

**City of DeFuniak Springs  
Special Magistrate Hearing  
Meeting Minutes  
Thursday, April 15, 2021  
2:00 p.m.  
City Council Chambers**

**A. CALL TO ORDER OF THE HEARING SESSION**

Special Magistrate Recca Rene Youell called the Special Magistrate Hearing to order at 2:00 p.m. and led the Court in the Pledge of Allegiance.

Staff present: Code Enforcement Officer Chris Strawn and City Clerk Maryanne Schrader.

Councilmember R. McKnight was also present.

**B. STATEMENT ADDRESSED TO RESPONDENTS AND WITNESSES OF PROCEDURES OF HEARINGS**

Special Magistrate R. Youell briefly presented the rules of the Court stating the Hearing is for code enforcement violations.

**C. DOCKET:**

**NON-COMPLIANCE CASES**

1. Case: 2020-0000002

Physical Address of Parcel: 118 East Toledo Avenue, DeFuniak Springs, FL 32433

Parcel: 25-3N-19-19070-001-7390

Property Owner: Samuel M. Simmons III

Mailing Address: 83 Bourbon Street, Freeport, FL 32439

Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Samuel M. Simmons III with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented 2020-0000002 with the following violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated.

Code Enforcement Officer Chris Strawn stated the property is in city limits. He went over the dates of the violations stating the property was ordered to be in compliance within thirty days. Special Magistrate R. Youell verified the thirty days to ensure the dates were correct. Code

Enforcement Officer Chris Strawn went over the notices that were hand delivered, as well as posted on the property and posted at City Hall by the City Clerk. He mentioned that 70% to 80% of the violations were corrected. However, the fine has accrued to \$4,450 and should continue to be assessed until the property is brought into compliance.

Special Magistrate R. Youell accepted the presentation for the record.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record ruling.

Special Magistrate R. Youell stated the \$4,450 stands and will continue to accrue at \$50 per day until the property is brought into compliance.

2. Case: 2020-0000011

Physical Address of Parcel: 62 Rose Circle, DeFuniak Springs, FL 32435

Parcel: 27-3N-19-19420-000-0510

Property Owner: Egy Otoniel Aguilon Lopez

Mailing Address: 452 Deer Run East, DeFuniak Springs, FL 32433

Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Egy Otoniel Aguilon Lopez, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2020-0000011 for the following: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated. Carmela Francisco Marquez was the previous owner. Code Enforcement Officer Chris Strawn stated the previous owner knew about the previous violations.

Code Enforcement Officer Chris Strawn provided a visual presentation depicting the violations.

Code Enforcement Officer Chris Strawn noted the violations to this date are still observed. He mentioned the property owner was to correct the violations within 30 days. He went over the notices being sent out by certified mail and the notices had been posted at City Hall by the City Clerk.

Code Enforcement Officer C. Strawn stated the respondent had been fined \$75 per day until the property was brought into compliance. He responded to Special Magistrate R. Youell that Mr. Lopez bought the property on Feb 22, 2021, which is sixty days after the Order was given on December 17, 2020, and he has had no communications with Mr. Lopez. He added he has also posted the notice at the property, and the notice was removed several times.

Special Magistrate R. Youell accepted the presentation for the record and asked if anyone was present to speak on the case. No one was present on the case.

Special Magistrate R. Youell found the property is within the city limits and remains in violation. She stated the fine of \$6,675 has accumulated and the fine of \$75 a day will continue until the owner brings the property into compliance, and the owner notifies the Code Enforcement Officer that it has been brought into compliance.

Special Magistrate R. Youell closed the case and announced the Findings of Fact, Conclusions of Law and Order and to be made part of the record.

At 2:18 p.m., Mr. Simmons arrived, so Special Magistrate R. Youell brought the case forward again.

Samuel Simmons came forward and stated he was notified of the hearing. Special Magistrate R. Youell explained his case had been heard, and the Order was given earlier. Mr. Simmons said he did not know what the violations were on his property.

Special Magistrate R. Youell said we had a Hearing on December 17, 2020, and the property owner was notified and explained the Order previously given.

Special Magistrate R. Youell called for a Recess for five minutes at 2:20 p.m., so that Code Enforcement Officer Chris Strawn could explain the corrections for the noted violations.

Special Magistrate R. Youell reconvened at 2:25 p.m.

Special Magistrate R. Youell asked if an agreement had been met, and Code Enforcement Officer Chris Strawn said an agreement has been made.

Samuel Simmons said he could do the corrections in fourteen days and asked if the Court would suspend the accrual of fines for two weeks.

Special Magistrate R. Youell rescinded her order and continued the case stating Mr. Simmons can appeal to reduce the fine next month. She explained that the purpose is not to punish anyone rather it is to clean up the property and increase the value.

Special Magistrate R. Youell announced the case will be continued to the 20<sup>th</sup> of May in order to give Mr. Simmons time to get the property into compliance and correct the violations.

Special Magistrate R. Youell said the \$4,450 is still in effect but suspended the \$50 per day fine for two weeks.

## **COMPLIANCE CASES**

The following case was brought forward first.

2. Case: 2017-0000108 / 2020-00000019

Physical Address of Parcel: 276 Bruce Avenue, DeFuniak Springs, FL 32435

Parcel: 34-3N-19-19500-00B-0100

Property Owner: Daniel Scott Foreman and Teresa Lee Ford

Mailing Address: 276 Bruce Avenue, DeFuniak Springs, FL 32435

Violations: Chapter 14, Section 14-2. - General Requirements Chapter 14, Section 14-3  
(e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented the original order to Special Magistrate R. Youell stating the original owner sold the property.

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Daniel Scott Foreman and Teresa Lee Ford, with no response. The halls were called again with no response.

Code Enforcement Officer Chris Strawn stated a \$7,575 fine has accrued on the property, however, the property is now in compliance. He asked for the Order to cease and stop the fines. He added he was notified on April 1, 2021 that the property was brought into compliance.

Special Magistrate R. Youell stated the fine of \$7,575 has accrued since the Order was given on November 19, 2020, and a lien shall be placed on the property.

The first case on the agenda was then brought forward.

1. Case: 2016-0000028

Physical Address of Parcel: 136 Bruce Avenue, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19330-000-0013

Property Owner: Freddie L. Cason III

Mailing Address: 105 Cape Drive Northwest, Fort Walton Beach, FL 32548

Violations: Chapter 14, Section 14-2. - General Requirements Chapter 14, Section 14-3  
(e). - Violations Enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Mr. Cason, with no response. The halls were called again with no response.

Code Enforcement Officer Chris Strawn presented the original order to Special Magistrate R. Youell stating the case was brought to be heard on November 19, 2020 and is now in compliance. He stated a fine had not accrued, as it was complied within the thirty days.

Special Magistrate R. Youell stated the case is closed, as it met all of the conditions. Code Enforcement Officer Chris Strawn will send an Affidavit of Compliance.

2. Case 2020-0000028

Physical Address of Parcel: Andrews Avenue, DeFuniak Springs, FL 32433

Parcel: 25-3N-19-19070-001-530J

Property Owner: Clifton Russell and Terry Lynn Cox  
Mailing Address: 41 Lolley Road, DeFuniak Springs, FL 32433  
Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented the original order to Special Magistrate R. Youell stating the new owners are Russel and Terry Cox. The title search company did not find the Order at the Courthouse.

Code Enforcement Officer Chris Strawn called the halls again with no one answer.

Code Enforcement Officer Chris Strawn stated a fine of \$1,125 fine has accrued. The building was demolished, and the property was cleaned up. Code Enforcement Officer Chris Strawn will contact new owners.

Special Magistrate R. Youell stated the fine stays with the property.

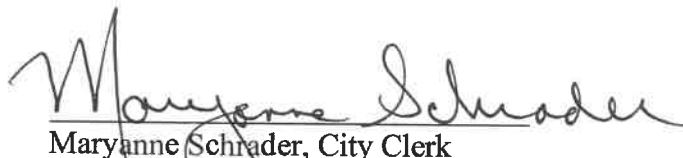
Code Enforcement Officer C. Strawn stated he stopped the fine once he discovered the sale of the property. Code Enforcement Officer Chris Strawn said the property was a cash sale.

Special Magistrate R. Youell advised Mr. Strawn to bring the case back to determine if the Title Company will pay the fine.

### 1. ADJOURN

Special Magistrate R. Youell adjourned the Hearing at 2:46 p.m.

  
The Honorable Magistrate Recca Rene Youell

  
Maryanne Schrader, City Clerk  
*Proper Notice having been duly given*

