

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

December 12, 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
Chuck Newman, 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** – None.
- 3. Cases Complied or Continued** – None.
- 4. New Cases**

A. Case No. 20220574 City of St. Pete Beach v. Odin Acquisitions LLC
Address: 56 44th Ave St. Pete Beach FL 33706

Code Enforcement Officer Patrick Hawk presented the case summary and evidence for the City. He presented the Airbnb policies. The property is currently compliant.

Robert Earhardt of Investors Choice Realty appeared to testify on behalf of the Respondent as to when the advertisement was removed from Airbnb. Attorney McConnell asked Mr. Earhart to provide proof of all current rentals from Airbnb and VRBO.

Special Magistrate Augello found that the property was in violation and will be charging administrative costs, but no fines, as she believed there was credible testimony that the advertisement was changed on 9/28. Future violations of the same code section will be considered a repeat violation with fees of up to \$500 per day.

B. Case No. 20220577 City of St. Pete Beach v. Padgette
Address: 544 72nd Ave St. Pete Beach, FL 33706

Code Enforcement Officer Chuck Newman presented the case summary and evidence for the City. He presented the Airbnb and VRBO policies. The property became compliant for advertising on 10/27 but there was proof of rental during the Thanksgiving week.

Respondent Chris Padgette testified that he had a rental booked for after he removed the short-term advertisements. He testified that this is his primary residence.

Special Magistrate Augello found that notice of hearing was received, and the property came into compliance by 10/27, but violated City codes by short-term renting after that. She assessed the \$250 per day fine from 10/18 to 10/27, plus an additional 7 days for the Thanksgiving week, plus administrative costs. Future violations of the same code section will be considered a repeat violation with fees of up to \$500 per day.

C. Case No. 20220578 City of St. Pete Beach v. Mark Carlson
Address: 6440 3rd Palm Pt St. Pete Beach FL 33706

Code Enforcement Officer Patrick Hawk presented the case summary and evidence for the City. The property's advertisement is still in violation today.

No one was present for the Respondent.

Special Magistrate Augello found that the property in was violation of the cited City Code from 9/4/22 to 11/16/22 for two of the advertisements with fines of \$250 per day plus administrative costs. For the remaining active ad, the Respondent has until 12/19 to become compliant or fines of \$250 per day plus administrative costs will be assessed from 12/9 until in compliance. The burden is on the Respondent to prove compliance to the City.

D. Case No. 20220584 City of St. Pete Beach v. Anhlan Trinh
Address: 6705 Gulf Winds Dr St. Pete Beach FL 33706

Code Enforcement Officer Hawk presented the case summary and evidence for the City. The advertisement is currently compliant. He presented the Airbnb and VRBO policies. Short-term rentals are permitted three times per year in this district.

Respondent Anhlan Trinh testified that he has a one-year tenant in that property and showed the current and previous leases to the Assistant City Attorney and Magistrate. There are three units at the property.

Special Magistrate Augello continued the case until the January 9, 2023 hearing to give the owner time to produce the annual lease for third unit and determine who is portraying themselves as the owner of the property in the advertisements, or he will be held responsible.

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

Code Enforcement Hawk presented the case summary and evidence for the City. The property is currently compliant for advertising.

Respondent Tony Lusby testified that he lives out of state in the summer; this is his personal residence. He did not understand that this was a violation but corrected it when he realized. Community Development Director Michelle Gonzalez testified that a courtesy call was made to the Respondent on 7/13/22. The City would like proof of any future rentals.

Special Magistrate Augello found the property was in violation of the cited City Code and assessed fines of \$250 per day from 9/19 to 10/11 plus administrative fees.

F. Case No. 20220632 City of St. Pete Beach v. Royal Properties Management LLC
Address: 340 78th Ave St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar presented the case summary and evidence for the City. He presented Airbnb and VRBO policies. The property is currently compliant.

Respondent Peter Greci and his partner Andra Celis appeared to testify that the property has not been rented yet.

Special Magistrate Augello found there was a violation but did not assess any fees or costs. Future violations of the same code section will be considered a repeat violation with fees of up to \$500. per day.

G. Case No. 20220545 City of St. Pete Beach v. Blake and Ivy-Zophia Bevill
Address: 105 17th Ave St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case summary and evidence for the City. He presented the Airbnb and VRBO policies. Notices regarding short-term rental code requirements have been mailed to 800+ homeowners in Pass-a-Grille as a courtesy. There are two units on the property. The property is currently not compliant for advertising. No short-term rentals will be permitted until November of 2023.

Respondent Andrew Blake Bevill appeared on his own behalf and Venus McGhee appeared to testify for her sister, Respondent Ivy Bevill. Mr. Dewar testified that notices are sent to the address listed in the County Property Appraiser's website and owners are responsible for picking up their mail.

Special Magistrate Augello found the property was in violation from 8/26/22 until today and fines of \$250 day plus admin costs will be assessed until compliant. The owner must notify the City when compliant. Proof of no short term rentals between now and December 2023 must be provided.

The Magistrate called a short recess at 11:36 AM. The hearing was called back into session at 11:42 AM.

H. Case No. 20220605 City of St. Pete Beach v. Michael A Zara and Chia-Yi Liang
Address: 1804 Pass A Grille Way St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case summary and evidence for the City. He presented the Airbnb and VRBO policies. The property is currently compliant. As the property became compliant prior to the requested date, the City is asking only for administrative costs.

Attorney Quincy Bird appeared for the Respondent.

Special Magistrate Augello reviewed the evidence and found that property was in violation of the cited City Code regarding advertising. She assessed no fees but administrative costs; there may be no short-term rentals until October 2023.

I. Case No. 20220595 City of St. Pete Beach v. Alberto Espinoza
Address: 5960 Bahama Way N St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case summary and evidence for the City. He presented the Airbnb and VRBO policies. The property was not compliant as of the hearing. The property is being advertised and rented for less than 30 days.

Respondent Al Espinoza testified regarding long term leases and receipt of notices. Tenant Matthew Perrera testified that he was not aware of the short-term rental requirements initially. He turned a VRBO rental page into evidence.

Special Magistrate Augello reviewed the evidence and found the property was in violation of the cited City Code and assessed \$250 per day fines from 10/18/22 plus administrative costs until compliant. Proof must be given to the City to determine compliance. The case may be brought back to the January hearing for a status check if necessary. Proof of current rentals and subrentals must be provided to the City.

J. Case No. 20220631 City of St. Pete Beach v. Robert T and Michelle Fulop
Address: 207 Lido Dr St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case summary and evidence for the City. He provided the VRBO listing policies. The property is currently compliant and the City is asking for administrative costs.

Respondent Robert Fulop testified, asking for leniency on costs.

Special Magistrate Augello found that the property was in violation and assessed reasonable administrative costs. Future violations of the same code section will be considered a repeat violation with fees of up to \$500 per day.

5. **Old Cases** – None.
6. **Repeat Violation** – None.
7. **Lien Reductions** – None.
8. **Next Meeting:** January 9, 2023
9. There being no further business, the hearing was adjourned at 12:15 PM.

Attest:


Amber LaRowe, City Clerk