

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

September 11, 2023 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Michelle Gonzalez, Community Development Director
Ginny Keeter-Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Steven Rivera, Code Enforcement Officer
Luis Cruz, Code Enforcement Officer

Special Magistrate Augello called the hearing to order at 10:05 AM and administered the oath to all those parties who would be testifying.

2. **Changes to the Agenda** – Agenda item 6A., Case No. 20230468 was heard first as the Respondent was appearing by telephone.

3. **Cases Complied or Continued** – None.

4. **New Cases**

A. Case No. 20230482 City of St. Pete Beach v. Williams Surgical LLC
Address: 3100 Pass A Grille Way St. Pete Beach FL 33706
Sec. 20.03. - Permitted principal uses and structures

Code Enforcement Officer Steven Rivera presented a case summary which included evidence of violations, postings, and photographs of online bookings and reviews for less than 30 days one time in April, four times in May, and one time in August of 2023. The presentation is part of the meeting record. Mr. Rivera testified as to how the VRBO booking process works. He brought the VRBO review policy into evidence. The property is currently in compliance.

Respondent Larry R. Williams, of Williams Surgical, LLC was present and authorized Sarah Williams to represent him. She testified that she was not aware of the limitation on transient rentals and admitted to the stays evidenced by the City, plus two additional stays in violation of the City's Code. She also testified to removing the prohibited advertisements and cancelling bookings after receiving the notice.

Special Magistrate Augello found that the property was in violation and assessed fines of \$250 for each of the violating stays plus administrative costs. The Respondent has 10 days to provide proof to the City of no transient bookings through August 2024; any future violations may be considered repeat violations.

A. Case No. 20230412 City of St. Pete Beach v. Douglas Martin and Stephanie Martin
Address: 434 41st Ave St. Pete Beach FL 33706
Sec. 8.2. - Permitted principal uses and structures

Code Enforcement Officer Steven Rivera presented a case summary which included evidence of violations, postings, and photographs of online advertisements and bookings for less than 30 days three times in May, three times in June, and four times in July of 2023. The presentation is part of the

meeting record.

Emmanuela Mujica, who possessed the requisite authority to represent Respondents Douglas and Stephanie Martin submitted a Power of Attorney into evidence. She testified that she had changed the advertised listings on July 2, 2023, and spoke with the Respondents. She testified that she gave them the option of cancelling the July bookings, or waiting until after July 24, 2023, to cancel all bookings. Respondents chose the latter, knowingly in violation of the City's Code

Mr. McConnell explained that no short-term rentals are permitted in this District, that a certified notice was mailed to the Respondents, and that the City had adhered to due process.

Special Magistrate Augello found that there was a violation of the cited Code. She assessed a fine of \$250 for each of the 10 short-term stays plus administrative costs. The Respondents have 10 days to provide proof of no scheduled short-term rentals between now and the end of 2023.

5. Old Cases – None.

6. Repeat Violations

A. Case No. 20230468 City of St. Pete Beach v. Mark Carlson

Address: 6440 3rd Palm Pt St. Pete Beach FL 33706

Sec. 8.2. - Permitted principal uses and structures

The Respondent Mark Carlson was sworn in telephonically. Code Enforcement Officer Luis Cruz reviewed a case summary presentation of violations with postings, photographic evidence and the Magistrate's 12/15/22 Order for the Respondent to cease any rentals for less than 30 days. making this is a repeat violation. The presentation is part of the hearing record.

Respondent Mark Carlson appeared via telephone and was sworn in. He testified that he had complied with the December Order by cancelling or extending future bookings under 30 days. The Magistrate and Mr. McConnell discussed a 12-night reservation review from May 2012.

Special Magistrate Augello found this to be a repeat violation based upon evidence presented and assessed a fine of \$500 night for 6 nights of the 12 nights, plus administrative costs.

Following the case hearings, Mr. McConnell confirmed the combined October 9th hearings at 10:00 AM with Special Magistrate Augello presiding.

6. Lien Reductions – None.

7. Next Meeting – October 9, 2023.

8. There being no further business, the hearing was adjourned at 11:00 AM.

Attest:



Amber LaRowe, City Clerk