

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

April 10, 2023 - 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

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

Changes to the Agenda – No changes.

2. Cases Complied or Continued –

A. Case No. 20220685 City of St. Pete Beach v. Myna Investments LLC
Address: 562 71st Ave. St. Pete Beach FL 33706 Sec. 36.4. - Prohibited uses and structures.

Code Enforcement Manager Peyt Dewar summarized the February and March Special Magistrate orders and fines for this case.

Attorney Joseph Kenny appeared on behalf of Myna Investments LLC to challenge the imposition of fines. He presented his case and exhibits. He had a court reporter present.

The City's Assistant City Attorney Matthew McConnell asserted that as neither he nor the City received any notice or emails on this matter prior to the hearing, he would request continuing until the May hearing and Mr. Kenny agreed.

Special Magistrate Augello granted the City's Ore Tenus Motion for Continuance until May 8, 2023 and asked the City to copy Mr. Kenny on any materials prior to the next hearing.

B. Case No. 20220648 City of St. Pete Beach v. Josias Guzman Alcantara
Address: 131 72nd Ave St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar requested that this case be continued to the May hearing as the property owner is filing an application for a variance in this matter.

3. New Cases –

A. Case No. 2022671 City of St. Pete Beach v. Doyle, Brendan D.
Address: 107 4th Ave. Pete Beach FL 33706 - Sec. 20.03. - Permitted principal uses and structures

Code Enforcement Manager Peyt Dewar provided a detailed presentation, case summary, and evidence for the case. The presentation is part of the meeting record. The property has four units. The City requested no short term ads or rentals until February of 2024 and recommended fines of \$250 per day from 12/4 to 12/21/22. The property is currently compliant.

Property owner Brendan Doyle appeared and testified that he is not a professional real estate investor, and this is his first rental property. He brought the property into compliance once he understood the law; he asked for a waiver of fines. Property owner Evan Doyle also appeared. Mr. McConnell affirmed that the owners now understand the law and how it applies to this property and that City Code applies per parcel.

Special Magistrate Augello found, based upon the evidence presented, that the property was in violation of the cited section of City; she assessed no fines or costs but added a provision for no short-term rentals until February of 2024 and that proof of no current short-term rental bookings must be provided to the City.

**B. Case No. 20230117 City of St. Pete Beach v. Lavallee, Jason and Mellace, Christine
Address: 108 21st Ave. St. Pete Beach FL 33706 - Sec. 20.03. - Permitted principal
uses and structures**

Code Enforcement Manager Peyt Dewar provided a detailed presentation, case summary, and evidence for this case. The presentation is part of the meeting record. The property is currently compliant.

Property owner Jason Lavallee appeared and testified that the property is compliant.

Special Magistrate Augello found that the property was in violation and imposed no fines but assessed administrative costs. The property cannot be rented on a short-term basis until March of 2024 and proof of no current short-term rental bookings must be provided to the City.

4. Old Cases – None.

5. Repeat Violations –

**A. Case No. 20230105 City of St. Pete Beach v. Dasani, Nehal and Dassani, Gita
Address: 102 13th Ave. Pete Beach FL 33706 - Sec. 20.03. - Permitted principal
uses and structures.**

Code Enforcement Manager Peyt Dewar gave a detailed presentation, case summary, and evidence of violations for this case. The presentation is part of the meeting record. He included the Final Administrative Order of 11/7/22 which called to cease rental of the property for less than 30 days until September 2023. There are two units on the property. Following the presentation, Mr. McConnell reviewed recommended fines with the Special Magistrate.

Attorney Joseph Kenny appeared on behalf of the property owner. He had a court reporter present. Mr. Kenny presented his case and exhibits. The Special Magistrate confirmed that the City was not seeking to continue the matter. Mr. Kenny to proceed with his case-in-chief. Property owner Gita Dassani was sworn in and gave testimony.

Mr. McConnell entered a Quitclaim Deed transferring the property, recorded on 3/06/23. Ms. Dassani testified that she transferred the property to avoid liability.

Magistrate called for a brief recess at 11:21AM and reconvened the hearing at 11:27AM.

Mr. McConnell read into the record FS 162.06(5) and (5)(c) Enforcement Procedure regarding transfer of ownership and stated the City's position. Based upon the presented evidence, the City requested fines of \$500 per day for 26 days.

Mr. Kenney recalled Ms. Dassani for further testimony and contended that there was no repeat violation.

Mr. McConnell summed up that the City is not asking for fines for November reviews and no notice of change of ownership was received prior to this hearing. The City would be willing to continue to cure notice to the correct party, and the City would like proof of rentals.

Special Magistrate Augello denied Mr. Kenny's Ore Tenus Motion to Continue and reserved her ruling for her written order. It is the property owner's responsibility to comply with the laws of the jurisdiction. Based on Mr. McConnell's evidence, Gita was the owner of the property at the time of the violation. The violation was cured on January 16th; Ms. Dassani is still the owner of the LLC and she will enter her order to Ms. Dassani and the LLC. She will assess \$250 per day from 12/21/22 to 1/16/23 plus administrative costs.

Mr. Kenny asked for a Stay of Enforcement of any fines pending appellate review. The Special Magistrate will grant a limited stay until the fine matter is resolved by appellate court.

6. **Lien Reductions** – None.
7. **Next Meeting** – May 8, 2023.
8. There being no further business, the hearing was adjourned at 11:44 AM.

Attest:



Amber LaRowe, City Clerk