

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

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

PRESENT: Erica Augello, 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
Joanne Boland, Permit Administrator
Luke Curtis, Building Official

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 –

Code Enforcement Manager Peyt Dewar requested that the Special Magistrate continue items 5.O., Case No. 20250584 - Park Shore Investments and 4.C., Case No. 20250388 - Gulf West to the August 11, 2025 hearing. Item 2.A., Case No. 20240475 - Bayside Shops has been dismissed. Additionally, Mr. Dewar requested to add an item for an administrative cost order for Case No. 20250035 - 3111 S. Debazan Ave., which was sold.

3. Cases Continued

A. Case No. 20240475 City of St. Pete Beach v. Bayside Shops LLC Address: 5501 Gulf Blvd. St. Pete Beach FL 33706

The City of St. Pete Beach dismissed this case on July 7, 2025.

B. Case No. 20250010 City of St. Pete Beach v. Hagan, Emily B TRE Hagan, Emly B Rev Liv Trust Address: 321 77th Ave St. Pete Beach, FL 33706

Code Enforcement Officer Luis Cruz testified on behalf of the city that the property is not compliant, and the city requested fines, costs, and fees. The Code Enforcement administrative assistant spoke with the owner, but no one was at the property when he was there. Trash and debris still need clearing.

Respondent Emily Hagan testified that she had been in an accident, has been in the hospital and moved two times since the hurricanes. She hired someone to clear the trash and debris, and they told her it was completed. Officer Cruz detailed the incomplete work.

Special Magistrate Augello allowed a 30-day extension from today to become compliant and obtain any necessary permits; a status hearing was set for September 8, 2025.

C. Case No. 20250211 City of St. Pete Beach v. Starlight Tower Incorporated Address: 7000 Beach Plz St. Pete Beach, FL 33706

Code Enforcement Officer Cruz testified that the property is getting better, and a permit has been applied for and is in review; he requested a 30-day extension to allow the Respondents to finish the garage wall.

Starlight Tower Board Member/Owner Edward Wolfe testified that they have secured a contractor and are working toward completing the work.

Special Magistrate Augello granted 30 days from today to become compliant with a status check at the September 8, 2025 hearing.

**D. Case No. 20250223 City of St. Pete Beach v. Johnson, Kathleen M
Address: 620 64th Ave. St. Pete Beach, FL 33706**

Officer Cruz reported that some furniture and debris have been removed, but the property is still not compliant. He has been unable to contact the owners using all means possible. The city requested fines, costs, and fees. No one was present for the owner.

Special Magistrate Augello found the property noncompliant and assessed fines of \$250 per day from July 10, 2025 until the respondent notifies the city that they are compliant. She also assessed \$329 in administrative costs plus any recording fees.

**E. Case No. 20250056 City of St. Pete Beach, v. 5411 Pali Way Land Trust
Macmillan, Christopher Tre Address 5411 Pali Way St. Pete Beach, FL 33706**

Officer Cruz testified that the property is not compliant and there is no evidence of work being done. The city asked for fines, costs, and fees. The Respondent did not contact the city, and no one was present. None of the notices sent have been returned.

Special Magistrate Augello found the property to be noncompliant and assessed fines of \$250 per day from July 10, 2025 plus \$329 in reasonable administrative costs and any recording fees.

**F. Case No. 20250064 City of St. Pete Beach v. Donovan, Kenneth & Wilma Ann
Address 820 59th Ave. St. Pete Beach, FL 33706**

Code Enforcement Officer Cruz testified that the fence has been repaired, but materials are still being stored outside and not compliant. The city requested fines, costs, and fees. The owner has not made any contact.

Special Magistrate Augello found the property noncompliant and assessed fines of \$250 per day from July 10, 2025 until compliant plus \$329 in administrative costs and any recording fees.

This case was reopened at 2:36 PM when owner Kenneth Donovan appeared to testify and was duly sworn in by the Magistrate.

Magistrate Augello found, based upon the owner's credible testimony and evidence, that the property was compliant. She assessed administrative costs of \$329.

**G. Case No. 20250224 City of St. Pete Beach v. Develop St Pete LLC
Address: 8090 Gulf Blvd St. Pete Beach, FL 33706**

Officer Cruz testified for the city that conditions at the property have not changed as of today. The property is noncompliant, and the city asked for fines, costs, and fees. The city has had no contact with the owner through all means possible and no mailings have been returned.

Alexa Selby, Owner, and Registered Agent appeared and testified that she had not received the prior notices or order but received a notice on a different property that had come into compliance. She testified that she had someone cleaning and removing debris from the property today. She acknowledged the mailing address on the notices was correct.

Special Magistrate Augello allowed 48 hours to become compliant based on credible testimony. She will assess fines, costs, and fees if the property is noncompliant on July 18, 2025.

**H. Case No. 20250045 City of St. Pete Beach v. Curtis, Genevieve W
Address: 3307 E De Bazan Ave St. Pete Beach, FL 33706**

Officer Steven Rivera testified that the property is not compliant. The city's Arborist checked and found three remaining trees dead or decaying. He entered a letter from the arborist into evidence. The boat is registered and compliant.

Robert Curtis testified on behalf of his mother, owner Genevieve Curtis. He is a botanist and state licensed nurseryman. He presented evidence and testimony detailing that the trees in question are sprouting and need a full growing season (end of fall) to determine if they can be saved. He will be removing one tree he found to be dead. The city's Arborist was not present for cross-examination.

Special Magistrate Augello found, based on the credible testimony, that the Respondent is compliant with the previous order dated May 19, 2025. She assessed no fines, only reasonable administrative costs of \$330.

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

Officer Rivera reported that the property is now compliant with a permit issued, and the city seeks only administrative costs. No one was present for the Respondent.

Special Magistrate Augello found the property compliant and assessed \$330 in reasonable administrative costs.

**J. Case No. 20240529 City of St. Pete Beach v. Long, Richard Allen Revocable
Trust Long, Richard Allen Tre
Address: 6700 Gulf Blvd St. Pete Beach, FL 33706**

Code Enforcement Officer Ayako Ruckdeschel summarized previous Magistrate orders from May 19 and June 9, 2025. Permit Administrator, Joanne Boland, testified that the most recent permit review from planning was denied on June 10, 2025, and the most recent submittal to the building department was denied on June 13, 2025. She testified that the fire review passed. Planning was denied due to the need for a boundary survey, among other reasons, and the building review was denied due to illegible plans and the need for an ADA determination on the bathroom facilities.

Building Official, Luke Curtis testified that plans, including the placement of the restrooms, would be necessary for a proper review. Jason Bowrey appeared for the Respondent and testified to meeting with Senior Planner Brandon Berry and that he understands what is necessary, but completing the survey will take time.

Special Magistrate Augello found the comments today were clear; the Respondent is making efforts to comply and submit plans. She set a case check for the August 11, 2025 hearing.

**K. Case No. 20250139 City of St. Pete Beach, v. Moosapanah Mielad
Address: 406 72nd Ave**

Officer Ruckdeschel testified that the property is compliant. The owner contacted her when he received the order but was not present. She entered recent photos of the property into evidence.

Special Magistrate Augello found that the property was compliant and assessed \$330 in administrative costs.

**L. Case No. 20250173 City of St. Pete Beach v. Blind Pass Properties III LLC
Address: 420 77th Ave**

Officer Ruckdeschel testified that a demolition permit was required for this property. Permit Administrator, Joanne Boland, testified that permit had failed pre-sit inspection due to a connected condenser and the lack of a silt fence. Officer Ruckdeschel testified that no trash or debris had been removed, and the overgrown vegetation was still present. No one was present for the owner.

Special Magistrate Augello found the property noncompliant and imposed fines of \$250 per day from 7/10/25 until in compliance plus \$330 in administrative costs and any recording fees.

**M. Case# 20250165 City of St. Pete Beach v. NXT Acquisitions Corp
Address: 396 41st Ave St. Pete Beach, FL 33706**

Officer Rivera testified that the dock had been removed, the pool drained, and the grass cut but the Respondent missed the ordered date to apply for permits.

Property Manager Kayley Arn appeared on behalf of NXT Acquisitions Corp and testified that all permit applications have been paid and are in review. There was a rejection of a submitted plan on 7/5/25 detailing necessary corrections; they are within the 10 days allotted to complete those.

Special Magistrate Augello found that the property is now compliant and assessed no fines as efforts have been made but ordered \$330 in administrative costs.

4. Repeat Violations –

**A. Case No. 20250410 City of St. Pete Beach v. 3511 Gulf Blvd LLC
Address: 3511 Gulf Blvd St. Pete Beach, FL 33706**

Officer Rivera reviewed the case summary for the city with cited violations, noticing, photographs and necessary corrective actions. The presentation is part of the meeting record. Staff have been unable to contact owner using all means possible. No one was present for the property owner.

Special Magistrate Augello found the property to be in violation of the cited city codes and imposed fines of \$250 per day from the violation date of 6/26/25 plus \$330 in administrative costs and any applicable lien fees.

**B. Case No. 20250367 City St. Pete Beach v. Hayrapetian, Irene Badalian, Albert
Address: 9140 Gulf Blvd St. Pete Beach, FL 33706-1308**

Officer Ruckdeschel presented the case summary for the city and testified to the cited violation of city code section 46-33. The city was asking for administrative costs.

Property owner Albert Badalian testified that there is no water or electricity at the property, that they are staying elsewhere, and did not receive their mail. The house is 50% damaged; they are waiting for an FDEM inspection and have been advised not to disturb any soil around the house.

Special Magistrate Augello found the property is in violation of the cited code and assessed no fines or costs. While the respondent is subject to the application and inspection protocols through FDEM, respondents will not be subject to code enforcement proceedings for the 3-5ft perimeter area around the structure on the property.

**C. Case No. 20250388 City of St Pete Beach v. Gulf West Properties LLC
Address: 7060 Boca Ciega Dr. St. Pete Beach, FL 33707**

This case was continued until the August 11, 2025 hearing.

**D. Case No. 20250313 City of St. Pete Beach v. Sungold LLC
Address: 3815 Gulf Blvd St. Pete Beach, FL 33706**

Officer Rivera reviewed the case summary for the city including violations, postings, photographs, and corrective actions. The property is not fully compliant. Officer Rivera testified that the fence still has damaged sections.

Attorney Luke Lirot appeared on behalf of the property owner and Registered Agent to respond to the city's case. He testified that the notice of repeat violation was not received. Property owner Beth Morean of El Centro Street appeared and read a prepared statement that she is being targeted for code violations. She read a history of past issues and testified that this property has continued to be a problem as the fence is not a deterrent but a nuisance and that the City required her to erect the fence. She also testified that the property had been cleaned up and the vegetation cleared.

Officer Rivera testified and showed photographs from today demonstrating that the fence is still in need of repair.

Special Magistrate Augello found that the Respondents and property were in violation of Sections 46-33, 98-65, and 98-66 of the City's Codes, constituting a repeat violation. The Respondent is partially compliant, but not for the fence. She assessed \$25 per day beginning on July 14, 2025, until the fence is repaired or removed plus reasonable administrative costs of \$330 and any necessary recording fees.

5. New Cases –

**A. Case No. 20250312 City of St. Pete Beach, v. Sungold LLC
Address: 3855, 3859, and 3861 Gulf Blvd St. Pete Beach, FL 33706**

[Special Magistrate Augello consolidated Cases 20250312, 202504117 and 20250418 with the consent of respondent Attorney Luke Lirot].

Officer Rivera presented the case summary for the city with cited code violations, noticing, posting, photographs, and corrective action.

Attorney Lirot testified that the fence was repaired on 6/9/25. Ms. Morean stated this is the same property as the previous case. The fence is repaired to the extent that it is going to be, with places for ingress and egress, and the vegetation has been cleared. Officer Rivera showed photos from today where the fence is down and vegetation overgrowing.

Special Magistrate Augello found the respondent to be in violation of Sections 46-33, 98-65, and 98-66 of the City's Code of Ordinances for maintaining a dilapidated fence in disrepair on the property and having overgrown weeds and grass. She allowed 14 days from date of her order to comply with downed fence and overgrown weeds for all three cases, and the cases will be heard on August 11, 2025 to determine compliance or fines.

**B. Case No. 20250417 City of St. Pete Beach v. Sungold LLC
Address: Gulf Blvd Lot 07-32-16-18143-001-0020**

Case No. 20250417 was consolidated with Case No. 20250312 above.

**C. Case No. 20250418 City of St. Pete Beach v. Sungold LLC
Address: Sungold LLC 07-32-16-18143-001-0010**

Case No. 20250418 was consolidated with Case No. 20250312 above.

**D. Case No. 20250220 City of St. Pete Beach v. Starkus, Svajunas
Address: 1104 Pass A Grille Way St. Pete Beach, FL 33706**

Officer Rivera reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. The property owner has contacted the city; they trimmed trees back and they are working toward compliance. The garage doors will require a permit.

Property owner Svajunas Starkus testified that he only received the notice two weeks ago and came to the city at that time. He is working with his insurance company on the roof, garage doors and siding due to the extent of the damage. He requested additional time for that reason.

Special Magistrate Augello found that there was a violation of the cited codes and allowed 60 days from the date of her order to work toward compliance such as a building permit; a status hearing was set for October 13, 2025.

**E. Case# 20250279 City of St. Pete Beach v. Coconut Inn LLC
Address: 113 11th Ave St. Pete Beach, FL 33706**

Officer Rivera reviewed the case summary for the city with cited code violations, noticing, posting, and photographs showing the lighting as too bright to be compliant.

Maggie LeBlanc, owner/manager of the property appeared and testified that once they became aware of the sea turtle lighting requirements, they took steps to comply. They have turned off lights at night until the new lightbulbs arrive for their older sconces and have put stickers and brochures in rooms now for guests to follow. New lightbulbs are being delivered.

Special Magistrate Augello found there was a violation and allowed the respondent 14 days from the date of her order to become fully compliant or will return for the August 11, 2025 hearing.

**F. Case No. 20250275 City of St. Pete Beach v. Hurricane Lounge Inc.
Address: 809 Gulf Way St. Pete Beach, FL 33706**

Officer Rivera reviewed the case summary for the city with cited code violations, noticing, posting, inspections, photographs, corrective actions, and recommended fines. The outdoor lighting is not properly maintained.

Rick Falkenstein, President and owner of the property, appeared and testified as to the remediation steps they have taken, and keeping the city informed of their progress.

Special Magistrate Augello found the property to be in violation and allowed 14 days from the date of her order to come into full compliance, or the case will return to the August 11, 2025 hearing.

**G. Case No. 20250069 City of St. Pete Beach, v. Nguyen, Annie Truong, Jimmy C
Address 205 55th Ave St. Pete Beach, FL 33706**

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. His evidence showed trash and other debris on the property, overgrown or dead vegetation on the property, a broken mailbox, and a fence in disrepair.

No one was present for the respondents, and they have not reached out to the city.

Special Magistrate Augello found the property to be in violation and allowed 14 days from the date of her order to become compliant, or the case will return to the August 11, 2025 hearing for imposition of fines and costs.

**H. Case No. 20250231 City of St. Pete Beach v. Fresh Development LLC
Address: 6800 Sunset Way St. Pete Beach, FL 33706**

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. The evidence showed a new fence that was installed without a permit, and a broken fence. Mr. Cruz presented photographs that showed the overflow of trash over a period of time.

Igor Savic of Fresh Development LLC appeared and testified that he owns and manages the building, not the business, and that he has been out of the country. He is trying to secure an administrative permit to replace the section of the fence near the garbage containers, to avoid waiting for a survey.

Special Magistrate Augello found the property to be in violation and allowed 30 days from the date of her order to become compliant and meet back on September 8, 2025 for a status check or imposition of fines.

**I. Case No. 20250067 City of St. Pete Beach v. Lake Merritt Partners LLC
Address: 636 Corey Ave St. Pete Beach, FL 33706**

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. His presentation is part of the meeting record. He testified that the property has been cleaned up except for the right side of the property, the broken fascia boards and windows, and the broken sign, as well as the wood deck.

Rachel Smith, employee of Lake Merritt Partners, LLC and owner, appeared and testified that she had the authority to appear on their behalf. She has been in communication with the city regarding the progress at the property. The debris has been removed, and she will schedule removal of the decking. The building is to be demolished, and the owners are working with their insurance company. Mr. Cruz clarified that if they secure a permit for work for fascia and other work, they could get an extension.

Special Magistrate Augello found the property to be in violation, although substantial progress has been made; she allowed 30 days from the date of her order to come into full compliance, and the case will return on September 8, 2025 for status.

**J. Case No. 20240193 City of St. Pete Beach v. Brightwater Beach Condo Assn
Address: 55th Ave**

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. A replacement fence and a replacement dumpster enclosure were erected without the proper permits. One after the fact permit should be obtained.

Scott Vignery, property manager and Brandon Kay, Board Member of Unit #203, and Matthew Ryan, contractor, were present. Mr. Vignery testified that they are waiting for an amended site survey to apply for permits.

Special Magistrate Augello found the property to be in violation and allowed 60 days from the date of her order to obtain an after the fact permit or return for the October 13, 2025 hearing.

**K. Case No. 20240699 City of St. Pete Beach v. Franco, Jennifer C
Address: 490 82nd Ave St. Pete Beach, FL 33706**

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. Work was completed despite a stop work order. No one was present for the respondent. Mr. Cruz testified he had spoken to her, but not for a long while; she resides in Nevada.

Special Magistrate Augello found the property to be in violation and allowed 14 days to apply for an after-the-fact permit for the work done or they will return for the August 11, 2025 hearing to determine compliance or fines.

L. Case No. 20250287 City of St. Pete Beach v. Hunter, Shannon
Address: 650 64th Ave St. Pete Beach, FL 33706

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines. The property is currently compliant; he presented photographs in evidence. No one was present for the respondent.

Special Magistrate Augello found was in violation but currently compliant; she imposed administrative costs of \$329.

M. Case No. 20240470 City of St. Pete Beach v. 333 Capital LLC
Address: 540 71st Ave St. Pete Beach, FL 33706

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines.

Paul Billips, tenant at the property, appeared and testified on behalf of the property owners that some of the work has been completed but the contractor is ill, and they are awaiting his return. Mr. Cruz specified that any applicable permits must be obtained.

Special Magistrate Augello found the property to be in violation and allowed 30 days from the date of her order to become compliant; the case will return on September 8, 2025 for status.

N. Case No. 20250339 City of St. Pete Beach v. Schroeder, Rhonda H
Address: 640 59th Ave St. Pete Beach, FL 33706

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines.

No one was present for the respondent; staff had been unable to contact anyone.

Special Magistrate Augello found the property to be in violation and allowed 14 days from the date of her order to become compliant or meet on August 11, 2025 for the imposition of fines and fees.

O. Case No. 20240584 City of St. Pete Beach v. Park Shore Investments LLC
Address: 523 72nd Ave

This case was continued until the August 11, 2025 hearing.

P. Case No. 20240707 City of St. Pete Beach v. Spencer, Chris
Address: 140 Corey Ave St. Pete Beach, FL 33706

Officer Cruz reviewed the case summary for the city with cited code violations, noticing, posting, photographs, corrective actions, and recommended fines.

No one was present for the respondent; Mr. Cruz spoke with the owner after the unpermitted work was done, but a permit was never obtained.

Special Magistrate Augello found the respondent to be in violation and allowed 14 days to apply for after-the-fact permit or appear on August 11, 2025.

**Q. Case No. 20240504 City of St Pete Beach v. Myers, Jeffrey
Address: 191 73rd Ave St Pete Beach, FL 33706-1916**

Code Enforcement Manager Peyt Dewar reviewed the case summary for the city including code violations, previous orders, noticing, and photographs over time and today. His presentation is part of the meeting record. Mr. Dewar testified there is work still to be done at this property despite Magistrate orders in 2022 and 2023. Photographic evidence spanning six years was shown. Currently, there is a dumpster being filled with materials; the garage door cannot be closed due to stuffed contents. The city requested that the Magistrate declare the property a nuisance and allow the city to abate.

Mr. Dewar testified that the property was declared a chronic nuisance by the City for maintaining a pattern of nuisance activity including activities relating to the violations of having junked, wrecked, or abandoned property as defined in Chapter 46 of the City's Code of Ordinances, as well as failing to correct code violations on or before the date specified in a notice of violation issued in accordance with Section 22-276 of the City's Code of Ordinances. Mr. Dewar testified that a notice of declaration of chronic nuisance was provided to the owner on 6/23/25.

Property owner Jeffrey Myers was present; Magistrate Augello explained the city's request for chronic nuisance, and he acknowledged that he understood. He is looking to sell the property; he detailed many hardships including the loss of his eyesight. He testified that dumpsters are being filled. Magistrate reviewed the violations from 2022 and 2024.

Special Magistrate Augello found that the city may enter the property to abate the chronic nuisance 14 days after the date of her order. The City must provide the respondent 48 hours' notice that it intends to enter upon the exterior of the property. This notice shall be conspicuously posted on the property. The City may bill the actual reasonable costs of any chronic nuisance services. The Magistrate's office will record the order once certified by the Clerk's Office.

**V. Case No. 20250035 City of St. Pete Beach v. Lydia Castle and 3111 S. Debazan
Address: 3111 S. Debazan (Added)**

Code Enforcement Manager Peyt Dewar testified that respondent Lydia Castle owned the property until it was sold to Respondent 3111 S. De Bazan, LLC on June 27, 2025. The respondents were

notified of violations of Sections 46-33, 98-64, 98-65, and 98-66 of the City's Code of Ordinances for failure to maintain dead trees and vegetation, trash, palm fronds, and miscellaneous debris and the property, and failing to maintain the swimming pool. The property was sold the day after the previous compliance date and is now in compliance.

Special Magistrate Augello will prepare a compliance order with administrative costs of \$330.

6. Cases Complied – None.

7. Old Cases – None.

8. Lien Reductions –

**A. Case No. 20240081 City of St. Pete Beach v. 4401 Gulf Blvd LLC
4401 Gulf Blvd St. Pete Beach, FL 33706**

Mr. Dewar testified that this case came to the Magistrate previously. The reduction request is for fines to be reduced to \$5,000. The lien amount is \$79,750 plus administrative costs and filing fees.

Wesley Shaw, District Manager of Walgreens testified that they are tenants at the property and prioritized compliance as soon as they heard of the violation. There were lengthy delays with permits and contractors. The Magistrate questioned who is responsible, the tenant or owner; the owner had appeared last time.

Special Magistrate Augello found that all the city code violations had been corrected under the necessary permits. She reduced the lien amount to \$ 7,975 plus and \$368.50 for administrative costs, to be paid within 30 days.

Special Magistrate Augello informed city staff that she would not be available for the October hearing; Mr. Dewar indicated that staff would get back with her on how they would like to proceed.

9. Next Meeting/Adjournment – The next hearing will be August 11, 2025. There being no further business, the hearing was adjourned at 2:47 PM.

Attest:



Renee Rose, City Clerk