



**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, June 10, 2024
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Changes to Agenda -
3. Cases Continued -

A. Case No. 20240043

City of St. Pete Beach v. Thomas J Dillon III

Address: 422 86th Ave. St. Pete Beach FL 33706

Status hearing on a 30-day extension to achieve an acceptable landscape plan, secure any necessary permits, and have the plan executed to its completion.

B. Case No. 20240141

City of St. Pete Beach v. Gintaras Karosas

Address: 350 72nd Ave. St. Pete Beach FL 33706

Status hearing on a 30-day extension to have the vehicle removed or registered.

C. Case No. 20240029

City of St. Pete Beach v. Micheal Martin

Address: 2 Alhambra St. St. Pete Beach FL 33706

Status hearing and fine assessment for the cleanup of bricks and blocks on property.

4. Repeat Violations -

A. Case No. 20240283

City of St. Pete Beach v. Gulf West Properties LLC

Address: 7060 Boca Ciega Dr. St. Pete Beach FL 33706

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

5. New Cases

A. Case No. 20240275

City of St. Pete Beach v. Hasani Capital LLC

Address: 3505 Gulf Blvd South St Pete Beach FL 33706

Sec. 78-96. - Business tax receipt—Required.

No person shall engage in any business, trade or profession in the city without first obtaining a business tax receipt issued by the city manager and paying the tax required pursuant to this article. The issuance of a business tax receipt for a business on any premises within the city shall not constitute, nor be construed as, approval by the city of the land use, zoning or other developmental approval of the particular business on the premises for which such receipt was issued. Businesses operating in association with city sponsored special events may be exempted from this requirement upon approval of the city manager.

B. Case No. 20240214

City of St. Pete Beach v. SW-GOM LTD PTNERSHP

Address: 2705 Sunset Way St. Pete Beach FL 33706

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

C. Case No. 20240247

City of St. Pete Beach v. Sungold LLC

Address: 3815 Gulf Blvd St. Pete Beach FL 33706

Sec. 46-33 - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 98-65 - Unsightly Conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

Sec. 98-66 - Residential and Commercial Property Maintenance

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

24) Fences and walls. Fences and walls shall be maintained in a safe and structurally

sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

(c) Litter.

(3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

D. Case No. 20240089

City of St. Pete Beach v. Patrick Thomas McNulty & Annette Weis-McNulty

Address: 104 46th Ave. St. Pete Beach FL 33706

Sec. 22.4. - Type, quality and size of plant material.

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debis (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*

Trachelospermum Jasmine Varigated (Varegated Confederate Jasmine)*

Trachelospermum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*

Trachelospermum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)

Stachytarpheta jamaicensis (Prone Porterweed)*

Zamia pumila (Coontie)*

Muhlenbergia capillaris (Muhley Grass)*

Sec. 23.11. - Parking construction and design requirements.

(a) General construction requirements.

(1) All driveway and off-street parking areas shall be constructed of concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.

(2) No slag, rock, pea gravel or other loose type of material shall be used.

E. Case No. 20240168

City of St. Pete Beach v. Family International Home Builders LLC

Address: 7210 Gulf Blvd. St. Pete Beach FL 33706

Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

Sec. 98-64. - General Maintenance

(a) Nuisances and hazards. Real property shall be maintained free of nuisances and any hazards to the safety of the occupants, customers or persons utilizing the premises or to pedestrians passing by.

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(e) Outdoor storage. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

F. Case No. 20240014

City of St. Pete Beach v. Stephen G. Parks

Address: 420 80th Ave. St. Pete Beach FL 33706

Sec. 23.2. - Residential parking restricted.

Residential parking restrictions shall apply within the RU-1, RU-2, RLM-1, RLM-2 and RM zoning districts. For the purpose of this section, the term "stored" shall be construed to include parking for a period exceeding 48 hours.

(b) Boats and trailers. Boats and trailers may be stored in accordance with the following:

(2) No more than one boat and/or trailer may be stored in a front yard, provided that the following regulations are met:

a. On an improved surface or on an unimproved area adjacent to the side property line; and

b. Such that the length of the boat and/or trailer is perpendicular to the front property line of the zoning lot; and

c. Located a minimum of ten feet from the back of the curb on any public street.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

6. Cases Complied -

7. Old Cases

8. Lien Reductions

A. 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

Lien Reduction Request

9. Next Meeting:

10. Adjournment -

APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

For meetings that require materials to be submitted, the deadline to submit materials to the City is a minimum of 24 business hours in advance of the meeting. Materials including electronic media are to be submitted to cityclerk@stpetebeach.org. The Clerk's Office will then scan the agenda packet with the new documents and repost on the website for transparency purposes.

All agenda material is available for review at City Hall.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

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

Date: June 10, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on a 30-day extension to achieve an acceptable landscape plan, secure any necessary permits, and have the plan executed to its completion.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 5/20/2024
 2. Special Magistrate Order 4/10/2024

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240043

ADDRESS: 422 86th Ave.

THOMAS J. DILLON, III,

Respondent.

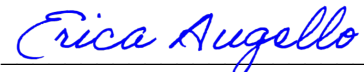
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ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on May 13, 2024. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

IT IS ADJUDGED that this matter, by agreement of the parties, is continued until the **June 10, 2024**, Code Enforcement Special Magistrate Hearing.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 20th day of May 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at thomdillon@msn.com, on May 20, 2024.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240043

ADDRESS: 422 86th Ave.

THOMAS J. DILLON, III,

Respondent.

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on April 8, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent appeared and represented himself.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that he was in violation of Section 22.4 of the City's Code of Ordinances for removing permitted vegetative ground covering and replacing with pea pebbles over more than the allotted area permitted by Code.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating the replacement of vegetative cover with nearly all pea pebbles in the front yard and a portion of the rear yard as seen from the front yard.
6. Respondent testified that he has owned this property since 2019, but has owned property within the jurisdictional boundaries of the City since 2008. He presented photographic evidence that shows the property prior to or around the time of his purchase of the property, as well as additional photographic evidence showing the conditions on the property over the last several years. He testified though he tried to grow grass, he was unable to grow and maintain it and replaced it with pea pebbles.
7. Respondent, after receiving the Notice of Violation, contacted Mr. Cruz to request an extension to comply with the Code, and received same, though no date was determined as to the new deadline for compliance.

8. Respondent testified and presented evidence that he attempted to contact Kristin Coleman, the City's Community Development Director and Senior Planner, in order to determine what amount of pea pebbles would be permitted, or if he could work out some other plan to contend with the ground cover. Respondent left a voicemail but did not receive a return phone call.
9. Respondent testified that he reached out to the Mayor via email and explained the situation and sought direction on who should be contacted within the City to resolve this issue. Respondent submitted that email as evidence and testified that he did not receive a response to that correspondence.
10. Respondent did not reach back out to Mr. Cruz, as by the time he had a plan to resolve the issue and was ready to present it to Mr. Cruz, he had received the Notice of Hearing for the Special Magistrate hearing.
11. Kristin Coleman, the City's Community Development Director and Senior Planner, testified that she did not receive an email from Respondent, did not receive any forwarded correspondence from the Mayor, and is unable to testify as to if she received a voicemail, but stated her voicemail does provide her email address. Ms. Coleman testified that the administrative procedure provided within the cited Code Section would likely not apply, and the amount of pea gravel that was installed far exceeded the amount allowed under the Code, and Respondent would be limited to about 340 square feet total for pea gravel.
12. Ms. Coleman also testified that a permit for this type of landscaping replacement is required.
13. Respondent did not deny that he had exceeded the amount of non-vegetative landscaping permitted pursuant to the cited Code Section but testified that he would be willing to work with the City to get to a reasonable resolution.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AS FOLLOWS:

14. Respondent is found to be in violation of Section 22.4 of the City's Code of Ordinances.
15. Respondent shall have **thirty (30) days** from the date of this Order, or by **Friday, May 10, 2024**, to work with the City to come up with an acceptable landscape plan, secure any necessary permits to effectuate the plan, and have that plan executed to completion. If an extension of time is necessary based on a good-faith effort to bring the property into compliance by the deadline herein, Respondent may request same.
16. A status hearing is set for **May 13, 2024, at 10:00 a.m.** A decision on fines and administrative costs will be made at that hearing.

17. No decision on fines and administrative costs is being made as a part of this Order, and the City reserves the right to request the imposition of fines and administrative costs at a later hearing before the Special Magistrate.
18. It is Respondent's responsibility to notify the City once the property is in compliance.
19. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on April 10, 2024.

Erica Augello

Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at thomdillon@msn.com.

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or entity filing the appeal shall be responsible for submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, Florida Statutes.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240141**
 City of St. Pete Beach v. Gintaras Karosas
 Address: 350 72nd Ave. St. Pete Beach FL 33706

Date: June 10, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on a 30-day extension to have the
 vehicle removed or registered.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 5/20/2024

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: CE20240141
ADDRESS: 350 72nd Ave.**

GINTARAS KAROSAS,

Respondent.

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FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on May 13, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

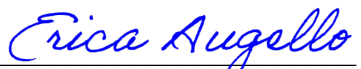
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent appeared and represented himself.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that he was in violation of Sections 46-33 and 98-67 of the City's Code of Ordinances for having a junked, inoperable, and unregistered vehicle parked in the driveway.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating the rusted van that had vines growing in the open window and demonstrated it did not maintain a current registration.
6. Respondent testified that he had a medical condition he had been struggling with, and at one point was told he could not travel back home. He is now attempting to donate the vehicle but needs to secure the title first and is working on that.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AS FOLLOWS:

7. Respondent is found to be in violation of Sections 46-33 and 98-67 of the City's Code of Ordinances for maintaining a junked or abandoned vehicle on the property.

8. Respondent shall have **thirty (30) days** from the date of this Order, or by **Wednesday, June 19, 2024**, to have the vehicle removed or registered.
9. A status hearing is set for **June 10, 2024, at 10:00 a.m.** to determine the status of the matter.
10. No decision on fines and administrative costs is being made as a part of this Order, and the City reserves the right to request the imposition of fines and administrative costs at a later hearing before the Special Magistrate.
11. It is Respondent's responsibility to notify the City once the property is in compliance.
12. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on May 20, 2024.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 350 72nd Ave., St. Pete Beach, FL 33706 on May 20, 2024.

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or entity filing the appeal shall be responsible for submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, Florida Statutes.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240029**
 City of St. Pete Beach v. Micheal Martin
 Address: 2 Alhambra St. St. Pete Beach FL 33706

Date: June 10, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing and fine assessment for the cleanup of
 bricks and blocks on property.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate order 5-20-2024

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240029

ADDRESS: 2 Alhambra St.

MICHAEL MARTIN,

Respondent.

_____ /

ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on May 13, 2024. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

IT IS ADJUDGED that this matter, by agreement of the parties, is continued until the **June 10, 2024**, Code Enforcement Special Magistrate Hearing.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 20th day of May 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent's Counsel, P. Colin Rice, Esq. at crice@olalaw.com on May 20, 2024.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240283**
 City of St. Pete Beach v. Gulf West Properties
 LLC
 Address: 7060 Boca Ciega Dr. St. Pete Beach FL
 33706

Date: June 10, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 98-66. - Residential and commercial property maintenance.**

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

The property has overgrown grass which was found to be in violation previously by a Special Magistrate. Stated in that final order was "Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists."

Funding: N/A

Requested Motion: N/A

Attachments: 1. Notice of Repeat Violation
 2. Evidence
 3. Affidavit of Posting
 4. Notice of Hearing

5. Special Magistrate Order 11/14/2023



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF REPEAT VIOLATION

5/7/2024

GULF WEST PROPERTIES LLC
250 COREY AVE
ST PETERSBURG FL 33706

RE: Case Number 20240283
Violation: Overgrown Grass
Violation Address: 7060 BOCA CIEGA DR
Parcel ID#: 363115050940270040

Dear Property Owner:

Your property has overgrown grass which was found to be in violation previously by a Special Magistrate. Stated in that final order was "Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists."

Your property was found in violation by the Special Magistrate on 11/14/2023, for the same violation (98-66 Residential and commercial property maintenance (a)(b)(20)). This constitutes a repeat violation of the section mentioned above and will not be allowed to continue. Once you are cited for a violation of the Code for a specified activity, such citation remains in effect for repeat violations.

Please be advised that this matter is being referred to the Special Magistrate for hearing on 6/10/2024 at 10am.

If you require further information, please contact Code Enforcement at (727) 363-9211 or (727) 363-9209 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Sincerely,

Luis Cruz 727-589-2564

Luis Cruz
Code Enforcement Officer

CE20240283

- Respondent(s): Gulf West Properties LLC**
- Violation address: 7060 Boca Ciega Dr.**
- Violation(s) description: The property is in violation of sections 98-66 Residential and commercial property maintenance (a), (b), and (20) of the Code of Ordinances of the City of St. Pete Beach**

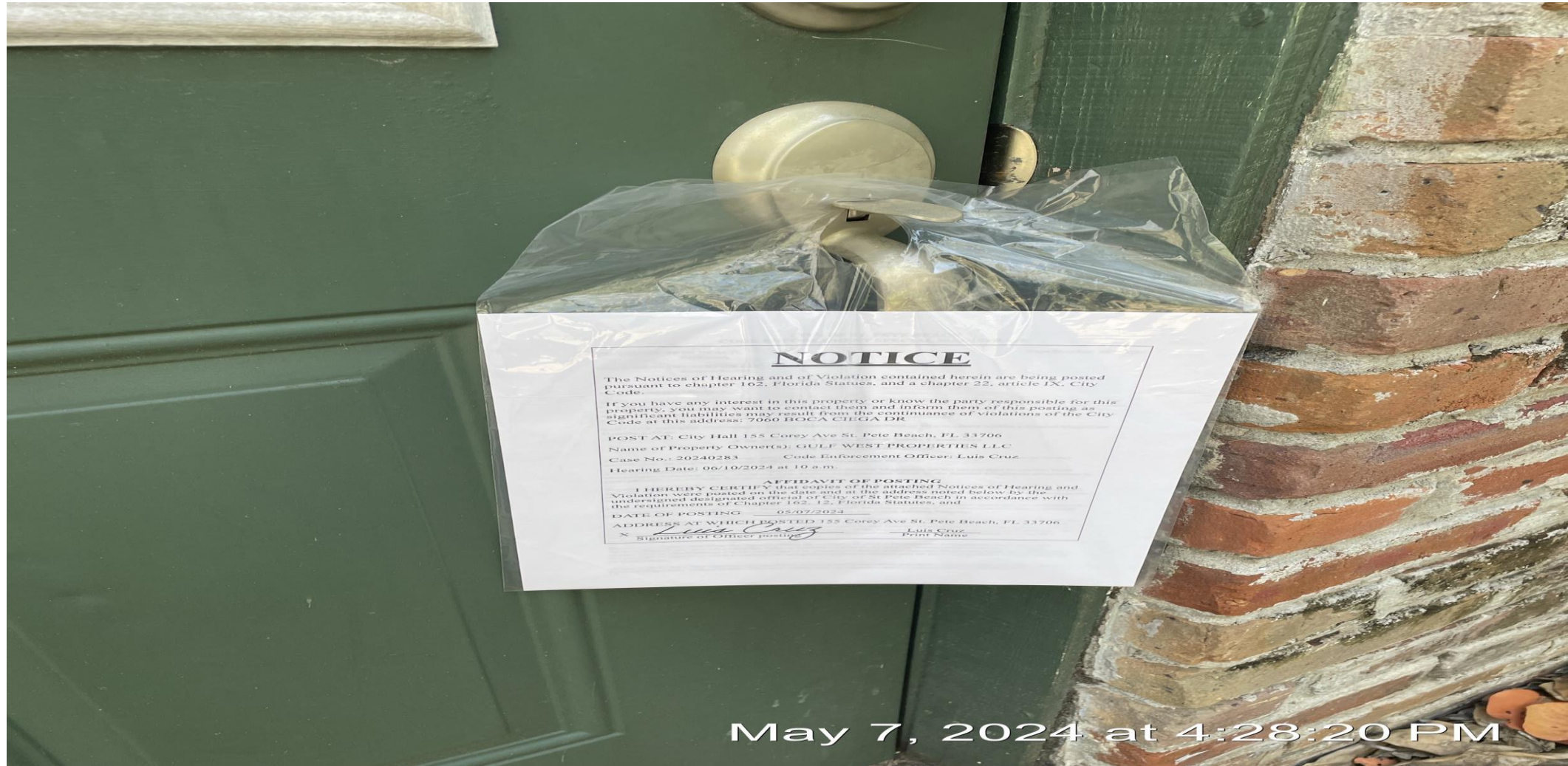
CE20240283

Case Summary

- Initial inspection: 4/29/2024**
- Notice of Repeat Violation dated: 5/7/2024**
- Notices of Hearing dated and posted on the property: 5/7/2024**

CE20240283

Affidavit of Posting



7060 Boca Ciega Dr.

CE20240283

Overgrown grass



Apr 29, 2024 at 2:01:01 PM

7060 Boca Ciega Dr.

CE20240283

Overgrown grass / strewn palm fronds



7060 Boca Ciega Dr.

CE20240283

Overgrown grass



7060 Boca Ciega Dr.

CE20240283

Overgrown grass



7060 Boca Ciega Dr.

CE20240283

Overgrown grass



7060 Boca Ciega Dr.

CE20240283

Overgrown grass



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CE20240283

Overgrown grass



7060 Boca Ciega Dr.

CE20240283

Property compliant



7060 Boca Ciega Dr.

CE20240283

Property compliant



7060 Boca Ciega Dr.

CE20240283

Property compliant



7060 Boca Ciega Dr.

CE20240283

Property compliant



7060 Boca Ciega Dr.

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 7060 BOCA CIEGA DR

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): GULF WEST PROPERTIES LLC

Case No.: 20240283 Code Enforcement Officer: Luis Cruz

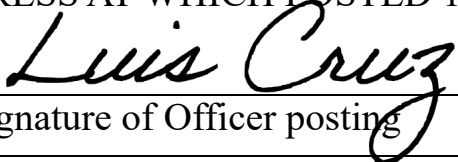
Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 05/07/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X 
Signature of Officer posting

Luis Cruz
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,
vs.
GULF WEST PROPERTIES LLC
Respondent(s)

Case Number: 20240283

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **06/10/2024** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers
155 Corey Ave
St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **7060 BOCA CIEGA DR** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

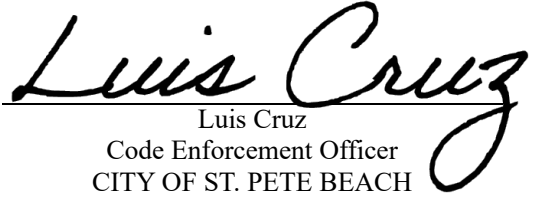
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/07/2024


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230437

ADDRESS: 7060 Boca Ciega Dr.

GULF WEST PROPERTIES, LLC

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

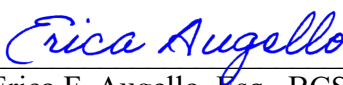
This case came before the Special Magistrate on November 13, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent's authorized agent, Ms. Shiela Hutman, appeared via telephone. Ms. Hutman possesses the requisite authority to represent Respondent.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Section 98-66 of the City's Code of Ordinances by allowing overgrowth of trees to impede the sidewalk, allowing for the overgrowth and ill maintenance of grass on the property, as well as other landscaping debris.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating landscaping debris (palm fronds, etc.) strewn about the property, the overgrowth of trees impeding travel on the surrounding sidewalks, as well as dead or dying palm fronds that needed to be pared back from trees on the property. Though Mr. Cruz submitted photographic evidence of some overgrowth of grass, he did not know and could not testify if that overgrowth amounted to 10 inches of growth.
6. Ms. Hutman testified on behalf of Respondent that she accepts responsibility for the status of the property, that it was partly due to a hurricane event that passed through, but that the property has now been cleared.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AS FOLLOWS:

7. At the time of the hearing the Respondent and its property were compliant with the cited sections of Code.
8. No fines shall be assessed, but Respondent will be responsible for paying the reasonable administrative costs of the City.
9. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on November 14, 2023.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent by US Mail to Respondent at 250 Corey Ave, St. Petersburg, Florida 33706.

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or entity filing the appeal shall be responsible for submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, Florida Statutes.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Action Request: N/A

Strategic Objective:

Date: June 10, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 78-96. - Business tax receipt—Required.**
No person shall engage in any business, trade or profession in the city without first obtaining a business tax receipt issued by the city manager and paying the tax required pursuant to this article. The issuance of a business tax receipt for a business on any premises within the city shall not constitute, nor be construed as, approval by the city of the land use, zoning or other developmental approval of the particular business on the premises for which such receipt was issued. Businesses operating in association with city sponsored special events may be exempted from this requirement upon approval of the city manager.

Your BTR (Business Tax Receipt) is overdue. Please contact Joanne Bolland, who is the Permitting Administrator to make a payment.
Phone: 727-363-9214 email: jbolland@stpetebeach.org

Funding: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF VIOLATION

5/3/2024

HASANI CAPITAL LLC
360 CENTRAL AVE STE 800
ST. PETERSBURG, FL 33701

RE: Case Number 20240275
Violation Address: 3505 GULF BLVD # SOUTH
Parcel ID#: 073216218520080030

Dear Property Owner:

Your BTR (Business Tax Receipt) is overdue. Please contact Joanne Bolland, who is the Permitting Administrator to make a payment.

Phone: 727-363-9214 email: jbolland@stpetebeach.org

Sec. 78-96. - Business tax receipt—Required.

Sec. 78-96. - Business tax receipt—Required.

No person shall engage in any business, trade or profession in the city without first obtaining a business tax receipt issued by the city manager and paying the tax required pursuant to this article. The issuance of a business tax receipt for a business on any premises within the city shall not constitute, nor be construed as, approval by the city of the land use, zoning or other developmental approval of the particular business on the premises for which such receipt was issued. Businesses operating in association with city sponsored special events may be exempted from this requirement upon approval of the city manager.

These violation(s) must be corrected **no later than 5/13/2024**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

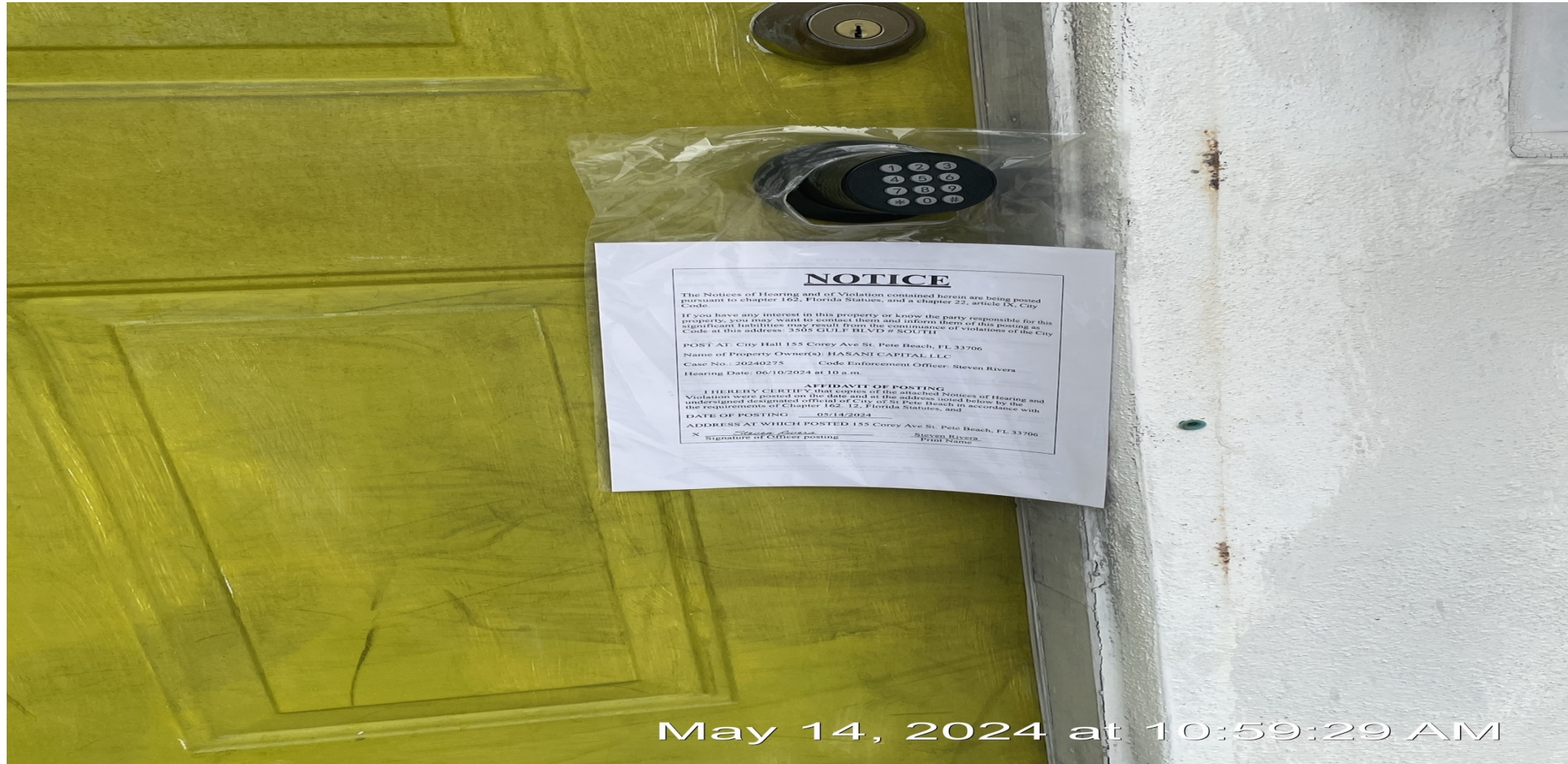
Sincerely,

Steven Rivera *727-235-5398*

Steven Rivera
Code Enforcement Officer

CE202400275

Affidavit of Posting



3505 Gulf Blvd South

CE20240275

- Respondent(s): Hasani Capital LLC**
- Violation address: 3505 Gulf Blvd South**
- Violation(s) description: The property is in violation of sections 78-96 Business tax receipt – Required, of the Code of Ordinances of the City of St. Pete Beach**

CE20240275

Case Summary

- Initial inspection: 5/2/2024**
- Notice of Violation dated: 5/3/2024**
- Notice of Violation compliance date: 4/25/2024**
- Notices of Hearing dated and posted on the property: 5/13/2024**

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 3505 GULF BLVD # SOUTH

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): HASANI CAPITAL LLC

Case No.: 20240275 Code Enforcement Officer: Steven Rivera

Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 05/14/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,
vs.
HASANI CAPITAL LLC
Respondent(s)

Case Number: 20240275

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

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155 Corey Ave
St Pete Beach, Florida 33706**

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YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **3505 GULF BLVD # SOUTH** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/14/2024

Steven Rivera

Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Action Request: N/A

Strategic Objective:

Date: June 10, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 98-123.1. - Permits required.**
Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The stairs that were replace required a permit. As of 4/24/24 there are no permit applications for the stairs. Please obtain an after the fact permit for the stairs that were replaced. The vegetation on the Sunset Way side of the property is overgrown and encroaching on the street and power lines. Please have the vegetation cut back.

Funding: N/A

Attachments:

1. Notice of violation
2. Evidence

3. Affidavit of Posting
4. Notice of Hearing



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF VIOLATION

4/25/24

SW-GOM LTD PTNSHP
172 GARY RD
STAMFORD CT 06903-4829

RE: Case Number 20240214
Violation Address: 2705 SUNSET WAY
Parcel ID#: 183216610020040030

Dear Property Owner:

The stairs that were replace required a permit. As of 4/24/24 there are no permit applications for the stairs. Please obtain an after the fact permit for the stairs that were replaced. The vegetation on the Sunset Way side of the property is overgrown and encroaching on the street and power lines. Please have the vegetation cut back.

Sec. 98-123.1. - Permits required.

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Sec. 98-66 - Residential and Commercial Property Maintenance

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(22) Trees. Trees shall be maintained or removed as follows:

b. Prohibited conditions. The following conditions are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, which overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.
2. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare.
3. Removal of obstruction. The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the building official, and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

These violation(s) must be corrected **no later than 5/3/2024**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Steven Rivera 727-235-5398

Steven Rivera
Code Enforcement Officer

CE20240214

- Respondent(s): SW-GOM LTD PTNERSHP**
- Violation address: 2705 Sunset Way**
- Violation(s) description: The property is in violation of section(s) 123.1 Permits required, of the Code of Ordinances of the City of St. Pete Beach**

CE20240214

Case Summary

- Initial inspection: 4/9/2024**
- Notice of Violation dated: 4/25/2024**
- Notice of Violation compliance date: 5/3/2024**
- Notices of Hearing dated and posted on the property: 5/14/2024**

CE202400214

Affidavit of Posting



2705 Sunset Way

CE20240214

Unpermitted staircase



2705 Sunset Way

CE20240205

Unpermitted staircase



2705 Sunset Way

NOTICE

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POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): SW-GOM LTD PTNSHP

Case No.: 20240214 Code Enforcement Officer: Steven Rivera

Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

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DATE OF POSTING 05/14/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240214

vs.
SW-GOM LTD PTNSHP
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

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If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/14/2024

Steven Rivera

Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

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**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240247**
 City of St. Pete Beach v. Sungold LLC
 Address: 3815 Gulf Blvd St. Pete Beach FL
 33706

Date: June 10, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and **Sec. 46-33 - Enumeration.**

constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 98-65 - Unsightly Conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its

control or occupancy in a clean and sanitary condition.

Sec. 98-66 - Residential and Commercial Property Maintenance

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

(c) Litter.

(3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

The property has miscellaneous trash and debris scattered about that needs to be cleaned up and disposed of properly. The fence on the Gulf Blvd side is in disrepair and needs to be repaired, replaced or removed. The dead palm fronds on the tress and on the ground need to be cleaned ups removed.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice Of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF VIOLATION

4/19/2024

SUNGOLD LLC
3618 EL CENTRO ST
ST PETE BEACH FL 33706-3908

RE: Case Number 20240247
Violation Address: 3815 GULF BLVD
Parcel ID#: 073216073980010230

Dear Property Owner:

The property has miscellaneous trash and debris scattered about that needs to be cleaned up and disposed of properly. The fence on the Gulf Blvd side is in disrepair and needs to be repaired, replaced or removed. The dead palm fronds on the tress and on the ground need to be cleaned ups removed.

Sec. 46-33 - Enumeration.

Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 98-65 - Unsightly Conditions.

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The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean,

safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

Sec. 98-66 - Residential and Commercial Property Maintenance

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

(c) Litter.

(3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

These violation(s) must be corrected **no later than 5/3/2024**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Steven Rivera 727-235-5398

Steven Rivera
Code Enforcement Officer

CE20240247

- **Respondent(s): Sungold LLC**
- **Violation address: 3815 Gulf Blvd.**
- **Violation(s) description: The property is in violation of section(s) 46-33 (1)b, (2) & (3) Enumeration, 98-65 (4) Unsightly Conditions, 98-66 (a) (b) (24) (c) & (3) Residential and Commercial Property Maintenance of the Code of Ordinances of the City of St. Pete Beach**

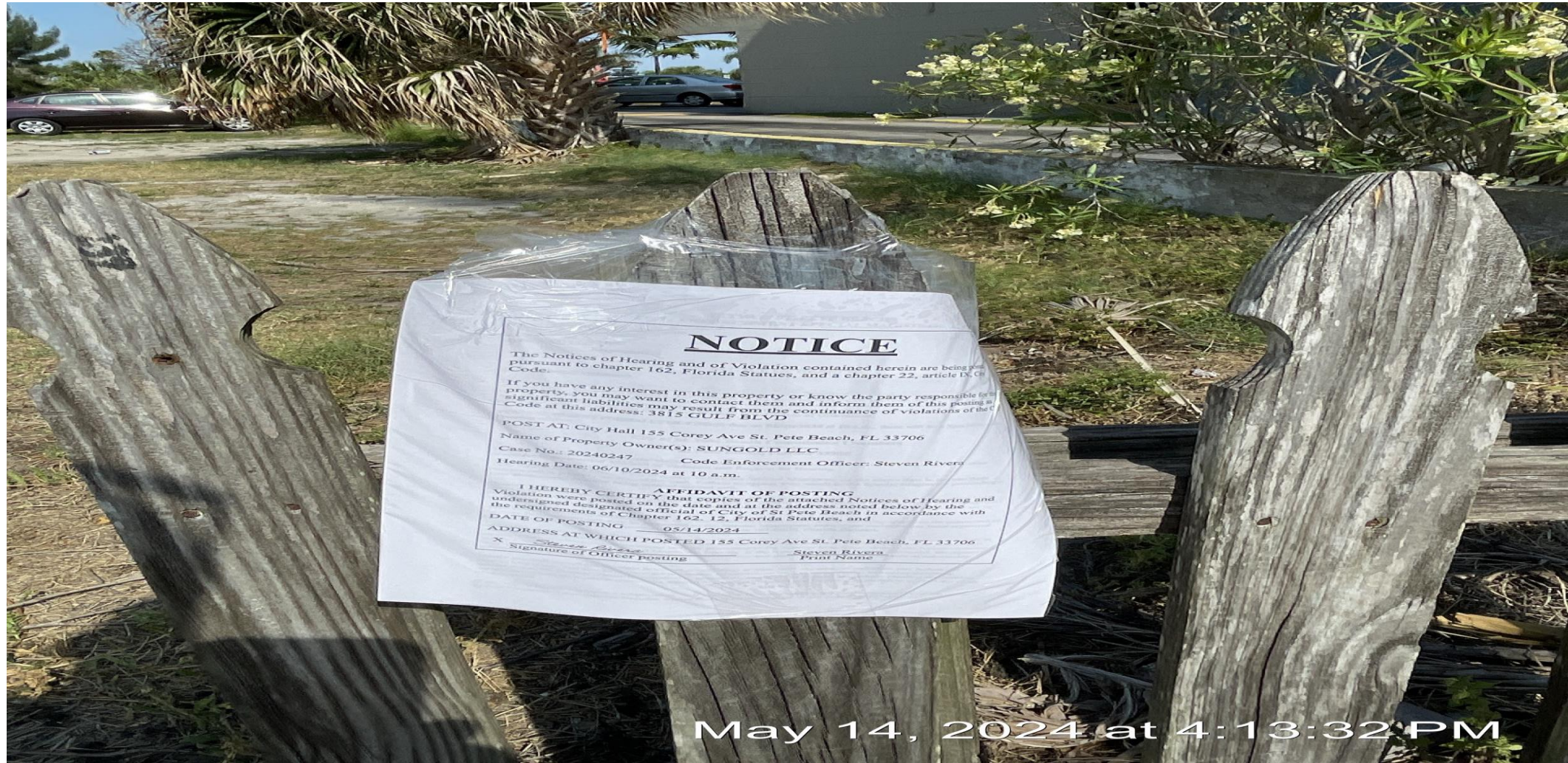
CE20240247

Case Summary

- Initial inspection: 4/19/2024**
- Notice of Violation dated: 4/19/2024**
- Notice of Violation compliance date: 5/3/2024**
- Notices of Hearing dated and posted on the property: 5/14/2024**

CE202400247

Affidavit of Posting



3815 Guld Blvd.

CE20240247

Dead palm fronds on tree and ground



Apr 18, 2024 at 3:11:50 PM

3815 Gulf Blvd.

CE20240247

Dead palm fronds



3815 Gulf Blvd.

CE20240247

Fence in disrepair and trash on property



May 21, 2024 at 1:32:39 PM

3815 Gulf Blvd.

CE20240247

Trash on property



3815 Gulf Blvd.

CE20240247

Trash on property



3815 Gulf Blvd.

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 3815 GULF BLVD

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): SUNGOLD LLC

Case No.: 20240247 Code Enforcement Officer: Steven Rivera

Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 05/14/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240247

vs.
SUNGOLD LLC
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **06/10/2024** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers
155 Corey Ave
St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **3815 GULF BLVD** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/14/2024

Steven Rivera

Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240089**
 City of St. Pete Beach v. Patrick Thomas
 McNulty & Annette Weis-McNulty
 Address: 104 46th Ave. St. Pete Beach FL 33706

Date: June 10, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 22.4. - Type, quality and size of plant material.**

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debilus (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*
 Trachelospernum Jasmine Varigated (Varegated Confederate Jasmine)*
 Trachelospernum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*
 Trachelospernum Jasminoides (Confederate Jasmine)*
 Licania michauxii (Gopher Apple)
 Scaevola plumieri (Inkberry)
 Stachytarpheta jamaicensis (Prone Porterweed)*
 Zamia pumila (Coontie)*
 Muhlenbergia capillaris (Muhley Grass)*

Sec. 23.11. - Parking construction and design requirements.

1. General construction requirements.
 - (1) All driveway and off-street parking areas shall be constructed of concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.
 - (2) No slag, rock, pea gravel or other loose type of material shall be used.

The non vegetated materials are exceeding the 20 percent limit that is permitted. Loose materials are not permitted to be used for driveway parking.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF VIOLATION

2/9/2024

MCNULTY, PATRICK THOMAS WEIS-MCNULTY, ANNETTE
1100 BOCA CIEGA ISLE DR
ST PETE BEACH, FL 33706

RE: Case Number 20240089
Violation Address: 104 46TH AVE
Parcel ID#: 063216655200000070

Dear Property Owner:

The non vegetated materials are exceeding the 20 percent limit that is permitted. Loose materials are not permitted to be used for driveway parking.

Sec. 22.4. - Type, quality and size of plant material.

Sec. 22.4. - Type, quality and size of plant material.

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

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Trachelospermum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*

Trachelospermum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)
Stachytarpheta jamaicensis (Prone Porterweed)*
Zamia pumila (Coontie)*
Muhlenbergia capillaris (Muhley Grass)*

Sec. 23.11. - Parking construction and design requirements.

Sec. 23.11. - Parking construction and design requirements.

(a) General construction requirements.

(1) All driveway and off-street parking areas shall be constructed of concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.

(2) No slag, rock, pea gravel or other loose type of material shall be used.

These violation(s) must be corrected **no later than 3/1/2024**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Steven Rivera *727-235-5398*

Steven Rivera
Code Enforcement Officer

- **Respondent(s): Thomas McNulty & Annette Weis-McNulty**
- **Violation address: 104 46th Ave.**
- **Violation(s) description: The property is in violation of section(s) 23.4 (f), Type, quality and size of plant material, 23.11 (a)(1) & (2) Parking construction and design requirements of the Land Development Code of the City of St. Pete Beach**

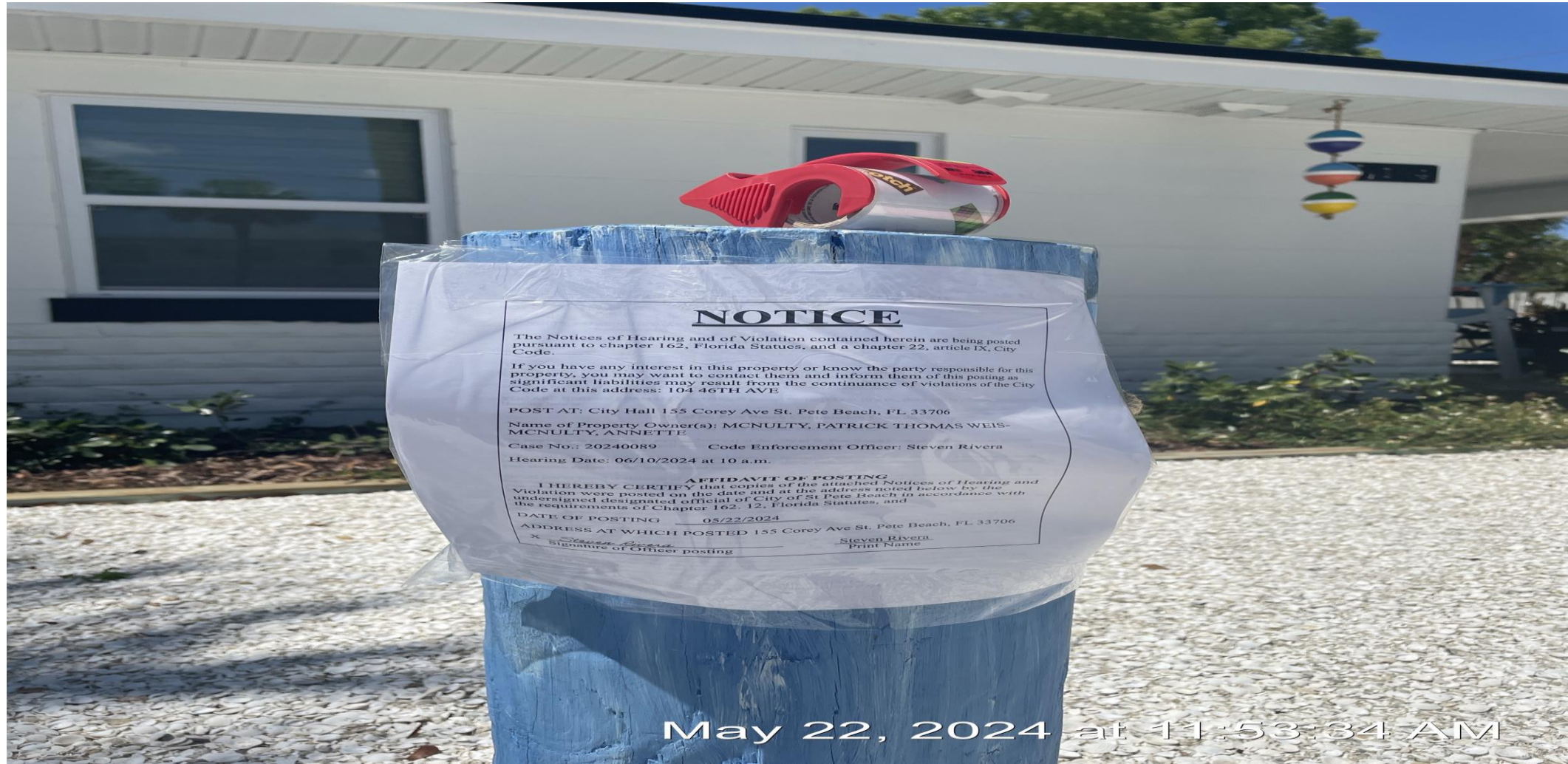
CE20240089

Case Summary

- Initial inspection: 2/7/2024**
- Notice of Violation dated: 2/9/2024**
- Notice of Violation compliance date: 3/1/2024**
- Notices of Hearing dated and posted on the property: 5/22/2024**

CE202400089

Affidavit of Posting



May 22, 2024 at 11:53:34 AM

104 46th Ave.

CE20240089

Google image May 2022



104 46th Ave.

CE20240089

Shelled front yard



104 46th Ave.

CE20240089

Shelled front yard



104 46th Ave.

CE20240089

Shelled front yard



104 46th Ave.

CE20240089

Shelled front yard



104 46th Ave.

CE20240089

Shelled front yard



104 46th Ave.

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 104 46TH AVE

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): MCNULTY, PATRICK THOMAS WEIS-MCNULTY, ANNETTE

Case No.: 20240089 Code Enforcement Officer: Steven Rivera

Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 05/22/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240089

vs.
MCNULTY, PATRICK THOMAS WEIS-MCNULTY, ANNETTE
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **06/10/2024** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers
155 Corey Ave
St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **104 46TH AVE** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/22/2024

Steven Rivera

Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240168**
 City of St. Pete Beach v. Family International
 Home Builders LLC
 Address: 7210 Gulf Blvd. St. Pete Beach FL
 33706

Date: June 10, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 46-33. - Enumeration.**
The maintaining, using, placing, depositing, leaving or
permitting to be or remain on any public or private
property of any of the following items, conditions or
actions is declared to be and constitutes a nuisance,
provided this enumeration shall not be construed as a
designation of all nuisances:

(2) Accumulation of trash, litter, debris, garbage,
bottles, paper, cans, rags, dead or decayed fish, fowl,
meat or other animal matter; fruit, vegetables, offal,
bricks, concrete, scrap lumber or other building debris
or other refuse of any nature.

Sec. 98-64. - General Maintenance

(a) Nuisances and hazards. Real property shall be
maintained free of nuisances and any hazards to the
safety of the occupants, customers or persons utilizing
the premises or to pedestrians passing by.

**Sec. 98-66. - Residential and commercial
property maintenance.**

(a) All premises shall be maintained in compliance with
the standards in this section.

(b) Standards for improved property.

(20) Grass, weeds and uncultivated vegetation. All
grasses or weeds, and uncultivated vegetation, shall not
exceed ten inches in height on improved property,
including the area between the edge of the pavement in
the street and the lot line.

(e) Outdoor storage. Outside storage of materials and

equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

There is graffiti on the concrete wall bordering the vacant lot and the building on the property that must be covered, the property has overgrown grass on the vacant lot and outside the chain-link fence, and there is materials/equipment/debris on the vacant lot by the trailer that must be removed as well.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF VIOLATION

3/20/2024

FAMILY INTERNATIONAL HOME BUILDERS LLC
2338 NW 51st ST
MIAMI, FL 33142-3677

RE: Case Number 20240168
Violation Address: 7210 GULF BLVD
Parcel ID#: 363115591520000010

Dear Property Owner:

You have graffiti on the concrete wall bordering the vacant lot and the building on your property that must be covered, the property has over grown grass on the vacant lot and outside the chain-link fence, and there is materials/equipment/debris on the vacant lot by the trailer that must be removed as well. You are in violation of the following sections:

Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

Sec. 98-64. - General Maintenance

(a) Nuisances and hazards. Real property shall be maintained free of nuisances and any hazards to the safety of the occupants, customers or persons utilizing the premises or to pedestrians passing by.

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(e) Outdoor storage. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

These violation(s) must be corrected **no later than 4/5/2024**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Luis Cruz
Code Enforcement Officer

Luis Cruz 727-589-2564

CE20240168

- Respondent(s): Family International Home Builders LLC**
- Violation address: 7210 Gulf Blvd.**
- Violation(s) description: The property is in violation of sections 46-33 Enumeration (2), 98-64 General Maintenance (a), & 98-66 Residential and commercial property maintenance (a), (b), (20) and (e) of the Code of Ordinances of the City of St. Pete Beach**

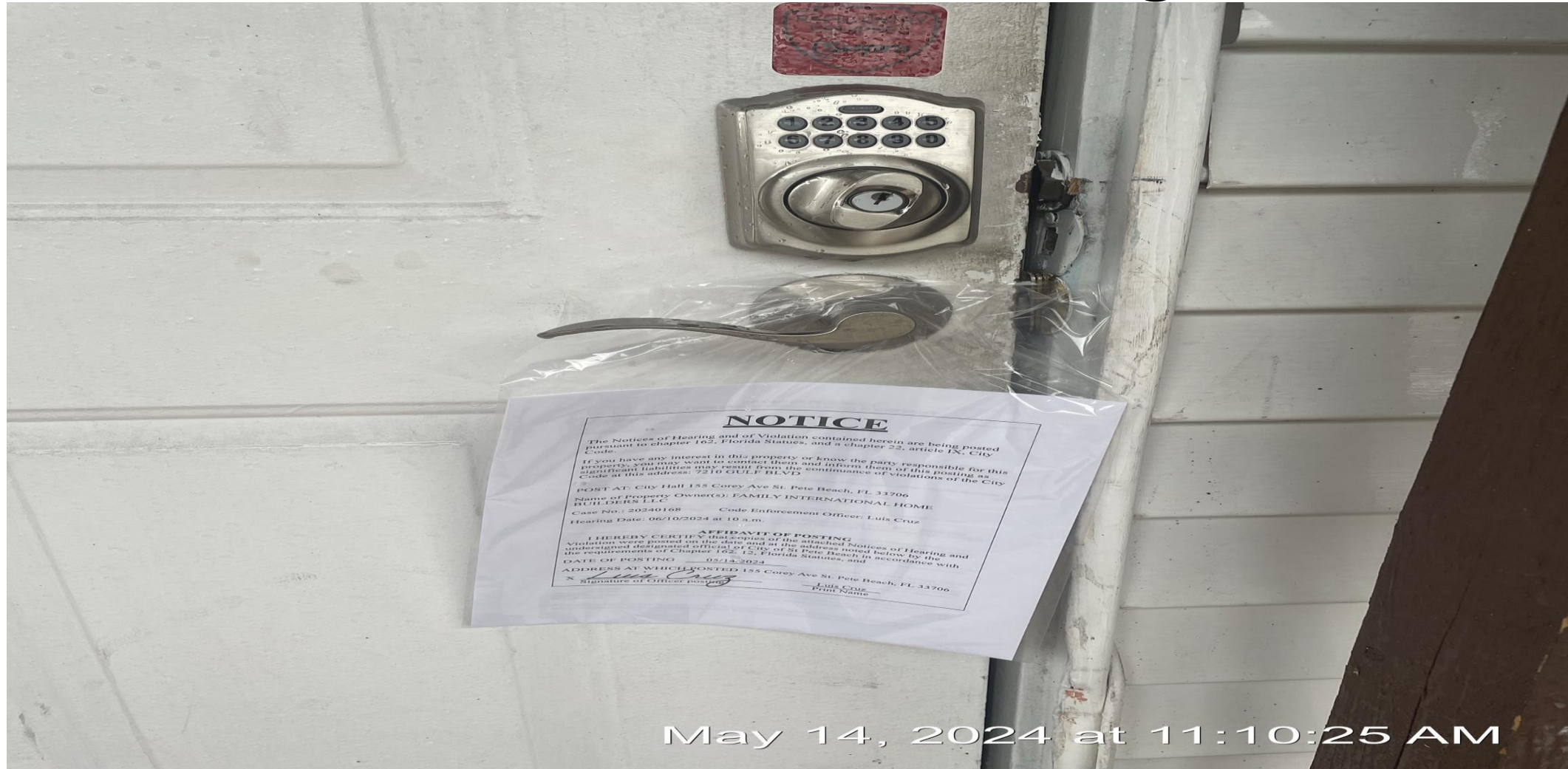
CE20240168

Case Summary

- Initial inspection: 3/19/2024**
- Notice of Violation dated: 3/20/2024**
- Notice of Violation compliance date: 4/5/2024**
- Notices of Hearing dated and posted on the property: 5/14/2024**

CE20240168

Affidavit of Posting



7210 Gulf Blvd.

CE20240168

Graffiti on concrete wall



7210 Gulf Blvd.

CE20240168

Outside storage of trash and equipment



7210 Gulf Blvd.

CE20240168

Overgrown grass



7210 Gulf Blvd.

CE20240168

Overgrown grass



7210 Gulf Blvd.

CE20240168

Graffiti on concrete wall



7210 Gulf Blvd.

CE20240168

Overgrown grass



7210 Gulf Blvd.

CE20240168

Outside storage of trash and equipment



May 9, 2024 at 10:51:58 AM

7210 Gulf Blvd.

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 7210 GULF BLVD

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): FAMILY INTERNATIONAL HOME BUILDERS LLC

Case No.: 20240168 Code Enforcement Officer: Luis Cruz

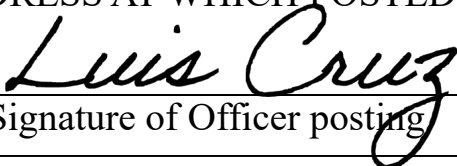
Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 05/14/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X 
Signature of Officer posting

Luis Cruz
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240168

vs.
FAMILY INTERNATIONAL HOME BUILDERS LLC
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **06/10/2024** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers
155 Corey Ave
St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **7210 GULF BLVD** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

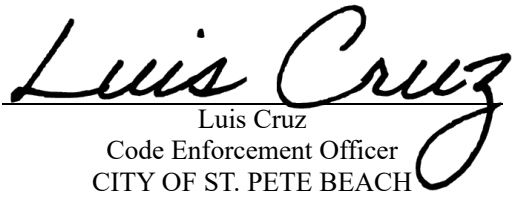
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/14/2024


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20240014**
 City of St. Pete Beach v. Stephen G. Parks
 Address: 420 80th Ave. St. Pete Beach FL 33706

Date: June 10, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 23.2. - Residential parking restricted.**
Residential parking restrictions shall apply within the RU-1, RU-2, RLM-1, RLM-2 and RM zoning districts. For the purpose of this section, the term "stored" shall be construed to include parking for a period exceeding 48 hours.

(b) Boats and trailers. Boats and trailers may be stored in accordance with the following:

(2) No more than one boat and/or trailer may be stored in a front yard, provided that the following regulations are met:

a. On an improved surface or on an unimproved area adjacent to the side property line; and

b. Such that the length of the boat and/or trailer is perpendicular to the front property line of the zoning lot; and

c. Located a minimum of ten feet from the back of the curb on any public street.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall

keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

There is a fridge that is stored on the driveway that must be removed as well as parking the boat in a restricted manner. The proper way to park the boat is shown in the Notice of Violation. The driveway may not be big enough to have the boat parked in a manner that does not violate the code.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

NOTICE OF VIOLATION

4/11/2024

PARKS, STEPHEN G
420 80TH AVE
ST PETE BEACH , FL 33706-1604

RE: Case Number 20240014
Violation Address: 420 80TH AVE
Parcel ID#: 363115781740840100

Dear Property Owner:

You have a fridge that is stored on your driveway that must be removed as well as parking your boat in a restricted manner. The proper way to park your boat is below, your driveway may not be big enough to have the boat parked in a manner that does not violate the code. You are in violation of the following sections:

Sec. 23.2. - Residential parking restricted.

Residential parking restrictions shall apply within the RU-1, RU-2, RLM-1, RLM-2 and RM zoning districts. For the purpose of this section, the term "stored" shall be construed to include parking for a period exceeding 48 hours.

(b) Boats and trailers. Boats and trailers may be stored in accordance with the following:

(2) No more than one boat and/or trailer may be stored in a front yard, provided that the following regulations are met:

- a. On an improved surface or on an unimproved area adjacent to the side property line; and
- b. Such that the length of the boat and/or trailer is perpendicular to the front property line of the zoning lot; and
- c. Located a minimum of ten feet from the back of the curb on any public street.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

These violation(s) must be corrected **no later than 4/28/2024**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Luis Cruz
Code Enforcement Officer

Luis Cruz 727-589-2564

- **Respondent(s): Stephen G. Parks**
- **Violation address: 420 80th Ave.**
- **Violation(s) description: The property is in violation of sections 98-65 Unsightly conditions (4) & 23.2 Residential parking restricted (b) (2) a., b., and c. of the Code of Ordinances and Land Development Code of the City of St. Pete Beach**

CE20240014

Case Summary

- Initial inspection: 4/2/2024**
- Notice of Violation dated: 4/11/2024**
- Notice of Violation compliance date: 4/28/2024**
- Notices of Hearing dated and posted on the property: 5/16/2024**

CE20240014

Affidavit of Posting



420 80th Ave.

CE20240014

Boat stored not in accordance with parking regulations



420 80th Ave.

CE20240014

Boat stored not in accordance with parking regulations



Apr 2, 2024 at 12:56:21 PM

420 80th Ave.

CE20240014

Appliance stored outside



420 80th Ave.

CE20240014

Boat stored not in accordance with parking regulations



420 80th Ave.

CE20240014

Appliance stored outside



420 80th Ave.

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 420 80TH AVE

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): PARKS, STEPHEN G

Case No.: 20240014 Code Enforcement Officer: Luis Cruz

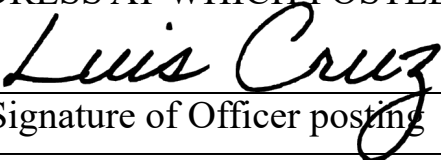
Hearing Date: 06/10/2024 at 10 a.m.

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 05/16/2024

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X 
Signature of Officer posting

Luis Cruz
Print Name

**CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240014

vs.
PARKS, STEPHEN G
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **06/10/2024** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers
155 Corey Ave
St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **420 80TH AVE** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

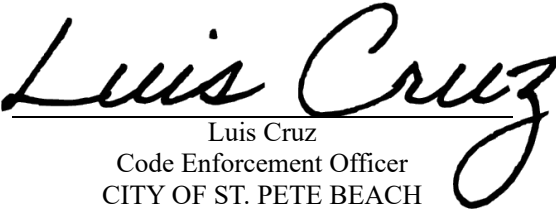
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Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 05/16/2024


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **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

Date: June 10, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Lien Reduction Request

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 4/11/2024
 2. Lien Reduction Request Re-Application
 3. Special Magistrate Order 1/11/2024
 4. Lien Reduction Request Application
 5. Fine and Lien Assessment Sheet

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230541

ADDRESS: 809 59th Ave.

**WILMINGTON SAVINGS FUND
SOCIETY FSB TRE PRETIUM
MORTGAGE ACQUISITION TRUST,**

Respondent.

_____ /

ORDER GRANTING LIEN REDUCTION REQUEST

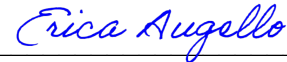
This matter came before the Special Magistrate on April 8, 2024. Pursuant to Section 22-283 of the City of St. Pete Beach Code of Ordinances, the lien reduction request submitted by Respondent for the above referenced case is hereby **GRANTED**. Based upon the representations of Respondent and the City, and the documents submitted, it is hereby adjudged:

1. Respondent owns the property located at 809 59th Ave., St. Pete Beach, FL 33706 (the "Property"), which is burdened with a St. Pete Beach Code Enforcement Special Magistrate Lien (the "Lien") because of violations found in St. Pete Beach Code Enforcement Special Magistrate Case No. CE20230541.
2. All ad valorem property taxes, special assessments, county and City utility charges and other government and city-imposed liens against the subject real property have been paid.
3. Respondent is not personally indebted to the City for any reason.
4. All City code violations have been corrected and the necessary permits have been issued.
5. The total outstanding Lien on the Property of sixteen thousand five hundred dollars and XX/100 (\$16,500.00) is to be reduced to one thousand six hundred fifty dollars and XX/100 (\$1,650.00), plus administrative costs of four hundred five dollars and XX/100 (\$405.00).
6. If Respondent fully satisfies the reduced Lien amount of one thousand six hundred fifty dollars and XX/100 (\$1,650.00), plus administrative costs of four hundred five dollars and XX/100 (\$405.00) within thirty (30) days of the date of this Order, a Release of Lien shall

be executed and recorded. The City must receive full payment, and the payment must fully clear, to satisfy this provision.

7. If Respondent does not pay the full reduced Lien amount to City in accordance with this Order, then such reduction is null and void and the full amount of the Lien shall be owed, including but not limited to all administrative costs imposed by the Lien and any daily fines that would have accrued but for execution of this Order.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 11th day of April 2024.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Counsel for Respondent, Tyler Mesmer, Esq., at tmesmer@taclosinglaw.com, and Hend Nassar MacLean at nassarmacleanlawfirm@gmail.com.

APPEALS

Any aggrieved party may appeal this Order to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of this Order.

NOTICE

Payments to satisfy the reduced lien amount pursuant to this Order shall be paid in the manner proscribed by the City of St. Pete Beach. Any amounts not paid may be enforced in the same manner as a court judgment.



Lien Reduction Request Application

This form must be completed in its entirety and is divided into steps which will help you prepare your request, provide the necessary information, and prepare for the Special Magistrate Hearing.

Sec. 22-283. - Procedure to request that a fine or lien imposed pursuant to section 22-279 be reduced; conditions and criteria therefor.

(a) The owner of real property against which a fine or lien has been imposed pursuant to section 22-279 of this article may apply to the Special Magistrate, through the city manager or his designee, for a satisfaction of such fine or lien with less than full payment thereof. No such application shall be considered by the Special Magistrate until the applicant has first shown that:

(1) All ad valorem property taxes, special assessments, county and city utility charges and other government and city-imposed liens against the subject real property have been paid;

(2) The applicant is not personally indebted to the city for any reason; and

(3) All city code violations have been corrected under necessary permits issued.

(b) In considering an application to reduce a fine or lien imposed pursuant to section 22-279 of this article, no satisfaction thereof shall be approved by the Special Magistrate with less than full payment thereof, unless the Special Magistrate shall make a specific finding that no violation of any city ordinance exists on the subject real property.

(c) The balance of any fine or lien imposed pursuant to section 22-279 of this article that is reduced by the special magistrate shall be paid on terms as approved by the Special Magistrate.

(d) If the property for which the application for a fine reduction is being considered is owned by a government or quasi-government entity, the Special Magistrate may reduce such fine even if the violation has not been corrected.

(Ord. No. 12-02, § 1(exh. A), 1-24-12)



Lien Reduction Request Application

Please TYPE or PRINT this application neatly.

1. Code Enforcement Case Number: 20230541

2. Date: May 14, 2024

3. Applicant Information: * NOTE: Applicant is the main contact, who must attend the meeting.

Company (if applicable): Topouzis & Associates, PC

Name: Theodore A. Topouzis, Esq. and/or Tyler Mesmer, Esq.

Mailing Address: 100 SE 2nd Street, Suite 2000,

City: Miami State: FL Zip Code: 33131

Phone #: 855-451-0841 Fax #: _____

Mobile #: 786-620-9490 E-mail: _____

4. Property Owner Information: * Check here if same as Applicant

* If more than one owner, attach additional sheet with names and addresses.

Company (if applicable): Wilmington Savings Fund Society FSB DBA Christiana Trust Not Ind but as Trustee for Pretium Mortgage Acquisition Trust

Name: _____

Mailing Address: C/o Selene Finance LP, 3501 Olympus Blvd, Suite 500

City: Dallas State: TX Zip Code: 75019

Phone #: 469-701-4211 Fax #: _____

Mobile #: 401-865-9303 E-mail: anthony.brunson@selenefinance.com

5. Information for property on which lien occurs:

Street Address: 809 59th Ave.

Parcel ID: 31-31-16-02379-000-0070

Tax Account Number: R349771

Existing Use(s) on Property: Single Family

Date Fine or Lien Imposed: 12/24/23

Fine/Lien Amount: \$16,500.00 Administrative Fees: 405.00 Total Fine/Lien Amount: \$16,905.00

Amount you are requesting that the lien be reduced to: \$ 1,700.00

Have the violation(s) on the subject property been corrected: Yes / No (Circle one)

Date upon which the subject property was brought into compliance: 2/27/24

The factual basis upon which the application for reduction of the lien should be granted:
See attached explanation

The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded:

Difficulty getting a contractor during the holidays to commit to do the work and contractor has to be registered before starting the work

Provide proof that the taxes are paid in full:
Attached

6. Signatures and Notarization.

STATE OF Rhode Island COUNTY OF Kent. I, being first duly sworn, depose and say that:

☐ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☒ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed, and understand this Application and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing.

I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

 Theodore A. Tapanuzi
(APPLICANT SIGNATURE) (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☒ OR Produced Identification ☐

Type of I.D. Produced _____

Cindy R. Johwa NOTARY PUBLIC State of Rhode Island Comm. No. 62793 Commission Expires <u>9/11/2024</u>
--

(NOTARY PUBLIC SIGNATURE) Cindy R. Johwa
Rhode Island Kent
STATE OF ~~FLORIDA~~, COUNTY OF ~~PINELLAS~~

Sworn and subscribed to before me this 14th day May of 2024

CITY MANAGER/DESIGNEE RECOMMENDATION

All Code Enforcement lien reductions and bad debts will require a recommendation approval by the City Manager/Designee to the Special Magistrate.

Recommended amount to the Special Magistrate: _____

Print Name _____

Date _____

Signature _____



3501 Olympus Blvd, Suite 500
Dallas, TX 75019
Telephone (877) 768-3759
Fax (866) 926-5498
www.selenefinance.com

Hours of Operation (CT)
Monday – Thursday: 8 a.m. - 9 p.m.
Friday: 8 a.m. – 5 p.m.

St. Pete Beach
Department of Code Enforcement
155 Corey Avenue
St. Pete Beach, FL 33706

RE: 809 59th Ave., Saint Petersburg Beach, FL 33706
Code case: 20230541
Code Hearing: December 11, 2023 at 10am.

Dear Sir/Madam,

As the asset management firm and servicer of this loan for Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not Individually but as Trustee for Pretium Mortgage Acquisition Trust (Wilmington), we have the authority to retain counsel to assist us with any legal matters including but not limited to attending hearings, including code violation hearings.

As such, please consider this letter as our written confirmation that we have retained Topouzis & Associates, PC and either Theodore A. Topouzis, Esq. or Tyler Mesmer, Esq. to represent Wilmington at the hearing that is referenced above.

Sincerely,

Cody Oviatt
Cody Oviatt, Manager REO

Selene Finance LP is a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

If you received a bankruptcy discharge of this debt, this communication is not an attempt to collect the debt against you personally, but is notice of a possible enforcement of the lien against the collateral property. Also, if you are involved in a bankruptcy please note that Selene Finance LP intends to fully comply with the Code including, without limitation, the automatic stay and the provisions of any confirmed bankruptcy plan.

Attention Servicemembers and Dependents: The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including prohibiting foreclosure under most circumstances during and twelve months after the servicemember's military or other service. Selene will not foreclose on the property of a servicemember or his or her dependent during that time, unless pursuant either to a court order or a service member's written waiver agreement.

CODE ENFORCEMENT SPECIAL MAGISTRATE

Fine and Lien Assessment Worksheet

Case Number: 20230541

Wilmington Savings Fund Society FSB Pretium Mortgage Acquisition Trust
809 59th Ave.

Employee/Associate	Hourly Rate	Total Hours	Total
Code Enforcement Officer	\$25.00	1.00	\$25.00
City Attorney	\$180.00	1.00	\$180.00
Special Magistrate	\$200.00	1.00	\$200.00
Total hours			\$405.00

Admin costs totaling \$405.00 plus a daily fine of \$250.00 starting 12/24/2023 until 2/27/2024.

Total Administrative Fines	\$405.00
Lien	\$16,500.00

Total \$16,905.00

PARAGRAPH 5: Statement of facts and legal argument on why the lien should be reduced

I. Statement of Facts

Wilmington Savings Fund Society FSB d/b/a Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust (Wilmington), owns the residential real property that is the subject of CE Case No. 20230541 (Code Case): 809 59th Ave., St. Pete Beach, FL 33706 (Subject Property). Wilmington hired the undersigned law firm, Topouzis & Associates, P.C. (Firm), to represent its rights and interests in the Subject Property and Code Case. Wilmington also hired Selene Finance LP (Selene) and Victor Caputo (Mr. Caputo) to maintain, market, and sell the Subject Property.

About seven months ago, in mid-October 2023, a code compliance officer for St. Pete Beach (City) cited Wilmington for several code violations. Mr. Caputo immediately contacted the City's code compliance officer and asked for more time to cure the violations. The City's code compliance officer agreed to a brief extension—until October 31, 2023—for Mr. Caputo to bring the Subject Property into compliance. Unfortunately, Mr. Caputo could not meet this deadline because he endured a medical emergency.

The Firm then moved for a two-week continuance in the Code Case—until December 23, 2023—before a fine was imposed against Wilmington, which the City granted. Yet because it took Selene longer than expected to obtain permits and complete repairs, the Subject Property was not brought into compliance by December 23, 2023. And although Wilmington thought that the Subject Property had been brought into compliance on January 23, 2024, the repairs were not completed until February 27, 2024.

About a month ago, on April 11, 2024—three days after a hearing—the Special Magistrate entered an order reducing Wilmington's fine to **\$1,650.00** plus **\$405.00** in costs. The Order gave

Wilmington until yesterday, Monday, May 13, 2024,¹ to pay this amount.

Yet because the Firm miscalendared the due date, Wilmington is one day late paying what the April 11, 2024 Order required. So Wilmington asks for a five-day extension to pay the amount required under the April 11, 2024, Order or a second reduction under Section 162.09(2)(b), Fla. Stat.²

II. Summary of Argument

To begin with, whatever this document's title, the relief this Firm seeks for Wilmington is the same: that Wilmington not be penalized because of the Firm's calendaring error, that the April 11, 2024 Order not change, and that Wilmington be given five days to pay what the April 11, 2024 Order requires. For **two reasons**, the City should not penalize Wilmington because of the Firm's calendaring error, and Wilmington should be given five days to pay what the April 11, 2024 Order requires.

First, Wilmington shows "excusable neglect"—justifying a five-day extension to pay what the April 11, 2024, Order requires—because the Firm would have certainly paid the amount had it not inadvertently miscalendared the due date. And the courts have consistently held that such an error is "precisely" what excusable neglect envisions.

¹ Because the "30th day"—May 11, 2024—was a Saturday, it carried over to **Monday, May 13, 2024**. Compare FLA. R. CIV. P. 1.090(a) ("Computation of time shall be governed by Florida Rule of General Practice and Judicial Administration 2.514."), and FLA. R. GEN. PRAC. & JUD. ADMIN. 2.514(a)(1)(A)–(C) ("When the period is stated in days or a longer unit of time[] [] begin counting from the next day that is not a Saturday, Sunday, or legal holiday; [] count every day, including intermediate Saturdays, Sundays, and legal holidays; and include the last day of the period, but if the last day is a Saturday [or] Sunday . . . the period continues to run until the end of the next day that is not a Saturday [or] Sunday. . . .").

² Whatever this document's title, the relief this Firm seeks for Wilmington is the same: that Wilmington not be penalized because of the Firm's calendaring error, for the April 11, 2024 Order to stay the same, and for Wilmington to be given five days to pay what the April 11, 2024 Order requires. See Fire & Cas. Ins. Conn. v. Sealey, 810 So. 2d 988, 992 (Fla. 1st DCA 2002) "[T]he true nature of a motion must be determined by its content and not by the label the moving party has used to describe it." (citations omitted); Coast to Coast Real Est., Inc. v. Waterfront Props., Inc., 668 So. 2d 686, 687 (Fla. 4th DCA 1996) ("[T]he law is well settled that the mistitling in the caption of a document or pleading will not defeat the true character of a document or pleading and substance over form prevails." (citation omitted)).

And **second**, even if the City does not find excusable neglect here, the Section 162.09(2)(b) factors require the result Wilmington requests because the Firm's actions (or inadvertent inaction) do **not** change (1) the gravity of the violations, (2) Wilmington's actions—and the money it spent—to correct them, or (3) whether Wilmington is a "repeat violator." Instead, they show only that **the Firm** made a mistake.

III. Legal Argument

A. The City should give Wilmington a five-day extension to pay what the April 11, 2024, Order requires because the Firm has shown excusable neglect.

Wilmington shows "excusable neglect"—justifying a five-day extension to pay what the April 11, 2024, Order requires—because the Firm would have certainly paid the amount had it not inadvertently miscalendared the due date. And the courts have consistently held that such an error is "precisely" what excusable neglect envisions.

"Excusable neglect is found 'where inaction results from clerical or secretarial error, reasonable misunderstanding, a system gone awry or any other of the foibles to which human nature is heir[.]'" Quest Diagnostics, Inc. v. Haynie, 320 So. 3d 171, 175 (Fla. 4th DCA 2021) (alteration in original; citation omitted). Excusable neglect thus exists when, as here, a calendaring error causes an attorney to miss a deadline. For example, in City of Pembroke Pines v. Zitnick, 792 So. 2d 677, 678 (Fla. 4th DCA 2001), the court held: "[Pembroke's Counsel's] failure to attend a hearing was solely the result of a secretarial scheduling error. We can think of no circumstance more in contemplation of [excusable neglect]." *Id.* at 678. And in Florida Department of Transportation v. Southtrust Bank, 886 So. 2d 393 (Fla. 1st DCA 2004), the court held that a calendaring error, such as the Firm's, was "precisely" the type of error that constituted "excusable neglect": "a secretary's oversight is **precisely** the type of error found to constitute excusable neglect." *Id.* at 396 (emphasis added); *see also* Broward County v. Perdue, 432 So. 2d 742, 743 (Fla. 4th DCA 1983) ("[C]lerical or secretarial error has usually been found to constitute excusable neglect where there has been no substantial prejudice to [the other party].").

Indeed, it is now “well established” that an attorney’s calendaring error, like the Firm’s, constitutes “excusable neglect.” Compare Al Hendrickson Toyota, Inc. v. Yampolsky, 695 So. 2d 948, 948 (Fla. 4th DCA 1997) (“[T]he established case law deems that calendaring errors are regarded as excusable neglect.”), and 205 Jacksonville, LLC v. A-Affordable Air, LLC, 16 So. 3d 974, 975 (Fla. 3d DCA 2009) (“[C]ounsel’s failure to calendar a response to the complaint constitutes excusable neglect that would justify setting aside either a clerk’s default or the final default judgment.”), and Hall v. Byington, 421 So. 2d 817, 818 (Fla. 4th DCA 1982) (“A lawyer’s failure to note a date properly on his calendar has been recognized as excusable neglect.” (citations omitted)).

Likewise, Wilmington shows “excusable neglect” here—justifying a five-day extension to pay what the April 11, 2024, Order requires—because the Firm would have certainly paid the amount had it not inadvertently miscalendared the due date.

B. Even if the City does not find excusable neglect here, it should keep the amount stated in the April 11, 2024 Order the same—and give Wilmington a five-day extension to pay—under the Section 162.09(2)(b) factors.

Even if the City does not find excusable neglect here, the Section 162.09(2)(b) factors require the same result: that Wilmington not be penalized because of the Firm’s calendaring error, that the April 11, 2024 Order not change, and that Wilmington be given five days to pay what the April 11, 2024 Order requires.

Under Section 162.09(2)(b), the City must consider three factors when establishing an appropriate fine: “In determining the amount of the fine, if any, the enforcement board **shall consider** the following factors: 1. The gravity of the violation; 2. Any actions taken by the violator to correct the violation; and 3. Any previous violations committed by the violator.”³ As this language

³ Because Section 162.09(2)(b) uses “shall,” consideration of its three factors is mandatory. See Indymac Fed. Bank FSB v. Hagan, 104 So. 3d 1232, 1236 (Fla. 3d DCA 2012) (“The ‘shall’ language confirms that the instruction is mandatory, creating ‘an obligation impervious to judicial discretion.’” (citation omitted)); Shands Teaching Hosp. & Clinics, Inc. v. Sidky, 936 So. 2d 715, 721 (Fla. 4th DCA 2006) (“The distinction between ‘may’ and ‘shall’ has often been discussed in Florida cases. ‘The word ‘may’ when given its ordinary meaning denotes a permissive term rather

shows, not only must the City consider a violator's "defenses" on why ***a fine should be reduced***, but it must also consider Section 162(2)(b)'s three factors to ***decide a fine's amount***. Compare Massey v. Charlotte County, 842 So. 2d 142, 145 (Fla. 2d DCA 2003) ("In determining the amount of the fine to be imposed, the code enforcement board **must consider** (1) the gravity of the violation, (2) any actions taken by the violator to correct the violation, and (3) any previous violations committed by the violator." (emphasis added)), and Schwarz v. City of Treasure Island, 521 F. Supp. 2d 1307, 1325 (M.D. Fla. 2007) ("Section 162.09(b), Florida Statutes, [] **requires a code enforcement board to consider** the following factors in determining a fine: (i) the gravity of the violation; (ii) any actions taken by the violator to correct the violation, and (iii) any previous violations committed by the violator." (emphasis added)), with Michael D. Jones, P.A. v. Seminole County, 670 So. 2d 95, 96 (Fla. 5th DCA 1996) ("Although [code enforcement] boards can assert a lien against real or personal property, presumably section 162.09 would be interpreted to permit the presentment of defenses **prior to [the] enforcement of any lien**." (emphasis added)).

Applying Section 162.09(2)(b)'s factors here, the City got it right: It's April 11, 2024, Order reducing Wilmington's fine to **\$1,650.00** plus **\$405.00** in costs—and giving Wilmington until **yesterday, Monday, May 13, 2024**,⁴ to pay this amount—was correct. The Firm's actions (or inadvertent inaction) do **not** change **(1)** the gravity of the violations, **(2)** Wilmington's actions—and the money it spent—to correct them, or **(3)** whether Wilmington is a "repeat violator." Instead, they show only that ***the Firm*** made a mistake.

IV. Conclusion

Wilmington should not be penalized because of the Firm's calendaring error, that the April 11, 2024 Order not change, and that Wilmington be given five days to pay what the April 11, 2024

than the mandatory connotation of the word 'shall.'" (citation omitted)); Steinbrecher v. Better Constr. Co., 587 So. 2d 492, 494 (Fla. 1st DCA 1991) ("It is [] an accepted principle that the use of the term 'shall' in a statute normally has a mandatory connotation." (citations omitted)).

⁴ Explaining that under the Florida Rules of Civil Procedure and Florida Rules of General Practice and Judicial Administration, the "30th day" was **Monday, May 13, 2024**.

Order requires. For **two reasons**, the City should not penalize Wilmington because of the Firm's calendaring error, and Wilmington should be given five days to pay what the April 11, 2024 Order requires.

First, Wilmington shows "excusable neglect"—justifying a five-day extension to pay what the April 11, 2024, Order requires—because the Firm would have certainly paid the amount had it not inadvertently miscalendared the due date. And the courts have consistently held that such an error is "precisely" what excusable neglect envisions.

And **second**, even if the City does not find excusable neglect here, the Section 162.09(2)(b) factors require the result Wilmington requests because the Firm's actions (or inadvertent inaction) do **not** change **(1)** the gravity of the violations, **(2)** Wilmington's actions—and the money it spent—to correct them, or **(3)** whether Wilmington is a "repeat violator." Instead, they show only that **the Firm** made a mistake.

Wilmington thus asks that the April 11, 2024, Order not be changed and that it be given five more days to pay what the Order requires.

/s/ Tyler E. Mesmer

Tyler E. Mesmer, Esquire
Florida Bar No.: 0078329
Topouzis & Associates, P.C.
100 SE 2nd St., Suite 2000
Miami, FL 33131
(727) 410-6696 (telephone)
(786) 516-2850 (facsimile)
tmesmer@taclosinglaw.com
Counsel for Wilmington

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I e-served a true and correct copy of this Motion/Petition on Nanette C. Angelone for the City at Nanette@cityattorneys.legal on this **14th day of May 2024**

/s/ Tyler E. Mesmer

Tyler E. Mesmer, Esquire

Florida Bar No.: 0078329

Topouzis & Associates, P.C.

100 SE 2nd St., Suite 2000

Miami, FL 33131

(727) 410-6696 (telephone)

(786) 516-2850 (facsimile)

tmesmer@taclosinglaw.com

Counsel for Wilmington

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230541

ADDRESS: 809 59th Ave.

**WILMINGTON SAVINGS FUND
SOCIETY FSB TRE PRETIUM
MORTGAGE ACQUISITION TRUST,**

Respondent.

_____ /

ORDER GRANTING LIEN REDUCTION REQUEST

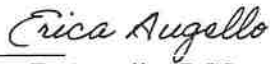
This matter came before the Special Magistrate on April 8, 2024. Pursuant to Section 22-283 of the City of St. Pete Beach Code of Ordinances, the lien reduction request submitted by Respondent for the above referenced case is hereby **GRANTED**. Based upon the representations of Respondent and the City, and the documents submitted, it is hereby adjudged:

1. Respondent owns the property located at 809 59th Ave., St. Pete Beach, FL 33706 (the "Property"), which is burdened with a St. Pete Beach Code Enforcement Special Magistrate Lien (the "Lien") because of violations found in St. Pete Beach Code Enforcement Special Magistrate Case No. CE20230541.
2. All ad valorem property taxes, special assessments, county and City utility charges and other government and city-imposed liens against the subject real property have been paid.
3. Respondent is not personally indebted to the City for any reason.
4. All City code violations have been corrected and the necessary permits have been issued.
5. The total outstanding Lien on the Property of sixteen thousand five hundred dollars and XX/100 (\$16,500.00) is to be reduced to one thousand six hundred fifty dollars and XX/100 (\$1,650.00), plus administrative costs of four hundred five dollars and XX/100 (\$405.00).
6. If Respondent fully satisfies the reduced Lien amount of one thousand six hundred fifty dollars and XX/100 (\$1,650.00), plus administrative costs of four hundred five dollars and XX/100 (\$405.00) within thirty (30) days of the date of this Order, a Release of Lien shall

be executed and recorded. The City must receive full payment, and the payment must fully clear, to satisfy this provision.

7. If Respondent does not pay the full reduced Lien amount to City in accordance with this Order, then such reduction is null and void and the full amount of the Lien shall be owed, including but not limited to all administrative costs imposed by the Lien and any daily fines that would have accrued but for execution of this Order.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 11th day of April 2024.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Counsel for Respondent, Tyler Mesmer, Esq., at tmesmer@taclosinglaw.com, and Hend Nassar MacLean at nassarmacleanlawfirm@gmail.com.

APPEALS

Any aggrieved party may appeal this Order to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of this Order.

NOTICE

Payments to satisfy the reduced lien amount pursuant to this Order shall be paid in the manner proscribed by the City of St. Pete Beach. Any amounts not paid may be enforced in the same manner as a court judgment.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: CE20230541
ADDRESS: 809 59th Ave.,**

**WILMINGTON SAVINGS FUND
SOCIETY FSB TRE PRETIUM
MORTGAGE ACQUISITION TRUST,
Respondent.**

_____ /

FINAL ORDER IMPOSING FINES AND COSTS

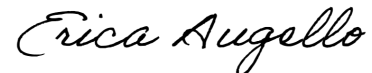
This case came before the Special Magistrate on January 8, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent was represented by Hend Nassar MacLean of Nassar MacLean Lawfirm, PLLC, as Counsel for Respondent.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondents in accordance with applicable law.
4. Respondent was notified that they were in violation of Sections 46-33 and 98-66 of the City's Code of Ordinances as it maintained the property in a state of disrepair with warped and peeling facia boa, peeling paint, and discolored stucco.
5. Code Enforcement Officer Cruz testified that the property owner has not secured a permit to repair the property as was stated by the Attorney for Respondent at the previous hearing, and the contractor has not even been registered with the City so does not have the ability to applied for and secure a permit.
6. Ms. Nassar MacLean confirmed no permit had been applied for as the contractor has not yet been registered with the City.

**BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AS
FOLLOWS:**

7. Respondent failed to comply with the terms of the Magistrate's Order dated December 13, 2023, as no permit has been applied for or secured, and the property remains non-compliant and in violation of the applicable City Codes as cited.
8. Respondent shall be assessed a fine of **\$250 per day**, imposed beginning **December 24, 2023**, and will continue until Respondent brings the property into full compliance with applicable City Codes, as well as the reasonable administrative costs of the City.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.
11. Pursuant to Section 22-279(a) of the City's Code of Ordinances, Respondent may request a hearing to challenge the fine amount within twenty (20) days of the date of this Order.

Order entered on January 11, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to counsel for Respondent at Tyler Mesmer, Esq., at tmesmer@taclosinglaw.com and Hend Nassar MacLean at nassarmacleanlawfirm@gmail.com.

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or entity filing the appeal shall be responsible for submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, Florida Statutes.



Lien Reduction Request Application

This form must be completed in its entirety and is divided into steps which will help you prepare your request, provide the necessary information, and prepare for the Special Magistrate Hearing.

Sec. 22-283. - Procedure to request that a fine or lien imposed pursuant to section 22-279 be reduced; conditions and criteria therefor.

(a) The owner of real property against which a fine or lien has been imposed pursuant to section 22-279 of this article may apply to the Special Magistrate, through the city manager or his designee, for a satisfaction of such fine or lien with less than full payment thereof. No such application shall be considered by the Special Magistrate until the applicant has first shown that:

(1) All ad valorem property taxes, special assessments, county and city utility charges and other government and city-imposed liens against the subject real property have been paid;

(2) The applicant is not personally indebted to the city for any reason; and

(3) All city code violations have been corrected under necessary permits issued.

(b) In considering an application to reduce a fine or lien imposed pursuant to section 22-279 of this article, no satisfaction thereof shall be approved by the Special Magistrate with less than full payment thereof, unless the Special Magistrate shall make a specific finding that no violation of any city ordinance exists on the subject real property.

(c) The balance of any fine or lien imposed pursuant to section 22-279 of this article that is reduced by the special magistrate shall be paid on terms as approved by the Special Magistrate.

(d) If the property for which the application for a fine reduction is being considered is owned by a government or quasi-government entity, the Special Magistrate may reduce such fine even if the violation has not been corrected.

(Ord. No. 12-02, § 1(exh. A), 1-24-12)



Lien Reduction Request Application

Please TYPE or PRINT this application neatly.

1. Code Enforcement Case Number: 20230541

2. Date: 3/28/24

3. Applicant Information: * NOTE: Applicant is the main contact, who must attend the meeting.

Company (if applicable): Topouzis & Associates, PC

Name: Theodore A. Topouzis, Esq. and/or Tyler Mesmer, Esq.

Mailing Address: 100 SE 2nd Street, Suite 2000,

City: Miami State: FL Zip Code: 33131

Phone #: 855-451-0841 Fax #: _____

Mobile #: 786-620-9490 E-mail: _____

4. Property Owner Information: * Check here if same as Applicant

* If more than one owner, attach additional sheet with names and addresses.

Company (if applicable): Wilmington Savings Fund Society FSB DBA Christiana Trust Not Ind but as Trustee for Pretium Mortgage Acquisition Trust

Name: _____

Mailing Address: C/o Selene Finance LP, 3501 Olympus Blvd, Suite 500

City: Dallas State: TX Zip Code: 75019

Phone #: 469-701-4211 Fax #: _____

Mobile #: 401-865-9303 E-mail: anthony.brunson@selenefinance.com

5. Information for property on which lien occurs:

Street Address: 809 59th Ave.

Parcel ID: 31-31-16-02379-000-0070

Tax Account Number: R349771

Existing Use(s) on Property: Single Family

Date Fine or Lien Imposed: 12/24/23

Fine/Lien Amount: \$16,500.00 Administrative Fees: 405.00 Total Fine/Lien Amount: \$16,905.00

Amount you are requesting that the lien be reduced to: \$ 1,700.00

Have the violation(s) on the subject property been corrected: Yes / No (Circle one)

Date upon which the subject property was brought into compliance: 2/27/24

The factual basis upon which the application for reduction of the lien should be granted:

See attached explanation

The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded:

Difficulty getting a contractor during the holidays to commit to do the work and contractor has to be registered before starting the work

Provide proof that the taxes are paid in full:

Attached

6. Signatures and Notarization.

STATE OF Rhode Island COUNTY OF Kent. I, being first duly sworn, depose and say that:

I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☒ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed, and understand this Application and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing.

I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

[Signature]

(APPLICANT SIGNATURE)

Theodore A. Turvey

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☒ OR Produced Identification ☐

Type of I.D. Produced _____

Cindy R. Johwa
NOTARY PUBLIC
State of Rhode Island
Comm. No. 62793
Commission Expires 9/11/2024

(NOTARY PUBLIC SIGNATURE) Cindy R. Johwa
Rhode Island Kent

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 28th day March of, 2024

CITY MANAGER/DESIGNEE RECOMMENDATION

All Code Enforcement lien reductions and bad debts will require a recommendation approval by the City Manager/Designee to the Special Magistrate.

Recommended amount to the Special Magistrate: _____

Print Name _____

Date _____

Signature _____



3501 Olympus Blvd, Suite 500
Dallas, TX 75019
Telephone (877) 768-3759
Fax (866) 926-5498
www.selenefinance.com

Hours of Operation (CT)
Monday – Thursday: 8 a.m. - 9 p.m.
Friday: 8 a.m. – 5 p.m.

St. Pete Beach
Department of Code Enforcement
155 Corey Avenue
St. Pete Beach, FL 33706

RE: 809 59th Ave., Saint Petersburg Beach, FL 33706
Code case: 20230541
Code Hearing: December 11, 2023 at 10am.

Dear Sir/Madam,

As the asset management firm and servicer of this loan for Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not Individually but as Trustee for Pretium Mortgage Acquisition Trust (Wilmington), we have the authority to retain counsel to assist us with any legal matters including but not limited to attending hearings, including code violation hearings.

As such, please consider this letter as our written confirmation that we have retained Topouzis & Associates, PC and either Theodore A. Topouzis, Esq. or Tyler Mesmer, Esq. to represent Wilmington at the hearing that is referenced above.

Sincerely,

A handwritten signature in cursive script that reads 'Cody Oviatt'.

Cody Oviatt, Manager REO

Selene Finance LP is a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

If you received a bankruptcy discharge of this debt, this communication is not an attempt to collect the debt against you personally, but is notice of a possible enforcement of the lien against the collateral property. Also, if you are involved in a bankruptcy please note that Selene Finance LP intends to fully comply with the Code including, without limitation, the automatic stay and the provisions of any confirmed bankruptcy plan.

Attention Servicemembers and Dependents: The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including prohibiting foreclosure under most circumstances during and twelve months after the servicemember's military or other service. Selene will not foreclose on the property of a servicemember or his or her dependent during that time, unless pursuant either to a court order or a service member's written waiver agreement.

With regard to our request for mitigation, please consider the following explanation in support of our request for fine/lien reduction. Our agent Victor Caputo was retained as our client's local representative not only to list to sell the property but also to maintain the property.

Briefly, our client Wilmington Saving Fund Society FSB DBA Christiana Trust, not Individually but as Trustee for Pretium Mortgage Acquisition Trust

The code compliance officer first cited the property on or about October 16, 2023. Mr. Caputo was immediately in touch with the code compliance officer. The code compliance officer gave Mr. Caputo until on or about October 31, 2023 to clean up the yard and perform regular maintenance of the premises.

Our agent had a medical emergency on October 30th and owner was provided until December 23, 2024 for time to obtain compliance. Unfortunately our contractor had to register with the City of St Pete Beach which didn't happen until January 12, 2024. The project was commenced shortly after the registration approval and completed on or about January 23, 2024 and we were under the impression that it passed inspection at that time. However in fact compliance was obtained on February 27, 2024.

As shown we have stayed in active contact with your code enforcement officer and have diligently worked to obtain compliance. We respectfully request that you grant our request for mitigation in light of these facts.

Luis Cruz

From: GovHub <no-reply@govhub.com>
Sent: Friday, March 29, 2024 11:31 AM
To: Theodore Topouzis
Subject: Pinellas Payment Confirmation



Thank you for your payment

Confirmation Number
E1056244789

Items Paid

DESCRIPTION	QUANTITY	AMOUNT
Property Tax Real Estate Account R349771 WILMINGTON SAVINGS FUND SOCIETY FSB TRE 809 59TH AVE ST PETE BEACH 2023 Annual Bill	1	\$4259.88
The payment will appear on your statement as "PINELLAS COUNTY TAX COLL."		
TOTAL		\$4259.88

Transaction Details

Payment Checking Account
Account Checking ending in 3975

Paid	\$4259.88
Payment Date	Mar 29, 2024, 11:30 AM EDT
Recipient	Pinellas
Paid by	
	Topouzis & Associates PC
	ttopouzis@taclosinglaw.com

Your payment still needs to be cleared by your bank. Your bank should inform us of an unsuccessful e-check within three business days.

Contact Information

Pinellas - Property Tax

P.O. Box 31149, Tampa, FL 33631-3149

727-464-7777 | [Website](#)

CODE ENFORCEMENT SPECIAL MAGISTRATE

Fine and Lien Assessment Worksheet

Case Number: 20230541

Wilmington Savings Fund Society FSB Pretium Mortgage Acquisition Trust
809 59th Ave.

Employee/Associate	Hourly Rate	Total Hours	Total
Code Enforcement Officer	\$25.00	1.00	\$25.00
City Attorney	\$180.00	1.00	\$180.00
Special Magistrate	\$200.00	1.00	\$200.00
		Total hours	\$405.00

Admin costs totaling \$405.00 plus a daily fine of \$250.00 starting 12/24/2023 until 2/27/2024.

Total Administrative Fines	\$405.00
Lien	\$16,500.00

Total \$16,905.00