

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

City of Madeira Beach,

Petitioner,

vs.

CASE NO. 2023.3600

Mercedes Santos and
Theresa Volpe
1745 Wesley Ave
Evanston, IL 60201-3518

Respondents.

**ORDER ON RESPONDENTS' MOTION FOR REHEARING,
MOTION FOR CLARIFICATION AND
MOTION FOR EXTENSION OF TIME FOR COMPLIANCE**

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on September 25, 2023, after due notice to the Respondents, and the Special Magistrate having heard argument from Respondents' counsel, Leslie Conklin, and from Petitioner's counsel, Thomas J. Trask, and otherwise being fully advised in the premises, it is

ORDERED AND ADJUDGED AS FOLLOWS:

1. Respondents' Motion for Rehearing is hereby DENIED.
2. Respondents' Motion for Clarification is hereby GRANTED and, therefore, paragraph 21 of the Finding of Fact, Conclusions of Law and Order Imposing Fine issued by the Special Magistrate for the City of Madeira Beach on August 28, 2023, is hereby amended to read as follows:

"21. The Respondents shall correct the above stated violation on or before December 28, 2023, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to obtain an after the fact building permit for all of the improvements and work done on the first floor of the structure, or remove all unpermitted work so that the first floor of the structure is fully code compliant."

3. Respondents' Motion for Extension of Time for Compliance is hereby GRANTED and the Respondents shall have until December 28, 2023 to bring the property into compliance. Therefore, paragraph 22 of the Finding of Fact, Conclusions of Law and Order Imposing Fine issued by the Special Magistrate for the City of Madeira Beach on August 28, 2023, is hereby amended to read as follows:

"22. If the Respondents fail to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondents have failed to correct the violation after December 28, 2023, and the fine shall continue to accrue until such time as the Property is brought into compliance."

DONE AND ORDERED this 10th day of ^{October} ~~September~~, 2023.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order on Respondents' Motion for Rehearing, Motion for Clarification and Motion for Extension of Time for Compliance was delivered by electronic mail to Leslie M. Conklin, Esq. (conklinles@yahoo.com), Thomas J. Trask, City Attorney for the City of Madeira Beach (tom@cityattorneys.legal), and Clara VanBlargan, City Clerk of the City of Madeira Beach (cvanblargan@madeirabeachfl.gov) on this 10th day of ^{October} ~~September~~, 2023.



Bart R. Valdes
Special Magistrate

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. Florida Statute 162.11.
