

**CITY OF KEY COLONY BEACH, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

vs.

RICHARD HARPER,

Respondent.

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ORDER ON MOTION FOR NEW HEARING

This case is before the undersigned on Respondent's Motion for New Hearing ("Motion"), which was filed on or around December 11, 2023. In the Motion, Respondent urges the undersigned to grant a new hearing on the grounds that the evidence was insufficient to support the decision, and that the final order awards relief in excess of the undersigned's constitutional authority.

In making his findings, the undersigned weighed the evidence, which was sometimes in conflict, and resolved the disputed issues as is his duty and prerogative as the fact-finder. Whether the findings are supported by legally sufficient evidence is a question best left to the reviewing court, as are the constitutional questions relating to the special magistrate's remedial authority.

Upon consideration, therefore, the Motion is denied, and it is

ORDERED that a new hearing will not be held.

DONE AND ORDERED this 14th day of December, 2023, at the Division of Administrative Hearings, Tallahassee, Florida

  
John G. Van Laningham, Special Magistrate

ATTEST:

Silvia Grasse  
City Clerk

STATE OF FLORIDA     )  
  )  
  )     ss.  
COUNTY OF MONROE    )

I hereby certify that on this day, before me an officer duly qualified to take acknowledgments, personally appeared Silvia Grasse city clerk of the City of Key Colony Beach, to me known to be the person described in and, who executed for foregoing instrument and acknowledged before me that she executed the same. Witness my hand and official seal in the County and State as aforesaid this date 12/14/23.

Cheryl Baker

Notary Public, State of Florida

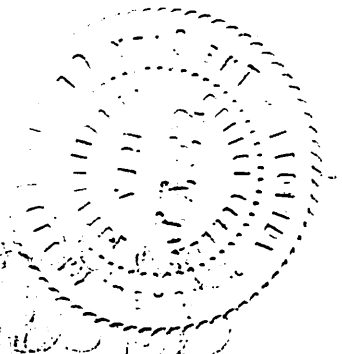
Printed Name: Cheryl Baker

Commission No.: HH144320

Commission Expires: 9/25/25



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*[Faint handwritten text]*

CHERYL BAKER  
MY COMMISSION # HH 14320  
EXPIRES September 22, 2022  
Bonded Notary Public - California



Certificate of Service

\*Copies furnished First-Class Mail and Email to

Andrew M. Tobin Esq.  
Andrew M. Tobin PA  
PO Box 620  
Tavernier, Florida 33070  
*Counsel for Respondent*

Richard Harper  
PO Box 510193  
Key Colony Beach, FL 33051  
*Respondent*

Date: 12-15-2023 First-Class  
12-14-2023 Email



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CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

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STATE OF FLORIDA  
COUNTY OF MONROE  
This copy is a True Copy of the  
Original on File in this Office. Witness  
My hand and Official Seal  
And that same is in full force and effect

This 18 day of Dec

A.D., 20 23  
KEVIN MADOK, CPA  
Clerk Circuit Court

By:   
Deputy Clerk

ORDER ON MOTION FOR NEW HEARING


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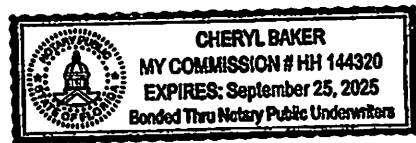
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