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** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

DATE: December 9, 2025

TO: Mayor Anne-Marie Brooks
Vice Mayor Ray Kerr
Commissioner David Tagliarini
Commissioner Eddie McGeehen
Commissioner Housh Ghovaee

CC: Clint Belk, Acting City Manager

FROM: Thomas J. Trask, City Attorney 

RE: Special Magistrate Lien at 703 Sunset Cove, Madeira Beach
Case No. 24-233 (Baker-Cianciulli)

The purpose of this memorandum is to provide you with some background and a recommendation regarding a request the City received from Attorney Clay Gilmon on behalf of his client, Kent Baker.

BACKGROUND

On April 16, 2025, the Special Magistrate found the subject property in violation of Section 86-52 of Division 2 (Building Permits) of the city code for the installation of an HVAC system without a building permit. An Order Imposing Fine was executed by the Special Magistrate which imposed a fine in the amount of \$100.00 per day (plus interest) for this lien against the owners. The property was not brought into compliance for 88 days. The violation resulted in fines of \$8,800.00 plus interest and recording costs for a total amount due the City, as of October 28, 2025, in the amount of \$8,854.22.

Recently Attorney Clay Gilman contacted Holden Pinkard to advise of Mr. Baker's interest in resolving this outstanding lien. After an exchange of communication with the City, Mr. Gilman sent the City the attached letter requesting that the entire fine be waived.

December 9, 2025

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RECOMMENDATION

Although City staff is supportive of a partial fine reduction, staff believes that the City should be reimbursed for staff time incurred in the prosecution of this case. The Acting City Manager and City staff are recommending that the fine be reduced to \$2,000.00 if the fine is paid within thirty (30) days. If not paid within thirty (30) days, the fine should revert back to the original amount due.

Respectfully submitted.

TJT/kt

Attachments: Special Magistrate Lien
Payoff
Settlement Offer

cc: Clara VanBlargan, City Clerk
Holden Pinkard, Building Compliance Supervisor
Clint Belk, Acting City Manager

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-233

Petitioner,

vs.

BAKER, KENT RICHARD
CIANCIULLI, DEBORAH ANN,
703 Sunset Cove
Madeira Beach, FL 33708,

Respondents.

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER IMPOSING FINE AND CERTIFYING LIEN**

THIS CAUSE came on to be heard at the public hearing before the undersigned Special Magistrate on March 31, 2025, after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

1. The City was represented by the City Attorney, and Grace Mills provided testimony on behalf of the City.
2. Kent Baker appeared on behalf of the Respondents and admitted to the violation.
3. No one provided public comment.
4. The property in question is located at 703 Sunset Cove, Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

BAY POINT ESTATES BLK 2, LOT 3

5. Proper notice was served upon the Respondents via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, *Florida Statutes*.
6. The Respondents were notified that Respondents were in violation of the following sections of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 86-52.- When required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish,

or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovered flat slabs of no greater than 50 square feet, for work of a strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is on or before April 30, 2025.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

9. The Respondents, and the Property at the above mentioned location, are found to be in violation of Section 86-52 of the Code of Ordinances of the City of Madeira Beach.

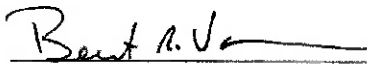
10. The Respondents shall correct the above stated violation on or before April 30, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing which is to apply for and obtain an "after-the-fact" building permit for the HVAC unit(s) that were replaced.

11. Upon complying, the Respondents shall notify the Code Compliance Officer at the City of Madeira Beach, who shall then inspect the Property to confirm compliance has been accomplished.

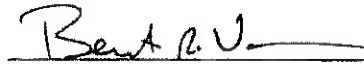
12. If the Respondents fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$100.00 per day for the violation set forth in Paragraph 6 above for each day the Respondents have failed to correct the violation after April 30, 2025, and the fine shall continue to accrue until such time as the Property is brought into compliance.

13. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 16th day of April, 2025.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **Kent Baker and Deborah Cianciulli, 703 Sunset Cove, Madeira Beach, Florida 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708**, on this 16th day of April, 2025.


Bart R. Valdes

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. §162.11, *Florida Statutes* (2024).

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MADEIRA BEACH

Kent Richard Baker and Deborah Ann Cianciulli

703 Sunset Cove

Case No. 24-233

as of: October 28, 2025

IN COMPLIANCE

Fine Start	7/7/2025	
Fine Stop	10/2/2025	88 days
Rate	\$100.00 /day	
Principal	\$8,800.00	
 Recording	 \$0.00	
 SUB TOTAL	 \$8,800.00	

Interest Rate	0.000236986 (8.65% per annum)	
Interest on Principal	\$2.09 /day	
Interest Start	10/3/2025	
Today's Date	10/28/2025	26 days
Interest	\$54.22	
 TOTAL	 \$8,854.22	



Macfarlane Ferguson
& McMullen

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November 12, 2025

Mayor Anne-Marie Brooks
& Madeira Beach Board of Commissioners
300 Municipal Drive
Madeira Beach, FL 33708

Re: Kent Baker – 703 Sunset Cove, Madeira Beach, FL 33708
Release of Code Enforcement Lien in the Amount Of \$8,854.22

Dear Mayor Brooks and Madeira Beach Board of Commissioners,

Our firm has the pleasure of representing a long-time Madeira Beach resident, Kent Baker, the owner of several properties in Madeira Beach including the subject property located at 703 Sunset Cove, Madeira Beach, Florida 33708 (the “Property”). Unfortunately, like so many other properties in Madeira Beach and throughout the beach communities, the Property sustained damage during the 2024 hurricane season including the failure of the Property’s air conditioning unit. In the aftermath of this devastation, Mr. Baker was desperate to restore the Property and make it a livable space free from mold. Mr. Baker purchased an HVAC unit and installed it without a building permit in order to keep the Property from beginning to gather mold due to the moisture and humidity.

Unbeknownst to Mr. Baker, the installation of the HVAC unit done without a permit was a violation of Section 86-52 of the City of Madeira Beach Code of Ordinances. The City cited Mr. Baker due to the Property’s noncompliance with the Code and a Special Magistrate Order was issued enforcing a \$100.00 fine for every day that the violation was not remedied. Upon learning of the violation, Mr. Baker retained our services and we attempted to resolve the issue without removal of the HVAC unit. However, we advised Mr. Baker that the most expedient remedy to come into compliance was to remove the

HVAC unit which he did as soon as possible upon receiving our advice. The fines began accruing on July 7, 2025, and ended on October 2, 2025, when an inspection deemed the Property to be in compliance after the removal of the HVAC unit. The total fines which accumulated on the Property amount to \$8,854.22, which sum includes interest owed.

It is Mr. Baker's request that you waive and release the \$8,854.22 lien owed to the City of Madeira Beach due to the extenuating circumstances related to the hurricanes. Mr. Baker was unaware when he purchased the HVAC unit, in a time of crisis, that it would result in a Code violation and subsequent lien on the Property for thousands of dollars. Mr. Baker is still attempting to restore the Property after the devastation inflicted by the hurricanes to the community. Your approval of this waiver and release of the lien will circumvent further financial loss for Mr. Baker, who has already endured significant hardship.

Yours Truly,

A handwritten signature in blue ink, appearing to read "B-J. Aungst, Jr.", is written over a horizontal line.

Brian J. Aungst, Jr., Esq.