

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
chestercountylawn@yahoo.com

February 14, 2025

**MOTION FOR ANDY WARD'S RECUSAL FROM MARCH 17, 2025 APPEAL OF JANUARY 21, 2025
SUBDIVISION DENIAL DUE TO HIS INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512-
TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT WITH THE SOUTHERN SHORES
BEACON AND BIASED SIGN VIOLATION REPORTING AGAINST APPLICANT**

Applicant, Anthony S Mina hereby Motions For Andy Ward's Recusal From The March 17, 2025 Appeal of January 21, 2025 Subdivision Denial and in support thereof avers the following:

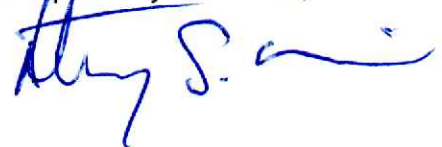
1. Andy Ward submitted a sign complaint to Southern Shores against Applicant for having real estate signs in the "right of way" advertising a real estate opportunity at 75 E Dogwood Trail.
2. Andy Ward did not submit sign complaints against any of the other real estate signs located in the right of way at the time he complained about Applicant's signs. These signs include many bible camp signs in the Welcome to Southern Shore's entrance by Kitty Hawk Elementary School and in the right of way as you exit Southern Shores onto Duck Road. There is an Oh-So-Sandy sign at the Dogwood Trail Beach parking lot and there was several other real estate signs Andy Ward did not report but had to of seen when exiting Southern Shores.
3. Andy Ward did not recuse himself from the October 21, 2024 Variance hearing and was not asked to recuse himself because Andy Ward agreed to comply with Southern Shores Code of Ethics. A true and correct copy of the Code of Ethics is attached hereto and marked "Exhibit A".
4. Andy Ward has not complied with paragraph 1, 2, 3 and 7 of the Southern Shores Code of Ethics.
5. Andy Ward signed an Order denying Applicant's Variance on November 19, 2024 that stated at #12 "There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by the staff".

6. Exhibit 2C of Applicant's Variance was a public record response from Southern Shores employee Sheila Kane that proved there was not posted notice at 75 E Dogwood Trail or mailed notice to 75 E Dogwood Trail regarding TCA-21-06 and ZTA-23-03. A true and correct copy of the public records response is attached hereto and marked "Exhibit B".
7. Town Code 36-414(b) requires posted notice at property effected by zoning amendments prior to the public hearing rezoning the property (Wes Haskett and the Planning Board claim to have rezoned 75 E Dogwood Trail from subdividable to unsubdividable).
8. Wes Haskett's March 31, 2023 lot width amendment had a Planning Board Hearing on May 15, 2023 and Town Council Hearing on June 6, 2023, neither of which had posted notice at 75 E Dogwood Trail as required by Town Code 36-414(b).
9. The Southern Shores Beacon published an article stating Andy Ward stated for the record that the ordinances (TCA-21-06 and ZTA-23-03) were legally adopted. A true and correct copy of the article is attached hereto and marked "Exhibit C"
10. Ann Sjoerdsma, publisher of the Southern Shores Beacon's false, defaming, ridiculing article about Anthony S Mina also made a sign complaint against Anthony S Mina's real estate signs without reporting any of the many other signs in the right of way that could not be missed when coming and going from Dogwood Trail in Southern Shores.
11. Andy Ward is actively participating in witness intimidation schemes and harassment of Applicant with Ann Sjoerdsma by spreading false information about Applicant and making sign complaints against Applicant, but not other property owners violating the sign ordinance 365 days a year.
12. Andy Ward received an email titled "Andy Ward's Witness Intimidation & False Statements With Ann Sjoerdsma in Southern Shores Beacon" on January 9, 2025 but did not correct his false statements and wrong doing. A true and correct copy of the January 9, 2025 email is attached hereto and marked "Exhibit D".
13. Andy Ward's false statements and public ridicule of Applicant because Applicant caught Wes Haskett lying about notification records being complied with prior to the adoption of TCA-21-06 and ZTA-23-03 violates Federal Witness Intimidation Laws and prohibit Andy Ward from being involved with Applicant's legal issues.

WHEREFORE, Applicant Anthony S Mina respectfully requests that Andy Ward be prohibited from deciding any of Applicant's issues with the Planning Board/Board of Adjustments.

February 14, 2025

Respectfully Submitted,



Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

Jun 21 at 11:02 AM

To: Sheila Kane <skane@southernshores-nc.gov> ,

Southernshores Nc Info <info@southernshores-nc.gov> ,

Wes Haskett <whaskett@southernshores-nc.gov> , Cliff Ogburn <cogburn@southernshores-nc.gov>

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Sheila Kane <skane@southernshores-nc.gov>

Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT

Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**
2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
 1. Coastland Times Advertisement Invoices and copies of notices are attached. A 1/2 of a page size is NOT REQUIRED
3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
 1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.
4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
 1. **NOT REQUIRED**
 2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov



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EXHIBIT B

"EXHIBIT 2C" of variance



EVIDENTIARY HEARING



Exhibit C

After a 5 ½-hour hearing, with two recesses, the Town Board of Adjustment voted unanimously last night to deny a variance to Anthony Mina that would have allowed him to subdivide the 46,500-square-foot property at 75 E. Dogwood Trail that he owns with his fiancée.

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(See The Beacon, 10/19/24, for factual background.)

The hearing may have been excessively long, but the Board's decision was made quickly and without discussion. It was a foregone conclusion. Mr. Mina did not have a meritorious case, just a personal grievance against the Town, in particular, against Town Deputy Manager/Planning Director Wes Haskett.

We are not acquainted with how this grievance escalated to the point of wasting 5 ½ hours of attendees' time and public money spent on two attorneys (one representing the Town; the other representing the Board of Adjustment), one court reporter, three police officers (we believe one left early), and overtime for Mr. Haskett and Town Manager Cliff Ogburn, but we trust the Town will conduct a post-mortem and figure out how it could have handled interactions with Mr. Mina better.

We question the Town's decision even to let Mr. Mina file a request for a variance, inasmuch as a variance is not the "appropriate remedy," as Town Attorney Lauren Arigaza-Womble of Hornthal, Riley, Ellis & Maland said several times during the hearing, for the hardship that Mr. Mina claimed.

Ms. Arigaza-Womble quoted Professor Adam Lovelady, an expert in land-use law at the University of North Carolina School of Government, for the principle that: "A variance is not the appropriate remedy for a condition or hardship that is shared by the neighborhood or the community as a whole," such as would be the case where a zoning ordinance, of which an individual complains, affects everyone in the community.

At the beginning of the hearing, it appeared that Mr. Mina had not even wanted to file a request for a variance, for which he paid a \$350 fee. He sought to "preclude" the hearing and told the Board of Adjustment that the Town had "no legal basis to force me to be here."

This posture was one of many confusing revelations by Mr. Mina, whose recourse with the Town is to attempt to change the ordinance that prevents him from subdividing his property in his favor.

TEDIOUS, EXHAUSTIVE HEARING

We did not stay for the conclusion of the hearing, dear readers, taking our leave at 9 p.m., when the second recess was called.

By then, we had heard a tedious and exhaustive recitation of Mr. Mina's Variance Application 24-01, which BOA Chairperson Andy Ward took him through, section by section, even though the application was available for all Board members and the public to read, and Mr. Mina, who represented himself, could have summarized it in his direct testimony.

We also had heard an excessive amount of irrelevant material introduced by Mr. Mina into the record, through his oral testimony and his documentation, even though Ms. Arigaza-Womble, properly and continuously objected to it.

Mr. Ward allowed Mr. Mina to have his say, while also trying to keep him focused on facts and not on "innuendo" and "accusations."

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But Mr. Mina's argument was based on fraud, not on any of the criteria relevant to the granting of a variance.

"Fraud," he said early on, after moving to "preclude" last night's hearing—a motion that became moot as the hearing continued—"is a big factor in me obtaining the variance."

Mr. Mina claimed that Mr. Haskett and the Town of Southern Shores had led him to believe falsely that the lot at 75 E. Dogwood Trail, which he purchased July 5, 2023, could be subdivided, when, in fact, regulations in the Town Code of Ordinances prevent such a subdivision. He repeatedly said that Mr. Haskett had "hidden" the zoning code(s) from him.

He alleged a "real estate scam" or conspiracy to defraud him, and he has sued those people he believes are co-conspirators in federal court. Mr. Mina filed his lengthy complaint in the Eastern District of the U.S. District Court of North Carolina. (The case number is 2:24-CV-00042.)

Lest anyone be as confused as Mr. Mina clearly was about the zoning ordinances in the Town Code—which are sometimes referred to as the "Zoning Code" or the "Zoning Ordinance"—we would like to clarify that Southern Shores' zoning ordinances are part of the Town Code, which is readily available on the Town website.

An ordinance is a municipal law: It is a law enacted by local government.

Mr. Haskett could not "hide" the Town's ordinances if he wanted to.

When the Southern Shores Town Council passes a Zoning Text Amendment (ZTA) or a Town Code Amendment (TCA), it is passing new law. The ZTA or TCA amends (changes) the text that already exists in the Town Code.

[Handwritten mark]

The Town Code is made up of chapters, the 36th of which is about zoning, and, therefore, is often referred to as the "Zoning Code." The 30th chapter is about subdivisions and is often referred to as the "Subdivision Ordinance." The so-called Zoning Code and Subdivision Ordinance are not separate from the Town Code; they are part of it.

ACCESS TO SUBDIVISION LOTS

Access to newly created lots is a significant issue with a subdivision.

Before Aug. 3, 2021, the Town Code allowed subdividers to create access by one of two ways: 1) by having all lots front on a public road; or 2) by creating a public-access easement that connected new lots to a public road and met certain standards of width, length, and the like.

On Aug. 3, 2021, however, the Town Council passed TCA 21-06, which eliminated the access-easement option then codified in the subdivision chapter at section 30-96(f).

So, two years before Mr. Mina bought his property, the Town Council rendered it impossible for him to subdivide his lot without ensuring that each lot fronted on a public road.

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Mr. Mina presented no evidence at the hearing to suggest, much less prove, that the required public notice of the hearing on TCA 21-06 was defective in any way. He insinuated that it was, but he presented no facts to bolster that insinuation.

As Mr. Haskett testified, he did not know Mr. Mina in 2021, and he was not the proponent of TCA 21-06. It was the Town Council that asked for a change in the law. (See our report of 10/19/24.)

Mr. Mina submitted to the Town two applications for a subdivision of 75 E. Dogwood, each of which had a preliminary plat and each of which appears to depend upon an easement for access to a back lot. The Town received both on July 3, 2024, and Mr. Haskett denied both. Mr. Mina did not appeal either denial during the 30 days allotted to him by ordinance for an appeal.

One of the denials also cited Mr. Mina's failure to conform to a newly enacted zoning ordinance defining mandatory minimum lot size in the RS-1 single-family-dwelling residential district.

Contrary to Mr. Mina's reading of the new lot-width ordinance, which is Town Code section 36-202(d), it only applies to lots created after June 6, 2023 through subdivision or recombination. It does not render all lots that are not 100 feet wide at every width measurement non-conforming.

The facts established that Mr. Mina exchanged many emails with Mr. Haskett in the month before the lot-width ordinance changed on June 6, 2023, which was about a month before he bought 75 E. Dogwood Trail. There were so many emails, according to Mr. Haskett, that it would take him hours to

count them.

Mr. Mina states in his application that the Town Planning Director deliberately withheld from him “pertinent information” about the soon-to-be-changed lot-width ordinance.

Mr. Haskett testified that he had no reason to believe that minimum lot width would be relevant to any applications that Mr. Mina might submit.

Mr. Ward sustained objections from Ms. Arigaza-Womble about Mr. Mina’s allegations that the Town did not give proper notice for the public hearings that were held on the ZTA and TCA that changed the ordinances Mr. Mina cited. Mr. Ward stated for the record that the ordinances were legally adopted.

COMMUNICATING WITH AGGRIEVED PROPERTY OWNERS

We are not able to comment with knowledge about what happened between Mr. Haskett and Mr. Mina to sour their communications—and between Mr. Mina and Mr. Ogburn—and we will not make any assumptions.

It is clear from Mr. Mina’s variance application and from everything he said last night that he is confused and operating under misconceptions. It is also clear that he believes people have mistreated him. We are not going to speculate as to why.

Mr. Mina came across at the hearing as frenetic—what people would describe as hyper—and intense, but also polite and respectful.

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REPORT THIS AD

We all know people who cannot be reasoned with, who cannot accept the truth or their own responsibility, and who look to blame others or even believe others are out to get them.

The question we are left with is the one we started with: How could the Town have prevented the exercise in futility that we witnessed last night?

No one benefited from what occurred, and if Mr. Mina appeals the Board’s decision to the Superior Court of Dare County—he has 30 days to decide, and he indicated last night he probably would—the Town will expend more hours and money on this case, as will Mr. Mina, who professed to be more interested in working on his home-improvement business than on litigation.

All we would suggest is that the next time a “problem” arises with an aggrieved property owner that the Town staff cannot handle that they have a means for resolving it that does not include referring that property owner to the Town Attorney. No one wants to talk to a lawyer. Unless they’re acting as independent dispute mediators, lawyers are adversaries and can be quite intimidating to people who are not accustomed to engaging with them.

A neutral third party might have been helpful in communicating with Mr. Mina.

By Ann G. Sjoerdsma, The Southern Shores Beacon

ADVERTISEMENT

Fw: Andy Ward's Witness Intimidation & False Statements With Ann Sjoerdsma In Southern Shores Beacon

From: Anthony Mina (chestercountylawn@yahoo.com)

To: ssbeaconeditor@gmail.com; ssbeaconeditor@gmail.com; annsj@earthlink.net; annsj@earthlink.net

Date: Thursday, January 9, 2025 at 09:13 AM EST

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: FBI <philadelphia.complaints@ic.fbi.gov>; "andyward147@gmail.com" <andyward147@gmail.com>; "andyward147@gmail.com" <andyward147@gmail.com>; W. Jay Wheless <jay@whelesslawfirm.com>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Phillip Hornthal <phornthal@hrem.com>; Lauren Arizaga-Womble <lawomble@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>; "ssbeaconeditor@gmail.com" <ssbeaconeditor@gmail.com>; "ssbeaconeditor@gmail.com" <ssbeaconeditor@gmail.com>; "annsj@earthlink.net" <annsj@earthlink.net>; "annsj@earthlink.net" <annsj@earthlink.net>; Planning Board <planningboard@southernshores-nc.gov>

Cc: Jason Portnoy <jportnoy@invtitle.com>

Sent: Thursday, January 9, 2025 at 09:00:34 AM EST

Subject: Andy Ward's Witness Intimidation & False Statements With Ann Sjoerdsma In Southern Shores Beacon

Dear Law Enforcement & Planning Board,

I am writing you because Southern Shores Planning Board Chair Andy Ward is involved with harassing me with a sign code complaint (and so did Ann Sjoerdsma) when they did not complain about other sign code violations occurring at the same time my real estate signs were in the right of way. Both Ann Sjoerdsma and Andy Ward took their malicious personal grievance with me to the level of public intimidation/public humiliation with false statements in the Southern Shores Beacon claiming the zoning code Wes Haskett used to deny my lot sub-division was legally adopted. Ann Sjoerdsma also stated there was no way Wes Haskett could hide the zoning code amendment when that is exactly what he did when not telling me about the proposed zoning code 4 times in emails in May 2023 when I specifically asked about the subdivision and lot width requirements (May 2023 is when Southern Shores Town Code required posted notice at 75 E Dogwood Trail if they planned on enforcing a new/amended zoning code here).

A Southern Shores Public Records Request response was submitted with my Variance Application at Exhibit 2C and proved posted notice and mailed notice was not provided to 75 E Dogwood Trail as effected properties require before a zoning change can effect their property (Please see Town Code Section 36-362(b) and Town Code Section 36-314(b) which both require posted notice prior to rezoning subdividable property to unsubsubdividable with a zoning amendment). Both the Planning Board/Board of Adjustments hearing on May 15, 2023 and Town Council hearing on June 6, 2023 took place without 75 E Dogwood Trail being notified as an effected property, as such, the lot width amendment can not effect 75 E Dogwood Trail in my lot subdivision applications.

EXHIBIT D

I have repeatedly asked Wes Haskett, the Planning Board and the Southern Shores Beacon to stop falsifying information about me and have even explained that I have filed a fraud insurance claim against Wes Haskett and Southern Shores and the information from the Variance and subdivision denial was part of the insurance claim... And Wes Haskett has continued to lie in documents he knows are part of an insurance fraud investigation against him.

At this point, Wes Haskett's, Andy Ward and the Southern Shores Beacon are in violation of witness intimidation laws (the only thing I have done is found that the lot width amendment being used to deny my lot subdivision was not effectuated at 75 E Dogwood Trail and therefore, illegally adopted if used to prevent the lot subdivision). The Southern Shore's Beacon's articles about me are defaming, false and ridicule me for filing the Variance that Wes Haskett said I should file if asking for an exception.

Ann Sjoerdsma and the Southern Shore's Beacon have been asked to correct their false information about me and she has refused. Complete copies of a Petition For Review of Variance filed at Dare County Superior Court and a Subdivision Application Dated January 6, 2025 with proof of Wes Haskett's constant lies and harassment of me since May, 2023 are attached and also online at www.savesouthernshores.com

Please arrest Wes Haskett and take legal action against Andy Ward and the Southern Shores Beacon.

Thank you,
Anthony S Mina

PS Please keep in mind that one of Wes Haskett's motives for committing these crimes against me may be to target Planning Board members by tricking them into making decisions that will cost them their position of power. I am not working with Wes Haskett on anything, in any way, and if Wes Haskett claims to be working with me he is guilty of violating labor/human trafficking laws.



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EXHIBIT D