IN THE NORTH CAROLINA GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

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ANTHONY S. MINA, Petitioner, versus	)	DARE COUNTY
SOUTHERN SHORES and WES HASKETT, Respondents.	)	24-CV001667-270

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TRANSCRIPT

April 13, 2026, Civil Session

Gates County

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Transcript of proceedings taken in the General Court of Justice, Superior Court Division, Gates County, North Carolina, at the April 13, 2026, Civil Session, before the Honorable Lamont Wiggins, Judge of said court.

APPEARANCES:
Anthony S. Mina,
Petitioner,
Appearing pro se.

Lauren Arizaga-Womble
(Hornthal, Riley, Ellis and Maland)
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(Following proceedings took place on Monday, April 13, 2026, at 10:42 a.m.)

THE COURT: Next matter for hearing will be matter number two, Mina versus Southern Shores and Wes Haskett. If all parties could, please, come forward.

Everyone, if you could, please be seated. I'm going to pull up the file and I will let you know when I am prepared to move forward.

MS. ARIZAGA-WOMBLE: Just procedurally as you are pulling up the file, we had a hearing in October before Judge Sermons and he granted the motion to dismiss by the Town to dismiss Wes Haskett as a respondent, as he was not a proper party pursuant to the statute.

Judge Sermons issued that order in open court and approximately 30 days later, just before a subsequent hearing on the Petition for Writ, he issued an order of recusal. So that order to dismiss Wes Haskett has not been signed in that he recused himself before the order was signed. It should be in the portal. I'm not really sure what to do with that, but for your review procedurally, respondent, Wes Haskett, was dismissed in October. Just wanted to note that for the Court.

THE COURT: Very good. Thank you.

This is 24-CV001667, the matter of Anthony Mina versus Southern Shores and Wes Haskett. Court takes note of

the procedural history that was given by defendant's counsel, Ms. Arizaga-Womble, as to an order of dismissal that was entered as to the defendant Haskett in October of 2025.

This is on for the plaintiff's -- Anthony Mina's petition. It is fashioned as a Petition for Certiorari. The Court has now before it a pleading that was filed on or about March the 15th of 2026. It is captioned, notice to the Court that Lauren Womble must be arrested for embezzlement-related crimes. And then in the basis for relief, it notes alleged or purported acts of embezzlement by Ms. Arizaga-Womble, as well as names individual Phil Hornthal, omissions of facts. Makes reference to communications, multiple exhibits, e-mails, public records request and omissions.

And before we begin the hearing, if you could, so we have a clear record, if you could, please, Mr. Mina, stand and introduce yourself once again and make the declaration, you're representing yourself, correct?

MR. MINA: My name is Anthony Mina, property owner, 75 East Dogwood Trail in Southern Shores, North Carolina. I am representing myself here, Your Honor.

THE COURT: All right. That is all I need right now. Okay. And Ms. Arizaga-Womble?

MS. ARIZAGA-WOMBLE: Yes, sir. Lauren

Arizaga-Womble, Hornthal, Riley, Ellis and Maland. I am here on behalf of the Town of Southern Shores.

THE COURT: Very good. And if you could, please, Mr. Mina, as to the recitals by the Court, as to the pleading that is now before the Court, is that a correct overview of what and why we're here for today?

MR. MINA: To have Ms. Womble --

THE COURT: I need you to stand, please. I need you to stand, please.

MR. MINA: You're asking me if the reason that we're here is to have Ms. Womble arrested?

THE COURT: I have a pleading here, and I gave an overview of that pleading. It is captioned as a Petition for Certiorari. I want to make sure that I am reading the correct pleading so that I understand what you are asking for and why we are here today.

MR. MINA: The Petition for Certiorari is to have my variance denial overturned, as stated in the relief there where I received a lot subdivision as the relief I'm requesting.

THE COURT: I know I'm cutting you off, Mr. Mina, but what I have in front of me, and I understand that this started as a petition before county Board of Adjustment and denial of a variance, but what I have here and what I am going to do is to print the first two pages as to what you

are necessarily asking for, and what I have in front of me so that you know what I'm looking at and where we are working from because I need to have some specificity as to what the Court needs to consider, and I want to make sure I understand what you are talking about. Okay?

MR. MINA: Thank you, Your Honor.

THE COURT: All right. And what I'm going to do is print the first two pages of the last pleading that does not include the other 74. And bear with me, I think it's the third page. I'm going to go ahead and print that. Bear with me. I'm going to print the third page as well. All right. I'm not going to print all of the exhibits.

MR. MINA: This is a notice.

THE COURT: Okay. So --

MR. MINA: Would you like me to explain the notice? I don't understand what you are asking me, sir.

THE COURT: I am asking you what pleading have you filed that the Court necessarily has to hear today? I understand it's captioned as a notice, but in that notice you're making certain requests. It appears that is what you are doing. So I'm trying to make sure that I'm addressing the correct issue that you want the Court to address in here. Now if that particular notice -- because that is the most recent pleading or filing that I have before me, so that I can understand what you are here for and what I

necessarily have to consider.

MR. MINA: I completely understand your question now.

THE COURT: Okay.

MR. MINA: Yes. There is, first of all, the main purpose of this document is my Petition for Writ of Certiorari.

THE COURT: Do you have a copy of that in front of you?

MR. MINA: Yes, sir.

THE COURT: Okay. Can you give me that copy and give it to the bailiff and he will approach and bring it to me.

MR. MINA: Well, Your Honor, this is my copy that I need to talk --

THE COURT: I'm going to review it and then I'm going to give it back to you, okay?

MR. MINA: Yes, sir.

THE COURT: All right. Just want to say, my recall is pretty good.

MR. MINA: I mean, I have filings that are all about 50 pages long.

THE COURT: I know. I saw them. The Court has found this petition. It was actually filed on December the 18th, I believe, of 2024, in Dare County. But I do have it.

And it's your position that this is what we are here for today, correct? Yes or no? Is this what we're here for today?

MR. MINA: Yes, sir, and my motions.

THE COURT: Very good. Okay. Tell me what your motions are?

MR. MINA: Your Honor, there's a motion to sanction respondent, which included -- included Wes Haskett at the time but since then has not -- does not include Wes Haskett on there. There is an unopposed petition, motion to grant petition, because as you can see from the record, Southern Shores has not filed any opposition to any of the documents that I filed.

The notices that you have on the docket have been filed for the Court's discretion. I will briefly go over each of my filings, emphasize a few things.

The main point of the notices is having 3-B. Three provides the judge should take -- or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct, of which the judge may become aware.

THE COURT: Before you go into arguments, okay, I'm going to give you your petition back. And now that I believe I have a good basis as to where we are from your perspective as to what you want the Court to address, I am

going to declare that the floor is with you, and now I've started the timer.

We're going to first start with your Petition for Writ of Certiorari. Address your arguments as it relates to that pleading.

MR. MINA: May I ask that you tell me when there -- I have been talking 15 minutes? I understand that I have an hour total.

THE COURT: Sure. Yes, sir. I'll do that.

MR. MINA: Thank you, sir.

My Petition for Writ of Certiorari states a lot of facts, but the underlying most important fact is that the plain words attorney advised the Planning Board that they must grant my motion to preclude the variance hearing which would have given me my lot subdivision, if there was -- if they found relevant, competent and substantial evidence of neglect, unlawful acts, conspiracy, misconduct --

THE COURT: Can you refer me to the page and the paragraph that you're reading from in your writ?

MR. MINA: Yes, sir. Starting with paragraph 24.

THE COURT: I'm with you and I can follow.

MR. MINA: You see over and over, Planning Board Jay -- Planning Board attorney Jay Wheless advised Planning Board of Adjustment that substantial evidence of neglect, unlawful acts, conspiracy and potential misconduct on the

the part of the Town requires the Planning Board, Board of Adjustment, to grant petitioner's motion to preclude variance hearing -- to grant petitioner's variance.

I am going to go just through and show you a pattern of fraud, misconduct that started during the purchase of my property, went through the hearing, and has brought us here today. And instead of Southern Shores correcting the wrong doing, they have spent $13,000 of property owners' money in legal fees to aid and abet fraud, which is prohibited by North Carolina law.

The first exhibit I'd like to introduce to the Court is a statement that I typed, notarized, stating that I do not have any agreements with the Town of Southern Shores, any of their employees, board members and attorneys that are not of public record. The purpose of this --

THE COURT: Mr. Mina, I think some of those statements and those affidavits you included in your pleadings.

MR. MINA: No, these are new.

THE COURT: These are new --

MR. MINA: Yes, sir.

THE COURT: -- affidavits?

MR. MINA: Yes.

THE COURT: And what I need you to do is make sure that Ms. Arizaga-Womble is aware of and gets a copy. I saw

you did hand her a copy. Okay. How do you intend to mark that affidavit?

MR. MINA: Mark it as Exhibit 1.

THE COURT: Okay. Very good. Tell me again what it is?

MR. MINA: The purpose of this exhibit is just -- I don't have any agreements with the Town of Southern Shores, any of their employees, board members and attorneys -- not of public record. And this is important to the Court.

THE COURT: Before we move forward, Ms. Arizaga-Womble, have you had an opportunity to review Plaintiff-Petitioner's Exhibit Number 1, and do you have any objections?

MS. ARIZAGA-WOMBLE: I have reviewed it and it appears to be his own sworn statement. I do not have an objection.

THE COURT: Very good. You may continue.

MR. MINA: Yes, Your Honor.

THE COURT: Plaintiff's Exhibit Number 1 is ordered admitted without objection from the defendant-respondent.

MR. MINA: The purpose of this exhibit is just to clarify without a doubt that I don't have any relationships that are not of public record with the Town or their

attorneys. Ms. Womble pleads the statements in her pleading that some people may interpret that there is some secret agreement with the use of the word opted. And there is no opt going on that I'm a part of. There is an e-mail from Cliff -- that Cliff Ogburn sent about me to Town Council talking about an interaction of mine. I don't have an interaction with Cliff Ogburn as some type of way to inquire intelligence or some type of secret agenda. This interaction with Ogburn has told the entire Town Council that I have, does not exist. He's either stolen my identity or working with somebody who has stolen my identity to claim my interaction.

So I just -- that e-mail has been made part of public record as well, but I just want to clarify this secret agreement that appears to Town Council that Cliff Ogburn claims I have this interaction with Cliff Ogburn does not exist. It's fraud, human trafficking.

My next exhibit, Your Honor --

THE COURT: Did you say human trafficking?

MR. MINA: Yes. When you coerce somebody and contend they're working with you, you are trafficking them illegally.

THE COURT: Okay. All right.

MR. MINA: My next exhibit that I would like to introduce is a case law -- Binder (phonetically) used in my

fraud case against Southern Shores, which was dismissed. Mr. Blankard (phonetically) argued that Southern Shores --

THE COURT: You say that it's been dismissed?

MR. MINA: Yes.

THE COURT: You are saying you're presenting something that's already been ruled on by a court?

MR. MINA: No. I'm presenting some case law that he presented. He argued at my fraud case against Southern Shores.

THE COURT: Okay. Mr. Mina, if you're arguing something that has already been presented to a Court --

MR. MINA: I'm telling you some authority.

THE COURT: Okay. You may continue.

MR. MINA: Mr. Blankard (phonetically) argued that I could not sue Southern Shores, Wes Haskett and Cliff Ogburn for fraud, because -- for misrepresenting law because laws have found -- they are public record. So they got the fraud case dismissed by saying -- misrepresenting laws, which is misconduct, as my Petition for Writ of Certiorari requires.

So I just wanted to make sure you know that the argument in another case was a misrepresented law but did not commit fraud. Misrepresenting law, intentionally doing things as they have done in the past, about three years now, is misconduct and conspiracy. So that is another thing that

is public record.

Another thing that I would like to introduce to you, Your Honor, is another public records request. I will mark this as number 3. This is just a public records request that indicates the Planning Board -- Planning Board chair -- has not filed -- has not filed anything to correct Wes Haskett's fraud in October the 21st, 2024, variance hearing entered in November 19th, 2024, order, which -- and also, as you will see in there, they paid $13,000 in attorneys but they have -- they have no public record of anything done to correct the fraud. Everything they have done is to publically ridicule me, to try to get this case dismissed, and -- while they are being paid a few hundred dollars an hour.

At the very end of this exhibit you will see it says the public records request from Town of Southern Shores asking for copies of all documents, notifications of Southern Shores property owners explaining the meaning of Town Code 36-414(b), Town Code 36-362(b), Town Code 36-365(a) is different than the English language interpretation found in dictionaries and taught in North Carolina schools. The result in this, there are no public records associated with items requested, number 2 and 3. That was number 2.

The reason we are here is because they have given

a meaning to zoning code that is different than the English language interpretation. The language that we speak, that I'm speaking now, English, taught in North Carolina schools, they are arguing that there was a different meaning that is -- that you won't get from dictionaries. So I wanted that to be part of the record too. That was exhibit number 3. We wouldn't be here if they corrected that. Instead they have spent $13,000 in property taxes to ridicule me.

Another thing that I would like to say, that I would like you to have, Your Honor, is Ms. Womble -- as you go through the records from the hearing, she repeatedly argued that I inappropriately filed a variance. I will mark as exhibit 4 -- that was included in the Southern Shores -- I mean Southern Shores Beacon online article which was a waste of taxpayers' money and Ms. Womble repeatedly saying that a variance was an appropriate remedy.

This is exhibit 4, two females from Wes Haskett stating that I should file a variance. So I went to the variance hearing, on Mr. Haskett's advice twice, and filed for a variance -- if you ask for an exception to zoning. And when I get there, I'm ridiculed and told that I inappropriately did something when I was following the Town's instructions.

All right. And this is another important exhibit that I would like to add. This will be number 5. Ms.

Womble and Mr. Haskett have stated that I was told prior to the purchasing my property that the zoning code changed. Mr. Haskett hid the zoning code from me for four weeks, from May 1st to June 1st, or something like that. June 2nd. The hearing was on June 6th. I was negotiating the price of the property for the entire -- for the month of May, that a previous owner received an additional $75,000 from me because he was hiding the zoning, proposed amended zoning code to keep my lot from being subdivided, which I could build a second house. So I would subdivide the property, have two houses. I work in the construction field.

Mr. Haskett was asked to provide anything that would prevent the lot subdivision on May 1st. Never once did he state that there is a proposed lot width amendment coming. He went back and forth. There's four e-mails from Wes Haskett where he refused to tell me about this proposed lot width amendment.

This is another exhibit for Your Honor. And June 2nd is four days or five days before the Town Council is voting on the lot width amendment. He decides to tell me that the lot width amendment will prohibit the lot subdivision. The reason that I was purchasing the property is because I wanted to build another house.

And what Mr. Haskett then did after the lot subdivision went through, I started telling my realtor, I am

going to be withdrawing my agreement of sale because this was not what I agreed to purchase. Wes Haskett sent me an e-mail saying that Town Council -- this is on June 7th, one day after Town Council adopted this new lot width amendment, stating Town Council -- I mean town staff will be submitting another amendment that will allow pie-shaped or irregular-shaped lots in the future. This is one day after this lot width provision -- he's telling me that they're going to submit another text amendment which will allow the lot -- which may allow the pie-shaped or irregular-shaped lot, which is what I needed.

So I did not withdraw out of my contract. Well this text amendment never happened and I filed a public records request asking for all documentation of evidence that this was actually going to happen. There is nothing. This was just something Wes Haskett said to me that kept me purchasing the property.

Another interesting fact is --

THE COURT: You are at 15 minutes, sir.

MR. MINA: Thank you, sir. You will find that in these records Wes Haskett --

THE COURT: Bear with me.

MR. ARIZAGA-WOMBLE: I'm sorry, is that 5?

THE COURT: This is number -- this is 6.

MS. ARIZAGA-WOMBLE: Well I only have to number 5.

THE COURT: This is 6. Yes, this is number 6.

MS. ARIZAGA-WOMBLE: And if not, if it's okay, if I can just approach and set my eyes on it? I don't want to delay.

THE COURT: Bailiff --

MS. ARIZAGA-WOMBLE: Thank you. I'll get a copy.

THE COURT: Prepared to continue, Ms. Arizaga-Womble?

MS. ARIZAGA-WOMBLE: Yes, sir. I'll get copy of that after the hearing.

THE COURT: And for the record, I did stop the timer, Mr. Mina. Are you ready to continue?

MR. MINA: Yes.

THE COURT: You may continue.

MR. MINA: These e-mails that I referenced, proposed lot width amendment from -- for reference that is Exhibit F of my Petition for Writ of Certiorari. I want to go to Exhibit D. This is another example of fraud.

THE COURT: Do you intend to admit those? I know that you have referenced them. And I know that you have included many as a part of your prior filings. You said that is D. And I am tabbing to D now. Or do you want to have it marked as a new exhibit for purposes of this hearing?

MR. MINA: No, I'm just referencing Exhibit D.

THE COURT: Exhibit D is captioned as a staff report?

MR. MINA: Yes, sir.

THE COURT: I have it.

MR. MINA: Okay. Page 3, the staff report, you will see a false statement Wes Haskett made to the Planning Board, which has not been corrected as of today, of the $13,000 in legal fees, which is all applicable notifications established in N.C. G.S. 160D-601. We were satisfied prior to adoption of the August 3rd, 2021, text amendment in June 6, 2023, zoning ordinance text amendment. That is a completely false statement by exhibits in the petition to show that there was not posted notice at the property, which I would have seen when I was going there to seek the property that I was purchasing, and the previous property owner did not receive mail during this, as required, which would have required her to tell me that the subdivision was not going to be possible because she sold the property -- potentially sub-dividable property to me.

So those -- there's a public records request included in my petition that you will find to prove that is another act of fraud that has not been corrected.

I am now at 20 minutes or so, Your Honor?

THE COURT: Not quite but you are approaching. You have -- of the hour, is 41 -- 41 minutes remaining. So

you are right at approaching 20 minutes.

MR. MINA: Thank you, Your Honor. And --

THE COURT: I'll let you know when you get to 30.

MR. MINA: I would like to also emphasize that paragraph 12 of the order entered by the Planning Board is fraud, false. This order was actually drafted by Ms. Womble and Wes Haskett, from what I understand, and they had the Planning Board sign it. I was not at the hearing when they agreed on this order. They had a second hearing -- they had a second Planning Board meeting and they went over this hearing, went over this order, did not invite me into the hearing and they had the order signed, says -- paragraph 12 says there has been no competent evidence presented to support applicant's motion, there's no evidence of fraud, and there was criminal conspiracy, misconduct. Evidence is everyone in the entire county has agreed on the same lot, Your Honor.

That is what is going on here, $13,000 they have spent on attorneys to try to get these lies to disappear instead of granting me my lot subdivision.

There is another interesting fact that you will find here. They have repeatedly said that on July 7, 2023, Mr. Mina declined the offer to withdraw from his agreement of sale, previous property owner, and proceeded with the closing. What they are not telling you is they have all --

THE COURT: Tell me where you are reading from now?

MR. MINA: This is page -- end of 2, going into 3. They tried making the previous owner look like a good samaritan for offering me a full refund of my deposit 24 hours before closing. But what really happened is, I threatened her with a fraud case. I said, you're being sued for fraud if you don't find a way to close this deal legally. And she offered a full refund.

In the Planning Board hearing, one of the Planning Board members said, why didn't you take the refund, oh, I don't get it. Sitting here trying to make a mockery of me. What they're not telling you is -- they're dancing around the fact. Wes Haskett told me they're going to be submitting another text amendment. Wes Haskett is the one stringing me along to purchase the property. Wes Haskett is the one hiding the proposed zoning amendment to get me to pay $75,000 more than I would have paid for the property. My offer was $550,000, unless I had lot subdivision. I went -- talked to Wes Haskett for a month. There was no reason that the lot subdivision would not get denied. And so she wouldn't sell for 550, I paid 625 because he was hiding the proposed lot width amendment.

Then when I go to talk to the realtor and say, I'm withdrawing my agreement, I get an e-mail from Wes Haskett

saying, there's going to be a text amendment that may allow pie-shaped or irregular-shaped lots.

So even after they changed the lot width requirements, I am being told that in the near future things are going to change. Well more than three years later, it hasn't changed. And public records request prove that nobody in the Town of Southern Shores has any evidence of what Wes Haskett was claiming was going to be submitted on June 7th, 2023.

I am going to point out something other than the fact that my motion to grant the Petition Writ of Certiorari, because it's unopposed. Also has not had anything filed in that position. I want to point out Ms. Womble's false statements at the hearing that the Planning Board Chair also agreed on, that these are all public records found now on You Tube, but they're all agreeing that this zoning -- that zoning text amendment notification requirements don't require posted notice at the property when the zoning text amendment clearly states.

In addition to paragraph 36-414(a), posted notice must be properly -- posted at the property. They all agreed that this only applies to map areas. Using the English language when you read it, zoning notification requirement, that is not what the English language interpreted that. It may say the -- the punctuation in this paragraph could have

been done better, but it does not state that this only applies to map amendments. That is the difference between fact, law, and where attorneys that think they know everybody, want to use their power and get people to conspire with them and lie with them. That is what they're relying on here, to convince other people to lie with them. They have their -- I'm not going to talk.

THE COURT: Sir, you have been talking for 25 minutes.

MR. MINA: Thank you, Your Honor.

I want to go to my motion to sanction Southern Shores. This is because after all this, they refuse to provide -- after being served with the Petition for Writ of Certiorari ordered by Dare County Court, the record from the variance, they refuse to provide the record.

As you can see, there's three certificates of services filed, service of the record, service of the Petition for Writ of Certiorari. The first one was provided to Phillip Hornthal by e-mail. We'll go through the Certificate of Services and you see Phillip Hornthal wanting me -- e-mailing him, didn't want me bringing the document to the county office and he accepted the e-mail as service. Then they didn't want to provide service. Then they provide service again with -- with a signed return. They still didn't file the record.

So when you go through my Certificates of Service and you will see this record wasn't filed with the court, which delayed proceedings for almost a year. Took them like nine months to file the record, which was done like a couple of days before a hearing in front of one of the judges who finally did it. That violates federal victim tampering law, U.S. Code -- Subsection 1512(c) 1 and 2. Withholding information from the Court that the Court must be provided. And I'm proving to you today the information they're hiding from you is them committing crimes against me.

I will leave it up to you to figure out what their ulterior motive of this is where they will go to so much trouble to deny my lot subdivision. But it's beyond ridiculous, the effort they have put in to deny my lot subdivision. They were offered -- an offer from me to limit occupancy on both lots to the total of one lot. So if there is a 14-person limit per lot, don't you think that they could split the difference between -- split it between both lots, occupancy of seven at each house, because they had no reason to deny my lot subdivision other than what they're hiding from me. They would not accept that. There is no reason for them to deny my lot subdivision. I tried giving them what they want, a win-win situation. No, they don't want it. They offer to -- they say they're trying to manage the population per density in Southern Shores. So I said,

sure, limit this house, seven person limit at one and the other. You have the problem solved, I'll take that. We will go our separate ways, I will be working with you -- be in the Town office.

Nope. $13,000 of property owners' money they spent to get us here today and they're still opposing my lot subdivision, and they want you to agree that they're not lying and throw my case out, which I want to make sure you understand --

THE COURT: Mr. Mina, you have one minute remaining.

MR. MINA: Of my minutes --

THE COURT: You will have reached 30 minutes.

MR. MINA: I thought it was 60 minutes?

THE COURT: No, you have one minute remaining. One.

MR. MINA: Okay. Well --

THE COURT: Now 45 seconds.

MR. MINA: This first thing -- sworn statement that I have also means I am not cooperating with anybody that uses civilians as pawns to investigate judges. So if they're working with somebody that is trying to give you a case full of junk to throw out when you should be ruling in my favor, I'm being trafficked by whoever they're working with to put in front of you with false evidence that

indicates you need to rule in my favor.

Thank you, Your Honor. I'll let you figure out what their motives are.

THE COURT: Floor is with the defendant-respondent, Ms. Arizaga-Womble.

MS. ARIZAGA-WOMBLE: Thank you, Your Honor. With regards to the items we're here for today, I'll begin with the trafficking-related argument in that regard. I certainly want the Court to --

THE COURT: Before you begin, do you have any objections -- I addressed you on Exhibit 1. Do you have any objections to Plaintiff-Petitioner's Exhibits 2 through 6 and the admission thereof?

MS. ARIZAGA-WOMBLE: No, Your Honor. I'll just note that he referenced them as -- on his communication or e-mails and so I have no objection to the extent that the e-mails that are there speak for themselves, not for the characterization that he provided.

THE COURT: So noted for the record. All exhibits, 1 through 6, are ordered admitted, presented and requested by the Court on behalf of Plaintiff-Petitioner asking admitted. So ordered.

You may continue.

MS. ARIZAGA-WOMBLE: Yes. Thank you. So Your Honor, we're here today for Mr. Mina's Petition for Writ of

Certiorari. And as Your Honor is aware, in that regard we're looking at 160D-1402 where the Court is considering what to review, what is before it.

In regards to the petition itself, Mr. Mina's position, he argues several things in his petition related to what he claims to be fraud, impermissible criminal acts by the Town, impermissible acts by myself and my office. And I will note that although there are numerous allegations in his petition, there are no allegations in his petition that give a basis to appeal the Board of Adjustment's decision.

In this case the Planning Board operates with the Board of Adjustment in Southern Shores. So I may say Board of Adjustment, Planning Board.

THE COURT: Use them interchangeably?

MS. ARIZAGA-WOMBLE: Yes, sir.

THE COURT: They change their roles so that they can move into a fact pattern, right?

MS. ARIZAGA-WOMBLE: Yes, sir. So in regards to the Board of Adjustment's consideration of the variance, the Board is, of course, bound by 160D-705 and the grounds that are required to be proven to allow variance. And even further, the Town of Southern Shores Code 36-367 also basically recites the statutory standards for what is required to approve a variance.

Again, Mr. Mina, although he makes several allegations in his petition, he does not challenge the sufficiency of the process that occurred at the variance hearing. He doesn't challenge the Board's findings in relation to the variance. He doesn't make any allegations related to the Board's decision regarding the variance.

Regarding the motion to preclude, I think it's important to note, Your Honor, and the order from Board of Adjustment found on the record of appeal, page 100, and when you pull up the PDF -- actually, page 102. I think it's important to note from the Board of Adjustment's order regarding Mr. Mina's motion to preclude, which covers most of the allegations in a Petition for Writ of Certiorari that the very -- paragraph 13 on page 4 of the order says, there is no legal authority upon which the Board can grant applicant's motion to preclude, to avoid town code the state law requirements to consider in granting a variance.

So in the record on appeal, Mr. Mina's motion to preclude is on page 88. And upon review of that, Your Honor will note that Mr. Mina is actually asking the Board of Adjustment to forgo the entire variance proceedings based on his allegations of fraud and criminal misconduct by the Town, and just grant him the variance so he can subdivide the property.

As Your Honor is well-aware, the Board of

Adjustment can only do the things by which it is statutorily prescribed to do. And so without -- there is no statutory authority granted to the Board of Adjustment or really any other board that I'm aware of, to permit them to grant a preclusion of proceedings for a variance hearing.

So not only was paragraph 12 appropriate, noting that there was no competent evidence to support that motion, but paragraph 13 is also a finding of fact which is the Board of Adjustment has no authority to preclude those proceedings.

And so appropriately, the Board proceeded to have a hearing on Mr. Mina's application for a variance.

In regards to the Board of Adjustment's finding in that matter, I won't repeat them all because they're set forth very clearly in the Board of Adjustment's order regarding the bases.

I think it's important to note, in regards to Mr. Mina's request that there is a real estate scheme, he notes that in his petition, there is fraud, that there is allegations by -- that the Board of Adjustment's finding regarding the fact that -- he could have avoided purchasing this property. I think it's important to note a couple of things from the record on appeal in regards to those matters.

THE COURT: I have that, comprises 453 pages.

MS. ARIZAGA-WOMBLE: Yes, Your Honor.

THE COURT: Filed on October the 22nd, 2025.

MS. ARIZAGA-WOMBLE: Yes, sir.

THE COURT: If you need me to review any particular portion, you can refer to it by page number, but I have it up.

MS. ARIZAGA-WOMBLE: Yes, sir. So in regards to the allegations about staff hiding or precluding Mr. Mina from having -- or I guess leading him on to believe that a subdivision could be possible or not disclosing certain things, I think it's important on record page 22 through 27, that actually contains the e-mails back and forth between Mr. Mina and staff planner, Mr. Wes Haskett. It also includes the real estate listing where all the language in those documents note a subdivision may be possible, it could be possible.

And specifically, Mr. Haskett notes that he would have to submit an application such that it can be fully reviewed.

The other item that I think is important is that Mr. Mina noted that the order denying the variance in paragraph 6 where it was found by the Board that on July 6, 2023, seller of the subject property offered Mr. Mina an option by seller of the subject property determining contract refund -- due diligence, and that paragraph goes on

to talk about that. Mr. Mina represented to you today that that was fraud.

However, I will note just for Court's reference, if you desire to review later, the record on appeal, page 242, which actually is a transcript of the proceedings. Mr. Mina actually testified in that himself, at the Board of Adjustment proceeding on that variance.

So there was no fraud and there is nothing untruthful about that unless, of course, Mr. Mina was not testifying truthfully.

Then, of course, again, I also note record page 241, Mr. Mina's testimony was that you heard about this on June 1st, 2023, from a realtor, and that he did not follow-up with town staff until June 7th. And I think that is important because that is an entire month prior to closing of that property.

Now in regards to the -- Mr. Mina's allegations about the -- if you look at his petition, the last paragraph really, paragraph 39, is kind of the only paragraph that references anything in relation to the variance hearing. And it's a sweeping broad stroke paragraph and it says that the Planning Board, Board of Adjustment, on November 19th, orders in violation of constitution provisions including -- protecting the right to hearing without fabricated evidence, false sworn testimony, due process violations, and the

decision as inconsistent with applicable procedures specified by statute and ordinance, and a decision affected by errors in law, decision unsupported by substantial and competent evidence.

With regards to that, I want to note that there has been no allegation that -- well, it's the Town's contention that due process was in fact followed upon review of the record and a transcript of the proceedings, Your Honor, will note that the Board was represented by counsel, Town was represented by counsel, Mr. Mina opted to proceed pro se. And although he was pro se, the hearing was conducted in a very appropriate manner and due process was actually provided to him.

There is no -- other than the sweeping statement that there was a constitutional provision that was violated, there is no specific allegation to that, and there is no evidence to support.

In regards to the decision inspected by error of law, there is no error of law alleged by the Board of Adjustment. Again, the Board of Adjustment has to follow 160D-705 and Town Code 36-367 when it comes to reviewing a request for variance. And upon review of the record, Your Honor will note the Board of Adjustment did just that.

And then finally, regarding whether the decision is unsupported by substantial, competence evidence, the

record is -- I would say full of competent evidence to deny the motion, and that Mr. Mina did not meet all of the grounds as it relates to the request for a variance.

And then lastly, I would like to note that in regards to the -- his request for sanctions or any other sort of sanctionable action by this Court against the Town or myself, I will note, in regards to the record being filed upon review of the Court file, if Your Honor would note that there was a motion to dismiss filed by the Town in March of 2025. That motion to dismiss and the basis for that, and there is also a memorandum of law filed in support of that as well before the August hearing, which is when that motion was set.

Prior to August of 2025, Mr. Mina had not complied with the requirements of rule for service of both the petition and the writ, as required by 160D.

In light of that, there was no action for the Town to take. As it was the Town's position, there was no subject matter jurisdiction over this matter and that he had not followed the necessary statutory steps.

In light of that, following the August filing of our brief, our matter was not reached at that session of court. They ran out of court time to address all matters on the calendar that week and so it was then reset.

Following the filing of our brief, Mr. Mina did

perfect his service after that point, and although that was outside of the 30 days as required by statute, it is unsettled in North Carolina right now that -- whether or not that would -- that the writ would operate as a summons and whether his late filing -- his late service would then give this Court subject matter jurisdiction.

In light of the fact that was -- is unsettled, the Town opted to proceed with the hearing on the merits, and that is what brought us here today.

And ultimately, once that -- he perfected that service, he filed a Certificate of Service and the Town then did file the record on appeal, almost immediately thereafter once they made that decision.

So there was no -- and I will also note that the writ that was issued by the clerk in December of 2024, because it was not served and therefore did not order the Town to do anything, it actually was expired. It said the order -- the record had to be issued within 30 days of that writ, which would have been in January. So by the time it was actually appropriately served, there was actually no order for the Town to do anything.

However, again, we opted to proceed with the hearing on the merits due to that being unsettled. And so that is why the record was filed so much later. It was after he did finally do a -- there was no fraud or any

malfeasance on the part of the Town.

And then, of course, in regards to his -- Mr. Mina's earlier argument that the Town has not filed any response or objection to his motions, as Your Honor knows, we're not required to file any opposition to the motions and we would be opposing his motions.

And I would be asking for the Court to affirm the decision of the Board of Adjustment denying Mr. Mina's variance. Thank you.

MR. MINA: Your Honor, may I address some of the things she said?

THE COURT: Yes, sir. You may do so. I will give you five minutes to do so.

MR. MINA: Thank you, Your Honor. First of all, I --

THE COURT: Stand, please.

MR. MINA: I've worked around heavy equipment for many years of my life and I have a little bit of trouble hearing, and it sounded like Ms. Womble used the word cross-seating instead of proceeding, and I just wanted to make sure that you understood that I don't help government employees -- or split words. I'm not -- and if she said cross-seating, what she will be doing is communicating a human trafficking scheme using me as a pawn to split consent of the Planning Board or people in this courtroom. If she

said proceeding, I apologize. The instruction that -- properly for decades --

THE COURT: I assure you I gave it the proper meaning and connotation, regardless of what you think you may have heard.

MR. MINA: Thank you. Ms. Womble states that I did not make a proper argument for relief. I have a constitutional right to be in a hearing free of fabricated evidence and perjury, which did not occur at that hearing. So that fact alone requires my case to be sent back to the Planning Board because I've proven that they have committed perjury at the hearing.

So in no shape or form under law can my case not be sent back for another hearing because of her false statements.

As far as she -- her saying that I did not present the right material, facts or evidence to get a variance, this statement here that the Planning Board must preclude the hearing and approve my variance, if the Planning Board finds relevant, competent and substantial evidence of neglect, unlawful acts, conspiracy and potential misconduct on the part of the Town, is the Planning Board attorney, Jay Wheless's statement. That is not my statement. That is what the Planning Board was told they must do. So she's arguing that the Planning Board was not advised properly.

That is not my interpretation of what they must do. That is what the Planning Board's attorney stated. You will see that on record prior to them denying my motion to preclude, Your Honor.

So that is a very important fact for you right there because of the way she worded it, you might have thought it was my opinion, my statement of fact, and what I'm suggesting that you should say. That is the Planning Board's attorney's statement of fact that you will find on record.

She also was very accepting to you in saying that when you see the listing and the words of all these things, they said the lot subdivision could possibly be possible. What she's not telling you is my lot subdivision was denied at 75 East Dogwood Trail for one reason, because of the lot width amendment they hid from me. July 16th, 2024, they denied my lot subdivision for one reason, the hidden lot width amendment.

So when you go through the codes, you are looking at stuff that is written with elementary school kids' reading level. They say a hundred feet wide. Kid can grab a ruler and say this lot is a hundred feet wide. They say it must be 20,000 square feet. A kid can say this is 20,000 square feet. There isn't any grey area. It isn't like Wes Haskett needs to be having a good day. Have to take Wes

Haskett out to lunch and take him -- introduce him to some cool people and nice cars, get your lot subdivision. This is what is required. I met the criteria. Them using the word possible, quite possibly, potentially possible.

I have the proof. He denied my lot subdivision July 16, 2024, for one reason, the lot width amendment he hid from me. That is all. That was all deception that you witnessed right there. That is what -- there is $13,000 of legal fees for that. Smoking up the room, confused people make me look like an idiot.

I believe I am done responding to her things. Was I mistaken to think I had one hour for my part of the hearing?

THE COURT: Well, my understanding was that -- and what I actually meant when I asked you to declare -- split the time. So there is actually remaining, unless Ms. Arizaga-Womble chooses to use it, you have already used five, she has an additional 15 minutes and she can defer to you if she wants to do that, or she can reserve it to respond. But one hour is what I meant for both parties.

MR. MINA: All right. I will take a quick look at my stuff.

THE COURT: Okay.

MR. MINA: I believe I have done a very thorough job providing you evidence, and I just ask that you follow

the laws and judicial --

THE COURT: And while you are doing that, I'll allow Ms. Arizaga-Womble to respond and I will let you review your documents, okay?

MR. MINA: Thank you, Your Honor.

THE COURT: Ms. Arizaga-Womble?

MS. ARIZAGA-WOMBLE: Yes, sir. Thank you. Just briefly, I wanted to note that Mr. Mina's original subdivision request actually was denied for two reasons, and one was Town Code 30-96(f), which required that both lots be on a fronted public road, and also 36-202(d), which required a lot width of 100 foot in his zoning district. Those were respectively adopted in 2021 and 2023, and still, as we sit here today, are in effect, valid Town Code requirements in Southern Shores.

And so in regards to Mr. Mina's allegations about those Town Code provisions and if they're fraudulent, illegally adopted, those are not the standards that are required for the Court's consideration in the variance. Again, that is 160D-705 and Town Code 36-367. I did bring copies of the Town Code 36-367 and 160D-705. I'm sure Your Honor has access to it but if you would like those, I'll pass them up.

THE COURT: It's at your pleasure. I'll review anything that you desire. I don't have the Town Code but as

you indicated, I do have access to General Statutes and Lexis Nexis so --

MS. ARIZAGA-WOMBLE: So I will pass up the Town Code and I have a copy for Mr. Mina, in the event he doesn't have it.

THE COURT: Okay.

MR. MINA: May I respond, Your Honor?

THE COURT: Just a moment. Need you to review that, first of all, acknowledge that you have seen it, 36-367. And Mr. Mina, you may respond to the new arguments of Ms. Arizaga-Womble, but you can't repeat anything you have already told me. Okay.

MR. MINA: Thank you, Your Honor.

THE COURT: And you can't go into anything new because technically we're in a responsive phase now. I'm giving you the opportunity to respond to any new additional arguments that Ms. Arizaga-Womble may have posed, and also as it relates.

Let the record reflect that the Court now has a copy of the -- this is Town of Southern Shores --

MS. ARIZAGA-WOMBLE: Yes, sir.

THE COURT: -- Town Code 36-367, and this will be Respondent's Exhibit Number 1, for purposes of the record.

MS. ARIZAGA-WOMBLE: Thank you.

THE COURT: Yes, sir, Mr. Mina?

MR. MINA: Yes, Your Honor. What she said was false again. She just said there was two reasons. There wasn't two reasons. If you look at Exhibit 1-A and Exhibit 1-B, of my variance application, there are two denials for lot subdivision, both of them have one reason in there because there's two subdivision applications submitted, one for a flag lot and another for a lot using an easement, shared driveway.

So the one that -- as I said, indicates only denial because of the hidden lot width amendment is 1-B. There is only one reason, the hidden lot width amendment. Exhibit 1-B of the variance application, Your Honor. So that is another false statement that the Town of Southern Shores is paying for.

Now as far as the variance, the standard for the variance, it's very clear in my application for the variance, the hardships, and what I should -- my lot. I have a 47,000 square foot lot -- 46 or 47,000 square foot lot. And you're only required to have 20,000 square feet in my zoning district. So my lot should be able to be split into two. The hardship is, I got water on one side and 175 -- about 175 square feet on the front, but I got 400 square feet along my canal. Got 450-feet canal frontage.

So the hardship is I have a peculiar-shaped lot with a small amount of property on the front along the

street because they designed the front of your house at the street -- the front of my house actually faces the canal, not the street, but they will define front of the lot as a street, so that is --

THE COURT: To be clear, Mr. Mina, I saw your plan, I reviewed it. I know exactly what it looks like.

MR. MINA: Well, I mean -- I mean, she's denying that I have a peculiar lot that should be approved for a variance.

THE COURT: It's included in the record on appeal. It was also pictures as well as a plat.

MR. MINA: Clearly enough square footage area.

THE COURT: Very good. Okay. Just wanted to let you know I saw it, I looked at it. I take these matters very seriously.

MR. MINA: Thank you, Your Honor.

THE COURT: All right. In 24-CV001667, the matter of Mina versus Southern Shores, hearing is declared closed. And the Court is going to enter judgment at this time.

Upon the Plaintiff's Petition for Writ of Certiorari, the Court, upon hearing arguments of counsel, reviewing pleadings filed and the record on appeal, the Court orders that the Plaintiff-Petitioner's Writ of Certiorari is denied.

The Court is going to affirm the decision of the

Board of Adjustment denying the variance, and adopt by reference the Board of Adjustment's findings of fact therein.

Court also finds, based upon review of the record and after hearing arguments of the parties, that notice and due process was appropriate and in keeping within the confines and requirements of North Carolina General Statutes, as well as the United States and the North Carolina Constitution.

Court further denies the Plaintiff-Petitioner's motion for sanction, motion for petition, motion to grant writ, and motions to preclude, along with any other and all other motions that were filed by the Plaintiff-Petitioner leading up to the hearing for the Petition of the Writ for Certiorari.

Likewise, the defendant's motion to dismiss, based upon hearing on the merits, is declared moot. The Court also takes notice and acknowledges a number of notices requesting or indicating that certain actions should be taken against the parties and counsel for the parties to this matter. The Court notes those actions, notes the filings. The Court takes no actions on those filings and notices and they are deemed to be dicta, only in that they make no specific request of the Court.

That will be the order of the Court.

Ms. Arizaga-Womble, if you could, please, produce the order in both PDF and Word format and send same to Ms. Pendleton to be forwarded to me, along with Mr. Mina, for his review.

MS. ARIZAGA-WOMBLE: Yes, sir. Want me to send it to Mr. Mina in advance or send it to you and Mr. Mina at the same time?

THE COURT: You can send it to Mr. Mina in advance. Okay.

That will be the Court's ruling as to this matter.

Is there anything further or any notice that any parties need to put on the record?

What say you, Mr. Mina?

MR. MINA: I would just like to emphasize the fact that the judicial --

THE COURT: And Mr. Mina, we're beyond the argument stage right now.

MR. MINA: I just --

THE COURT: I've entered judgment.

MR. MINA: -- requires disciplinary actions to be instigated against false statements, corruption, and things like that.

Thank you, Your Honor.

THE COURT: Very good. Anything further from the defendant-respondent, Ms. Arizaga-Womble?

MS. ARIZAGA-WOMBLE: No, sir.

THE COURT: All right. Hearing is declared closed.

MS. ARIZAGA-WOMBLE: Thank you.

(Hearing concluded at 12:01 p.m.)

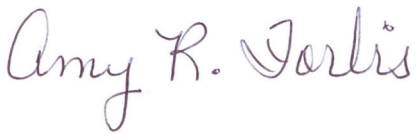
C E R T I F I C A T E

STATE OF NORTH CAROLINA)
)
COUNTY OF GATES)

I, Amy R. Forbis, the officer before whom the foregoing proceeding was taken, do hereby certify that said hearing is a true, correct and verbatim transcript of said proceeding.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of this action.

This the 31st day of July, 2026.



Amy R. Forbis, RPR
Official Court Reporter
First Judicial District