

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

November 7, 2022 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Michelle Gonzalez, Community Development Director
Ginny Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Patrick Hawk, Code Enforcement Officer

Special Magistrate Augello called the hearing to order at 10:00 AM and swore in all those present who would be testifying.

2. Changes to the Agenda – Mr. Dewar stated there were two changes – Respondents of Case 4c. (20220517) requested to continue their case until the December 12th hearing, Case 5d. (20220048) will be continued indefinitely. Special Magistrate Augello disclosed that John Hall contacted her at her office regarding Case 20220048; she informed him that contact was inappropriate and told him she could not assist him.

3. Cases Complied or Continued – None.

4. New Cases –

A. Case No. 20220479 City of St. Pete Beach v. Makhobey Properties LLC
Address: 504 67th Ave #8 St. Pete Beach FL 33706

Code Enforcement Officer Patrick Hawk presented the case summary and evidence for the City.

Property owner Mark Makhobey appeared on his own behalf and provided comments.

Special Magistrate Augello found that the property was in violation of the stated Code Section; there will be no fines in her order, but she will impose administrative costs. The respondent is to provide rental logs showing that there are no rentals scheduled for less than 30 days; if the property owner is cited for the same code violation within the next five years, it could be considered a repeat violation and may incur fines of up to \$500 per day.

B. Case No. 20220564 City of St. Pete Beach v. Nguyen, Annie, Truong, Jimmy C
Address: 205 55th Ave St. Pete Beach FL 33706

Code Enforcement Officer Hawk presented the case summary and evidence for the City.

Steve LoParco of PMI Property Management in Sarasota appeared on behalf of the owner and explained that the property is for sale and there will be no further rentals.

Special Magistrate Augello found that the property was in violation of the stated Code Section; there will be no fines in her order, but she will impose administrative costs. The respondent is to provide rental logs showing that there are no rentals scheduled for less than 30 days; if the property owner is cited for the same code violation within the next five years, it could be considered a repeat violation and may incur fines of up to \$500 per day.

C. Case No. 20220517 City of St. Pete Beach v. Lusby, Tony & Jennifer
Address: 341 S Isle Dr St. Pete Beach FL 33706

Case continued until December 12, 2022.

D. Case # 20220596 City of St Pete Beach v Dassani, Netha & Gita
Address: 102 13th Ave St. Pete Beach, FL 33706

Code Enforcement Manager Peyt Dewar presented the case summary and evidence for the City. There are two units at this property. The property is currently compliant.

Owner Gita Dassani appeared and was sworn in by the Special Magistrate and testified on her own behalf. Mr. McConnell explained the rental requirements for her zoning district per City Code.

Special Magistrate Augello found that the property was in violation of the stated Code Section; there will be no fines in her order, but she will impose administrative costs. The respondent is to provide rental logs showing that there are no rentals scheduled for less than 30 days until September of 2023; if the property owner is cited for the same code violation within the next five years, it could be considered a repeat violation and may incur fines of up to \$500 per day.

E. Case #20220597 City of St. Pete Beach v. Zara, Michael A & Liang, Chia-Yi
Address: 108 18th Ave St. Pete Beach, FL 33706

Mr. Dewar presented the case summary and evidence for the City. The property is currently in compliance.

Quincy Bird of Weber, Crabb & Wein appeared, representing the property owner. He discussed procedural issues with notification and online rentals and presented printed evidentiary documents, which are part of the meeting record.

Mr. McConnell had Mr. Bird testify to authenticity of Exhibit B. Discussion followed with the Special Magistrate regarding Florida Statutes Chapter 162.

Special Magistrate Augello found that the property was in violation of the stated Code Section; there will be no fines in her order, but she will impose administrative costs. The property is not to be rented for under 30 days until June of 2023. If the property owner is cited for the same code violation within the next five years, it could be considered a repeat violation and may incur fines of up to \$500 per day.

5. Old Cases –

A. Case No. 20220048 City of St. Pete Beach v. Sembler Sandra Rev Trust
Address: 107 26th Ave #2, St Pete Beach, FL 33706

This case was continued indefinitely.

6. Repeat Violation –

A. Case #20220583 City of St. Pete Beach v Pineapple House @ PAG LLC
Address: 105 21st Ave St. Pete Beach, FL 33706

Mr. Dewar presented a case summary for the City. He presented evidence including the Magistrate's order for this property under Case 20210654 dated 3/14/22; he reviewed the provisions of the order regarding short term rentals. The City asked for repeat violation fines for 21 days based upon their evidence.

Quincy Bird of Weber, Crabb & Wein appeared, representing of the owners. He presented printed evidentiary documents of Airbnb reservation details and a guest receipt, which are part of the meeting record. The Magistrate, Assistant City Attorney and Mr. Bird discussed.

Special Magistrate Augello did not find that there was a repeat violation based upon the evidence presented.

B. Case #20220582 City of St Pete Beach v. Ferguson, Robert H Ferguson
Address: 100 15th Ave, St Pete Beach, FL 33706

Mr. Dewar presented a case summary for the City, including the Magistrate's order on this property dated 5/9/22. He reviewed the provision of the order; a fine was imposed and paid. He presented the City's evidence of rentals for less than 30 days.

Respondent Robert Ferguson appeared on his own behalf and provided testimony. The rental logs that the Respondent had submitted was brought into evidence. Mr. McConnell indicated that the City would like to proceed.

Following discussion, Special Magistrate Augello found there was no repeat violation based upon the evidence provided.

7. **Lien Reductions** – None.
8. **Next Meeting:** December 12, 2022
9. There being no further business, the hearing was adjourned at 11:15 AM.

Attest:



Amber LaRowe, City Clerk