

**Special Magistrate**

**November 16, 2023**



# **Statement of Evidence**

**Town of Howey-in-the-Hills Code Officer McDonald advised that all events occurred within the corporate limits of the Town. The Officer's notes, case narratives, testimony, photographs, supporting documents and PowerPoint presentation were all entered as part of the official record.**

# **Subsequent Cases in Compliance – No Fine Due**

- 1. CE-22-08-0154: 601 S. Florida Ave.  
(Note: \$61.18 Operational Expense is Past Due)**
- 2. CE-22-04-0072: 126 E. Magnolia Ave.**
- 3. CE-23-07-0068: Alt ID – 1257221 (Vacant Lot on E. Myrtle Ave.)**

# **Subsequent Case in Compliance – Fine Due**

## **1. CE-23-06-0064: W. Central Ave (PID #2620250100F0400800)**

**Violations – Town Code Chapter 127 (Property Maintenance ), Sections 127-2 ( Accumulation of Refuse) and 127-4 ( Accumulation of Junk )**

**FOF and Order Imposing Fine: 14 days to remedy from the Hearing on 07/27/2023 or in Violation as of 08/11/2023 with a \$250 per day fine thereafter + \$70.31 for Town's Administrative Costs.**

**Property was Re-inspection on 09/15/2023, the property was not in compliance. However, Property Owner contacted Officer McDonald on 09/16/2023 and stated that the property was cleared. This was confirmed on 09/19/2023.**

**36 Days in Violation @ \$250 per day + \$70.31 Town's Admin Cost = \$9,070.31  
(08/11/23 – 09/15/23 in violation)**

# Exhibit 1 - A

BEFORE THE SPECIAL MAGISTRATE  
OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA

TOWN OF HOWEY-IN-THE-HILLS, )  
FLORIDA, a municipal corporation, )  
Plaintiff, )  
V. )  
FLORIDA SCREEN INC. )  
Defendant )

INSTRUMENT #2023093378  
OR BK 6187 PG 612 - 613 (2 PGS)  
DATE: 8/2/2023 1:05:17 PM  
GARY J. COONEY, CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER, LAKE COUNTY, FLORIDA  
RECORDING FEES \$18.50

CASE NO: CE-23-06-0064

**FINDINGS OF FACT, FINDINGS OF LAW, AND ORDER IMPOSING FINE**

THIS CAUSE having come before the undersigned Magistrate for the Town of Howey-In-The-Hills on the 27<sup>th</sup> day of July, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premise hereof, finds the following:

**FINDINGS OF FACT:**

1. THAT the Town duly served the Defendant with a Notice of Violation and the resulting Notice of Hearing.
2. THAT the Defendant failed to appear at the Hearing on the Notice of Violation either via its principal agent or counsel.
3. THAT the Town presented evidence which showed the presence of refuse and/or junk in the form of two (2) inoperative and/or unregistered automobiles; two (2) unlicensed enclosed trailers; in addition to scrap metal and screen framing material upon the subject property.
4. THAT the Town presented testimonial evidence that the subject property was further within a "conservation area" which prohibited the accumulation of the type of material which was observed upon the subject property.

5. THAT the Town incurred operational expenses in prosecuting this action of Seventy-dollars and Thirty-one cents (\$70.31).

**FINDINGS OF LAW:**

6. THAT the items and material which were allowed to accumulate upon the subject property are found to be "junk" and/or "refuse" as defined by the Town's Code of Ordinances, Chapter 166, section(s) 127-2 and 127-4, respectively, and are otherwise impermissibly located upon land which is within the Town's conservation area.
7. THAT such materials are not in compliance with the Town's Code and must either be brought into compliance or removed.

**IT IS THEREFORE ORDERED AND ADJUDGED:**

8. THAT the Defendant shall pay the Town's operating expenses immediately.
9. THAT the Defendant shall have a grace period of Fourteen (14) days from the date of the hearing on July 27, 2023, to bring the subject property into compliance through the removal of all junk and/or refuse and/or inoperable/unregistered vehicles or materials not permitted within a conservation area.
10. THAT if the Defendant fails to bring the property into compliance within the above-listed grace period, a fine of Two-hundred and Fifty Dollars (\$250.00) per day shall accrue thereafter, commencing on the Fifteenth day after the hearing date.

DONE AND ORDERED this 1<sup>st</sup> day of August 2023.

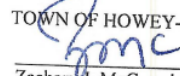
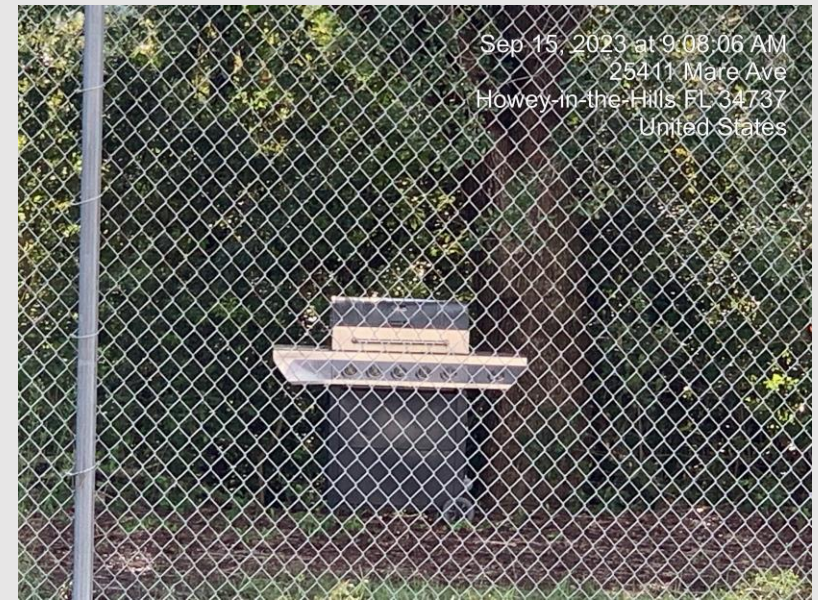
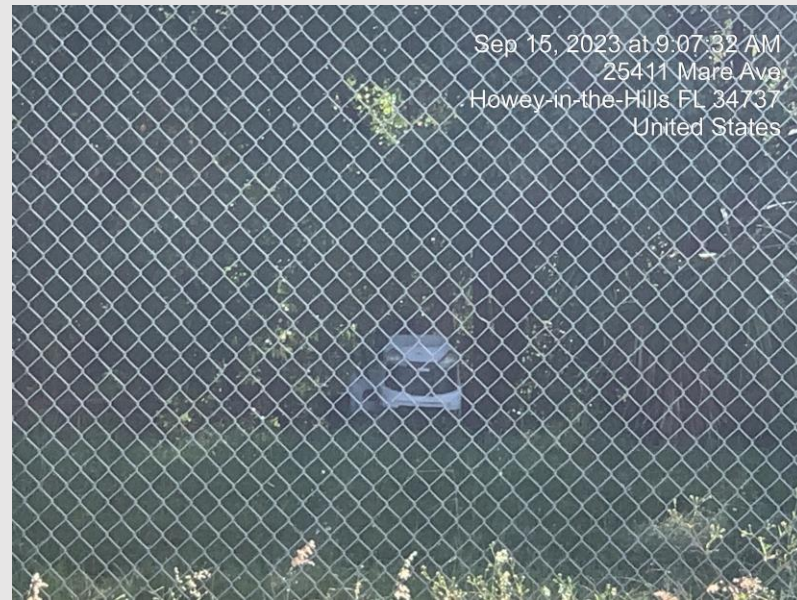
TOWN OF HOWEY-IN-THE-HILLS  
  
Zachary J. McCormick  
Code Enforcement Magistrate

Exhibit 1 - B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature </p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <u>8/24/23</u></p>																
<p>1. Article Addressed to:</p> <p><b>FLORIDA SCREEN INC</b> 407 IRONSIDE TRAIL DR GROVELAND, FL 34736 8258</p>  <p>9590 9402 7872 2122 4136 50</p>	<p>D. Is delivery address (different from item 1)? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation®</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Collect on Delivery (Restricted Delivery)</td><td><input type="checkbox"/> Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation®	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery (Restricted Delivery)	<input type="checkbox"/> Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation®																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Collect on Delivery (Restricted Delivery)	<input type="checkbox"/> Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery																	
<p>2. Article Number (Transfer from service label)</p> <p><del>7508 8700 0370 0632 3214 33</del></p>																	
<p>PS Form 3811, July 2020 PSN 7508-01-000-9000</p>	<p>Domestic Return Receipt</p>																

# Exhibit 2

Not in Compliance  
09/15/2023



# Exhibit 3

In Compliance  
09/16/2023

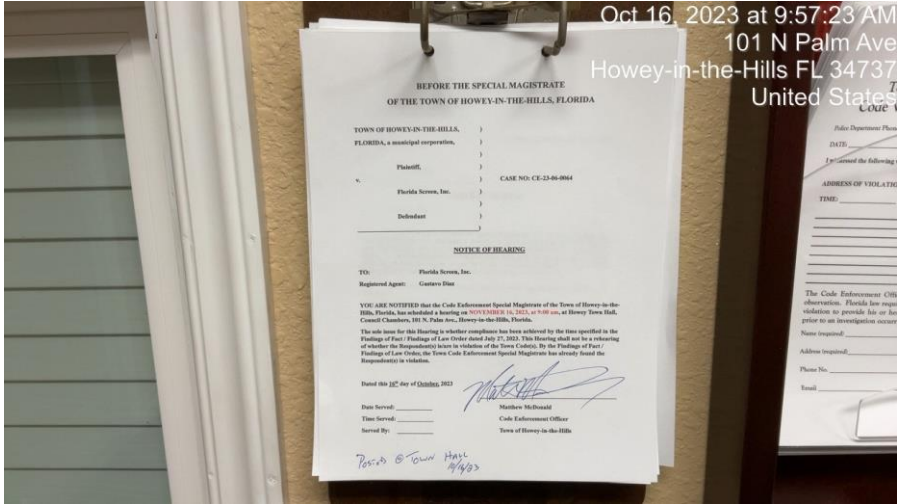




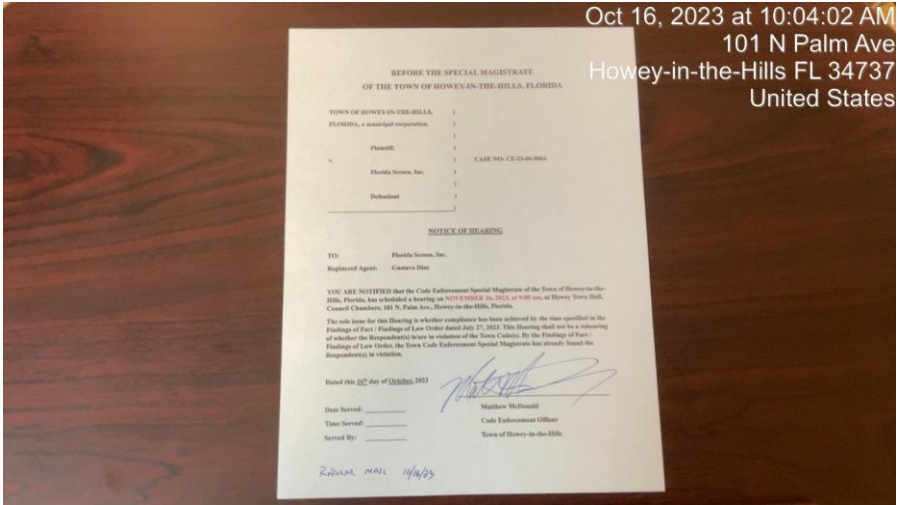
Exhibit 4  
10/16/2023



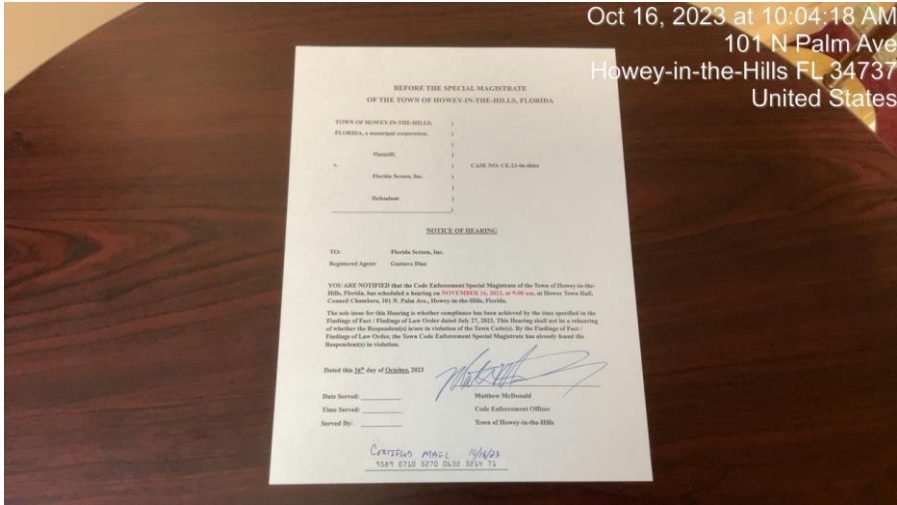
Hearing Post on Property



Town Hall Post



Notice Sent Regular



Notice Sent Cert Mail

# Exhibit 5

Tracking Number:

**9589071052700632321471**

Remove X

[Copy](#)    [Add to Informed Delivery \(https://informedelivery.usps.com/?\\_gl=1\\*1bo04qr\\*\\_gcl\\*\\_au\\*MTE4NzU3NjkxMS4xNjk1OTMzOTgz\\*\\_ga\\*MTMxNjczMDYyLjE2OTU6MzM5ODM.\\*\\_ge\\_3NXP3C8S9V\\*MTY5ODA4NzAxNS41LjEuMTY5ODA4Nz\)](https://informedelivery.usps.com/?_gl=1*1bo04qr*_gcl*_au*MTE4NzU3NjkxMS4xNjk1OTMzOTgz*_ga*MTMxNjczMDYyLjE2OTU6MzM5ODM.*_ge_3NXP3C8S9V*MTY5ODA4NzAxNS41LjEuMTY5ODA4Nz)

### Latest Update

Your item was delivered to an individual at the address at 2:15 pm on October 18, 2023 in GROVELAND, FL 34736.

Get More Out of USPS Tracking:

**USPS Tracking Plus®**

### Delivered

**Delivered, Left with Individual**

GROVELAND, FL 34736

October 18, 2023, 2:15 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less ^

Track Another Package

Enter tracking or barcode numbers

Feedback

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only		
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>		
Groveland, FL 34736		
Certified Mail Fee	\$4.35	0336
Extra Services & Fees (check box, add fees)	\$0.00	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/16/2023
Total Postage and Fees	\$5.01	
FLORIDA SCREEN INC. c/o GUSTAVO DIAZ 407 IRONSIDE TRAIL DR GROVELAND, FL 34736-8258		

9589 0710 5270 0632 3214 71



**Affidavit of Compliance**

Case No. CE-23-06-0064

HOWEY IN THE HILLS  
TOWN COUNCIL, Petitioner

vs.

Florida Screens, Inc., Respondent(s)

STATE OF FLORIDA  
COUNTY OF LAKE

BEFORE ME, the undersigned authority, personally appeared Matthew McDonald, Code Enforcement Official for the Special Magistrate of Lake County, who after being fully sworn, deposes and says:

1. That on 07/27/2023, the Special Magistrate held a hearing and issued an Order in the above-styled matter and stated that Defendant(s) was to abate all violations as stated in the Order recorded in the public records of Lake County, Florida in OR Book 6187 PG 612 - 613, et. seq.
2. That the respondent did contact the investigator.
3. That a re-inspection was performed on 09/19/2023
4. That the re-inspection(s) revealed that the corrective action ordered by the Special Magistrate was in compliance by 09/16/2023.

FURTHER AFFIANT SAYETH NOT.

Dated 09/22/2023.

Lake County, Florida  
Special Magistrate

Matthew McDonald  
Code Enforcement Official

Sworn to (or affirmed) and subscribed before me this by .

(Signature of Notary Public)



Type of identification produce: Personally known

**End of Hearing**