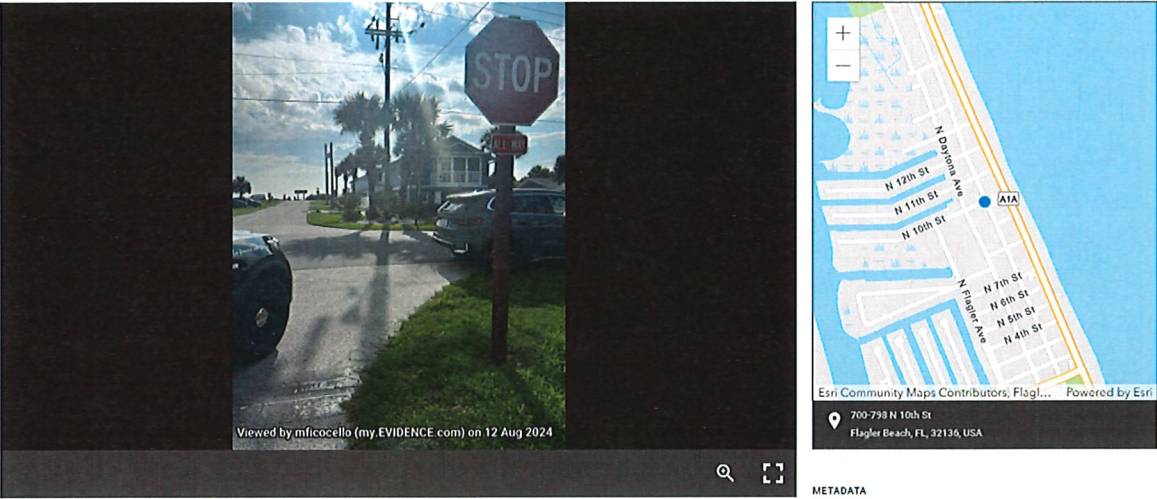
P01037FB

Photograph Submitted by Sgt. Bingham

TITLE 10th St N and N Central

ID 2024-00011758

CATEGORIES Illegal Parking



Edits Redactions



NO EDITS

DESCRIPTION

No description has been added yet

METADATA

ASSIGNED TO:  
Bingham, Johnny (7058)

RECORDED ON (UTC-07:00):  
Jun 30, 2024 6:13:30 AM

UPLOADED ON:  
Jun 30, 2024 11:57 AM -07:00

UPLOADED BY:  
Bingham, Johnny (7058)

QUEUED FOR DELETION ON:  
Dec 29, 2024 5:13 AM -08:00

FILE FORMAT:

P01037FB

Photograph Submitted by Sgt. Bingham







August 13, 2024  
Mailer: City of Flagler Beach  
Dear ConnectSuite Inc :

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 9403 8372 7169 14.**

#### Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	August 5, 2024, 1:01 pm
<b>Location:</b>	FLAGLER BEACH, FL 32136
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic
<b>Recipient Name:</b>	MICHAEL HANS

#### Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

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

MICHAEL HANS  
307 S 22ND STREET  
FLAGLER BEACH, FL 32136

Return Reference Number

P01037FB



Return address:

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

Recipient address:

MICHAEL HANS  
307 S 22ND STREET  
FLAGLER BEACH, FL 32136

MAILING DATE: 08/02/2024  
DELIVERY DATE: 08/05/2024

USPS CERTIFIED MAIL



9214 8901 9403 8372 7169 14

USPS Tracking Label Number: 9214 8901 9403 8372 7169 14

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	08/02/2024 09:35
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	08/02/2024 15:47
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	08/02/2024 17:02
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	08/02/2024 23:39
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	08/03/2024 09:32
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	08/04/2024 00:20
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	08/05/2024 02:41
DELIVERED LEFT WITH INDIVIDUAL	FLAGLER BEACH,FL 32136	08/05/2024 13:01

CUSTOM 1: