

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

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

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ariana Wilson, Admin. Assistant-City Clerk's Office
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer
Jo Boland, Permitting Administrator
Luke Curtis, Building Official
Kristin Coman, Community Development Director

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 – None.**
- 2. Cases Complied or Continued**

A. Case No. 20230616 City of St. Pete Beach v. Anthony J. Perrone
Address: 8151 Blind Pass Rd. #8 St. Pete Beach FL 33706

Code Enforcement Officer Cruz provided an update on the case. The respondent needed to secure and obtain an after-the-fact permit by 3/15/24, however, the permit was denied on 3/11/24. He entered evidence of the permit history. This is made part of the record. The property is not compliant and the City is asking for \$250 per day from 11/18/2023 plus administrative fees.

No one was present on behalf of the respondent.

Special Magistrate Augello found, based on evidence and the prior order issued, that she would assess fees of \$250 per day from 11/18/2023 until compliant, plus \$325 in administrative fees.

B. Case No. 20230561 City of St. Pete Beach v. SJ Beach Properties LLC
Address: 6901 Sunset Way St. Pete Beach FL 33706

Code Enforcement Officer Cruz provided an update on the case. The respondent removed the gazebo and he entered photo proof evidence. This is made part of the record. The property is compliant, and the City is asking for \$325 in administrative fees.

No one was present on behalf of the respondent.

Special Magistrate Augello found, based on evidence, that the property is in compliance, and she would assess \$325 in administrative fees.

C. Case No. 20230602 City of St. Pete Beach v. Ping Pong Partners LLC
Address: 9555 Blind Pass Rd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz provided an update on the case. The respondent did secure and obtain the proper permit on 3/22/24. The City is asking for \$325 in administrative fees.

Respondent Adam Harden testified that the final inspection of the property is scheduled for today. He requested the administrative fees be dismissed since there was a noticing issue.

Attorney McConnell stated reasonable notice was given.

Special Magistrate Augello found the property is in compliance and no administrative fees would be assessed.

3. New Cases

A. Case No. 20240090 City of St. Pete Beach v. Franklin L. Dockett

Address: 555 Gulf Way #7-N St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. His presentation included a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 from 2/24/24 until compliant plus \$325 in administrative fees.

Building Official, Luke Curtis testified that all work is required to be permitted.

Respondent, Franklin Dockett testified that his ex-contractor told him no permits would need to be obtained to perform the work. He stated a window leak caused mold in the drywall causing the need for the repair. He has now hired Flagstone Builders as his new contractor who will have the permit application submitted in the next week to finish the remaining work.

Special Magistrate asked Mr. Curtis the average length to obtain an after the fact permit. Mr. Curtis stated each permit varies but estimated roughly 2 weeks.

Special Magistrate Augello found that the property is in violation of the cited code sections; the respondent will have 30 days to apply for and secure the proper permit, with a status check at the May 13, 2024, hearing.

B. Case No. 20230685 City of St. Pete Beach v. Billie G Lambert

Address: 7951 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented a summary of this case. His presentation included a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not compliant, and the City is asking for \$250 per day from 3/6/24 until compliant plus \$325 in administrative fees.

Respondent, Billie Lambert, was present and testified to hiring a construction company to perform work and repair the property. She stated permits have been filed and she has received quotes for landscaping.

Special Magistrate Augello questioned the estimated time frame to complete the work. Ms. Lambert stated she did not know since there were multiple steps to the process, but she had received quotes.

Code Enforcement Officer Cruz stated he did not receive any quotes from the respondent.

Special Magistrate Augello found that the property is in violation of the cited code sections; the respondent will have 30 days from the date of her order to apply for and secure the proper permit, with a status check at the May 13, 2024, hearing. Any fines will be assessed at that time.

C. Case No. 20240133 City of St. Pete Beach v. Patricia E Little TRE
Address: 85 Corey Cir St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented a summary of this case. His presentation included a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not compliant and the City is asking for \$250 from 3/16/24 until compliant plus \$325 in administrative fees. They must also obtain a renewed Business Tax Receipt. He testified the business and the owner have been notified multiple times regarding the expired Business Tax Receipt.

Special Magistrate Augello questioned if the business was still in operation. Officer Cruz confirmed it is currently still operating and displayed a permit history for the property which shows an expired Business Tax Receipt. This is made part of the record.

Special Magistrate Augello questioned the cited code violation sections 98-67, and whether the vehicle was on private or public property. Officer Cruz stated it was likely on private business property.

No one was present on behalf of the respondent.

Special Magistrate Augello found, based on evidence, that the property is in violation. Respondent will have 3 days from the date of her order to renew the Business Tax Receipt and 14 days from the date of her order to either remove the vehicle from the property or register the vehicle. There will be a status check at the May 13, 2024, hearing; any fines will be assessed at that time.

D. Case No. 20240043 City of St. Pete Beach v. Thomas J Dillon III
Address: 422 86th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented a summary of this case. His presentation included a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not compliant, and the City is asking for \$250 a day from 2/29/24 until compliant plus \$325 in administrative fees.

Respondent and Property Owner, Tom Dillon, was present and testified to the landscaping changes he had completed. He stated he was unaware this work required permits since the changes were consistent to neighboring properties. Mr. Dillon stated due to flooding issues in his neighborhood, his yard has lacked grass growth. He displayed photos of his yard prior to the landscape changes. He displayed email correspondence to Officer Cruz where he thought he was granted an extension to come into compliance. He displayed phone records of calls he made to Officer Cruz and Kristin Coman in an attempt to work with the City. He testified to contacting his landscapers for quotes to have the repairs completed and displayed the quotes he received. He stated he sent an email to the Mayor to question the possibility of a variance for his property and never heard back. He displayed the email. He questioned the Notice of Violation being accurate and displayed the Notice. He stated he has shown good faith by trying to resolve the violation. All records displayed by Mr. Dillon are made part of the record.

Attorney McConnell stated the City cited the correct provisions and would be willing to work with the respondent to come into compliance.

Code Enforcement Officer Cruz testified to not hearing from the respondent since the email and phone calls of the status. Due to miscommunication, he was under the impression the respondent was working toward compliance.

Community Development Director, Kristin Coman testified to never receiving an email from the respondent. She stated the best way to contact her is via email which she lists as another form of contact on her voicemail. She stated she is the person who handles variances and the email that was sent to the Mayor regarding variances was never forwarded to her. She confirmed permits are required for any landscaping changes on your property.

Special Magistrate Augello found that the property is in violation of the cited code sections; the respondent will have 30 days from the date of her order to come into compliance, with a status check at the May 13, 2024, hearing. Any fines will be assessed at that time.

E. Case No. 20240167 City of St. Pete Beach v. Stalba Investments LLC
Address: 4215 Miller Dr. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (2) plus the \$325 in administrative fees. He displayed the Airbnb policy which is made part of the record.

Special Magistrate Augello questioned the dates on the reviews that were displayed.

Attorney McConnell stated the City would like to find them in violation of the one stay that can be confirmed with dates.

Respondent and Property owner, Steve Miller, was present and testified to immediately canceling all of the future short-term rental reservations. He had no knowledge of this being a restriction in his district.

Special Magistrate Augello found based on evidence that the respondent was in violation of the cited code sections; she will assess fines of \$500 per stay for a total of \$1,000, plus the \$325 in administrative fees.

The Magistrate called for a brief recess at 11:18 AM and reconvened the hearing at 11:25 AM.

F. Case No. 20240148 City of St. Pete Beach v. Harly Schrock
Address: 220 45th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (4) plus the \$325 in administrative fees. He displayed the Airbnb policy which is made part of the record.

Respondent and Property Owner, Harly Schrock was present and testified to canceling future short-term rental reservations. He stated he wanted more positive reviews so two of the four reviews were by a neighbor and a friend. The property is not being rented at this time.

Attorney McConnell questioned if the friend and neighbor stayed on the property or if the reviews were just made. Mr. Schrock stated they did stay on the property and there was a sale exchange at a discounted rate for the reviews.

Special Magistrate Augello found based on evidence that the respondent was in violation of the cited code sections; she will assess fines of \$250 per stay (2) for a total of \$500, plus the \$325 in administrative fees.

G. Case No. 20240186 City of St. Pete Beach v. Larry B. Garner

Address: 2815 Pass A Grille Way St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (22) plus the \$325 in administrative fees.

Mary Gardner, a family member on behalf of the respondent displayed a Power of Attorney. She testified to adjusting the listings as soon as notice was received. She stated she was unaware of the violations since she is new to renting.

Attorney McConnell questioned how much the property profited from June 2023 until now. Ms. Gardner stated she did not know the exact amount but the average stay was \$500-\$700.

Special Magistrate Augello found, based on evidence, that the respondent was in violation of the cited code sections; she will assess fines of \$250 per review (22) plus the \$325 in administrative fees.

H. Case No. 20240158 City of St. Pete Beach v. Thomas Dromgoole & Carolyn

Zaleski Address: 3208 E Maritana Dr St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (1) plus the \$325 in administrative fees.

No one was present on behalf of the respondent.

Special Magistrate Augello questioned if Officer Rivera had been in contact with the property owner. Code Enforcement Officer Rivera testified to having no communication with the respondent. He stated he spoke to the renters who were staying on the property at the time and stated they would relay the information to the property owner.

Special Magistrate Augello found, based on evidence, that the respondent was in violation of the cited code sections; she will assess fines of \$1,000 for the one review plus the \$325 in administrative fees.

I. Case No. 20240187 City of St. Pete Beach v. Thomas D. Parker & Phyllis Parker

Address: 3611 Casablanca Ave. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (3) plus the \$325 in administrative fees.

Attorney McConnell stated the City is asking for \$1,000 per review but will also accept \$250 per day based on reviews.

Respondent and Property Owner, Phyllis Parker testified to not knowing the Airbnb policy was different from VRBO. She also questioned why she was given a notice of violation in March for stays that occurred in February when they could've been corrected. She stated she never received a notice of violation; she only knew there was a violation due to the posting on the door.

Officer Rivera testified certified mail was sent to 3611 Casablanca Dr. which was the address listed on the Pinellas County Property Appraiser website.

Special Magistrate Augello asked Ms. Parker if she wanted fines to be assessed per review or per day. She chose per review.

Special Magistrate Augello found based on evidence the property was in violation of the cited code sections; she will assess fines of \$1,000 per review (3) plus the \$325 in administrative fees.

J. Case No. 20240147 City of St. Pete Beach v. Tyler Roshau & Natali Roshau
Address: 460 59th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (28) plus the \$325 in administrative fees. He displayed photos showing the listing had been changed. They are made part of the record.

Respondents and Property owners, Tyler and Natali Roshau were present and testified to receiving false information regarding the rental of a room on the property. They stated they purchased the property 3 years ago but built the add-on last year.

Special Magistrate Augello found based on evidence the property was in violation of the cited code sections; she will assess fines of \$1,000 per review (28) plus the \$325 in administrative fees.

K. Case No. 20240185 City of St. Pete Beach v. Rebecca Jones
Address: 8125 Boca Ciega Dr. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented a summary of this case. His presentation included proof of posting, photographs of the property, and rental reviews. The presentation is made part of the record. The City is asking for \$1,000 per review (4) plus the \$325 in administrative fees. He displayed a photo showing as of 4/4/24 the property is available to rent on a short-term basis. This is made part of the record.

Bryce Williams, attorney representing property owner Rebecca Jones was present and testified to the property owner having work done on her property. He stated she stayed at a different property while work was being conducted and once work was completed she moved back in and started renting out the second property. Attorney Williams requested a \$250 fine, per stay since the

property owner had no knowledge of renting guidelines. She previously rented properties in the State of Nebraska where there were no rental restrictions.

Ms. Jones testified to renting the property out and stated she would be selling the property. Attorney McConnell stated the City is not agreeable to reducing the fines to the requested amount since the property was rented out for more per stay.

Special Magistrate Augello found, based on evidence the property was in violation of the cited code sections; she will assess fines of \$1,000 per review (4) plus the \$325 in administrative fees.

4. Old Cases

A. Case No. 20230511 City of St. Pete Beach v. Randall Rutter Tre, Rutter Living Trust Address: 2504 Sunset Way St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this case. He stated it did take the respondent a little longer to correct the violation, however, this was due to an issue with the Florida Department of Environmental Protection. He submitted photographic evidence of the platform being removed. Vegetation was also replenished.

No one was present on behalf of the Respondent.

Special Magistrate Augello will assess fines of \$5,000 plus the \$325 in administrative fees.

B. Case No. 20230559 City of St. Pete Beach v. Lake Merritt Partners LLC Address: 636 Corey Ave. St. Pete Beach FL 33706

Attorney McConnell stated the City received an email of a withdrawal request from the attorney representing the applicant. He submitted the email into evidence.

Special Magistrate Augello accepted the request. No order will be assessed at this time.

C. Case No. 20230513 City of St. Pete Beach v. April Elliott & David Rybarczyk Address: 423 Corey Ave. St. Pete Beach FL 33706

Code Enforcement Manager Dewar stated Ms. Elliott was present to present her challenge to the fine amount.

Respondent, April Elliott was present and testified that she was here in February and stated they were trying to sell the property. Due to a family emergency, she was unable to be present for the March hearing, where fines were imposed due to her failure to comply. She stated she notified Officers Cruz and Rivera and requested to appear virtually or telephonically, with no response. She stated the permit was filed and notarized the same day that fines were imposed. The permit was approved 3 weeks later and the fence was removed the same day. She requested the order be rescinded since they showed good faith.

Attorney McConnell clarified that this is not a lien reduction request, it is a request to challenge the fine amount. The property owner had a 30-day window to obtain the permit and did not. The respondent's testimony today did not provide any new findings. They also had the Special Magistrate's contact information and did not reach out to her. He stated it is not the Code Enforcement Officer's responsibility to advocate for property owners.

Special Magistrate Augello reviewed her previous order. She stated there is not sufficient evidence that would have changed her ruling at the March 11th hearing. She will keep the order as stands and no reduction of fines will be given at this time.

5. Repeat Violations – None.

6. Lien Reductions

A. Case No. 20230291 City of St. Pete Beach v. Nemishawn INC

Address: 300 76th Ave. St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. The City is requesting \$6,175 for both the reduction and administrative costs. The lien was \$29,250 and administrative costs were \$430 bringing the total to \$29,680.

Attorney Carey Blaxberg, representing the property owner, was present and testified to the property owner speaking to Code Enforcement Manager Dewar. All of the work has been done. The respondent is requesting to reduce the fines to a total of \$4,500.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$6,175, which includes administrative costs.

B. Case No. 20230340 City of St. Pete Beach v. Paradise Caprice LLC

Address: 521 71st Ave. St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. The City is requesting \$6,530 for both the reduction and administrative costs. The lien was \$61,000 and administrative costs were \$430 bringing the total to \$61,430. He stated the respondent is requesting the fines be reduced to \$5,000.

Attorney McConnell stated the City is agreeable to a 90% reduction.

Attorney Simone Savino, representing the respondent was present and testified to making a public record request for all documents related to this case, she believes there was an initial delay with posting and noticing.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$6,530, which includes administrative costs.

C. 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 Manager Dewar presented the case for the lien reduction application. The City is requesting \$2,055 for both the reduction and administrative costs. The lien was \$16,500 and administrative costs were \$405 bringing the total to \$16,905. He stated the respondent is requesting the fines to be reduced to \$1,700.

Attorney McConnell stated the City is agreeable to a 90% reduction.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$2,055, which includes administrative costs.

7. Next Meeting – May 13, 2024.
8. Adjournment – There being no further business, the hearing was adjourned at 12:59 PM.

Attest:


Ginny Bodkin, Deputy City Clerk