

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

January 8, 2024 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer

Special Magistrate Augello called the hearing to order at 10:00 AM, explained the hearing process and administered the oath to all those parties who would be testifying.

1. Changes to the Agenda – Special Magistrate Augello disclosed that Respondent Mark Jasperson, Case 20230450 emailed a request for continuance and his Attorney also contacted her. Finding that the City had no objections, she continued that case to the 2/12/24 hearing.

2. Cases Complied or Continued

A. Case No. 20230204 City St. Pete Beach v. Patrick M Helmer & Carolyn F Helmer Address: 6461 4th Palm Point

Code Enforcement Officer Steven Rivera stated that this case was continued from November. The property owner was given 45 days to come into compliance with repairs and permitting. He exhibited recent photos showing some but not all of the repairs completed; the permit is still in review. The City requested fines be assessed from today until the permit is in place.

Respondent Patrick Helmer was present and testified that he reapplied for a permit in early December and his contractor was unsuccessful in contacting the Building Department. Additional structural information was requested by the City.

Special Magistrate Augello found the property to be substantially but not completely compliant and assessed fines of \$50 per day plus administrative costs from today until the permit is secured.

3. New Cases

A. Case No. 20230590 City of St. Pete Beach v. Gabi 2022 LLC Address: 350 73rd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Luis Cruz presented a summary of the case. His presentation included a summary of violations, noticing, posting, and dated photographs of the property. The presentation is made part of the hearing record. The City is requesting an After the Fact Permit for renovations and plumbing. The property is not compliant.

Certified General Contractor Bob Kenne appeared as POA for Gabi 2022 LLC and provided testimony. The owner was unaware of permit requirements for interior renovation. Mr. Kenne has inspected the property and spoke with Building Official Mark Vasquez for a list of what the City needs. He had concerns about the FEMA cap and whether sprinklers will be required. He requested

additional time. Assistant City Attorney McConnell stated that the City would accept a 30 day continuance.

Special Magistrate Augello found that the property was in violation of the cited City Code and allowed the Respondent 45 days to secure a permit. A status check will be set for the 3/11/24 hearing. No work shall be performed at the property as a Stop Work Order is in place.

B. Case No. 20230610 City of St. Pete Beach v. Daniel McGeehan
Address: 216 45th Ave. St Pete Beach FL 33706

Code Enforcement Officer Rivera presented the evidence for the City's case including a summary of violations, noticing, posting, and dated photographs of the property. The presentation is made part of the hearing record. Mr. Rivera reviewed the corrective action and recommended fines. A permit was issued today.

Respondent Daniel McGeehan appeared and testified regarding timing of the project. He pulled a permit today. He expected work to be completed within 30 days.

Special Magistrate Augello found a violation of Code Section 98-66 only. She granted the Respondent 30 days to make repairs, or the case will return to the 2/12/24 hearing.

C. Case No. 20230459 City of St. Pete Beach v. Matthew R Macintyre & Kurt Macintyre
Address: 561 78th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, posting, and dated photographs of the property. The presentation is made part of the hearing record. He reviewed corrective action and recommended fines; the property is not compliant, but a permit has been applied for.

Respondents Matthew and Kurt Macintyre appeared and testified that they are in the process of working despite some setbacks. They expect to complete the work within two weeks.

Special Magistrate Augello found that there was a violation. She granted the Respondents two weeks to complete the outstanding work and notify the City to inspect. The case will return to the 2/12/24 hearing if not completed.

D. Case No. 20230668 City of St. Pete Beach v. Hossein Yazdany
Address: 5050 Gulf Blvd #B St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the evidence for the City's case including a summary of violations, noticing, posting, and dated photographs of the property. The presentation is made part of the hearing record. He reviewed the corrective action. The property became compliant on 12/21/23; he recommended fines.

No one was present for the Respondent. Special Magistrate Augello found the property to be in violation of cited code section. She assessed fines of \$250 per day plus reasonable administrative costs from 12/15 – 12/21/23.

E. Case No. 20230661 City of St Pete Beach v. Vernon D Walker and Charlotte B Walker Address: 3507 Belle Vista Dr. E St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the evidence for the City's case including a summary of violations, noticing, posting, and dated photographs of the property. The presentation is made part of the hearing record. He reviewed the corrective action. The property is not compliant; he recommended fines and costs.

Respondent Charlotte Walker appeared and testified regarding noticing, response, replacing fascia vs. repairing, and pool fencing.

Special Magistrate Augello found there was a violation of the two stated code sections. She granted the Respondent 30 days to paint and repair and ordered an After the Fact Permit for the fence. A status update will be heard on 2/12/24.

F. Case No. 20230450 City of St. Pete Beach v. Mark D Jasperson TRE Address: 450 75th Ave. St. Pete Beach FL 33706

This case was continued until the February 12, 2024 hearing by agreement of the Attorneys for the Respondent and the City.

G. Case No. 20230611 City of St. Pete Beach v. Steven R Gordon and Colton Gordon Address: 860 Boca Ciega Isle Dr. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the evidence for the City's case including a summary of violations, noticing, posting, and dated photographs of the property. The presentation is made part of the hearing record. He reviewed the corrective action. The property is compliant, and the City requested only administrative costs.

Respondent Steve Gordon appeared and testified that the subject section of fence has been there for nearly 15 years. He presented photographs and asked that the City provide more details and a photograph of what is required to comply with violations. He asked for a waiver of fees and costs.

Special Magistrate Augello found that there was a violation of City Code Section 6.15, but the property is now complaint. Reasonable administrative costs will be assessed.

4. Old Cases

A. Case No. 20230536 City of St. Pete Beach v. Jeffrey Myers Address: 191 73rd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz showed photos of some of the work that has been completed but the property is not in compliance. The compliance date was 12/14/23. The City requested fines and administrative costs. There has been no contact from the Respondent regarding a trailer on the property. No one was present for the Respondent.

Special Magistrate Augello assessed fines of \$50 per day plus reasonable administrative costs from 10/13/23 until compliant.

**B. Case No. 20230436 City of St. Pete Beach v. Highland Properties of W Florida LC
Address: 601 78th Ave. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz testified that the compliance date was 12/14/23 to obtain a proper permit. A permit was issued on 1/5/24. The City requested fines and costs.

Attorney Michael Senft-Greenberg of Bivins & Hemenway, P.A., Valrico, appeared on behalf of the Respondent. The Respondent applied for the permit on 10/21/23 and it was issued on 1/5/24. He provided a printout from the City's portal.

Special Magistrate Augello found that the property was in violation of stated code section and imposed fines of \$250 day from 12/15 to 12/19 plus reasonable administrative costs, based on the evidence presented.

**C. Case No. 20230458 City of St. Pete Beach v. Citrus Property Inv Inc
Address: 7700 Blind Pass Rd. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz testified with a status update that the Respondent applied for a Right of Way Permit – the application, survey and site plan was updated 12/26/23 but was denied. They are working with the City; this is awaiting a planning and zoning review.

Charles Flynt, VP and owner of Citrus Property Inv. LLC owner testified regarding the dumpster and Right of Way Permit application; they are waiting for the permit.

Special Magistrate Augello set the case for a status update at the 2/12/24 hearing.

**D. Case No. 20230541 City of St. Pete Beach v. Wilmington Savings Fund Society
FSB TRE Pretium Mortgage Acquisition Trust
Address: 809 59th Ave. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz added updated photos to the hearing record. The photos show parts which have and have not been repaired. The permit was not in place at the last hearing, contrary to previous Counsel's testimony.

Attorney Hend Nassar McLean appeared as counsel on behalf of the Respondent and testified that they are awaiting the approval of the contractor and the permit. It should take no more than a week to complete the work following the approvals. She requested a continuance.

Attorney McConnell spoke about fines; he was very clear on compliance at the last hearing.

Special Magistrate Augello found that the property was not in compliance and assessed fines of \$250 per day plus reasonable administrative costs from 12/24/23 plus costs until the property becomes compliant.

5. Repeat Violations - None.

6. Lien Reductions

A. Case No. 20230334 City of St. Pete Beach v. Soflan Investments LLC
Address: 3511 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Manager Dewar stated that the request was not on the agenda, due to timing. The request was for the reduction of two cases – 20230334 and 20230485. No one was present for the Respondent.

Special Magistrate Augello granted City Attorney McConnell's request for continuance until the 2/12/24 hearing.

7. Next Meeting – February 12, 2024.

8. There being no further business, the hearing was adjourned at 11:40 AM.

Attest:



Amber LaRowe, City Clerk