

IN THE CIRCUIT COURT,  
SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA

v

<b>JON MICHAEL BALLARD</b>	CASE NO.: 2014-TR-000443
<b>CHRISTY BARNETT BARRICK</b>	2014-TR-002814
<b>JOYCE BOYD</b>	2014-TR-002386
<b>DAWN MARIE BRILL</b>	2014-TR-001789
<b>GLENN MICHAEL CLUNAN</b>	2014-TR-001311
<b>JENNIFER GAYLE CREWS</b>	2014-TR-001540
<b>JAMES MICHAEL DONO</b>	2011-TR-006399
<b>STEFANIE FAWLEY</b>	2014-TR-001492
<b>JOSHUA JARRED GIBSON</b>	2013-TR-004521
<b>LISA A. JUNE</b>	2014-TR-001537
<b>MIKHAIL KOGAN</b>	2014-TR-001546
<b>LAURIE ANN LARGE</b>	2014-TR-001361
<b>ROGERS LINDA</b>	2014-TR-000693
<b>JEAN A. McMORROW</b>	2014-TR-001331
<b>PHILIP N. NDUM</b>	2014-TR-002170
<b>SANDRA VICTORI PIQUET</b>	2014-TR-000112
<b>MARK ALAN RESNICK</b>	2014-TR-001837
<b>VICENT SIMMONS</b>	2014-TR-003013
<b>ANTHONY STEWARD</b>	2014-TR-000081; 2014-TR-000082
<b>JOHN KEVIN TYLER</b>	2014-TR-001609

---

**VERIFIED MEMORANDUM OF FACTS AND LAW**  
**IN ANTICIPATION OF HEARING ON MAY 30, 2014**

COMES NOW, CITY OF PALM COAST, ("CITY"), by and through undersigned counsel, in anticipation of the hearing scheduled for May 30, 2014, as provided in this honorable Court's Order to Show Cause, dated April 30, 2014, and files this Memorandum of Facts and Law, stating as follows:

1. On or about April 30, 2014, this Court issued an Order to Show Cause, addressing the process by which the City requests dismissals of Uniform Traffic Citations through the Clerk of Court, pursuant to Section 318.18(15)(c), *Florida Statutes*.

2. In anticipation of the upcoming hearing, the CITY hereby submits this Memorandum of Fact and Law to provide factual background and to address various legal issues that are the subject of this Court's Order to Show Cause.

### **Procedural Background**

3. Since the enactment of the Mark Wandall Traffic Safety Program in 2010, the CITY has followed the procedures set forth in Section 316.0083, *Florida Statutes*, for the issuance and processing of red light camera violations.

4. When a red light camera infraction occurs, the CITY issues a Notice of Violation ("NOV") to the registered owner of the vehicle specifying the remedies available under Section 318.14 and explaining that the violator must either pay the penalty of \$158 to the CITY, furnish an affidavit in accordance with Section 316.0083(1)(d), or request a hearing with the local hearing officer, within 60 days following the date of notification, in order to avoid the issuance of a traffic citation. *See* Section 316.0083(1)(b)1.a, *Florida Statutes* (2013).

5. If an individual does not pay the \$158 penalty, furnish an affidavit, or request a hearing within 60 days after issuance the Notice of Violation, a traffic citation shall be issued. *See* Section 316.0083(1)(c)1.a, *Florida Statutes* (2013).

6. This traffic citation, generally known as the Uniform Traffic Citation ("UTC"), charges the individual with a noncriminal traffic infraction and directs the individual to appear before an official. *See* Section 318.14, *Florida Statutes* (2013). "Official" is defined as any

judge authorized by law to preside over a court or hearing adjudicating traffic infractions. *See* Section 318.13(4), *Florida Statutes* (2013).

7. Flagler County has instituted a Civil Traffic Infraction Hearing Officer Program, as authorized under Section 318.30, et seq., *Florida Statutes*; therefore, any person charged with a noncriminal infraction by UTC will appear at a hearing before the Traffic Court Hearing Officer. *See* Section 318.32(1), *Florida Statutes* (2013). County court judges have concurrent jurisdiction with the Traffic Court Hearing Officer. *See* Section 318.32(2), *Florida Statutes* (2013). Upon written request of a defendant, that defendant's case shall be assigned to a county judge. *See* Section 318.32(3), *Florida Statutes* (2013); Fla. R. Traffic Ct. 6.630(n).

8. Rather than appearing before the Traffic Court Hearing Officer or County Court Judge, a person receiving a UTC may pay the civil penalty by mail or in person within 30 days from the date of issuance of the citation. Alternatively, the person may enter into a payment plan with the clerk of court to pay the civil penalty. *See* Section 318.14(4)(a), *Florida Statutes* (2013).

9. If the person fails to pay the civil penalty or appear for a hearing, the clerk of court shall send notice to the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. *See* Section 318.15(1)(a), *Florida Statutes* (2013). Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days from the date after the order of suspension is mail. *See id.*

10. A person who is charged with a traffic infraction may request a hearing anytime within 180 days after the date upon which the violation occurred, regardless of any action taken

by the court or the department to suspend the person's driving privilege, and, upon request, the clerk must set the case for hearing. *See* Section 318.15(1)(c), *Florida Statutes* (2013).

11. After suspension of a person's driver's license and privilege to drive under subsection (1), the license and privilege may not be reinstated until the person complies with the terms of a periodic payment plan or a revised payment plan with the clerk of court pursuant to ss. 318.14 ... or with all the obligations and penalties imposed under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court ..." *See* Section 318.15(2), *Florida Statutes* (2013).

12. In summary, if a person fails to take action after receiving an NOV and, subsequently, a UTC, that person's driver's license will be suspended. The driver's license will not be reinstated until that person has paid the civil penalty or complied with the terms of a payment plan through the Clerk of Court.

### **CITY and Clerk of Court Agreement**

13. As the Clerk of Court processes the UTCs and driver's license suspension notices, the Clerk of Court receives numerous requests from citizens seeking assistance in resolving driver's license suspensions.

14. On or about May 8, 2013, the Clerk of Court forwarded a letter to the Mayor, Councilmembers, and City Manager of the CITY expressing concern about the number of red light camera violations that the Clerk's office received as UTCs. A copy of this letter is attached as Exhibit "A" to this Memorandum.

15. The Clerk of Court stated that the individuals receiving UTCs would call the Clerk's office claiming that they did not receive a notice of violation from the CITY. *See* Exhibit "A", ¶ 2.

16. These calls generated “additional work of processing (including court election) collecting and receiving these citations as well as answering all of the associated questions” for the Clerk’s office. See Exhibit “A”, ¶ 2.

17. The Clerk of Court advised that she had recently attended a Workshop with the City Councilmembers to discuss the individuals’ complaints regarding lack of receipt of a first notice from CITY<sup>1</sup>. See Exhibit “A”, ¶ 4.

18. On or about May 14, 2013, the City Council discussed the Clerk’s letter of May 8, 2013, and CITY staff advised City Council that they would meet with the Clerk of Court to address the issues noted in the Clerk’s letter. A copy of the portion of the City Council minutes addressing this issue is attached as Exhibit “B” to this Memorandum.

19. On or about June 21, 2013, CITY staff met with the Clerk of Court and members of her staff, regarding the matters addressed in the Clerk’s letter of May 8, 2013. A copy of an email describing action items from the meeting is attached as Exhibit “C” to this Memorandum.

20. At that meeting, the parties reached an agreement to follow the procedure outlined in Section 318.18(15)(c), *Florida Statutes*, as a method for responding to individuals who approached the Clerk’s office regarding their UTC or subsequent driver’s license suspension.

21. Section 318.18(15)(c), *Florida Statutes*, provides a process by which a person, who is cited for a red light camera infraction in error, can present documentation from the appropriate governmental entity that the traffic citation was in error, and the clerk of court may

---

<sup>1</sup> The NOV’s from the CITY are sent to the registered owner of the motor vehicle involved in the violation. See Section 316.0083(1)(b)1.a, *Florida Statutes* (2013). In the case of joint ownership of the vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. See Section 316.0083(1)(c)1.c., *Florida Statutes* (2013). If the owner of a motor vehicle completes an affidavit indicating that the vehicle was not in his care, custody or control at the time of the violation, and includes the information required under Section 316.0083(1)(d)2.a, *Florida Statutes*, then the City may issue a notice of violation to the person at the address designated in the affidavit. See Section 316.0083(1)(d)3, *Florida Statutes* (2013).

dismiss the case. *See* Section 318.18(15)(c), *Florida Statutes* (2013). The statute provides that the clerk of court may not charge for this service. *See id.*

22. The Clerk of Court and the CITY agreed that when a person contacted the Clerk's office regarding a UTC, and stated that he did not receive his NOV or gave other information that could be addressed at the NOV stage, the Clerk would direct that individual to contact the CITY.

23. This Agreement satisfactorily addressed the concerns raised in the Clerk's letter of May 8, 2013, as it reduced the number of UTCs that the Clerk had to manage.

24. Furthermore, the Agreement benefitted members of the public, who wished to pay the \$158 fine at the NOV stage, rather than the \$264 civil penalty for a UTC.

25. Through the enactment of the Mark Wandall Traffic Safety Program in 2010, the Florida Legislature directed that cities would retain a portion of the fine collected from enforcement of red light camera infractions:

3. Penalties to be assessed and collected by the department, county or municipality are as follows: ...

b. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c) 1. when a driver failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and **\$75 shall be retained by the county or municipality enforcing the ordinance** enacted pursuant to this section. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and used for brain and spinal cord research.

*See* Section 316.0083(1)(b)3, *Florida Statutes* (2013).

26. For fines collected pursuant to a UTC, the division of revenue is set forth in Section 318.18(15)(a)3, *Florida Statutes*:

The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows: ...

3. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c) 1. when a driver has failed to stop at a traffic signal and when enforced by a county's or municipality's traffic infraction enforcement officer. **Seventy-five dollars shall be distributed to the county or municipality issuing the traffic citation**, \$70 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund for distribution as provided in s. 395.4036(1), and \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.

27. As provided in the above-cited statutes, the Florida Legislature specifically allocates \$75 of the fine for each red light camera violation to the CITY. This dollar amount remains the same, regardless of whether the violation takes the form of an NOV or UTC.

28. The difference between NOV and UTC payments is the process by which the funds are transferred. Payments for UTCs are made to the Clerk of Court. The Clerk of Court forwards the CITY's portion to the CITY (\$75 per violation). Payments for NOVs are made through ATS, which transfers the entire \$158 to the CITY. The CITY then transfers \$83 per violation to the State of Florida.

29. In practice, however, the City does not retain \$75 for each violation. The funds that comprise the CITY's portion of the revenue are distributed according the CITY's contract with ATS. A copy of Amendment No. 1 to the City of Palm Coast Services Two Phase Agreement with American Traffic Solutions, Inc., ("ATS Contract"), is attached as Exhibit "D" to this Memorandum. The Pricing Schedule in the ATS Contract provides that the CITY receives a flat monthly rate consisting of the first \$700 of net revenue per camera. If the net

revenue exceeds the City's entitlement of the first \$700 per camera, then ATS receives the next \$4,250 of revenue per camera. If the net revenue exceeds the total of \$4,250 per camera, then the CITY would receive any additional amount. Since the current revenue from each camera does not exceed \$4,250 per camera in a given month, the CITY's actual monthly revenue has been equal to \$700 per camera.

30. The CITY has 43 red light cameras, therefore, the monthly revenue is \$30,100. This amount is approximately equal to 401 tickets, where the CITY's portion is \$75 per ticket.

31. Generally, the CITY's red light cameras generate more than the minimum \$30,100 per month, but do not generate more than the total allotted for ATS under the Contract; therefore, the remainder of the funds generated go to ATS.

32. If a UTC is dismissed and the violation is reissued as an NOV by the City, the \$158 paid by the violator is distributed as follows: \$83 to the State of Florida and the remainder to ATS, as the CITY has already received its allocated amount of \$30,100 for that month.

33. As set forth in the above-paragraphs, the CITY itself does not receive revenue as a result of the civil penalties collected pursuant to the UTC, since the full amount of its \$30,100 is generated by payments at the NOV stage. Therefore, the CITY does not have a financial incentive to request clerk's dismissals pursuant to Section 318.18(15)(c), *Florida Statutes*. Additional revenue designated for the City from a UTC payment would, in actuality, go to ATS.

34. Following the June 21, 2013 agreement with the Clerk of Court, the CITY staff processed requests for UTC dismissals by preparing a one page form titled "UTC Dismissal Request". An example of the form is attached as Exhibit "E" to this Memorandum.

35. The first section of the form contains the date of the request and identifies the recipient as Flagler County Clerk of Court. The second portion contains the citation number, tag



number, name, and citation issue date. The third portion contains a brief statement setting forth the reason for the request for dismissal. Finally, the form is signed by the CITY's Code Enforcement Supervisor, who is the Traffic Infraction Enforcement Officer for the CITY.

36. CITY staff then sends the UTC Dismissal Request forms by email to the clerk of court traffic division. An example of this email is attached as Exhibit "F" to this Memorandum.

37. The Clerk of Court sends an acknowledgement email advising that the requests will be processed. An example of this email is attached as Exhibit "G" to this Memorandum.

38. Upon information and belief, it is the usual practice of the Clerk of Court to request approval of the dismissal from the Traffic Court Hearing Officer.

39. The CITY has never requested hearings on UTC dismissal requests with either the Traffic Court Hearing Officer or this Court, as Section 318.18(15)(c), *Florida Statutes*, provides that "the clerk of court ... may dismiss the case."

40. Upon information and belief, once the Traffic Court Hearing Officer approved the dismissal, the clerk updated the online docket to reflect the dismissal. An example of the docket with a dismissal is attached as Exhibit "H" to this Memorandum.

41. The CITY does not receive any formal dismissal notification from the Clerk of Court.

42. To determine whether the dismissal has been processed, CITY staff checks the online docket for each individual case.

43. If the online docket indicates that the UTC has been dismissed, then the CITY reissues an NOV in the matter and processes the \$158 payment. When appropriate to the specific case, the CITY may dismiss the violation or accept an Affidavit identifying the driver and reissue the NOV to that driver.

44. When first utilizing this process, the CITY did not accept payment of the \$158 until after the online docket reflected the dismissal; however, over time, in an effort to streamline the process, the CITY began processing the \$158 payment prior to confirming dismissals on the online docket. The CITY still continued to check the online docket to ensure that dismissal was granted in each case.

45. The CITY does not communicate with the State of Florida regarding suspension of drivers' licenses for nonpayment of UTCs.

46. Upon information and belief, the request for reinstatement of driver's licenses is performed by the Clerk of Court.

47. The CITY did not advise individuals that their UTCs will be automatically dismissed when a UTC Dismissal Request is submitted. CITY staff explained that dismissals can be confirmed only after the online docket reflects that a dismissal has been entered.

48. The CITY followed the above procedure from June 21, 2013, until it received information that the Clerk's Office had denied those cases that are the subject of the above-styled case.

49. Through the end of March 2014, the CITY and the Clerk of Court processed approximately 800 citations in this manner.

50. Prior to the denials issued in the above-styled case, each and every one of the CITY's requests for clerk's dismissal pursuant to Section 318.18(15)(c), *Florida Statutes*, were approved.

51. The last date upon which a docket reflects that the Traffic Court Hearing Officer approved a UTC Dismissal Request pursuant to Section 318.18(15)(c), *Florida Statutes*, is March 25, 2014. Copies of the CITY's email and UTC Dismissal Request, as well as the docket

sheet indicating dismissal was granted on March 25, 2014, are attached as Exhibit "I" to this Memorandum.

### **Citations in the Present Case**

52. The CITY submitted UTC dismissal requests for the UTCs in the above-styled case on the following dates:

3/26/2014 - Brill, Ballard, Large, Boyd, Fawley, Clunan  
3/28/2014 - Dono  
3/28/2014 - McMorrow, Kogan, June  
4/2/2014 - Deck, Gibson, Rogers  
4/2/2014 - Ndum, Crews  
4/3/2014 - Register  
4/3/2014 - 2 for Steward  
4/3/2014 - Piquet  
4/9/2014 - Tyler, Resnick, Simmons, Barrick

Copies of the email requests to the Clerk of Court traffic division for those cases are attached as Composite Exhibit "J".<sup>2</sup>

53. The CITY received confirmation emails from the Clerk of Court traffic division indicating that the following UTC dismissal requests would be processed:

Brill, Ballard, Large, Boyd, Fawley, & Clunan - rcvd Confirmation 3/27/2014 @ 8:36 AM  
Dono - Rcvd Confirmation 9:21 AM

Copies of the email requests to the Clerk of Court traffic division for those cases are attached as Composite Exhibit "L".

---

<sup>2</sup> CITY staff also sent three additional UTC Dismissal Requests via email to the Clerk of Court on 4/10/2014, which are not part of the above-styled case. A copy of the email is attached as Exhibit "K" to this Memorandum.

54. The CITY did not receive confirmation emails from the Clerk of Court regarding the following cases: McMorrow, Kogan, June, Deck, Gibson, Rogers, Ndum, Crews, Register, Steward, Piquet, Tyler, Resnick, Simmons, Barrick.

55. At no time did the CITY receive any communication from the Clerk of Court notifying the CITY that it would no longer accept UTC dismissal requests pursuant to Section 318.18(15)(c), *Florida Statutes*.

56. The CITY does not have any information regarding the reason why the UTC dismissal requests for the cases that are the subject of the above-styled case were not processed by the Clerk of Court.

57. Through a routine check of the online dockets on April 11, 2014, CITY staff observed that a hearing had been scheduled regarding the UTCs that are the subject of the above-styled case.

58. On April 11, 2014, at 1:10 p.m., CITY staff member, Liliana Filipe, emailed the traffic court division of the Clerk of Court asking if the process had changed for the UTC dismissals. A copy of this email is attached as Exhibit "M" to this Memorandum.

59. Ms. Filipe did not receive a reply to this email; however, she received a telephone call from Antria at the Clerk of Court's office, who stated that she was not able to provide any information on why a hearing was scheduled.

60. On April 15, 2014, the CITY received a telephone call from Ms. Jennifer Crews, one of the recipients of the UTCs that are the subject of the above-styled case. Ms. Crews stated that she had received a letter from the Clerk of Court denying the request for dismissal. Ms. Filipe asked Ms. Crews if she should send a copy of the letter that she received from the Clerk of Court to CITY. Ms. Crews provided a copy of the letter to the CITY by email at 1:43 p.m. on

April 15, 2014. A copy of the email from Ms. Crews to the City is attached as Exhibit "N" to this Memorandum.

61. After speaking with Ms. Crews, Ms. Filipe emailed Dawn Deming of the Clerk of Court on April 15, 2014, at 2:36 p.m., asking several questions about the hearing and whether a representative from the City was required to attend. A copy of this email is attached as Exhibit "O" to this Memorandum.

62. Ms. Filipe did not receive a reply to this email.

63. On April 15, 2014, the CITY received a document executed by this Court on April 11, 2014, stating "You are hereby notified that a hearing will be held in the attached styled cases for a Hearing on the City of Palm Coast's Motion to Dismiss on April 30, 2014 at 11:00 a.m., before the Honorable D. Melissa Moore Stens, County Judge at the Kim C. Hammond Justice Center, Courtroom #404, 1769 E. Moody Blvd., Bldg. #1, Bunnell, FL 32110." The second page of the document contained a list of 23 traffic court cases. A copy of this document is attached as Exhibit "P" to this Memorandum.

64. The document attached as Exhibit "P" to this Memorandum was sent to CITY offices by first class mail.

65. On Friday, April 25, 2014, at 4:29 p.m., CITY staff forwarded a copy of the document attached as Exhibit "P" to the undersigned counsel.

66. Counsel did not have the opportunity to address the matter with CITY staff prior to leaving work on Monday, April 28, 2014, due to illness. She did not return to the office until April 30, 2014.

67. Upon receiving word on April 30, 2014, that the Court had called the CITY, counsel immediately telephoned the Court's Judicial Assistant, first leaving a message, then

calling again and speaking with the Court's Judicial Assistant. At this time, counsel was told that the hearing was over. Counsel called a third time asking if the hearing could be rescheduled or set for status conference, but was told that the Court would be issuing an Order to Show Cause. Counsel provided her email address for transmittal of the Court's Order to Show Cause and, upon receipt, provided a copy of the Order to the CITY.

68. At no time prior to April 30, 2014, did the CITY request a hearing before this Court or before the Traffic Court Hearing Officer regarding the UTC Dismissal Request provided to the Clerk of Court pursuant to Section 318.18(15)(c), *Florida Statutes*.

69. The CITY had not ever appeared before this Court or before the Traffic Court Hearing Officer on a UTC Dismissal Request pursuant to Section 318.18(15)(c), *Florida Statutes*.

70. As a general practice, the CITY did not file motions requesting dismissal or schedule hearings on dismissal requests for those UTC Dismissal Requests sent to the clerk pursuant to Section 318.18(15)(c), *Florida Statutes*, as the CITY did not believe that such requests would require a hearing before the Court, where the statute provides that "the clerk ... may dismiss the case."

71. At no time since the June 21, 2013 meeting with the Clerk of Court had the Clerk advised the CITY that a hearing before the Court or the Traffic Court Hearing Officer would be required to obtain dismissals of the UTCs pursuant to Section 318.18(15)(c), *Florida Statutes*.

72. In the event that the Clerk of Court exercised her discretion not to dismiss a UTC, pursuant to Section 318.18(15)(c), *Florida Statutes*, the case would merely remain as a UTC.

73. A person would then have the option to pay the civil penalty of \$264 or, if 180 days had not passed from the date of issuance of the UTC, the person could request a hearing before the Traffic Court Hearing Officer or the Court.

74. A significant amount of CITY resources would be required for the CITY's Traffic Infraction Enforcement Officers to appear before the Court at a hearing on each and every UTC dismissal request. Likewise, the persons receiving the UTCs would also have to appear for a hearing in Court.

75. Should the Court require specific information about the reason for the UTC Dismissal Request pursuant to Section 318.18(15)(c), *Florida Statutes*, the persons receiving the UTCs would be in the best position to provide the information necessary to explain the reason for the requested dismissal, for example, they did not receive the NOV or were not the driver at the time of violation.

76. The CITY thought that it was acting in accordance with its June 21, 2013 agreement with the Clerk of Court by providing the UTC Dismissal Request forms to the Clerk of Court.

77. The CITY will immediately comply with direction from this Court that UTC Dismissal Requests should be processed in a manner different from that followed after the CITY and the Clerk of Court's June 21, 2013 agreement.

78. The CITY has prepared the items that it was directed to prepare in paragraph 1 of this Court's Order to Show Cause, and will submit these items under separate filing.

WHEREFORE, the CITY respectfully requests that this Honorable Court, in consideration of the facts and law provided herein, find that the CITY has satisfied the concerns

of this Court as described in the Order to Show Cause dated April 30, 2014, and that the Court take no further action in regard to the above-styled matter.

**VERIFICATION**

Under penalties of perjuries, I swear that the foregoing Memorandum of Facts and Law are true and correct to the best of my knowledge and belief.

Barbara Grossman  
/s/

BARBARA Grossman  
Print Name

Code Enforcement Manager  
Title/Position

STATE OF FLORIDA

COUNTY OF Flagler

SWORN TO AND SUBSCRIBED before me this 13 day of  
May, 2014, by Barbara Grossman  
who is personally known to me or who has produced \_\_\_\_\_ as  
identification, being duly sworn, deposes and says that he read the Memorandum of Facts and  
Law and that they are true and correct to the best of his knowledge.



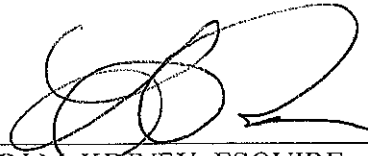
VIRGINIA A. SMITH  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE150639  
Expires 1/28/2016

Virginia A. Smith  
Notary Public  
Print name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the Flagler County Clerk of Court using the ECF Filing System and a copy of the foregoing has been furnished by US Mail to all Defendants on the attached Service List, this 13<sup>th</sup> day of May, 2014.



L. ROBIN MCKINNEY, ESQUIRE  
Florida Bar No. 772011  
BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.  
111 N. Orange Avenue, Suite 2000  
Post Office Box 2873  
Orlando, Florida 32802-2873  
Phone: 407-425-9566; Fax: 407-425-9596  
Primary email: [rmckinney@orlandolaw.net](mailto:rmckinney@orlandolaw.net)  
Secondary email: [bmoore@orlandolaw.net](mailto:bmoore@orlandolaw.net)

## SERVICE LIST

John Michael Ballard, 20 White Birch Lane, Palm Coast, FL 32164

Cristy Barnett Barrick, 81 Raintree Place, Palm Coast, FL 32164

Joyce M Boyd, 127 Bridge Haven Drive, Palm Coast, FL 32137

Dawn Marie Brill, 181 Wood Haven Circle E, Ormond Beach, FL 32174

Glenn Clunan, 487 Marla Ave, Longwood, FL 32750

Jennifer Gayle Crews, 706 N Peach St, Bunnell, FL 32110

Cathy Arlene Deck, 124 Beacon Mill Lane, Palm Coast, FL 32137

James Michael Dono, 8045 Canterbury Drive, Spring Hill, FL 34606

Stefanie Fawley, 78A Plainview Drive, Palm Coast, FL 32164

Joshua Jarred Gibson, 841 Ervin St, St. Augustine, FL 32084

Lisa A June, 5 Birchbark Lane, Palm Coast, FL 32137

Mikhail Kogan, 1679 Spring Garden Court, Holly Hill, FL 32117

Laurie Ann Large, 4 Sea Flower Path, Palm Coast, FL 32164

Linda Gail Rogers, 105 Rosewalk Drive, Covington, GA 30016

Philip N Ndum, 15 Warren Place, Palm Coast, FL 32164

Sandra Victoria Piquet, 98 Belvedere Lane, Palm Coast, FL 32137

Donna Motes Register and Heirs, 2501 Prosper St, Apt 67, Palatka, FL 32177

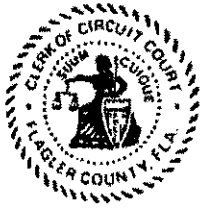
Mark Alan Resnick, PO Box 104, Burlingham, NY 12722

Vincent Simmons, 3682 Cook Ct, Rex, GA 30273-1848

Anthony Lamar Steward, 20B Plateau Lane, Palm Coast, FL 32164

John Kevin Tyler, 818 N Central Ave, Flagler Beach, FL 32136

Jean A McMorrow, 488 Chandler Road, Jackson, NJ 08527



## GAIL WADSWORTH, Clerk of the Circuit Court

1769 East Moody Blvd., Building #1 • Bunnell, Florida 32110  
Website: [www.flaglerclerk.com](http://www.flaglerclerk.com)

May 8, 2013

Mayor, Jon Netts  
Councilman, Bill McGuire  
Councilman, David Ferguson  
Councilman, Jason DeLorenzo  
Councilman, Bill Lewis  
City Manager, Jim Landon  
160 Cypress Point Parkway  
Suite B-106  
Palm Coast, FL 32164

Gentlemen,

I am writing today to express my concern about the number of red light camera violations my office is receiving as Uniform Traffic Citations. Their use as a means to bolster public safety by deterring unlawful red light violations appears to have merit. And while your statistics may reinforce the effectiveness of the cameras as a useful tool in reducing traffic collisions, there are additional negative repercussions in which you may not be aware.

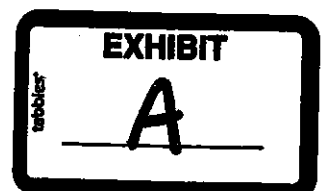
The lion's share of calls we receive regarding red light infractions all begin the same way. "I never received anything from the City of Palm Coast!" While there is an expectation of accusations of this type from would be violators, nearly every person who calls begins the conversation the same way. As a result, my office is forced to shoulder the additional work of processing (including court election), collecting and receipting these citations as well as answering all of the associated questions along the way.

Further, once a local rule infraction morphs into a UTC you are losing another of the collateral benefits of red light cameras; the additional revenue they generate. Once these violations get to this point, the State of Florida becomes the beneficiary of all of the revenue you would normally derive from these means.

It appears there may continue to be a disconnect between the red light camera company and your wishes in regard to how individual violators should receive and pay when a violation of this kind occurs. You may recall me attending one of your workshops to discuss your constituents' complaints about their lack of receipt of a first notice, and the increase in fine once notified by the Clerk. We also discussed this being part of a person's permanent driving record once received and entered by the Clerk. I will be more than willing to meet when and wherever for further discussion.

*Gail*

Gail Wadsworth



## MINUTES FROM MAY 14, 2013

CM Ferguson spoke of the e-mail from the Clerk of the Court regarding red light cameras; we're sending out citations and they are claiming they don't receive the citations in time, etc. Mr. Landon there is a staff meeting on this set for 5/15, and we will get back to her. State legislature has changed the process again; it's not going to the County Court it is going to go back to the City hearing officer as an appeal process, so we'll have to meet with her and work through this. Mayor Netts - We used to hold the hearings here; State took that away and sent it to the Circuit Court which is already overburdened, etc.; so he believes bringing it back to the local municipality will relieve a lot of the Court Clerk's headaches, but the State also made it optional for the local cities to increase the citation amount to an exorbitant amount (\$480+) if you fail to pay your ticket in a timely fashion.

Mayor Netts went through the process concerning ATS (American Traffic Solutions) and red light cameras. The problem with the current system is that if you didn't get it or you threw it out in the junk mail, the clock is running and in 30 days you are subject to an enhanced penalty and it goes on your driver's license as points. He believes the State has taken the 30-day window and has made it 60-days, so you have more time to appeal; also, if the owner of the car wasn't the driver and you say someone else was driving the car the clock starts over for the actual driver that violated.

Attorney Reischmann stated all the Mayor said was accurate but commented on the correspondence (e-mail) from the Clerk of Court; this is not the first time it came before City Council about a year ago and we got together with ATS and took the burden off the Circuit Court and made sure ATS promptly sent out violations. He thought it could be the number of violations have gone up and that the Clerk is feeling the burden. Mr. Landon - We need to meet with her again and change our process. It has to be implemented 7/1. Mr. Abreu stated another option was to enter into an interlocal agreement regarding the red light camera citations. Attorney Reischmann added the cost of the appeals is now going to be back with the local governments.



## Virginia Smith

---

**From:** Barbara Grossman  
**Sent:** Wednesday, June 26, 2013 7:55 AM  
**To:** gwadsworth@flaglerclerk.com; ABarham@flaglerclerk.com  
**Cc:** Nestor Abreu  
**Subject:** [ArcMail Restored] Meeting of June 21, 2013  
**Attachments:** image001.png; image002.png; image003.png; image004.png; image005.png; Red Light Camera Meeting.docx; red light forms.pdf

Gail/Antria,

Good Morning.

Attached is a recap of our meeting and copies of the Notice of Violation, Reminder Notice and Florida Uniform Traffic Citation.

Look forward to your input.

Thanks  
Barb

Barbara Grossman

Code Enforcement Manager

City of Palm Coast

160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164

Tel: 386-986-4739

[www.palmcoastgov.com](http://www.palmcoastgov.com)<<http://www.palmcoastgov.com>>

[cid:image001.png@01CE7240.2019D3C0] <<http://discoverpalmcoast.com/>>  
[cid:image002.png@01CE7240.2019D3C0] <<http://www.facebook.com/DiscoverPalmCoast>>  
[cid:image003.png@01CE7240.2019D3C0] <<http://twitter.com/#!/palmcoastnow>>  
[cid:image004.png@01CE7240.2019D3C0] <<http://www.pcma-tv199.org/>>  
[cid:image005.png@01CE7240.2019D3C0] <<http://www.youtube.com/watch?v=pYRP-NNzD3A>>



- **City to review envelope of Red Light infraction**
- **City to research 5 day window for payment of Notice of Violation**
- **City to research payment of credit card over phone**
- **City and Clerk to review verbiage on Notice of Violation and Unified Traffic Citation**
- **ATS to supply City of Palm Coast a list of returned mail**
- **Clerk to supply City of Palm Coast a list of returned mail**

LOGO  
HERE

AGENCY NAME HERE  
Photo Enforced Red Light Violation Program  
PO Box 22091  
Tempe, AZ 85285-2091  
Customer Service: 1-866-790-4111

# AGENCY NAME NOTICE OF VIOLATION

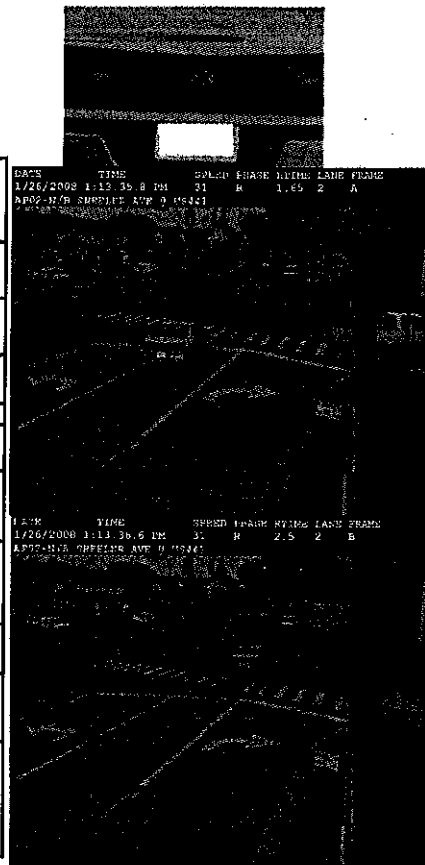
NOTICE #: 093050001234  
PIN #: 0123  
View your video and pay with your Visa or  
MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com)

Amount Due: \$158.00  
Due Date: Issue date + 60 days



[Violator Name]  
[Violator Street Address]  
[Violator City, State, ZIP]

ON/ (DATE)	AT TIME	AT LOCATION	COUNTY
7/01/2013	1:13:35 PM	N/B SHEELER AVE @ US441	MIAMI-DADE
NAME [Violator Name]			
STREET ADDRESS [Violator Street Address]			
CITY	STATE	ZIP CODE	
[Violator City]	[State]	[ZIP]	
<input type="checkbox"/> DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE / DRIVE <input type="checkbox"/> PARK			
VEHICLE	YEAR	MAKE	MODEL
	2003	Chevrolet	Impala
		NUMBER	STATE
		XXXX-XXX	[State]
		REGISTRATION NUMBER	
		STYLE	COLOR
		4-door	Grey
Did then and there commit the following offense: <b>FAILURE TO COMPLY WITH A STEADY RED SIGNAL</b> The recorded images relating to the vehicle stated above are evidence of this violation.			
IN VIOLATION OF <b>Florida Statutes §§ 316.0083, 316.074(1) and 316.075(1)(c)1</b>			
POLICE DEPARTMENT			
Electronic Signature		ID#	
The traffic infraction enforcement officer named or law enforcement officer above has reviewed the recorded images evidencing the red light signal violation, has identified the license tag number of the violating vehicle and has found reasonable and probable grounds that an offense has been committed.			ISSUE DATE <b>7/01/2013</b>
<b>STATUTORY PENALTY OF \$158.00</b>			



IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE GO TO [WWW.VIOLATIONINFO.COM](http://WWW.VIOLATIONINFO.COM)

LOGO  
HERE

Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address below.



NAME: [Violator Name]	DUE: Issue date + 60 days		
NOTICE #: 0930500012345	VERSION: 1	ISSUED: 7/01/2013	
PLATE: XXXX-XXX	STATE: FL	TYPE: 4 DOOR	

- Si necesita ayuda en Español, favor llame al 1.866.225.8875.
- PLEASE RESPOND WITH PAYMENT, REQUEST A HEARING, OR SUBMIT AN AFFIDAVIT POSTMARKED ON OR BEFORE THE DUE DATE TO AVOID ISSUANCE OF A UNIFORM TRAFFIC CITATION ("UTC"). SEE INSTRUCTIONS ON REVERSE SIDE.
- Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address to the right.
- Make your check or money order payable to Agency Name.
- DO NOT MAIL CASH.
- Write the Notice # located above on the front of your payment.
- Insert this tear-off coupon in the enclosed envelope with the address to the right showing through the window.

**AMOUNT DUE: \$158.00**

**No points will be assessed for this Notice of Violation nor will it affect vehicle insurance rates.**

Agency Name Here  
Payment Processing Center  
PO Box 742527  
Cincinnati, OH 45274-2527

1 0930700012345 000000014841 100006

Your vehicle was observed by a traffic infraction detector failing to comply with a steady red light signal, in violation of Florida Statutes §§ 316.0083, 316.074(1) and 316.075(1)(c)1, at the intersection, date, and time stated on the front page of this Notice of Violation ("Notice"). This is a non-criminal infraction of state law. No points will be assessed and this infraction may not be used to set motor vehicle insurance rates.

This Notice has been issued by [the Agency Name].

You have the following three options:

- Pay this violation in the amount of \$158.00 on or before the due date specified on the front of this Notice; or
- Submit an affidavit by following the instructions below; or
- Request a hearing by signing and mailing the form below. You will be notified by letter of the time, location and date of the hearing. If you request a hearing and the Local Hearing Officer concludes that no infraction has been committed, this Notice will be dismissed and no costs or penalties shall be imposed. If the Local Hearing Officer concludes that an infraction has been committed, the Local Hearing Officer will uphold the infraction, and you will be responsible for payment of a \$158.00 fine as well as additional administrative fees and costs not to exceed \$250.00 as imposed by the Local Hearing Officer.

**SUBMISSION OF AFFIDAVIT:** You may download an affidavit at [www.ViolationInfo.com](http://www.ViolationInfo.com). As the registered owner of the vehicle, you are deemed responsible for the violation and the payment of a \$158.00 penalty unless, in compliance with Florida Statute § 316.0083(1)(d)1.a-d, you establish by a sworn affidavit that a statutory exemption applies. The exemptions are that the motor vehicle: (a) passed through the intersection in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession; (b) passed through the intersection at the direction of a law enforcement officer; (c) was, at the time of the violation, in the care, custody, or control of another person; or (d) a Uniform Traffic Citation ("UTC") was issued by a law enforcement officer to the driver of the motor vehicle for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice. The affidavit must be sworn before a notary public or other person authorized to administer oaths. If you assert that the vehicle was in the care, custody, or control of another person, you must provide the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the vehicle at the time of the violation. If the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. If you assert that a UTC was issued by a law enforcement officer for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice, then you must include the serial number of the UTC. For faster processing, you may, but are not required to, include a copy of the UTC. If your affidavit complies with the requirements of Florida Statute § 316.0083, then no further action will be taken against you. The submission of a false affidavit is a misdemeanor of the second degree, punishable under Florida Statute § 775.082 or § 775.083 by a term of imprisonment not to exceed sixty (60) days and/or a fine not to exceed \$500.00. If submitting an affidavit, it must be postmarked on or before the due date specified on the front page of this Notice in order to be appropriately processed. The affidavit should be mailed to [Agency Name], c/o Intersection Safety Program, PO Box 22091, Tempe, AZ 85285-2091.

Do not send payment or affidavit to the Clerk of the Court.

If you fail to respond as outlined above, postmarked by the due date, a UTC will be issued to you. Upon issuance of a UTC, you shall have the remedies specified in Florida Statutes §§ 316.0083 and 318.14, which include (a) the right to pay the civil penalty in the amount of \$xxx.xx; (b) the right to submit an affidavit; or (c) the right to have a hearing before a designated official, who shall determine whether an infraction has been committed. If the official concludes that no infraction has been committed, the UTC will be dismissed and no costs or penalties shall be imposed. If the official concludes an infraction has been committed, the official will uphold the UTC and may impose an additional civil penalty not to exceed \$500.00 and court fees and costs. Failure to pay, submit an affidavit, or request a hearing on the UTC could result in your driving privileges being suspended.

**VIEW YOUR IMAGES AND VIDEO EVIDENCE FOR THIS INFRACTION:** The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You may view your images and video online at [www.ViolationInfo.com](http://www.ViolationInfo.com). You will need your Notice # and PIN printed on the front of this Notice inside the red box. If you do not have internet access, you may view your video and images at any public library.

**QUESTIONS:** If you have any questions, please contact Customer Service toll free at 1-866-225-8875.  
(You must be the registered owner of the vehicle to discuss this violation with Customer Service.)

#### PAYMENT INSTRUCTIONS

**ONLINE PAYMENT:** The fastest and easiest way to pay your \$158.00 penalty is online. Go to [www.ViolationInfo.com](http://www.ViolationInfo.com) and log on with your Notice # and PIN shown in the red box on the front of this notice. Click the Pay button. There is a convenience fee for this service.

**PAYMENT BY PHONE:** Call toll free 1-866-225-8875 available 24 hours a day, 7 days a week. There is a convenience fee for this service.

**PAYMENT BY MAIL:** Mail your check or money order (payable to [Agency Name]) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this Notice. PLEASE DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment. Payment must be postmarked on or before the due date.

**PAYMENT IN PERSON:** [You may pay in person by check or money order at [PAYMENT LOCATION ].] or [Payments in person are not accepted.]

#### HEARING REQUEST FORM

To request a hearing on the above referenced Notice pursuant to Florida Statute § 316.0083, please submit the signed and dated coupon below in the envelope provided. The petitioner understands they will be notified of the date, time and location of the hearing. The Local Hearing Officer shall issue a final administrative order. If the Notice of Violation is upheld, the petitioner will be required to pay \$158.00 and may also be required to pay county or municipal costs, not to exceed \$250.00.

Detach here and return bottom portion as a request for an Administrative Hearing before a Local Hearing Officer.

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be postmarked by the due date of this Notice to be a valid request. I understand that I must attend this hearing in person, unless represented by counsel appearing in person on my behalf.

0451300066334



Please sign and print name using blue or black ink.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_



LOGO  
HERE

AGENCY NAME HERE  
Photo Enforced Red Light Violation Program  
PO Box 22091  
Tempe, AZ 85285-2091  
Customer Service: 1-866-790-4111

## AGENCY NAME NOTICE OF VIOLATION

NOTICE #: 0930500001234  
PIN #: 0123  
View your video and pay with your Visa or  
MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com)

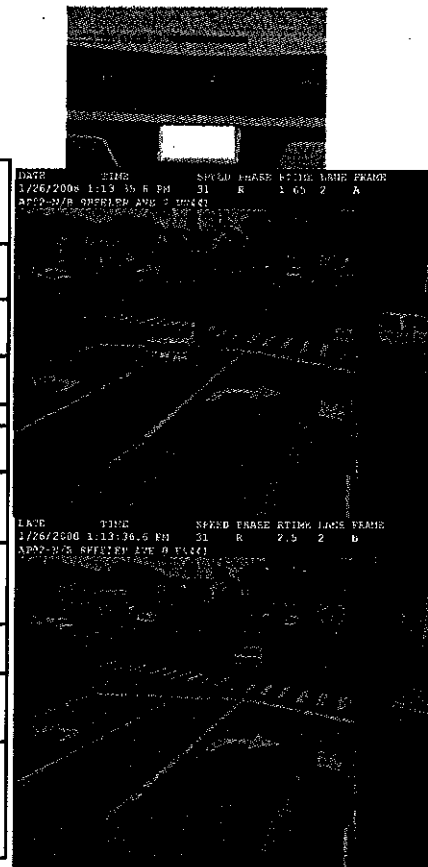
## REMINDER NOTICE



[Violator Name]  
[Violator Street Address]  
[Violator City, State, ZIP]

Amount Due: \$158.00  
Due Date: Issue date + 60 days

ONV (DATE) <b>7/01/2013</b>	AT TIME <b>1:13:35 PM</b>	AT LOCATION <b>N/B SHEELER AVE @ US441</b>	COUNTY <b>MIAMI-DADE</b>
NAME <b>[Violator Name]</b>			
STREET ADDRESS <b>[Violator Street Address]</b>			
CITY <b>[Violator City]</b>	STATE <b>[State]</b>	ZIP CODE <b>[ZIP]</b>	
<input type="checkbox"/> DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE / DRIVE <input type="checkbox"/> PARK			
V E H I C L E	YEAR <b>2003</b>	MAKE <b>Chevrolet</b>	MODEL <b>Impala</b>
	NUMBER <b>XXXX-XXX</b>	STATE <b>[State]</b>	REGISTRATION NUMBER
		STYLE <b>4-door</b>	COLOR <b>Grey</b>
Did then and there commit the following offense: <b>FAILURE TO COMPLY WITH A STEADY RED SIGNAL</b> The recorded images relating to the vehicle stated above are evidence of this violation.			
IN VIOLATION OF <b>Florida Statutes §§ 316.0083, 316.074(1) and 316.075(1)(c)1</b>			
POLICE DEPARTMENT			
Electronic Signature		ID#	
The traffic infraction enforcement officer named or law enforcement officer above has reviewed the recorded images evidencing the red light signal violation, has identified the license tag number of the violating vehicle and has found reasonable and probable grounds that an offense has been committed.			ISSUE DATE <b>7/01/2013</b>
<b>STATUTORY PENALTY OF \$158.00</b>			



IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE GO TO [WWW.VIOLATIONINFO.COM](http://WWW.VIOLATIONINFO.COM)

LOGO  
HERE

Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address below.



NAME: [Violator Name]	DUE: Issue date + 60 days	
NOTICE #: 0930500012345	VERSION: 1	ISSUED: 7/01/2013
PLATE: XXXX-XXX	STATE: FL	TYPE: 4 DOOR

- Si necesita ayuda en Español, favor llame al 1.866.225.8875.
- PLEASE RESPOND WITH PAYMENT, REQUEST A HEARING, OR SUBMIT AN AFFIDAVIT POSTMARKED ON OR BEFORE THE DUE DATE TO AVOID ISSUANCE OF A UNIFORM TRAFFIC CITATION ("UTC"). SEE INSTRUCTIONS ON REVERSE SIDE.
- Pay with your Visa or MasterCard at [www.ViolationInfo.com](http://www.ViolationInfo.com) or mail your check or money order with this coupon to the address to the right.
- Make your check or money order payable to Agency Name.
- DO NOT MAIL CASH.
- Write the Notice # located above on the front of your payment.
- Insert this tear-off coupon in the enclosed envelope with the address to the right showing through the window.

**AMOUNT DUE: \$158.00**

**No points will be assessed for this Notice of Violation nor will it affect vehicle insurance rates.**

Agency Name Here  
Payment Processing Center  
PO Box 742527  
Cincinnati, OH 45274-2527

1 0930700012345 000000014841 100006

Your vehicle was observed by a traffic infraction detector failing to comply with a steady red light signal, in violation of Florida Statutes §§ 316.0083, 316.074(1) and 316.075(1)(c)1, at the intersection, date, and time stated on the front page of this Notice of Violation ("Notice"). This is a non-criminal infraction of state law. No points will be assessed and this infraction may not be used to set motor vehicle insurance rates.

This Notice has been issued by [the Agency Name].

You have the following three options:

- Pay this violation in the amount of \$158.00 on or before the due date specified on the front of this Notice; or
- Submit an affidavit by following the instructions below; or
- Request a hearing by signing and mailing the form below. You will be notified by letter of the time, location and date of the hearing. If you request a hearing and the Local Hearing Officer concludes that no infraction has been committed, this Notice will be dismissed and no costs or penalties shall be imposed. If the Local Hearing Officer concludes that an infraction has been committed, the Local Hearing Officer will uphold the infraction, and you will be responsible for payment of a \$158.00 fine as well as additional administrative fees and costs not to exceed \$250.00 as imposed by the Local Hearing Officer.

**SUBMISSION OF AFFIDAVIT:** You may download an affidavit at [www.ViolationInfo.com](http://www.ViolationInfo.com). As the registered owner of the vehicle, you are deemed responsible for the violation and the payment of a \$158.00 penalty unless, in compliance with Florida Statute § 316.0083(1)(d)1.a-d, you establish by a sworn affidavit that a statutory exemption applies. The exemptions are that the motor vehicle: (a) passed through the intersection in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession; (b) passed through the intersection at the direction of a law enforcement officer; (c) was, at the time of the violation, in the care, custody, or control of another person; or (d) a Uniform Traffic Citation ("UTC") was issued by a law enforcement officer to the driver of the motor vehicle for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice. The affidavit must be sworn before a notary public or other person authorized to administer oaths. If you assert that the vehicle was in the care, custody, or control of another person, you must provide the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the vehicle at the time of the violation. If the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. If you assert that a UTC was issued by a law enforcement officer for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice, then you must include the serial number of the UTC. For faster processing, you may, but are not required to, include a copy of the UTC. If your affidavit complies with the requirements of Florida Statute § 316.0083, then no further action will be taken against you. The submission of a false affidavit is a misdemeanor of the second degree, punishable under Florida Statute § 775.082 or § 775.083 by a term of imprisonment not to exceed sixty (60) days and/or a fine not to exceed \$500.00. If submitting an affidavit, it must be postmarked on or before the due date specified on the front page of this Notice in order to be appropriately processed. The affidavit should be mailed to [Agency Name], c/o Intersection Safety Program, PO Box 22091, Tempe, AZ 85285-2091.

Do not send payment or affidavit to the Clerk of the Court.

If you fail to respond as outlined above, postmarked by the due date, a UTC will be issued to you. Upon issuance of a UTC, you shall have the remedies specified in Florida Statutes §§ 316.0083 and 316.14, which include (a) the right to pay the civil penalty in the amount of \$xxx.xx; (b) the right to submit an affidavit; or (c) the right to have a hearing before a designated official, who shall determine whether an infraction has been committed. If the official concludes that no infraction has been committed, the UTC will be dismissed and no costs or penalties shall be imposed. If the official concludes an infraction has been committed, the official will uphold the UTC and may impose an additional civil penalty not to exceed \$500.00 and court fees and costs. Failure to pay, submit an affidavit, or request a hearing on the UTC could result in your driving privileges being suspended.

**VIEW YOUR IMAGES AND VIDEO EVIDENCE FOR THIS INFRACTION:** The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You may view your images and video online at [www.ViolationInfo.com](http://www.ViolationInfo.com). You will need your Notice # and PIN printed on the front of this Notice inside the red box. If you do not have internet access, you may view your video and images at any public library.

**QUESTIONS:** If you have any questions, please contact Customer Service toll free at 1-866-225-8875.  
(You must be the registered owner of the vehicle to discuss this violation with Customer Service.)

#### PAYMENT INSTRUCTIONS

**ONLINE PAYMENT:** The fastest and easiest way to pay your \$158.00 penalty is online. Go to [www.ViolationInfo.com](http://www.ViolationInfo.com) and log on with your Notice # and PIN shown in the red box on the front of this notice. Click the Pay button. There is a convenience fee for this service.

**PAYMENT BY PHONE:** Call toll free 1-866-225-8875 available 24 hours a day, 7 days a week. There is a convenience fee for this service.

**PAYMENT BY MAIL:** Mail your check or money order (payable to [Agency Name]) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this Notice. PLEASE DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment. Payment must be postmarked on or before the due date.

**PAYMENT IN PERSON:** [You may pay in person by check or money order at [PAYMENT LOCATION ].] or [Payments in person are not accepted.]

#### HEARING REQUEST FORM

To request a hearing on the above referenced Notice pursuant to Florida Statute § 316.0083, please submit the signed and dated coupon below in the envelope provided. The petitioner understands they will be notified of the date, time and location of the hearing. The Local Hearing Officer shall issue a final administrative order. If the Notice of Violation is upheld, the petitioner will be required to pay \$158.00 and may also be required to pay county or municipal costs, not to exceed \$250.00.

Detach here and return bottom portion as a request for an Administrative Hearing before a Local Hearing Officer.

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be postmarked by the due date of this Notice to be a valid request. I understand that I must attend this hearing in person, unless represented by counsel appearing in person on my behalf.

0451300011334



Please sign and print name using blue or black ink.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

AGENCY NAME HERE  
Violations Processing Center  
PO Box 22091  
Tempe, AZ 85285-2091  
Customer Service # 1-866-224-2354

# Florida Uniform Traffic Citation

PAYMENTS AND HEARING REQUESTS NOT ACCEPTED AT THIS ADDRESS



[Violator Name]  
[Violator Street Address]  
[Violator City, State, Zip]

NOTICE #: 3500900001234  
PIN: 1234

View your video online at:  
[www.ViolationInfo.com](http://www.ViolationInfo.com)

Amount Due: \$ <AmtDue>  
Due Date: <Issue Date +30>

FLORIDA UNIFORM TRAFFIC CITATION

XXXX-XXX CHECK  
DITIT X

COUNTY OF	<input type="checkbox"/> (1) F.H.P. <input type="checkbox"/> (2) P.D. <input type="checkbox"/> (3) S.O. <input type="checkbox"/> (4) OTHER			
CITY (IF APPLICABLE)	AGENCY NAME: _____ AGENCY # _____			
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON				
SUMMONS (VIOLATOR'S COPY)				
DAY OF WEEK	MONTH	DAY	YEAR	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
NAME (PRINT) FIRST _____ MIDDLE _____ LAST _____				
STREET _____ IF DIFFERENT THAN ONE ON DRIVER LICENSE "X" HERE →				
CITY		STATE	ZIP CODE	
TELEPHONE NUMBER	DATE OF BIRTH	MO	DAY	YR
DRIVER LICENSE NUMBER		STATE	CLASS	CDL LICENSE <input type="checkbox"/> YES <input type="checkbox"/> NO
YR. VEHICLE		MAKE	STYLE	COLOR
VEHICLE LICENSE NO.		TRAILER TAG NO.	STATE	YEAR TAG EXPIRES
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY		MOTORCYCLE <input type="checkbox"/> YES <input type="checkbox"/> NO		
FT. _____ MILES _____		OF NOSE _____		
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE: VIOLATION OF STATE STATUTES §§ 316.075(1)(a)1 and 316.074(1) FAILURE TO STOP AT A RED TRAFFIC SIGNAL PURSUANT TO F.S. § 316.0083				

ISSUE DATE: < Issue Date> FINE AMOUNT: \$ <AmtDue>

Location: < Location of Violation>

Violation Date and Time: < Violation Date & Time>

Vehicle License Number: < License Plate # and State>

IMPORTANT INSTRUCTIONS TO INDIVIDUALS CHARGED WITH A NON-CRIMINAL TRAFFIC INFRACTION. IF YOU CHOOSE OPTION A, COURT APPEARANCE IS NOT REQUIRED. YOU ARE REQUIRED TO COMPLY WITH ONE OF THE OPTIONS LISTED BELOW. IF YOU FAIL TO COMPLY WITH ONE OF THE OPTIONS BY THE DATE LISTED, YOUR DRIVING PRIVILEGE MAY BE SUSPENDED UNTIL YOU COMPLY. YOU MAY ALSO INCUR ADDITIONAL COSTS.

## DIRECTIONS TO RESOLVE THIS CITATION

OPTIONS: MARK ONLY ONE

☐ Option A: MAKE A PAYMENT

• PAYMENT BY MAIL <AmtDue> must be received by <Issue Date+30> payable by check or money order directly to [Insert Clerk of Court Name here]. Sign and mail this original Citation with your payment. Please keep a copy for your records. MAILING ADDRESS FOR THE CLERK OF COURT: [Insert Clerk of Court Name here and mailing address here]. DO NOT MAIL CASH.

• PAYMENT IN PERSON <AmtDue> may be paid in person at the Clerk of the Court, [Insert Clerk of Court address here], or check Clerk of Courts website for other locations on or before <Issue Date+30>. Include this original Citation with your payment. Please keep a copy for your records.

• PAYMENT ONLINE [insert website here if applicable]

☐ Option B: REQUEST A HEARING To challenge this Citation request a court hearing prior to <Issue Date+30>. Sign and mail this original Citation to the [Insert Clerk of Court Name here and mailing address here]. Please keep a copy for your records. If the official determines no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties which have been paid shall be returned in accordance with Florida Statute § 318.20. IF THIS BOX IS NOT CHECKED A HEARING WILL NOT BE SCHEDULED. THE COURT WILL SCHEDULE YOUR HEARING AND NOTIFY YOU OF THE DATE, TIME AND LOCATION.

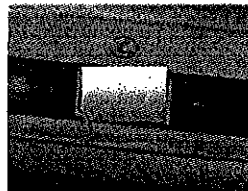
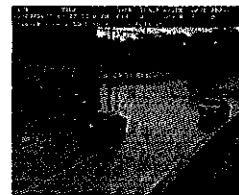
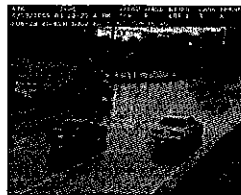
☐ Option C: AFFIDAVIT If you are the registered owner of the vehicle, you are deemed responsible for the penalty unless, in compliance with Florida Statute § 316.0083(1)(d)(1)-(4), you establish by a notarized affidavit that a statutory exemption applies. Please visit and log into [www.ViolationInfo.com](http://www.ViolationInfo.com) to obtain an affidavit.

SIGNATURE OF VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_

TROOPER/OFFICER NAME & RANK \_\_\_\_\_ BADGE NUMBER \_\_\_\_\_

/s/ Electronic Signature  
SIGNATURE OF OFFICER \_\_\_\_\_ ID NUMBER \_\_\_\_\_

VIEW YOUR IMAGES AND VIDEO EVIDENCE OBTAINED FOR THIS CASE: The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You have the right to examine and observe your images and video online at [www.ViolationInfo.com](http://www.ViolationInfo.com). You will need your Notice # and PIN printed on the top of this Notice inside the red box. If you do not have internet access, you have the right to examine and observe your video and images at the local library.



**AMENDMENT NO. 1 TO THE CITY OF PALM COAST  
SERVICES TWO PHASE AGREEMENT WITH  
AMERICAN TRAFFIC SOLUTIONS, INC.**

This Amendment No. 1 (the "Amendment") is to the City of Palm Coast Services Two Phase Agreement with American Traffic Solutions, Inc., regarding Request for Proposals (RFP) CM-07-02, pertaining to Red Light Running Camera Enforcement System (the "Agreement"), executed on the 3rd day of December, 2007, by and between the **City of Palm Coast, Florida**, a municipal corporation (hereinafter "City") and **American Traffic Solutions, Inc.** (hereinafter "Contractor").

**RECITALS**

**WHEREAS**, on December 19, 2006, the City adopted Ordinance No. 2006-24, codified in Chapter 44, Article V, of the City's Code of Ordinances, which provides for the enforcement of red light violations using traffic infraction detectors (the "Ordinance"); and

**WHEREAS**, on or about November 6, 2007, the City and Contractor entered into the Agreement, whereby the City and Contractor agreed to the provision by Contractor of services to the City in connection with the enforcement of the Ordinance; and

**WHEREAS**, the Agreement between City and Contractor expired on November 6, 2010 and provided for an additional five year renewal option; and

**WHEREAS**, on or about May 13, 2010, the Governor of the State of Florida signed CS/CS/HB325 into law, resulting in the Law of Florida 2010-80 taking effect on July 1, 2010; and

**WHEREAS**, Laws of Florida 2010-80 expressly authorizes municipalities to use traffic infraction detectors to enforce certain provisions of Chapter 316 of the Florida Statutes, subject to certain requirements; and

**WHEREAS**, the City amended Ordinance 2006-24 by Ordinance 2010-09 to provide for the enforcement of red light violations using traffic infraction detectors in accord with the provisions of Law of Florida 2010-80; and

**WHEREAS**, the City and Contractor wish to amend and modify the Agreement to align the provision of services by Contractor with the provisions and requirements of Law of Florida 2010-80.

**TERMS AND CONDITIONS**

**NOW THEREFORE**, in consideration of the mutual covenants and agreements set forth herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Contractor and City agree that the Agreement shall be and hereby is amended and modified on the terms provided herein.

1. **Recitals.** The preceding recitals are true and correct and are incorporated into this Amendment by reference.



2. **Definitions.** Except as otherwise specified herein, all capitalized terms used in this Amendment shall have the meanings given to them in the Agreement. Section 1 of the Agreement is amended as follows:

The following definitions are added:

**"Net Revenue"** means all revenues paid by violators for Uniform Traffic Citations and Notices of Violation captured and/or processed pursuant to this Agreement, less statutory amounts paid to the State of Florida pursuant to Fla. Stat. § 316.0083(1)(b)2.

**"Notice of Violation"** means a written notice of a Violation or equivalent instrument issued by or on behalf of City relating to a Violation documented or evidenced by a Camera System.

**"Recorded Image"** means an image digitally recorded by a Traffic Infraction Detector (defined below).

**"Traffic Infraction Detector"** or 'camera system' means a vehicle sensor(s) installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

**"Traffic Infraction Enforcement Officer"** means an employee of the City who meets the qualifications of Section 316.640(5)(a) of the Florida Statutes, as may be amended or recodified from time to time.

**"Uniform Traffic Citation"** means a uniform traffic citation as described in Section 316.650 of the Florida Statutes, as may be amended or recodified from time to time.

**"Violation"** means a violation of Section 316.074(1) or 316.075(1)(c)(1) of the Florida Statutes, as may be amended or recodified from time to time.

3. **Extent of Agreement/Integration/Amendment.** Section 3(d) is amended to reflect that all of the exhibits made part of the Agreement have been revised.

4. **Length of the Agreement.** Section 11 of the Agreement is deleted and replaced as follows:

- (a) The term of the Agreement, as revised by this Amendment shall be deemed to have commenced on, and to be retroactively in effect as of, July 1, 2010 ("Term"). This Agreement shall expire on September 30, 2015. In the event that Contractor installs any Camera Systems after the execution of this Amendment, the term shall be extended by four (4) years and shall expire on September 30, 2019.

- (b) All provisions of this Agreement which contain continuing obligations shall survive the expiration or termination of this Agreement.

**5. Contractor's Responsibilities.** The heading of Section 13 of the Agreement is replaced with "Contractor's Rights and Responsibilities." and the following new paragraphs are added:

- (f) Contractor's rights and remedies provided under this Agreement are in addition to any other rights and remedies provided by law; the Contractor may assert its right of recovery by any appropriate means, including but not limited to set-off, suit, withholding, recoupment or counterclaim, either during or after the performance of this Agreement.
- (g) The failure of Contractor to insist in any instance upon the strict performance of any provision of the Agreement or to exercise any right or privilege granted hereunder shall not constitute or be construed as a waiver of any such provision or right and the same shall continue in force.

**6. City's Rights and Responsibilities.** Section 14 of the Agreement is amended and supplemented with the following:

\*\*\*

- (o) The City is required to timely process all valid Violations in accordance with the Business Rules adopted by the City as of August 14, 2012.

**7. Notices.** In Section 18 of the Agreement, delete the contact information listed for City and Contractor and replace with:

City of Palm Coast  
160 Cypress Point Parkway, Ste. B106  
Palm Coast, Florida 32137

Mr. Michael Bolton  
American Traffic Solutions, Inc.  
1330 West Southern Avenue  
Tempe, Arizona 85282

**8. Designated Representatives.** Section 19(c) of the Agreement is amended to read as follows.

- (c) Until further written notice, the City's designated representative for this Agreement is:

City Manager  
City of Palm Coast  
160 Cypress Point Pkwy., Ste. B-106  
Palm Coast, Florida 32164  
Telephone Number: (386) 986-3700

With a copy to:

Purchasing Manager  
City of Palm Coast  
160 Cypress Point Pkwy., Ste. B-106  
Palm Coast, Florida 32164

**9. Compensation.** Section 20 paragraphs (a) and (b) are deleted and replaced with the following new text and (c) (d) and (e) are re-lettered (b) (c) and (d) respectively:

(a) City shall pay fees based on the fee schedule as attached hereto in Exhibit B.

**10. Invoice Process.** Section 21 is deleted in its entirety and replaced with the following:

Section 21. Invoice Process

At the close of the calendar month, the Contractor shall supply the City a report to include a detailed listing of all payments received during the previous month. By no later than the 15th day of each month, the Contractor will remit to the City all amounts due per this Agreement for the previous month.

The City will notify the Contractor of disputed items within fifteen (15) days of receipt of the monthly report, along with an explanation of the report's deficiencies.

The City and the Contractor will make every effort to resolve all disputed items contained in the Contractor's report.

The *Florida Prompt Payment Act* shall apply.

All correspondence shall be forwarded to:

Finance Director  
City of Palm Coast  
160 Cypress Point Pkwy., Suite B-106  
Palm Coast, FL 32164

**11. Termination of Agreement.** Section 22(a) of the Agreement is amended and supplemented with the following:

\*\*\*

22(a)(6) The Agreement may be terminated in the event that Contractor otherwise violates the terms and conditions of this Agreement; or

22(a)(7) The Agreement shall terminate in the event that state legislation or a decision by a court of competent jurisdiction prohibits the enforcement of Violations using image-

capture technology. In the event of such a termination, Contractor shall cease capturing new violations but shall continue to process any violations already in the pipeline as of the date of termination. Contractor shall be entitled to its fees from the revenue from such violations; be able to recover an amount of revenue collected from the program sufficient to cover Contractor's costs in excess of fees paid to date, but the City shall in no event be responsible for the payment of any of Contractor's fees or costs in excess of net program revenue. Contractor shall remove all equipment consistent with the provisions of Paragraph 13 (iv) entirely at its own expense; or

22(a)(8) The Agreement may be terminated in the event that the Contractor fails to pay the City in accordance with this Agreement.

**12. Termination without Cause.** Section 24 of the Agreement is deleted in its entirety.

**13. Effect of Termination.** The heading of Section 25 "Payment in the Event of Termination" is deleted and replaced with Section 25 "Effect of Termination." Section 25 is further modified as follows:

Delete the existing text of Section 25 and replace with the following new text:

Upon termination of this Agreement, either for cause (except for termination by Contractor for non-payment) or because the Agreement has reached the end of its term, the Parties recognize that the City will have to process Violations in the "pipeline", and that Contractor accordingly must assist the City in this regard. Accordingly, the Parties shall take the following actions and shall have the following obligations, which survive termination during the wind-down period:

- (i) The City shall cease using ATS' automated web-based citation processing system ("Axisis<sup>TM</sup> VPS System") to capture Violations.
- (ii) Unless it is unlawful to do so, Contractor shall, for a period of ninety (90) days, continue to process all images taken by the City before termination and provide all services associated with processing in accordance with this Agreement and shall be entitled to receive its monthly fees in accordance with Exhibit B of this Agreement.
- (iii) The City shall return or allow Contractor to recover all provided equipment within a reasonable time not to exceed ninety (90) days.
- (iv) If Contractor recovers the provided equipment, Contractor shall remove any and all equipment or other materials, including but not limited to housings, poles and Camera Systems, Contractor installed in connection with Contractor's performance of its obligations under this Agreement, at no cost to the City. Contractor shall restore the surface of City's property to substantially the same condition as such property was in immediately prior to this Agreement, except for foundation removal, which shall be left approximately flush with grade with no exposed bolts, or other hazards. Installed underground conduit and other equipment shall not be required to be removed.



In the event of termination by Contractor for non-payment of Service Fees by City, Contractor shall cease processing violations as of the date of termination stated in Contractor's notice to City.

**14. Action following Termination.** Section 26 Paragraphs (a) and (b) are deleted and replaced with a new paragraph: "Both parties recognize their respective obligations to mitigate any damages in the event of termination pursuant to this Agreement."

**15. Insurance.** Section 32 of the Agreement is amended and supplemented with the following:

\*\*\*

32(a)(1)Workers Compensation/Employer Liability: The Contractor shall provide workers compensation insurance for all employees engaged in the work under this Agreement in accordance with the laws of the State of Florida. Employers' liability insurance shall be provided by the Contractor at limits not less than the following:

\$500,000.00 Each Accident

\$500,000.00 Disease Each Employee

\$500,000.00 Disease Aggregate

\*\*\*\*

**16. Effect of Amendment on Agreement.** Except as expressly amended or modified by the terms of this Amendment, all terms of the Agreement shall remain in full force and effect. In the event of a conflict between the terms of this Amendment, the Agreement, and any other contract documents, the terms of this Amendment shall prevail and control.

**17. Entire Agreement.** The provisions of this Amendment, including the recitals, comprise all of the terms, conditions, agreements, and representations of the parties with respect to the subject matter hereof. All representations and promises made by any party to another, whether in writing or orally, concerning the subject matter of this Amendment are merged into this Amendment. Except as amended by this Amendment, the terms of the Agreement shall continue in full force and effect.

**18. Counterpart Execution.** This Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Each party represents and warrants that the representative signing this Amendment on its behalf has all right and authority to bind and commit that party to the terms and conditions of this Amendment.

[Signatures on the following page]

## EXHIBIT A SCOPE OF SERVICES

Exhibit A is hereby replaced with the following:

### SCOPE OF

#### SERVICES I. CONTRACTOR SCOPE OF

#### WORK

##### 1. CONTRACTOR IMPLEMENTATION

a. Contractor agrees to provide a camera system in accordance with State Statutes, as may be amended from time to time, to City wherein all reasonably necessary elements required to implement and operate the solution are the responsibility of Contractor, except for those items identified in Section II of this Exhibit titled "City Scope of Work". Contractor shall provide to the City access to the Axis<sup>TM</sup> VPS System, which provides the City with the ability to run and print any and all standard system reports. Contractor and City understand and agree that new or previously unforeseen requirements may, from time to time, be identified and that the parties shall negotiate in good faith to assign to the proper party the responsibility and cost for such items. In general, if work is to be performed by the City, unless otherwise specified, City shall not charge Contractor for the cost. All other in-scope work, external to City, is the responsibility of Contractor.

b. Contractor will evaluate candidate sites for additional future camera locations. Contractor will install Camera Systems at a number of intersections or grade crossing approaches to be agreed upon between Contractor and City after completion of site analyses. The City will issue a written Notice to Proceed for the installation of Camera Systems for all such Designated Intersections; subject to any necessary permitting. Contractor shall make its best efforts to install a Camera system within Thirty (30) days of permits being granted and power delivered for each Designated Approach, providing that City has received permission for all implementations in writing from any third-party sources.

c. City may not require Contractor to relocate any Camera Systems. Should Contractor, in its sole discretion, determine that a Camera System needs to be moved to a new approach, Contractor shall pay the costs to relocate the Camera System. Should it be determined new cameras are to be added, Contractor shall pay the cost of the cameras, installation, and maintenance of such additions. Should City insist on specific location all costs for that location(s) shall be borne by the City. The City is not responsible for additional operational costs.

- d. Contractor will operate each Camera System on a 24-hour basis, barring downtime for maintenance and normal servicing activities.
- e. Contractor's in-house marketing department will assist City with public information and outreach campaign strategies. In addition, depending upon the agreed-upon strategy, the parties shall negotiate regarding any extra scope expenditures for public relations consultants, advertising, or media relations.
- f. Contractor agrees to provide a secure web site ([www.violationinfo.com](http://www.violationinfo.com)) accessible to Owners who have received Notices of Violation or Uniform Traffic Citations by means of a Notice # and PIN, which will allow violation image and video viewing.
- g. Contractor normally shall provide technician site visits to each Camera System once per quarter or as needed to perform preventive maintenance checks consisting of camera enclosure lens cleaning; camera, strobe and controller enclosure cleaning; inspection of exposed wires; and general system inspections and maintenance.
- h. Contractor shall repair a non-functional Camera System within seventy-two (72) business hours of determination of a malfunction.
- i. Contractor shall repair the Axis<sup>TM</sup> VPS System within one (1) business day from the time of the outage. Outages of City internet connections or infrastructure are excluded from this service level.
- j. For any City using Contractor lockbox or epayment services, Contractor will establish a demand deposit account bearing the title, "American Traffic Solutions, Inc. as agent for City" at U.S. Bank. All funds collected on behalf of City will be deposited in this account and the State portion of violations collected will be transferred by wire the first business day of each week to City's primary deposit account. The City's portion of violation revenue will be transferred on a monthly basis pursuant to Section 21 of this Agreement. City will identify the account to receive funds wired from U.S. Bank. City shall sign a W-9 and blocked account agreement, to be completed by City, to ensure City's financial interest in said U.S. Bank account is preserved.

## **2. CONTRACTOR OPERATIONS**

- a. Contractor shall provide City with an automated web-based citation processing system ("Axis<sup>TM</sup> VPS System") including image processing, color printing and mailing of a Notice of Violation per chargeable event. Each Notice of

Violation shall be delivered by first class mail to the Owner within the statutory period. Contractor shall provide mailings to Owners responding to Notices of Violation identifying drivers in affidavits or non-liability or by rental car companies.

b. Contractor shall act as City's agent for the limited purpose of making an initial determination of whether Recorded Images should be forwarded to the Traffic Infraction Enforcement Officer to determine whether a Violation has occurred and shall not forward for processing those Recorded Images that clearly fail to establish the occurrence of a Violation.

c. Upon expiration of the due date of the Notice of Violation, Axis<sup>TM</sup> VPS System shall issue a Uniform Traffic Citation, which shall be delivered by certified mail to the Owner within the statutory period. The issuance of the Uniform Traffic Citation shall be based on the Traffic Infraction Enforcement Officer's approval, as provided in Section 3 City's Operations of this Exhibit A, of the Notice of Violation.

d. Contractor shall make available a form of affidavit, approved by City, to be used by an Owner who wishes to establish the existence of an exemption to a Notice of Violation or Uniform Traffic Citation as provided in Section 316.0083(1)(d)1 of the Florida Statutes, as may be amended or recodified from time to time.

e. Axis<sup>TM</sup> VPS System shall apply an electronic signature to a Notice of Violation or Uniform Traffic Citation, when authorized to do so by an approving Traffic Infraction Enforcement Officer.

f. Contractor shall obtain in-state vehicle registration information necessary to issue citations assuming that it is named as City's agent for these purposes.

g. Contractor shall seek records from out-of-state vehicle registration databases and apply records found to issue Notices of Violation and Uniform Traffic Citations for City according to each pricing option.

h. If City is unable to or does not desire to integrate Contractor data into its adjudication system, Contractor shall provide an on-line adjudication processing module, which will enable the adjudication function to review cases, related images correspondence and other related information required to adjudicate the disputed Uniform Traffic Citation. The system will also enable the adjudication staff to accept and account for payments.

i. Contractor shall provide to the City access to the Axis<sup>TM</sup> VPS System, which provides the City with the ability to run and print standard system reports.

j. If required by the City, Contractor shall provide the City with, and train a local expert witness able to testify in administrative proceedings and in court on matters relating to the accuracy, technical operations, and effectiveness of the Axis<sup>TM</sup> VPS System until judicial notice is taken.

k. In those instances where damage to a Camera System or sensors is caused by negligence on the part of City or its authorized agent(s), Contractor will provide City an estimate of the cost of repair. Upon authorization to proceed with the repairs or replacement, Contractor shall replace or repair any damaged equipment and invoice City for the pre-approved repair cost. Contractor shall bear the cost to replace or repair equipment damaged in all other circumstances.

l. Contractor shall provide a help line to help City resolve any problems encountered regarding its Red Light Camera System and/or citation processing. The help line shall function during normal business hours.

m. As part of its system, Contractor shall provide Owners with the ability to view Recorded Images of Violations involving their motor vehicles online. This online viewing system shall include a link to the Contractor payment website(s) and may offer the opportunity to download a form affidavit to establish an exemption under Section 316.0083(1)(d) of the Florida Statutes, as may be amended or recodified from time to time. Online-obtained affidavits submitted in response to a Notice of Violation or Uniform Traffic Citations shall be directed to and processed by CONTRACTOR and communicated to City via the Axis<sup>TM</sup> VPS System transfer described above.

n. Contractor shall handle inbound and outbound phone calls and correspondence from defendants who have questions about disputes, and other issues relating to citation adjudication.

o. If an owner who receives a Notice of Violation fails to pay the statutory penalty or submit an affidavit that complies with all requirements provided in Section 316.0083(1)(d) of the Florida Statutes within the time period provided in Section 316.0083(1)(b) of the Florida Statutes, the Traffic Infraction Enforcement Officer's prior approval of the Notice of Violation shall serve to authorize the issuance of a Uniform Traffic Citation without the need for further review.

## **II. CITY'S SCOPE OF WORK**

### **1. GENERAL IMPLEMENTATION REQUIREMENTS**

a. Within seven (7) business days of Amendment No. 1 to the Agreement,

City shall provide CONTRACTOR with the name and contact information for a project manager with authority to coordinate City responsibilities under this Agreement.

b. Within seven (7) business days of execution of Amendment No. 1 to the Agreement, City shall provide CONTRACTOR with the name and contact information for a Uniform Traffic Citation manager responsible for oversight of all Uniform Traffic Citation-related program requirements.

c. Within seven (7) business days of execution of Amendment No. 1 to the Agreement, City shall provide CONTRACTOR with the name(s), contact information, and electronic signature(s) of all Traffic Infraction Enforcement Officers authorized by City's police or sheriff's department to approve and issue Notices of Violation and Uniform Traffic Citations.

d. City shall establish a method by which an Owner who has received a Notice of Violation or a Uniform Traffic Citation may review the images and video evidencing the Violation at [www.violationinfo.com](http://www.violationinfo.com) free of charge. This may be at a publicly available terminal at a City facility or by appointment with the Uniform Traffic Citation manager.

e. City shall make every effort to adhere to the Project Implementation Timeline to be agreed upon between the parties.

f. City shall direct the Flagler County Sheriff's representative, the City's code enforcement representative or approved alternate to execute the Contractor DMV Subscriber Services Agreement (Schedule 2) to provide verification to the State Department of Motor Vehicles, National Law Enforcement Telecommunications System, or appropriate authority indicating that Contractor is acting as an Agent of City for the purposes of accessing vehicle ownership data pursuant to the list of permissible uses delineated in the Drivers Privacy Protection Act 18 U.S.C. 2721, Section (b) (1) and as may otherwise be provided or required by any provision of applicable state law.

g. City and Contractor shall complete the Project Business Process Work Flow design within thirty (30) calendar days of contract signature.

h. City shall issue all needed permits to Contractor and its subcontractors within three (3) days of plan approval.

i. City shall allow Contractor to install vehicle detection sensors in the pavement or roadways within the City's jurisdiction.

j. City shall allow Contractor to build needed infrastructure into any existing

City owned easement as necessary.

## **2. STREETS AND TRAFFIC DEPARTMENT OPERATIONS**

- a. City will design, fabricate, install and maintain red light camera warning signs. If City cannot provide such signage, CONTRACTOR will do so and charge the costs to City.
- b. City shall provide access traffic signal phase connections according to approved design for traffic signals owned and operated by City.
- c. City shall allow Contractor to access power from existing power sources at no cost and shall allow or facilitate access to traffic signal phase connections to a pull box, pole base, or controller cabinet nearest to each Camera System within the City's jurisdiction. Provided, City shall not be responsible for providing access to Florida Department of Transportation equipment or infrastructure or any other jurisdiction's equipment or infrastructure.
- d. City shall require Contractor to provide installation drawings stamped by a licensed engineer and Contractor work product and drawings shall be overseen and approved by a Contractor PE. Such deliverables shall conform to applicable engineering norms and reflect the details of installation work to be completed.
- e. City shall approve or reject Contractor submitted plans within seven (7) business days of receipt and shall limit iterations to a total of one revision beyond the initially submitted plans. Total plan approval duration shall not exceed ten (10) business days.
- f. City shall not charge Contractor or its Subcontractor for building, constructions, street use and/or pole attachment permits.

## **3. CITY OPERATIONS.**

- a. City's Traffic Infraction Enforcement Officer(s) shall process each potential violation in accordance with State Law and/or Municipality Ordinances within five (5) days of its appearance in the Law Enforcement Review Queue, using Axis<sup>TM</sup> VPS System to determine which violations will be issued as Notices of Violation. In the event that City fails to process potential Violations within this timeframe, Contractor shall not be liable for failure to issue a notice or citation within statutory timeframes, provided the Contractor has placed the Violations in the viewing queue timely.
- b. Within seven (7) days of the execution of Amendment No. 1 to the Agreement, City shall provide Contractor with a form of Uniform Traffic Citation

that complies with the provisions of Chapter 316 of the Florida Statutes, with the understanding that some modifications may be necessary to enable use with Contractor's systems.

c. City shall provide Contractor with instructions or specifications for the treatment of affidavits, with the understanding that some modifications may be necessary to ensure compatibility with Contractor's processes.

d. City workstation computer monitors for citation review and approval provide a resolution of 1280 x 1024.

e. For optimal data throughout, City workstations should be connected to a high-speed internet connection with bandwidth of T-1 or greater.

f. City shall provide signatures of all Traffic Infraction Enforcement Officers users who will review events and approve issuance of Notices of Violation and Uniform Traffic Citations on forms as provided by Contractor.

g. City shall handle inbound and outbound phone calls and correspondence from defendants who have questions about disputes, and other issues relating to citation adjudication. City may refer citizens with questions regarding Contractor or Axis<sup>TM</sup> VPS System technology and processes to websites and/or toll free telephone numbers provided by Contractor for that purpose.

#### **4. INFORMATION TECHNOLOGY DEPARTMENT OPERATIONS**

a. In the event that remote access to the Contractor's Axis<sup>TM</sup> VPS System is blocked by City network security infrastructure, City's Department of Information Technology shall coordinate with Contractor to facilitate appropriate communications while maintaining required security measures.



**EXHIBIT B**  
**PRICING AND RATE SCHEDULE**

**1.0 Description of Pricing.**  
**Fee**

From July 10, 2010 through May 31, 2012, the total fee paid to Contractor shall be \$205,041.00.

Beginning June 1, 2012, pricing and fees shall be based upon the number of cameras installed and functioning consistent with the terms of the Agreement and Amendment No. 1. The City shall be entitled to the first \$700.00 per camera, per month, on an aggregate basis, from the program's net revenue. If net revenue for a given calendar month is less than \$700.00 per camera, the City will receive the total net revenue for that month and Contractor will not receive any fees.

If the net revenue for a given calendar month exceeds the City's entitlement to the first \$700.00 per camera, then Contractor will be entitled to receive a maximum of \$4,250.00 per camera. All remaining revenue shall be payable to the City once the Contractor has reached its \$4,250.00 per camera maximum.

**Example 1:**

\$60,000 Net Monthly Revenue (10 functioning Cameras)

City:               \$ 7,000 (\$700 x 10)

Contractor:     \$42,500 (\$4250 x 10)

Total:            \$49,500

City retains balance of \$10,500 (\$60,000 - \$49,500) in addition to the first \$7,000. Contractor has earned its maximum of \$4,250 per camera.

**Example 2:**

\$40,000 Net Monthly Revenue (10 functioning Cameras)

City:               \$ 7,000 (\$700 x 10)

Contractor:     \$33,000

Total:            \$40,000

Since the per camera amount is less than the Contractor's maximum of \$4,250 per camera, no additional amount is payable to the City. City retains total of \$7,000.


7 3 2012

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

ATTEST:

AMERICAN TRAFFIC SOLUTIONS, LLC.

  
Authorized Corporate Officer


By:   
Authorized Corporate Officer

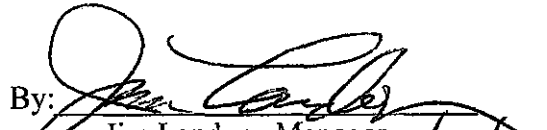
GEORGE J. HITNER  
(print name)

B. Michael Bolton  
(print name)


ATTEST:

CITY OF PALM COAST

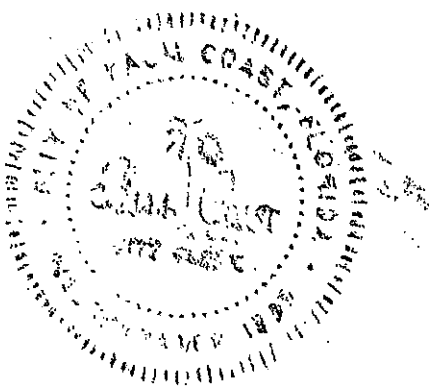
  
Virginia A. Smith, Clerk

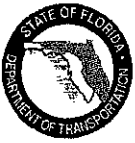
By:   
Jim Landon, Manager 8/17/12

Approved as to form and legality

  
William E. Reischmann, Jr., City Attorney

Attachments: Exhibit A Scope of Services  
Exhibit B Pricing and Rate Schedule





## UTC DISMISSAL REQUEST

**CITY OF PALM COAST**  
160 Cypress Point Parkway, Suite B-106  
Palm Coast, FL 32164

---

Date: 3/20/2014

To: Flagler County Clerk of Court

---

Citation No.: A0X4EWE

Vehicle License No.: FL Tag # B0AVM

Issued To: David Jacob Meadors

Issue Date: 12/23/2013

---

Mr. Meadors states that he did not receive the Notice of Violation. The violation continued to escalate and his license has been suspended. The City is requesting dismissal of the UTC so that his license may be reinstated and so that he may submit payment at the original amount to the City

Pursuant to 318.18(15)(c), this is an official request for dismissal of the UTC issued to the party indicated above.

3/20/2014

---

Supervisor's Signature

Date

Michael Donovan

Printed Name of Supervisor

---

UTC Dismissal Form  
Revision Date: 08/2010

**EXHIBIT**

**E**

**Liliana Filipe**

---

**From:** Liliana Filipe  
**Sent:** Thursday, March 20, 2014 3:43 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissal  
**Attachments:** Meadors Dismissal Request.doc

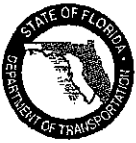
Hello,

Please process the attached dismissal request for Meadors. His license has been suspended.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)





## UTC DISMISSAL REQUEST

**CITY OF PALM COAST**  
160 Cypress Point Parkway, Suite B-106  
Palm Coast, FL 32164

---

Date: 3/20/2014

To: Flagler County Clerk of Court

---

Citation No.: A0X4EWE

Vehicle License No.: FL Tag # B0AVM

Issued To: David Jacob Meadors

Issue Date: 12/23/2013

---

Mr. Meadors states that he did not receive the Notice of Violation. The violation continued to escalate and his license has been suspended. The City is requesting dismissal of the UTC so that his license may be reinstated and so that he may submit payment at the original amount to the City

Pursuant to 318.18(15)(c), this is an official request for dismissal of the UTC issued to the party indicated above.

A handwritten signature in black ink, appearing to read "Michael Donovan", is written over a horizontal line.

3/20/2014

Supervisor's Signature

Date

Michael Donovan

Printed Name of Supervisor

---

UTC Dismissal Form  
Revision Date: 08/2010

## Liliana Filipe

---

**From:** Antria Barham <ABarham@flaglerclerk.com>  
**Sent:** Thursday, March 20, 2014 3:56 PM  
**To:** Liliana Filipe; Central Receipting  
**Subject:** RE: UTC Dismissal

We will process accordingly.

Thank you.  
Antria Barham  
Central Cashiering/Traffic Division  
Clerk of the Circuit Court & Comptroller  
Flagler County, Florida  
Kim C Hammond Justice Center  
1769 E Moody Blvd, Bldg # 1  
Bunnell, FL 32110  
Phone: 386-313-4353  
Fax: 386-437-1083

---

**From:** Liliana Filipe [mailto:lfilipe@palmcoastgov.com]  
**Sent:** Thursday, March 20, 2014 3:43 PM  
**To:** Central Receipting  
**Subject:** UTC Dismissal

Hello,

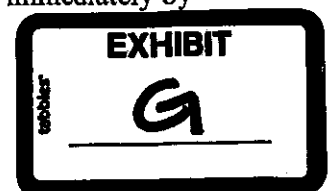
Please process the attached dismissal request for Meadors. His license has been suspended.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the Flagler County Clerk of the Circuit Court & Comptroller are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by





Gail Wadsworth  
Clerk of the Circuit Court  
Flagler County Florida

Username:

Password:

Login

(/Benchmark/Home.aspx/About)

Search (/Benchmark/Home.aspx/Search)

Court Docket (/Benchmark/CourtDocket.aspx)

Recent Dockets

Recent Cases

2014 TR 000957

Recent Searches

# 2014 TR 000957 - STATE OF FLORIDA vs. OETTEL, CHARLES G

Print Summary (.../DetailsPrint/765509)

Cases

Summary History

Next (/Details/482737digest=1A/4agef/+ctDDQZRPz/gbselectLastTab=true&courtDocketurl=/Benchmark/CourtDocket.aspx/Cases/117782)

Previous (/Details/635735digest=9xjTyGloXj/mDD1ag9gh0AEselectLastTab=true&courtDocketurl=/Benchmark/CourtDocket.aspx/Cases/117782)

## SUMMARY

Judge: Court Type: CIVIL TRAFFIC  
Case Number: 2014 TR 000957 Uniform Case Number: 182014TR000957XXXXX Status: CLOSED  
Clerk File Date: 2/3/2014 Status Date: 3/25/2014 Waive Speedy Trial: ☐  
Agency: CITY OF PALM COAST Total Fees Due: 0.00 Booking #:   
Agency Report #: ADX4SWE- Custody Location:

TYPE	PARTY NAME	ATTORNEY
DEFENDANT	OETTEL, CHARLES G (/Benchmark/Party.aspx/Index/52912662?caseID=765509)	
PLAINTIFF	STATE OF FLORIDA	

## CHARGES

COUNT	DESCRIPTION	LEVEL	DEGREE	PLEA	DISPOSITION	DISPOSITION DATE
1	FAILED TO STOP AT STEADY RED SIGNAL - CO/MO (316.075(1)(C)1a)	I	N		DISMISSED TRAFFIC	

## EVENTS

DATE	EVENT	JUDGE	LOCATION	RESULT
No Events on Case				

## CASE DOCKETS

DATE	ENTRY
3/25/2014	DISPOSITION SENT TO TCATS - ADX4SWE
3/25/2014	CITATION UPDATE SENT TO TCATS - ADX4SWE
3/25/2014	CASE CLOSED
3/25/2014	DISMISSED TRAFFIC SEQ: 1
3/25/2014	JUDGE/MAGISTRATE RULING: DISMISS
3/18/2014	REQUEST FROM CITY OF PALM COAST TO DISMISS
2/5/2014	CITATION UPDATE SENT TO TCATS - ADX4SWE
2/3/2014	ADD SENT TO TCATS - ADX4SWE
2/3/2014	RED LIGHT CAMERA UTC COURTESY NOTICE
2/3/2014	COMPLIANCE UPDATED : 30 DAYS TO COMPLY REQUIRED BY: 03/17/2014
2/3/2014	CITATION FILED COUNT: 1 - (316.075(1)(C)1A) FAILED TO STOP AT STEADY RED SIGNAL - CO/MO
2/3/2014	FAIL TO STOP AT TRAFFIC SIGNAL (PHOTO ENFORCEMENT) ASSESSED \$264.00 DUE ON 3/5/2014
2/3/2014	COMPLIANCE CREATED : 30 DAYS TO COMPLY REQUIRED BY: 03/05/2014
2/3/2014	FLAGLER CASE#: 2014 TR 000957 FCC
2/3/2014	CITATION FILED

EXHIBIT

H

## Liliana Filipe

---

**From:** Antria Barham <ABarham@flaglerclerk.com>  
**Sent:** Thursday, March 20, 2014 3:56 PM  
**To:** Liliana Filipe; Central Receipting  
**Subject:** RE: UTC Dismissal

We will process accordingly.

Thank you.  
Antria Barham  
Central Cashiering/Traffic Division  
Clerk of the Circuit Court & Comptroller  
Flagler County, Florida  
Kim C Hammond Justice Center  
1769 E Moody Blvd, Bldg # 1  
Bunnell, FL 32110  
Phone: 386-313-4353  
Fax: 386-437-1083

---

**From:** Liliana Filipe [mailto:lfilipe@palmcoastgov.com]  
**Sent:** Thursday, March 20, 2014 3:43 PM  
**To:** Central Receipting  
**Subject:** UTC Dismissal

Hello,

Please process the attached dismissal request for Meadors. His license has been suspended.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the Flagler County Clerk of the Circuit Court & Comptroller are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by





## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Thursday, March 20, 2014 3:43 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissal  
**Attachments:** Meadors Dismissal Request.doc

Hello,

Please process the attached dismissal request for Meadors. His license has been suspended.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)





## UTC DISMISSAL REQUEST

**CITY OF PALM COAST**  
160 Cypress Point Parkway, Suite B-106  
Palm Coast, FL 32164

---

Date: 3/20/2014

To: Flagler County Clerk of Court

---

Citation No.: A0X4EWE

Vehicle License No.: FL Tag # B0AVM

Issued To: David Jacob Meadors

Issue Date: 12/23/2013

---

Mr. Meadors states that he did not receive the Notice of Violation. The violation continued to escalate and his license has been suspended. The City is requesting dismissal of the UTC so that his license may be reinstated and so that he may submit payment at the original amount to the City

Pursuant to 318.18(15)(c), this is an official request for dismissal of the UTC issued to the party indicated above.

3/20/2014

---

Supervisor's Signature

Date

Michael Donovan

Printed Name of Supervisor

---

UTC Dismissal Form  
Revision Date: 08/2010



Gold Wadsworth  
Clerk of the Circuit Court  
Flagler County, Florida

Username:

Password:

Login

[? \(/Benchmark/Home.aspx/About\)](#)

[Q Search \(/Benchmark/Home.aspx/Search\)](#)

[Court Docket \(/Benchmark/CourtDocket.aspx\)](#)

[Recent Cases](#)

2014 TR 001321

2014 TR 003283

2013 TR 011337

2014 TR 002088

[Q Recent Searches](#)

## 2013 TR 011337 - STATE OF FLORIDA vs. MEADORS, DAVID

[Print Summary \(.../DetailsPrint/763371\)](#)

[Summary](#) [History](#)

Next [.../Details/769301?digest=TFT015W60tG1px8eb6DZg6selectLastTab=true&courtDocketurl=](#)

Previous [.../Details/753519?digest=2W4JmVwWmY9Hl0nQ2neowfselectLastTab=true&courtDocketurl=](#)

## SUMMARY

Remember

Judge:

Court Type: CIVIL TRAFFIC

Status: CLOSED

Case Number: 2013 TR 011337

Uniform Case Number: 182013TR011337X00000

Status Date: 3/25/2014

Waive Speedy Trial: ☐

Clerk File Date: 12/23/2013

Total Fees Due: 0.00

Booking #:

Agency: CITY OF PALM COAST

Agency Report #: AOX4EWE-

Custody Location:

TYPE	PARTY NAME	ATTORNEY
DEFENDANT	MEADORS, DAVID <a href="#">(/Benchmark/Party.aspx/index/107219625?caseID=763371)</a>	
PLAINTIFF	STATE OF FLORIDA	

## CHARGES

COUNT	DESCRIPTION	LEVEL	DEGREE	PLEA	DISPOSITION	DISPOSITION DATE
1	FAILED TO STOP AT STEADY RED SIGNAL - CO/MO (316.075(1)(C)1a)	I	N		DISMISSED TRAFFIC	

## EVENTS

DATE	EVENT	JUDGE	LOCATION	RESULT
No Events on Case				

## CASE DOCKETS

DATE	ENTRY
3/25/2014	DISPOSITION SENT TO TCATS - AOX4EWE
3/25/2014	CITATION UPDATE SENT TO TCATS - AOX4EWE
3/25/2014	CASE CLOSED
3/25/2014	DISMISSED TRAFFIC SEQ: 1
3/25/2014	JUDGE/MAGISTRATE RULING: DISMISS
3/20/2014	DL REINSTATED
3/20/2014	REQUEST FROM CITY OF PALM COAST TO DISMISS
2/20/2014	D-6 SUSPENSION SENT TO TCATS
2/20/2014	D-6 LATE PENALTY ASSESSED \$23.00 DUE ON 3/24/2014
2/20/2014	COMPLIANCE CREATED : COLLECTIONS REQUIRED BY: 01/22/2014
2/20/2014	D6 ISSUED 02/20/2014 / LICENSE SUSPENDED - FAILED TO PAY \$264.00
12/23/2013	ADD SENT TO TCATS - AOX4EWE
12/23/2013	RED LIGHT CAMERA UTC COURTESY NOTICE
12/23/2013	COMPLIANCE UPDATED : 30 DAYS TO COMPLY REQUIRED BY: 02/03/2014
12/23/2013	CITATION FILED COUNT: 1 - (316.075(1)(C)1A) FAILED TO STOP AT STEADY RED SIGNAL - CO/MO
12/23/2013	FAIL TO STOP AT TRAFFIC SIGNAL (PHOTO ENFORCEMENT) ASSESSED \$264.00 DUE ON 1/22/2014
12/23/2013	COMPLIANCE CREATED : 30 DAYS TO COMPLY REQUIRED BY: 01/22/2014
12/23/2013	FLAGLER CASE#: 2013 TR 011337 FCC
12/23/2013	CITATION FILED

## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Wednesday, March 26, 2014 3:18 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissals  
**Attachments:** Brill Dismissal Request.doc; Ballard Dismissal Request.doc; Large Dismissal Request.doc; Boyd Dismissal Request.doc; Fawley Dismissal Request.doc; Clunan Dismissal Request.doc

Good Afternoon,

Please process the attached UTC dismissal requests.

Thanks

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Friday, March 28, 2014 8:54 AM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** Dono UTC Dimissal  
**Attachments:** Dono Dismissal Request.doc

Good Morning,

Please process the attached dismissal request for Dono.

Thanks

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Friday, March 28, 2014 11:17 AM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissals  
**Attachments:** McMorro Dismissal Request.doc; Kogan Dismissal Request.doc; June Dismissal Request.doc

Hello,

Please process the attached dismissal requests.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Wednesday, April 02, 2014 1:15 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissals  
**Attachments:** Deck Dismissal Request.doc; Gibson Joshua Dismissal Request.doc; rogers gail inda Dismissal Request.doc

Good Afternoon,

Please process the attached dismissal requests.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Wednesday, April 02, 2014 4:57 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC dismissal  
**Attachments:** Ndum Dismissal Request.doc; Crews Dismissal Request.doc

Good Afternoon,

Please process the attached dismissal requests.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)





## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Thursday, April 03, 2014 9:18 AM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissal  
**Attachments:** Register Dismissal Request.doc

Good Morning,

Please process the attached dismissal request.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Thursday, April 03, 2014 10:33 AM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissals  
**Attachments:** Steward Dismissal Request - 2.doc; Steward Dismissal Request - 1.doc

Hello,

Please process the attached dismissal requests.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Thursday, April 03, 2014 1:14 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissal  
**Attachments:** Piquet Dismissal Request.doc

Hello,

Please process the attached dismissal request.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Wednesday, April 09, 2014 11:22 AM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissals  
**Attachments:** Tyler Dismissal Request.doc; Resnick Dismissal Request.doc; Simmons Vincent Dismissal Request.doc; Barrick Dismissal Request.doc

Good Morning,

Please process the attached dismissal requests.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## **Liliana Filipe**

---

**From:** Liliana Filipe  
**Sent:** Thursday, April 10, 2014 12:06 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** UTC Dismissals  
**Attachments:** Girardi Dismissal Request.doc; Maiorano Dismissal Request.doc; Hilaire Dismissal Request.doc

Good Morning,

Please process the attached dismissal requests.

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



## Liliana Filipe

---

**From:** Antria Barham <ABarham@flaglerclerk.com>  
**Sent:** Thursday, March 27, 2014 8:36 AM  
**To:** Liliana Filipe; Central Receipting  
**Subject:** RE: UTC Dismissals

We will process accordingly.

Thank you,  
Antria Barham  
Central Cashiering/Traffic Division  
Clerk of the Circuit Court & Comptroller  
Flagler County, Florida  
Kim C Hammond Justice Center  
1769 E Moody Blvd, Bldg # 1  
Bunnell, FL 32110  
Phone: 386-313-4353  
Fax: 386-437-1083

---

**From:** Liliana Filipe [mailto:lfilipe@palmcoastgov.com]  
**Sent:** Wednesday, March 26, 2014 3:18 PM  
**To:** Central Receipting  
**Subject:** UTC Dismissals

Good Afternoon,

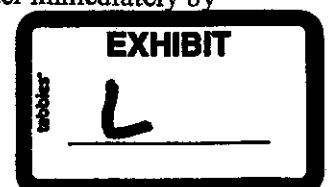
Please process the attached UTC dismissal requests.

Thanks

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the Flagler County Clerk of the Circuit Court & Comptroller are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by



## Liliana Filipe

---

**From:** Antria Barham <ABarham@flaglerclerk.com>  
**Sent:** Friday, March 28, 2014 9:21 AM  
**To:** Liliana Filipe; Central Receipting  
**Subject:** RE: Dono UTC Dimissal

We will process accordingly.

Thank you.  
Antria Barham  
Central Cashiering/Traffic Division  
Clerk of the Circuit Court & Comptroller  
Flagler County, Florida  
Kim C Hammond Justice Center  
1769 E Moody Blvd, Bldg # 1  
Bunnell, FL 32110  
Phone: 386-313-4353  
Fax: 386-437-1083

---

**From:** Liliana Filipe [mailto:lfilipe@palmcoastgov.com]  
**Sent:** Friday, March 28, 2014 8:54 AM  
**To:** Central Receipting  
**Subject:** Dono UTC Dimissal

Good Morning,

Please process the attached dismissal request for Dono.

Thanks

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the Flagler County Clerk of the Circuit Court & Comptroller are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by

## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Friday, April 11, 2014 1:10 PM  
**To:** 'traffic@flaglerclerk.com'  
**Subject:** Dismissal Process

Good Morning,

I have some questions about the dismissal process and I really just need some clarification. I noticed on the recent dismissal requests that I have sent in, that they have been scheduled for 4/30/2014 with Judge Moore.

Is Charles Cino no longer going to sign off on these? And is there anything else that I need to do concerning the dismissals? Also if the requests are now going to go to court, how often will this happen?

Please let me know if I just need to continue processing these the same way I always have or if I need to do anything different.

Thanks for the help,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

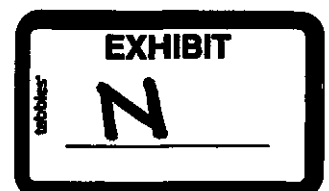


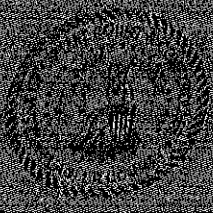


## Liliana Filipe

---

**From:** Jennifer Burnett <star16jenn@gmail.com>  
**Sent:** Tuesday, April 15, 2014 1:43 PM  
**To:** Liliana Filipe  
**Subject:** Red light notice to appear  
**Attachments:** photo 1.JPG; ATT00001.txt; photo 2.JPG; ATT00002.txt





GAIL WADSWORTH, Clerk of the Circuit Court & Comptroller

1769 East Mosquito Blvd., Building 71 • Bunnell, Florida 32110  
Phone: (386) 313-4400 • Website: [www.flcourts.org](http://www.flcourts.org)

Date 4/11/14

JENNIFER GAYLE CREWS  
706 N PEACH STREET  
BUNNELL, FL 32110

In Re: CITATION #A12FLEE

Dear Ms. Crews

The City of Palm Coast has requested a dismissal of your case number

That request has been denied; however, a hearing before Judge D. Melissa Moore  
Stens has been scheduled for you and the *Notice to Appear (of Hearing)* is attached.

Should you not wish to appear at this hearing, you should notify us that you will not  
appear. If your intent is not to appear, you must pay any fees due the State through  
the Clerk of the Circuit Court & Comptroller's Central Receiving Office.



  
Deputy Clerk



DATE: 4/23/2014

TO: JENNIFER GAYNE CAIN  
707 E. FLORIDA AVE  
BIRMINGHAM, AL 35203

FOR THE COURT

RE: STATE OF FLORIDA vs JENNIFER GAYNE CAIN

CASE NO. 2014-16-0116

VS. HONORABLE JUDGE CARLYN WINDSWORTH, CLERK OF THE COURT

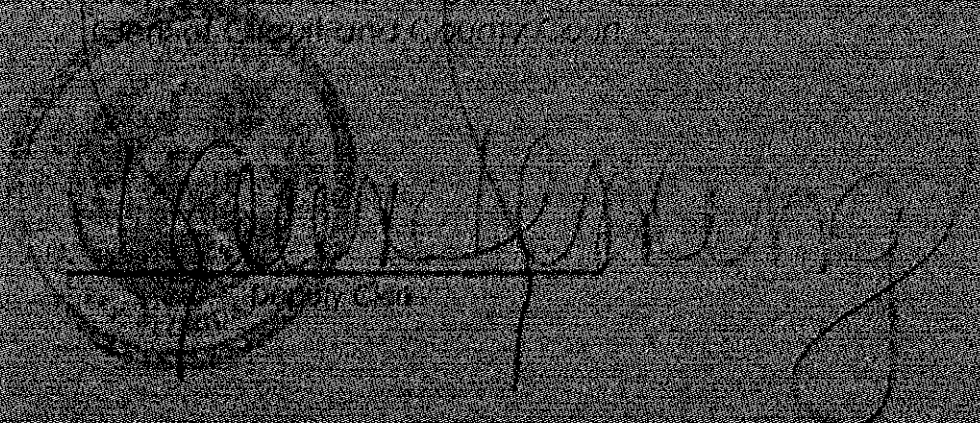
You are hereby notified that the court has granted your motion to  
MOTION TO DISMISS.

This is your NOTICE TO APPEAR on April 30, 2014 at 11:00 AM in Court Room 12A.

Honorable MELISSA MOORE STENI, Clerk  
Hon. C. Hammond Justice Center  
1769 E. Moody Ave.  
Building  
Birmingham, AL 35210

If the office can't find your address, please contact

HONORABLE CARLYN WINDSWORTH  
Clerk of the Court

  
Carlyn Windsworth

## Liliana Filipe

---

**From:** Liliana Filipe  
**Sent:** Tuesday, April 15, 2014 2:36 PM  
**To:** 'Dawn Deming (DDeming@flaglerclerk.com)'  
**Cc:** Barbara Grossman  
**Subject:** UTC Dismissals

Tracking:	Recipient	Delivery	Read
	'Dawn Deming (DDeming@flaglerclerk.com)'		
	Barbara Grossman	Delivered: 4/15/2014 2:36 PM	Read: 4/15/2014 3:12 PM

Hello Dawn,

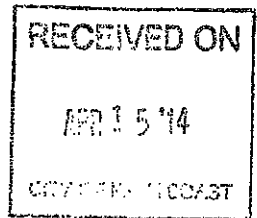
I have been sending UTC dismissal requests to the court for some time now. I know that the requests I have sent these past few weeks have been scheduled to be heard by Judge Moore-Stens. Please let me know what the procedure is for dismissals of UTC's for citizens that just want to be able to pay the citation at the original amount.

Also I have a few questions concerning the hearing that is scheduled on 4/30/2014. If the Judge rules that they may pay at the \$158.00, will they be paying the court or the City? If someone were to not show up to this hearing will they be required to pay the \$264.00 plus additional fees? Lastly, is a representative for the City required to attend?

Thanks,

Liliana Filipe  
Data Entry Clerk  
City of Palm Coast  
160 Cypress Point Pkway, Suite B-106  
Palm Coast, FL 32164  
Tel: 386-986-2480  
[www.palmcoastgov.com](http://www.palmcoastgov.com)





IN THE COUNTY COURT, SEVENTH  
JUDICIAL CIRCUIT IN AND FOR  
FLAGLER COUNTY, FLORIDA


STATE OF FLORIDA

VS

SEE ATTACHED LIST

**YOU ARE HEREBY NOTIFIED** that a hearing will be held in the attached styled cases for a Hearing on the City of Palm Coast's Motion to Dismiss on **April 30, 2014 at 11:00 A.M.**, before the Honorable D. Melissa Moore Stens, County Judge at the Kim C. Hammond Justice Center, **Courtroom #404, 1769 E. Moody Blvd, Bldg #1, Bunnell, FL 32110.**

**DONE AND ORDERED** in Chambers in Bunnell, Flagler County, Florida this 11<sup>th</sup> day of April, 2014.



*[Handwritten signature]*  
JUDGE D. MELISSA MOORE STENS  
COUNTY COURT JUDGE



2014 TR 001609

2014 TR 1609	JOHN KEVIN TYLER	A1PFMHE
2014 TR 1837	MARK ALAN RESNICK	A1PFNVE
2014 TR 2814	CRISTY BARNETT BARRICK	A1PFSNE
2014 TR 3013	VINCENT SIMMONS	A1PFVSE
2011 TR 6399	JAMES MICHAEL DONO	7015LAS
2013 TR 4521	JOSHUA JARRED GIBSON	7929LDM
2013 TR 10840	DONNA MOTES REGISTER	A0X47ZE
2014 TR 81	ANTHONY LAMAR STEWARD	A0X4J3E
2014 TR 82	ANTHONY LAMAR STEWARD	A0X4J4E
2014 TR 112	SANDRA VICTORI PIQUET	A0X4KCE
2014 TR 443	JON MICHAEL BALLARD	A0X4MQE
2014 TR 693	ROGERS GAIL LINDA	A0X40TE
2014 TR 1311	GLENN MICHAEL CLUNAN	A1PFIQE
2014 TR 1331	JEAN A MCMORROW	A1PFJ5E
2014 TR 1361	LAURIE ANN LARGE	A1PFJPE
2014 TR 1492	STEFANIE RENEE FAWLEY	A1PFL8E
2014 TR 1537	LISA A JUNE	A1PFLCE
2013 TR 1540	JENNIFER GAYLE CREWS	A1PFLEE
2014 TR 1546	MIKHAIL KOGAN	A1PFLKE
2014 TR 1789	DAWN MARIE BRILL	A1PFN3E
2014 TR 2170	PHILIP N NDUM	A1PFQTE
2014 TR 2386	JOYCE M BOYD	A1PFRBE
2014 TR 2915	CATHY ARLENE DECK	A1PFTFE