

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

April 14, 2025 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Thomas Thanas, Special Magistrate
Nancy Stuparich, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer
Ayako Ruckdeschel, Code Enforcement Officer

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 stated that Case 20240475, Bayside Shops LLC, would be heard last, by Special Magistrate Thomas Thanas, as she had a conflict of interest in that matter.

Code Enforcement Manager Peyt Dewar asked to add a Lien Reduction for Case 20220159 as Item 8.B.

3. Cases 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

Code Enforcement Officer Steven Rivera reported the property is now compliant and a permit has been issued. The City was seeking administrative costs. The Respondents were not present.

Special Magistrate Augello found the property to be compliant, and imposed no fines, but the Respondent would be responsible for administrative costs of \$330.

B. Case No. 20240157 City of St. Pete Beach v. 1008 Airport Rd LLC Address: 8010 Blind Pass Rd. St. Pete Beach FL 33706

Code Enforcement Officer Luis Cruz reported that the property was currently in compliance, having obtained a dumpster permit.

Special Magistrate Augello found the Respondent to be compliant and imposed no fines, but the Respondent would be responsible for administrative costs of \$329.

D. Case No. 20250148 City of St. Pete Beach v. 2500 Sunset Way LLC Address: 2500 Sunset Way St. Pete Beach, FL 33707

Code Enforcement Office Ayako Ruckdeschel presented the City's case, which is part of the meeting record. She displayed an estimate of abatement repairs for \$13,932. prepared by Camden Mills, Public Services Director.

Attorney George Gramling, III appeared and presented himself as Counsel for the Respondents for this and the following Case No. 20250149. Court Reporter Ruth Carney was present. Attorney Gramley entered a Facebook posting attributed to the City into evidence. The Respondent's expert, Brittany Banko, presented testimony and a PowerPoint presentation that detailed the condition of the dunes prior to the two hurricanes and on March 11, 2025, after the notice of violation was received. The photos showed a pathway through the dunes from the property both before and after the hurricanes, and changes to their shape. Ms. Banko testified that any damage caused by the Respondent was temporary and not irreparable.

Code Enforcement Manager Peyt Dewar testified as to the property boundaries. Officer Ruckdeschel testified that dune damage is evident; she was cross-examined by Attorney Gramley.

Special Magistrate Augello found that the City failed to provide sufficient evidence to prove Respondent violated Section 94-73. She found no dispute that the Respondent failed to secure a permit to excavate or otherwise cause damage to a dune and to be in violation of LDC Sec. 25.9 of the City's Land Development Code. Magistrate Augello did not find the violation to be irreparable or irreversible. The Respondent is to secure the after-the-fact permits from FDEP and the City for the excavation of the dunes and damage remediation. The City's position was that it would not allow the Respondent to remediate.

Special Magistrate Augello reserved a ruling on the imposition of abatement, cure, remediation, or fine and ordered the parties to provide their respective positions and legal support regarding the matter within seven days (by Monday, April 21, 2025) for consideration, after which an additional order will be provided.

E. Case No. 20250149 City of St. Pete Beach v. Hunter Beach House, LLC Address: 2502 Sunset Way St. Pete Beach, FL 33706

As agreed by Attorney Gramley, Special Magistrate Augello will submit a similar order to Case 20250148, for the adjacent property.

At 11:11 AM Special Magistrate Augello recessed the hearing to be reconvened with Special Magistrate Thanas. Special Magistrate Thomas Thanas reconvened the hearing at 11:17 AM.

C. 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

This Case was moved to be heard last. Court Reporter Ruth Carney was present.

Code Enforcement Officer Luis Cruz presented the Case for the City. His presentation is part of the meeting record.

Attorney James Denhardt appeared on behalf of Respondent Bayside Shops LLC, declaring that he had filed an Amended Motion to Dismiss, which is part of the meeting record. He presented his case for the Respondent.

City Attorney Stuparich responded with her case for the City. Code Enforcement Manager Dewar testified as to the violations.

There was lengthy debate on Florida Statute 162, what is irreparable or irreversible according to City Code 22-274, and potential fines with regard to the short-term rentals that took place. Potential Stipulations were discussed.

Special Magistrate Thanas found that he would take both the Amended Motion to Dismiss and the case in chief under advisement. Should he find, after research, that the case should continue, he will notify the parties of the continued hearing date. Attorney Denhardt agreed to waive any further noticing or posting by City staff and would accept an agreed to hearing date as scheduled by the Special Magistrate.

4. **Repeat Violations** – None.
5. **New Cases** – None.
6. **Cases Complied** – None.
7. **Old Cases** – None.
8. **Lien Reductions** –

A. Case No. 20250089 City of St. Pete Beach v. David Tucker Address: 7605 Coquina Way St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar presented the lien reduction request. An Order imposing fines and costs was entered on 3/10/25; City staff requested that order be fully upheld.

Respondent David Tucker presented a sworn statement of losses totaling \$135,000 in hurricane damage.

Special Magistrate Augello granted a lien reduction of \$500 to \$2,500 plus administrative costs as rentals were still able to take place on the property.

B. (Added) Case No. 20220159 City of St. Pete Beach v. Dina M. Barker Address: 445 90th Ave. St. Pete Beach, FL

Code Enforcement Manager Peyt Dewar requested that Special Magistrate Thanas prepare a Satisfaction of Lien for this case. Magistrate Thanas had entered an order for fines and costs on April 13, 2022; the lien was subsequently reduced by Special Magistrate Augello and that amount was paid in full. Magistrate Thanas will send the Satisfaction of Lien.

9. **Next Meeting/Adjournment** – Next meeting May 12, 2025. There being no further business, the hearing was adjourned at 12:14 PM.

Attest:



Ginny Keeter-Bodkin, Acting City Clerk