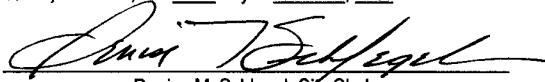


STATE OF FLORIDA
COUNTY OF PINELLAS
CITY OF MADEIRA BEACH } SS

I, Denise Schlegel, the duly appointed City Clerk of the City of Madeira Beach, County of Pinellas, State of Florida, do hereby certify, that Local Government Code Enforcement, City of Madeira Beach, FL Case No. CEB 08.04 consisting of three pages is a true and correct copy of the record in Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, Florida 33708.

I have hereto sent my hand and affixed the corporate seal of the said CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA this 10th day of October, 2008.



Denise M. Schlegel, City Clerk

**LOCAL GOVERNMENT CODE ENFORCEMENT
CITY OF MADEIRA BEACH, FLORIDA**
Case No. CEB 08.04

**CITY OF MADEIRA BEACH, FLORIDA,
Petitioner,**

v.

**ILARIO SIMONETTA
13225 2nd Street East
Madeira Beach, FL 33708,
Respondent.**

**ORDER ON VIOLATION FOR LATER REPEAT
VIOLATION, AND TO PAY COSTS AND EXPENSES**

**Chapter 14, Sections 14-68 & 14-68 (1) of the Code of Ordinances, City of
Madeira Beach, Florida (Madeira Beach Code)**

**LEGAL DESCRIPTION: Page's Replat of Mitchell's Beach, Block K, Lots
4 and 5
13225 2nd Street East, Madeira Beach, FL**

PARCEL IDENTIFICATION NUMBER: 15/31/15/65304/011/0040

**Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all
evidence received at the Special Magistrate hearing held on April 9, 2008 and, based on the
evidence, enters the following findings of fact, conclusions of law and order.**

FINDINGS OF FACT

1. The Respondent, ILARIO SIMONETTA, did not maintain the property, its plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation (collectively referred to as vegetation and organic material). The Respondent did not maintain the property's vegetation. The property was overgrown, and not maintained. Sod (grass) exceeded a maximum overall height of six inches, and other ground cover material exceeded an overall height of 12 inches.

Ilario Simonetta

Case No. CEB 08.04

2. Based on the testimony of Don Lewis, the City of Madeira Beach Code Compliance Officer, it is evident that the property came into compliance as of April 9, 2008.
3. The City incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The City did not seek reimbursement for staff time, but did assess the administrative fee of \$200.00 pursuant to Chapter 14, Section 14-80 of the Madeira Beach Code, and did expend \$125.00 for mowing and \$16.86 for postage (certified mail, return receipt requested) for this matter. Special Magistrate reasonably spent at least three hours at \$175 per hour to adjudicate this case.

CONCLUSIONS OF LAW

4. The Respondent, ILARIO SIMONETTA, did violate Chapter 14, Section 14-68 & 14-68 (1) of the Madeira Beach Code. As of April 9, 2008, the Respondent was no longer in violation of Sections 14-68 & 14-68 (1) of the Madeira Beach Code.
5. The City did establish the violation to later establish a repeat violation, if any. The City seeks no fine in this case.
6. The City prevailed in the prosecution of this case and, pursuant to Chapter 2, Section 2-378(f) of the Madeira Beach Code, is entitled to recover all costs and expenses incurred. The time that the Special Magistrate spent was necessary and reasonable.

ORDER

It is ADJUDGED that:

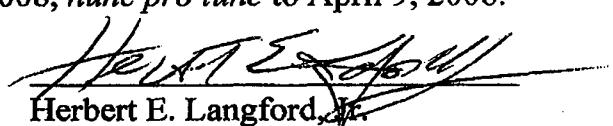
7. The Respondent, ILARIO SIMONETTA, was in compliance as of April 9, 2008 and that no fine will accrue.
8. The City did establish the violation to later establish a repeat violation, if any.
9. Separate and distinct from the amount due or fine, if any, as set forth above, the Respondent, ILARIO SIMONETTA, shall pay \$866.86 within thirty (30) days of this order toward the City's costs and expenses for the Special Magistrate. Further, the Respondent shall pay the City's additional costs and expenses, if any, to perfect and satisfy any lien that ensues from this order.

Ilario Simonetta

Case No. CEB 08.04

10. Any aggrieved party may petition the Special Magistrate to reconsider or rehear any Order resulting from a public hearing. This petition must be made in writing and filed with the City Clerk no later than thirty (30) days after the execution of the Order and prior to the filing of any appeal. The only grounds for a petition to reconsider or rehear are that there is newly discovered relevant evidence that was not available and known to the aggrieved party at the time of the public hearing, or that the Special Magistrate made a mistake in determination of a relevant fact. The Special Magistrate will not hear oral argument or evidence in determining whether to grant the petition to reconsider or rehear.
11. Upon the Respondent's failure to timely comply or pay the appropriate fine for any untimely compliance, or pay the amount toward costs and expenses as set forth above, and after the thirty (30) days referenced in the preceding paragraph, the City shall send the Respondent an Affidavit of Noncompliance by certified mail, return receipt requested.
12. If the Respondent fails to file a written objection within fifteen (15) days from the date of mailing the Affidavit of Noncompliance, the Respondent shall be deemed to acknowledge the noncompliance with the Order.
13. Thereafter, a certified copy of this Order shall be recorded in the Official Records of the Clerk of the Circuit Court for Pinellas County, Florida, and once recorded shall constitute a lien against any real or personal property owned by the violator, superior to all other liens except a lien for taxes, pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes.
14. A fine imposed pursuant to law continues to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien filed pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes, whichever occurs first.

DONE AND ORDERED on May 12, 2008, *nunc pro tunc* to April 9, 2008.



Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:

Ilario Simonetta

Michael A. Connolly, City Attorney

LOCAL GOVERNMENT CODE ENFORCEMENT
CITY OF MADEIRA BEACH, FLORIDA
Case No. CEB 08.07

**CITY OF MADEIRA BEACH, FLORIDA,
Petitioner,**

v.

ILARIO SIMONETTA
13225 2nd Street East
Madeira Beach, FL 33708,

Respondent.

STATE OF FLORIDA)
COUNTY OF PINELLAS) SS
CITY OF MADEIRA BEACH)

I, Denise Schlegel, the duly appointed City Clerk of the City of Madeira Beach, County of Pinellas, State of Florida, do hereby certify, that Local Government Code Enforcement, City of Madeira Beach, FL Case No. CEB 08.07 consisting of four pages is a true and correct copy of the record in Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, Florida 33708.

I have hereto sent my hand and affixed the corporate seal of the said **CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA**, this 10th day of October, 2008.


Denise M. Schlenk, City Clerk

**ORDER ON REPEAT VIOLATION, SETTING CONTINUING FINE,
AND TO PAY COSTS AND EXPENSES**

Chapter 14, Sections 14-61, 14-68 & 14-68(1), (2), (4) and (7) of the Code of Ordinances, City of Madeira Beach, Florida (Madeira Beach Code)

LEGAL DESCRIPTION: Page's Replat of Mitchell's Beach, Block K, Lots 4 and 5
13225 2nd Street East, Madeira Beach, FL

PARCEL IDENTIFICATION NUMBER: 15/31/15/65304/011/0040

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on May 14, 2008 and, based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The Respondent, ILARIO SIMONETTA, did not maintain the property, structures, and premises to certain minimum standards of maintenance, upkeep and appearance, and thereby adversely affected public health, safety, and welfare. The Respondent did not maintain the property, structures, and premises and caused undesirable and

Ilario Simonetta

Case No. CEB 08.07

detrimental conditions, including, but not limited to breeding areas and habitat for noxious, harmful or undesirable insects, pests, and animals; hazards and dangers to persons on or near the premises or property; increased risk of fire; increased risk of storm and wind damage to persons and property on or near the premises or property; cover and concealment for criminal or unlawful activity; sources of disease or illness; and diminished property values for surrounding properties.

2. The Respondent did not maintain the property, its plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation (collectively referred to as vegetation and organic material).
3. The Respondent did not maintain the property's vegetation. The property is overgrown, and not maintained with a herbaceous layer of sod, a ground cover material or organic mulch. Sod (grass) exceeded a maximum overall height of six inches, and other ground cover material exceeded an overall height of 12 inches. The organic mulch is not maintained to retard or prevent the rapid or easy spread of fire.
4. The Respondent did not keep or maintain the vegetation or organic materials, e.g., accumulation of flammable branches or leaves and dead or flammable grasses or ground cover, to avoid the promotion or allowance of easy or rapid spread of fire.
5. The Respondent allowed vegetation or organic material which evidences rodent, vermin, pest, or insect infestation, nesting or habitation to be kept on private property.
6. The Respondent allowed dead and dying trees, bushes, shrubs, or other natural growth, or the branches or limbs thereof, which constitute a hazard to persons and property by reason of rot, deterioration, storm damage, or any other cause, and failed to prune and trim to prevent such hazard or danger.
7. The Respondent has previously been found in violation of Sections 14-68 & 14-68(1), within five years and therefore is a repeat violator. *See Case Number CEB 08.04.*
8. The City incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The City did not seek reimbursement for staff time, but did assess the administrative fee of \$200.00 pursuant to Section 14-80 of the Madeira Beach Code, did expend \$125.00 for mowing and \$50.58 for postage (certified mail, return receipt requested) for this matter. Special Magistrate reasonably spent at least four hours at \$175 per hour to adjudicate this case.

Ilario Simonetta

Case No. CEB 08.07

CONCLUSIONS OF LAW

9. The Respondent, ILARIO SIMONETTA, has, since April 29, 2008, continuously been in violation of Chapter 14, Sections 14-61, 14-68, 14-68(1), (2), (4) and (7) of the Madeira Beach Code. The Respondent again allowed the areas' condition to fall into disrepair, and made no effort nor took steps to correct the situation before the subject citation's issuance.
10. The City prevailed in the prosecution of this case and, pursuant to Chapter 2, Section 2-378(f) of the Madeira Beach Code, is entitled to recover all costs and expenses incurred. The time that the Special Magistrate spent was necessary and reasonable.

ORDER

It is ADJUDGED that:

11. The Respondent, ILARIO SIMONETTA, shall come into compliance and pay to the City of Madeira Beach a fine in the amount of \$100.00 per day commencing April 29, 2008 and continuing thereafter for each day that the violation(s) continue to exist through May 28, 2008.
12. The Respondent shall come into compliance and pay to the City of Madeira Beach a fine in the amount of \$250.00 per day, commencing May 29, 2008, and continuing thereafter for each day that the violation(s) continue to exist through June 15, 2008.
13. The Respondent shall come into compliance and pay to the City of Madeira Beach a fine in the amount of \$500.00 per day, commencing June 16, 2008, and continuing thereafter for each day that the violation(s) continue to exist.
14. Separate and distinct from the amount due or fine, the Respondent, ILARIO SIMONETTA, shall pay within thirty (30) days of this order \$1075.58 toward the City's costs and expenses in the prosecution of this case. Further, the Respondent shall pay the City's additional costs and Special Magistrate expenses, if any, to perfect and satisfy any lien that ensues from this order, including, but not limited to official records recording costs and postage for orders, affidavits, notices, satisfactions and any other related documents.
15. Any aggrieved party may petition the Special Magistrate to reconsider or rehear any

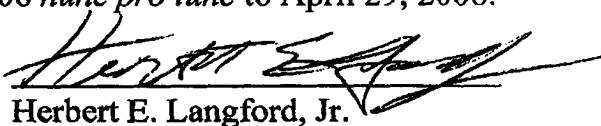
Ilario Simonetta

Case No. CEB 08.07

Order resulting from a public hearing. This petition must be made in writing and filed with the City Clerk no later than thirty (30) days after the execution of the Order and prior to the filing of any appeal. The only grounds for a petition to reconsider or rehear are that there is newly discovered relevant evidence that was not available and known to the aggrieved party at the time of the public hearing, or that the Special Magistrate made a mistake in determination of a relevant fact. The Special Magistrate will not hear oral argument or evidence in determining whether to grant the petition to reconsider or rehear.

16. Upon the Respondent's failure to timely comply or pay the appropriate fine for any untimely compliance, or pay the amount toward costs and expenses as set forth above, and after the thirty (30) days referenced in the preceding paragraph, the City shall send the Respondent an Affidavit of Noncompliance by certified mail, return receipt requested.
17. If the Respondent fails to file a written objection within fifteen (15) days from the date of mailing the Affidavit of Noncompliance, the Respondent shall be deemed to acknowledge the noncompliance with the Order.
18. Thereafter, a certified copy of this Order shall be recorded in the Official Records of the Clerk of the Circuit Court for Pinellas County, Florida, and once recorded shall constitute a lien against any real or personal property owned by the violator, superior to all other liens except a lien for taxes, pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes.
19. A fine imposed pursuant to law continues to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien filed pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes, whichever occurs first.

DONE AND ORDERED on May 23, 2008 *nunc pro tunc* to April 29, 2008.



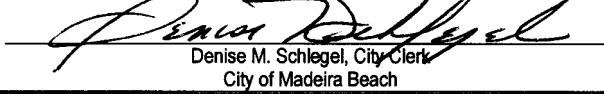
Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
Ilario Simonetta
Michael A. Connolly, City Attorney

STATE OF FLORIDA)
COUNTY OF PINELLAS)
CITY OF MADEIRA BEACH) SS

I, Dénise Schlegel, the duly appointed City Clerk of the City of Madeira Beach, Florida, do hereby certify, that CASE No. CEB 08.24, consisting of three pages, is a true and correct copy of the records in Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, Florida 33708.

IN WITNESS WHEREOF, I have hereto sent my hand and affixed the corporate seal of the said CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA, this 8th day of May, 2009.


Denise M. Schlegel, City Clerk
City of Madeira Beach

LOCAL GOVERNMENT CODE ENFORCEMENT
CITY OF MADEIRA BEACH, FLORIDA
Case No. CEB 08.24

CITY OF MADEIRA BEACH, FLORIDA,
Petitioner,

v.

ILARIO SIMONETTA
13225 2nd Street East
Madeira Beach, FL 33708,
Respondent.

ORDER ON REPEAT VIOLATION, AND TO PAY COSTS AND EXPENSES

Chapter 14, Section 14-68 and 14-68(1) of the Code of Ordinances, City of Madeira Beach, Florida (Madeira Beach Code)

LEGAL DESCRIPTION: Page's Replat of Mitchell's Beach, Block K, Lots 4 and 5
13225 2nd Street East, Madeira Beach, FL 33708

PARCEL IDENTIFICATION NUMBER: 15/31/15/65304/011/0040

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on December 10, 2008 and, based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The Respondent, ILARIO SIMONETTA, did again not maintain the property, its plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation (collectively referred to as vegetation and organic material). The Respondent did again not maintain the property's vegetation. The property was overgrown, and not maintained. Sod (grass) exceeded a maximum overall height of six inches, and other ground cover material exceeded an overall height of 12 inches.

Simonetta, Ilario

Case No. CEB 08.24

2. The Respondent has previously been found in violation of Section 14-68 and 14-68(1) within five years and therefore is a repeat violator. *See* Case Numbers CEB 08.04 and 08.07. The City incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The City did not seek reimbursement for staff time, but, overall for Case Numbers CEB 08.04, 08.07 and the instant matter, did expend \$425 for mowing (3 @ \$100 and 1 @ \$125), \$600 for tree removal, and \$1000 for administrative fees (5 @ \$200), for a total of \$2025.00. The Respondent has previously been ordered to pay \$650.00 (\$325 in each respective order, CEB 08.04 and 08.07). The remaining amount is \$1375.00 and \$74.48 for postage (certified mail, return receipt requested), for a total of \$1,449.48. Special Magistrate reasonably spent at least four hours at \$175 per hour to adjudicate this case.

CONCLUSIONS OF LAW

3. The Respondent, ILARIO SIMONETTA, did again violate Chapter 14, Section 14-68 and 14-68(1) of the Madeira Beach Code. As of August 8, 2008, the Respondent was no longer in violation of Chapter 14, Section 14-68 and 14-68(1) of the Madeira Beach Code because the city brought the property into compliance. The City generously seeks no fine in this case.
4. The City prevailed in the prosecution of this case and, pursuant to Chapter 2, Section 2-378(f) of the Madeira Beach Code, is entitled to recover all costs and expenses incurred. The time that the Special Magistrate spent was necessary and reasonable.

ORDER

It is ADJUDGED that:

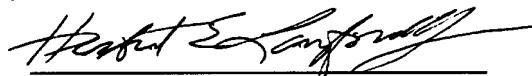
5. Separate and distinct from the amount due or fine, if any, as set forth above, the Respondents, ILARIO SIMONETTA, shall pay \$2,149.48 toward the City's costs and expenses for the Special Magistrate within thirty (30) days of this order. Further, the Respondent shall pay the City's additional costs and Special Magistrate expenses, if any, to perfect and satisfy any lien that ensues from this order, including, but not limited to official records recording costs and postage for orders, affidavits, notices, satisfactions and any other related documents.
6. Upon complying, the Respondent shall notify Donald Lewis, the Code Compliance Officer, at (727) 391-9951, who shall inspect the property and notify the Special Magistrate of the compliance.

Simonetta, Ilario

Case No. CEB 08.24

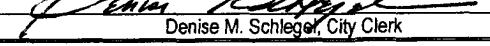
7. Any aggrieved party may petition the Special Magistrate to reconsider or rehear any Order resulting from a public hearing. This petition must be made in writing and filed with the City Clerk no later than thirty (30) days after the execution of the Order and prior to the filing of any appeal. The only grounds for a petition to reconsider or rehear are that there is newly discovered relevant evidence that was not available and known to the aggrieved party at the time of the public hearing, or that the Special Magistrate made a mistake in determination of a relevant fact. The Special Magistrate will not hear oral argument or evidence in determining whether to grant the petition to reconsider or rehear.
8. Upon the Respondent's failure to timely comply or pay the appropriate fine for any untimely compliance, or pay the amount toward costs and expenses as set forth above, and after the thirty (30) days referenced in the preceding paragraph, the City shall send the Respondent an Affidavit of Noncompliance by certified mail, return receipt requested.
9. If the Respondent fails to file a written objection within fifteen (15) days from the date of mailing the Affidavit of Noncompliance, the Respondent shall be deemed to acknowledge the noncompliance with the Order.
10. Thereafter, a certified copy of this Order shall be recorded in the Official Records of the Clerk of the Circuit Court for Pinellas County, Florida, and once recorded shall constitute a lien against any real or personal property owned by the violator, superior to all other liens except a lien for taxes, pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes.
11. A fine imposed pursuant to law continues to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien filed pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes, whichever occurs first.

DONE AND ORDERED on January 06, 2009.



Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
Ilario Simonetta
Michael A. Connolly, City Attorney

STATE OF FLORIDA CITY OF MADEIRA BEACH	SM-CODE Case 09.39 4 Pages
I, Denise Schlegel, the duly appointed City Clerk of the City of Madeira Beach, Florida, do hereby certify this is a true and correct copy of the record in Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, Florida 33708.	
IN WITNESS WHEREOF, I have hereto sent my hand and affixed the corporate seal of the said CITY OF MADEIRA BEACH, this 16th day of February, 2010.	
 Denise M. Schlegel, City Clerk	

LOCAL GOVERNMENT CODE ENFORCEMENT
CITY OF MADEIRA BEACH, FLORIDA
Case No. 09.39

CITY OF MADEIRA BEACH, FLORIDA,
Petitioner,

v.

ILARIO SIMONETTA
13225 2nd Street East
Madeira Beach, Florida 33708-2407

and

DISCOUNT PROPERTIES OF FLORIDA, INC.
a/k/a DISCONT PROPERTIES OF FLORIDA, INC.
1207 N. Franklin Street
Tampa, Florida 33602,
Respondents

**ORDER ON VIOLATION SETTING TIME TO COMPLY
OR SUFFER A FINE, AND TO PAY COSTS AND EXPENSES**

Chapter 14, Sections 14-68(1) & (2) of the Code of Ordinances, City of
Madeira Beach, Florida (Madeira Beach Code)

LEGAL DESCRIPTION: Page's Replat of Mitchells' Beach, Block K, Lots 4
and 5
13325 2nd Street East, Madeira Beach, FL 33708

PARCEL IDENTIFICATION NUMBER: 15/31/15/65304/011/0040

A hearing was held in the above matter on July 8, 2009, at which time the Special
Magistrate, James W. Denhardt, heard testimony and received into evidence items of
evidence pertaining to this case. The Respondents were duly noticed of the hearing, but
neither the Respondents or any person on behalf of the Respondents appeared and
testified. The Special Magistrate received the testimony of the City's Representative,
Paulette E. Cohen, the City's Community Development Director, and received into
evidence the City's file pertaining to this case. Based upon the testimony presented and
the items received into evidence, the Special Magistrate enters the following Findings of
Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. At all times material hereto, the above described real property was owned by the Respondents, ILARIO SIMONETTA and DISCOUNT PROPERTIES OF FLORIDA, LLC, a/k/a DISCONT PROPERTIES OF FLORIDA, LLC.
2. The Respondents, ILARIO SIMONETTA and DISCOUNT PROPERTIES OF FLORIDA, LLC, a/k/a DISCONT PROPERTIES OF FLORIDA, LLC, did not maintain its plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation (collectively referred to as vegetation and organic material). The property was overgrown and not maintained. Sod (grass) exceeded a maximum overall height of six inches, and other ground cover material exceeded an overall height of 12 inches. In addition, the vegetation or organic material has been maintained in a manner which could promote or allow the easy or rapid spread of fire.
3. Such conditions constitute a violation of Section 14-68(1) and (2) of the Madeira Beach Code, as previously cited by the City.
4. Such conditions existed as of the date of the issuance of the Notice of Violation issued herein on May 27, 2009, and has continued up until the date of this hearing.
5. The City incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate the case. The City did not seek reimbursement for staff time, but did expend \$11.96 for postage (certified mail, return receipt requested).
6. Special Magistrate reasonably spent at least two and one-half hours at \$175.00 per hour to receive and review the docket and agenda pertaining to this matter, reviewing and researching the appropriate City Code provisions, conducting the hearing herein, and adjudicating this matter to include the preparation of this Order.

CONCLUSIONS OF LAW

7. The Respondents, ILARIO SIMONETTA and DISCOUNT PROPERTIES OF FLORIDA, LLC, a/k/a DISCONT PROPERTIES OF FLORIDA, LLC, and the above-referenced property, is in violation of Chapter 14 Section 14-68(1) and (2) of the Madeira Beach Code.
8. The City prevailed in the prosecution of this case and, pursuant to Chapter 2, Section 2-378(f) of the Madeira Beach Code, is entitled to recover all costs and expenses incurred. The time that the Special Magistrate spent was necessary and reasonable.

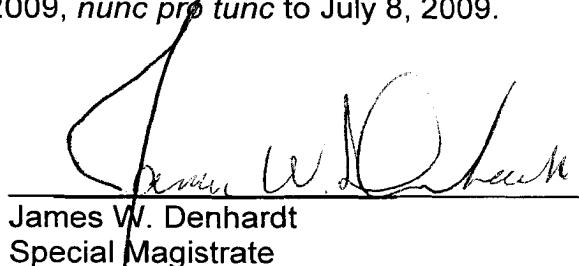
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED AND ADJUDGED as follows:

9. The Respondents, ILARIO SIMONETTA and DISCOUNT PROPERTIES OF FLORIDA, LLC, a/k/a DISCONT PROPERTIES OF FLORIDA, LLC, shall correct the above violations and come into compliance with the above cited Sections of the Madeira Beach Code on or before 8:00 a.m. on Wednesday, July 15, 2009, or suffer a fine of \$100.00 per day for each day thereafter the violations continue to exist.
10. Separate and distinct from the amount due or fine, if any, as set forth above, the Respondents, ILARIO SIMONETTA and DISCOUNT PROPERTIES OF FLORIDA, LLC, a/k/a DISCONT PROPERTIES OF FLORIDA, LLC, shall pay \$449.46 within thirty (30) days of this order toward the City's costs and expenses for the Special Magistrate. Further, the Respondents shall pay the City's additional costs and Special Magistrate expenses, if any, to perfect and satisfy any lien that ensues from this order.
11. Upon complying, the Respondents shall notify the City's Code Compliance Officer at (727) 391-9951, who shall inspect the property and notify the Special Magistrate of the compliance.
12. In the event the property owners do not bring the property into compliance by the date specified herein, the City of Madeira Beach is hereby authorized to go on to the property and correct the violation and to assess the appropriate costs for such corrective action against the Respondent and the property.
13. Any aggrieved party may petition the Special Magistrate to reconsider or rehear any Order resulting from a public hearing. This petition must be made in writing and filed with the City Clerk no later than thirty (30) days after the execution of the Order and prior to the filing of any appeal. The only grounds for a petition to reconsider or for rehearing of this matter are that there is newly discovered relevant evidence that was not available and known to the aggrieved party at the time of the public hearing, or that the Special Magistrate made a mistake in determination of a relevant fact. The Special Magistrate will not hear oral argument or evidence in determining whether to grant the petition to reconsider or rehear.
14. Upon the Respondents' failure to timely comply or pay the appropriate fine for any untimely compliance, or pay the amount toward costs and expenses as set forth above, and after the thirty (30) days referenced in the preceding paragraph, the City shall send the Respondents an Affidavit of Noncompliance by certified mail, return receipt requested.

15. If the Respondents fail to file a written objection within fifteen (15) days from the date of mailing the Affidavit of Noncompliance, the Respondents shall be deemed to acknowledge the noncompliance with the Order.
16. Thereafter, a certified copy of this Order shall be recorded in the Official Records of the Clerk of the Circuit Court for Pinellas County, Florida, and once recorded shall constitute a lien against any real or personal property owned by the violators, superior to all other liens except a lien for taxes, pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes.
17. A fine imposed pursuant to law continues to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien filed pursuant to Section 2-378, Madeira Beach Code and Chapter 162, Florida Statutes, whichever occurs first.
18. The undersigned Special Master hereby reserves jurisdiction of this cause to enter any amended or supplemental Orders as may be appropriate to enforce the terms of this Order, or to assess any further amounts that may be expended by the City for performing any corrective action herein.

DONE AND ORDERED on August 12, 2009, *nunc pro tunc* to July 8, 2009.



James W. Denhardt
Special Magistrate

Copies furnished to:
Ilario Simonetta
Discount Properties of Florida, LLC
a/k/a Discont Properties of Florida, LLC
Michael A. Connolly, City Attorney

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

January 16, 2026

City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. CEB 08.04
CASE NO. CEB 08.07
CASE NO. CEB 08.24
CASE NO. CEB 09.39

ILARIO SIMONETTA
13225 2nd ST. E
MADEIRA BEACH, FL
33708-2407

Respondents.

RE Property: 13225 2nd St. E

Parcel #15-31-15-65304-011-0040

Legal Description: 13225 2ND ST E MADEIRA BEACH FL LLC

NOTICE OF HEARING
AFFIDAVIT OF COMPLIANCE

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **12:00 pm** on **MONDAY the 26th** day of January, **2026** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 14-68. - Same—Maintenance of vegetation, trees, plantings and landscaping.
The owners/occupants of private property are responsible for the maintenance of plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation of any type or nature (collectively referred to as vegetation and organic material) located on such property and abutting rights-of-way, excluding roads and streets. The board of commissioners may designate by resolution right-of-way areas to be maintained by the city due to special circumstances.

You are hereby ordered to appear before the Special Magistrate of the City of Madeira Beach on that date and time to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$250.00 per day for an initial violation(s) and \$500.00 per day for repeat violations against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may still be presented to the Special Magistrate of the City of Madeira Beach even if the violation has been corrected prior to the Special Magistrate hearing.

Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation(s), should you be found in violation of the City Code.

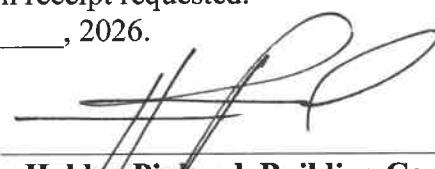
If you wish to have any witnesses subpoenaed or have any other questions, please contact the Code Enforcement department of the City of Maderia Beach within five (5) days at 300 Municipal Drive, Maderia Beach, Florida 33708, telephone number (727) 391-9951 ext 298.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I DO HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 16 day of January, 2026.



**Holden Pinkard, Building Compliance Supervisor
City of Madeira Beach**

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

January 16, 2026

City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

CASE NO. CEB 08.04
CASE NO. CEB 08.07
CASE NO. CEB 08.24
CASE NO. CEB 09.39

vs.

ILARIO SIMONETTA
13225 2nd ST. E
MADEIRA BEACH, FL
33708-2407

Respondents.

RE Property: 13225 2nd St. E

Parcel #15-31-15-65304-011-0040

Legal Description: PAGE'S REPLAT OF MITCHELL'S BEACH BLK K, LOTS 4 AND 5

AFFIDAVIT OF SERVICE

I, Holden Pinkard, Building Code Compliance Supervisor of the City of Madeira Beach, upon being duly sworn, deposed and says the following:

That pursuant to Florida Statute 162.12,

On the 16 day of January, 2026, I mailed a copy of the attached NOTICE OF HEARING via Certified Mail, Return Receipt Requested.

On the 16 day of January, 2026, I mailed a copy of the attached NOTICE OF HEARING via First Class mail.

On the 16 day of January, 2026, I posted a copy of the attached NOTICE OF HEARING on the property located at 13225 2nd St. E, Parcel #15-31-15-65304-011-0040 the City of Madeira Beach.

On the 16 day of January, 2026, I caused the attached NOTICE OF HEARING to be posted at the Municipal Government Offices, 300 Municipal Drive, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.



Holden Pinkard, Code Compliance Supervisor
City of Madeira Beach

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me, the undersigned authority, by means of physical presence or online notarization, this 16th day of January, 2026, by Holden Pinkard who is personally known to me, or produced _____ as identification. My Commission Expires: 03-15-27

Notary Public- State of Florida

Samantha Arison
Print or type Name. Samantha Arison



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

January 16, 2026

City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708,

Petitioner,

vs.

CASE NO. CEB 08.04
CASE NO. CEB 08.07
CASE NO. CEB 08.24
CASE NO. CEB 09.39

ILARIO SIMONETTA
13225 2nd ST. E
MADEIRA BEACH, FL
33708-2407

Respondents,

AFFIDAVIT OF COMPLIANCE

I, Holden Pinkard, *Building Compliance Supervisor*, have personally examined the property described in:

Madeira Beach Special Magistrate Order: 05-12-2008
05-23-2008
01-05-2009
08-12-2009

In the above-mentioned case and find that said property is in compliance with Sec. 14-68 of the Code of City of Madeira Beach, Florida, as of 05-31-2011



Holden Pinkard, Building Compliance Supervisor

STATE OF FLORIDA

COUNTY OF PINELLAS

Before me on this 16th day of January 2026, Holden Pinkard personally appeared who executed the foregoing instrument and who is personally known to me.



Notary

SEAL

