

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

January 13, 2025 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Ralf Brookes, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer
Joanne Boland, Permit Administrator

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

2. **Changes to the Agenda** – Special Magistrate Augello reported that Attorney Denhardt, representing Respondent Bayside Shops, LLC, Case No. 20240475 had contacted all parties via email and voicemail asking to continue the case until February due to a health matter and she would do so barring any objections. She added that she has a perceived conflict in that matter as the attorneys temporarily share an employee and stated that she would conflict herself from hearing that case and the City would need to find another Magistrate to hear it. City Attorney Brookes had no objection and the City agreed to a continuance to February 10, 2025.

3. Cases Complied or Continued

A. Case No. 20240089 City of St. Pete Beach v. Patrick Thomas McNulty & Annette Weis-McNulty Address: 104 46th Ave. St. Pete Beach FL 33706
Status hearing on the 90-day extension to apply and secure a permit for the driveway and ISR violation.

Code Enforcement Officer Steven Rivera presented the City's status hearing for the extension to secure a permit; previous orders were included in the hearing packet. An application was made and denied based on calculations; the Respondent will be resubmitting a corrected version. Permit Administrator Joanne Boland testified regarding Permit No. 2404177 status. Mr. Rivera requested a continuance due to storm related delays in the Permitting Department.

Respondent Patrick McNulty testified as to the hardships from the two hurricanes and the steps he has taken to move forward; he agreed to a 60-day continuance. The City had no objection.

Special Magistrate Augello continued the Case to the April 14, 2025 hearing.

B. Case No. 20240157 City of St. Pete Beach v. 1008 Airport Rd LLC
Address: 8010 Blind Pass Rd. St. Pete Beach FL 33706
Status hearing on a 30-day extension to secure the permit.

Code Enforcement Officer Luis Cruz presented the status of this 30-day extension to obtain a permit for a dumpster enclosure. Previous orders were included in the hearing packet. The City had previously asked for fine and costs. A new survey was submitted and is in review. Mr. Cruz testified to delays due to hurricanes and the City's willingness to extend the deadline for a few weeks.

Jonathan Finch, Resort Rentals General Manager testified as to delays with General Contractor.

Special Magistrate Augello granted a 2-week extension from date of her Order; the Case will be brought back on February 10th, if necessary, for the imposition of fines.

C. Case No. 20240287 City of St. Pete Beach v. Thomas M. Cuddihy REV Trust & Thomas M. Cuddihy TRE Address: 7801 Boca Ciega Dr. # 5 St. Pete Beach FL
Status hearing on a 30-day extension to secure an after-the-fact permit for the structure.

Code Enforcement Officer Cruz presented the City's status report on this 30-day extension for a tiki hut after-the-fact permit. Previous orders were included in the hearing packet. He testified to no further action on permit since July. The City asked for fines.

Special Magistrate Augello found that based on her Order, a permit should have been secured by 8/7/24. Respondent Thomas Cuddihy testified to his first permit being denied and being told he could apply special handicap permit. He is looking for contractor to remove the tiki hut; his house is not habitable.

Special Magistrate Augello gave a 30 day extension to remedy the situation; a status hearing will be set for March 10, 2025 and fines will be reassessed at that time.

D. Case No. 20240475 City of St. Pete Beach v. Bayside Shops LLC
Address: 5501 Gulf Blvd. St. Pete Beach FL 33706
Sec. 38.5. - Prohibited uses and structures

Continued to the 2/10/2025 hearing.

4. **Repeat Violations** – None.

5. **New Cases**

A. Case No. 20240502 City of St. Pete Beach v. Kimberly Piepmeier
Address: 504 70th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the City's case. His presentation is part of the hearing record. He reviewed the short-term rentals. The City recommended fines. He added the Airbnb review policy to the record.

Respondent Kimberly Piepmeier testified that she had believed that she was allowed to rent 12 times per year and removed the listing as soon as she received notice. She is now aware of City Codes. One of rental reviews was herself and one her sister – no money was exchanged.

Special Magistrate Augello found that there was a violation and imposed fines for six of the seven cited stays at \$1,000 each.

B. Case No. 20240557 City of St. Pete Beach v. Donald R. Flassing TRE, Julie L. Durhman TRE, & Flassing Family Trust
Address: 6439 2nd Palm Pt. St. Pete Beach FL 33706

Code Enforcement Cruz presented the City's case, which is part of the hearing record. A water heater and drywall were installed without a permit. The property is not currently compliant. Mr.

Cruz supplied a copy of the notice and mailing receipts for the notice of violation that was sent but returned undelivered. The City requested fines and costs.

Respondent Julie Durhman testified that she did not know she needed a permit; she needed hot water for her husband's medical care. No drywall was removed or replaced.

Attorney Brookes agreed to withdraw the Notice of Violation but asked that the Respondent obtain a permit for the water heater. Permit Administrator Boland testified as to the amount of time expected to secure a permit.

Special Magistrate will not issue an order; the resolution will be between the City and Respondent.

C. Case No. 20240539 City of St. Pete Beach v. Thomas Simmons
Address: 100 3rd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the City's case, which is part of the hearing record. The property was not compliant, and the City asked for fines plus costs.

Respondent Thomas Simmons testified regarding compliance with the stop work order the second time, hurricane damage, floodplain requirements, and hardships caused on Pass-A-Grille from the hurricanes. He is waiting for a Substantial Damage letter.

Special Magistrate Augello found there was a violation of the cited Code Section and set a status hearing for 90 days from date of her order for May 12, 2025.

D. Case No. 20240580 City of St. Pete Beach v. John O. Kiley & Kostandinos
Vartsakis Address: 423 85th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the case for the City; his presentation is part of the hearing record. Corrective action is to obtain a permit for the drywall that was installed; the City recommended fines and costs.

Respondent Kostandinos Vartsakis appeared and testified as to the timeline of damages and trying to obtain contractors. He appealed the Substantial Damage letter in January, which is in review. Ms. Boland testified that there is a bathroom and drywall permit application under review.

Special Magistrate Augello found that there was a violation and set a status hearing for May 12, 2025 for progress or the imposition of fines.

E. Case No. 20240636 City of St. Pete Beach v. Marian Czerwien & Bogumila
Czerwien Address: 141 72nd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the case for the City; his presentation is part of the meeting record. The corrective action would be removal of debris and cleanup; the property is not compliant. The City recommended fines, abatement and administrative costs.

Respondents Marian and Martin Czerwien testified that they had removed the debris last week and showed a video of the property .

Special Magistrate Augello found that the property was in violation but currently compliant. She assessed no fines, but administrative costs of \$325.

**F. Case No. 20240633 City of St. Pete Beach v. Nancy Gibbs Roy & Janet Gibbs
Skelley Hayden Address: 190 73rd Ave. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz presented the City's case; his presentation is part of the hearing record;

No one was present for the Respondent.

Special Magistrate Augello found that the property was in violation of stated the Code Section; she gave the Respondent 14 days to come into compliance with a status hearing set for February 10th when fines or costs may be assessed.

**G. Case No. 20240650 City of St. Pete Beach v. Valerie Powell-Stafford
Address: 350 80th Ave. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz presented the City's case; his presentation is part of the hearing record. He showed photos. The property is currently compliant.

Special Magistrate Augello found that the property was in violation of the stated Codes but now is compliant. She assessed no fines but \$325 in administrative costs.

**H. Case No. 20240664 City of St. Pete Beach v. IGI FL LLC
Address: 7200 Bay St. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz presented the City's case; his presentation is part of the hearing record. Property is currently compliant. The City asked for administrative costs

John Smith, Managing Partner of IGI FL testified that he believed the City would pick up storm debris. When informed they would not due to the property being commercial, it took considerable time to find a contractor, but eventually found one who removed it.

Special Magistrate Augello found the property had been in violation but imposed no fines or fees.

**I. Case No. 20240668 City of St. Pete Beach v. Transformme LLC
Address: 6305 Gulf Blvd. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz presented the City's case; his presentation is part of the hearing record. He had been unable to speak to the property owner and recommended fines abatement costs and admin costs.

No one was present for the Respondent

Special Magistrate Augello found the property to be in violation and allowed 14 additional days to comply; a status hearing was set for February 10, 2025 with an imposition of fines if necessary.

J. Case No. 20240663 City of St. Pete Beach v. Family International Home Builders LLC Address: 7210 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the City's case; his presentation is part of the hearing record. He has not been able to speak to the property owner and recommended fines, abatement costs and administrative costs.

No one was present for the Respondent

Special Magistrate Augello found the property to be in violation and gave 14 days to come into compliance. A status hearing was set for February 10, 2025 with the imposition of fines, if necessary.

6. Cases Complied

A. Case No. 20240214 City of St. Pete Beach v. SW-GOM LTD PTNERSHP Address: 2705 Sunset Way St. Pete Beach FL 33706

Code Enforcement Officer Rivera explained that the case was presented in June but continued due to October due technical difficulties, then the hurricanes came. Respondents applied for a permit on 6/28/2024 and are now compliant.

Special Magistrate Augello found the property to be in compliance based upon the City's testimony and assessed no fines or costs.

7. Old Cases

A. Case No. 20240430 City of St. Pete Beach v. Christopher Smith & Briana S. Smith Address: 7700 Boca Ciega Dr. St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar explained the Respondent's challenge to the ordered fines of \$22,000 plus administrative costs. He read part of Section 22.279(a) into the hearing record.

Attorney Geoff Pfeiffer testified on behalf of the Respondents as to the violation notices. His clients came into compliance in early August 2024, having removed the ads with no further rentals, but were still assessed fines. Attorney Pfeiffer requested that fines be revisited or reduced as compliance began in August and they had no prior violations; the Respondent does not have funds or habitable residence.

Attorney Brookes testified as to why the City asks for fines of \$1,000 per stay and deferred to the Magistrate's discretion. Mr. Cruz testified as to holding the Respondent to the City's standards.

Special Magistrate Augello did not change the original imposition of fines but cited the lien reduction process to Mr. Pfeiffer.

8. Lien Reductions

A. Case No. 20240429 City of St. Pete Beach v. Cast Holdings LLC Address: 3612 Gulf Blvd St. Pete Beach FL 33706

Mr. Dewar reviewed the lien reduction request and mentioned the City's zero tolerance policy and asked that fines stand.

John Castellano of Cast Holdings appeared to request leniency; the house flooded, and a fire destroyed half of it during the hurricanes.

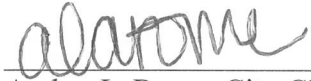
Special Magistrate Augello found that given the circumstances fines would be punitive, not a deterrent. She approved a reduction in fines to \$500 plus \$325 in administrative costs.

Adjournment – Next meeting February 10, 2025.

Special Magistrate Augello reminded staff they will want to secure a different Magistrate for Case No. 20240475 in February.

There being no further business, the hearing was adjourned at 12:15 PM.

Attest:

A handwritten signature in cursive script, appearing to read 'a. larowe', is written over a horizontal line.

Amber LaRowe, City Clerk