

CITY OF DAYTONA BEACH

**MINUTES – Red Light
Camera Violations**

**SPECIAL
MAGISTRATE
HEARING**

**December 10, 2013
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida**

10:30 AM

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Gary Sault
Nicholas Sault
Eric Ryan
Tiffany Enborg
Mallory Taylor

Ms. Aimee Hampton, Secretary

Approval of Minutes by: _____

Special Magistrate

Mr. Vukelja called the Hearing to order at 10:40 a.m.

Ms. Hampton swore in members of staff who would be testifying during the proceeding.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases were resolved:

Case 14

CITATION NO. 0160151326 - Gilbert, Carolyn K. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Mr. Vukelja reviewed the City's Memorandum submitted in the case last month which was before him, **CITATION NO. 0160150507 - U.S. Transportation Leasing Co., LLC**, with Mr. Jackson.

After discussing the memorandum submitted by the City with Mr. Jackson and after reviewing both sides and the statutes, Mr. Vukelja announced his ruling.

Ruling

Mr. Vukelja found the Respondent Not Liable.

Case 11

CITATION NO. 0160149572 - Davidson, William is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Ms. Tammy Davison came forward and was sworn.

Mr. Jackson reviewed the case and stated it was before the Magistrate last month where Ms. Davison was initially cited and then she provided an Affidavit of Defense saying Mr. Davidson was driving her vehicle and so the citation was dismissed against her and reissued against Mr. Davidson. Mr. Davidson appeared last month and stated he was not driving and that they were separated and he did not have possession of her car.

Ms. Davidson said she submitted her timesheet showing she was at work at the time of the violation and that Mr. Davidson was using her vehicle to get a check from a client for his landscaping business.

Mr. Davidson came forward and was sworn. Mr. Davidson stated he was not driving and his ex-wife was lying about him driving her car.

Mr. Jackson stated his best recollection from the last proceeding was that he was taken care of his father in Polk County and the Magistrate made it clear to him to bring with him some evidence regarding him being in Polk County.

Ruling

Mr. Vukelja found Mr. Davidson liable for the violation and ordered the fine amount of \$158.00 plus \$100.00 administrative costs payable within 30 days.

Case 15

CITATION NO. 0160151677 - Jaeger, William P. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Mr. Jaeger came forward and was sworn. Mr. Jaeger reviewed the video and stated he wanted to contest the timing of the yellow light time frame for the speed limit that was posted.

Mr. Jackson presented the yellow light time standard per FDOT and the City's last test of the yellow light time was almost one second longer than the FDOT standard.

Ruling

Mr. Vukelja found Ms. Mr. Jaeger liable for the violation and ordered the fine amount of \$158.00 plus \$50.00 administrative costs payable within 30 days.

Case 1

CITATION NO. 0160148983 - Ryman, Matthew is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Mr. Ryman came forward and was sworn. Mr. Ryman reviewed the video and stated he would like to plead to the violations.

Ruling

Mr. Vukelja found Ms. Mr. Jaeger liable for the violation and ordered the fine amount of \$158.00 plus \$50.00 administrative costs payable within 30 days.

Case 2

CITATION NO. 0160149414 - Ryman, Matthew is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Mr. Ryman came forward and was sworn. Mr. Ryman reviewed the video and stated he would like to plead to the violations.

Ruling

Mr. Vukelja found Ms. Mr. Jaeger liable for the violation and ordered the fine amount of \$158.00 plus \$50.00 administrative costs payable within 30 days.

Case 3

CITATION NO. 0160149116 - Basciano, Patricia E. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Respondent was not present.

Ruling

Mr. Vukelja found Ms. Basciano liable for the violation and ordered the fine amount of \$158.00 plus \$100.00 administrative costs payable within 30 days.

Case 4

CITATION NO. 0160148014 - Dunlap, James W. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Mr. Dunlap came forward and was sworn.

Mr. Jackson stated the City's position is the driver failed to stop prior to making the right hand turn.

Mr. Dunlap reviewed the video and stated his motorcycle was stolen prior to the citation being issued. Mr. Dunlap stated he completed the affidavit however he did not have all the information that was needed and they could not accept the affidavit.

Ruling

Mr. Vukelja found Mr. Dunlap not liable.

Case 5

CITATION NO. 0160149405 - Huckins, Glen J. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Mr. Glen Huckins came forward and was sworn. Mr. Huckins stated he did not want to contest the citation and requested the case be transferred to county court.

Mr. Jackson stated the request for local hearings waives the requirement for proceeding to traffic court and the city does not have a mechanism for withdrawing and moving the case to court.

Ruling

Mr. Vukelja found Mr. Huckins liable for the violation and ordered the fine amount of \$158.00 plus \$50.00 administrative costs payable within 30 days.

Case 6

CITATION NO. 0160150981 - Williams, Darold D. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Mr. Williams came forward and was sworn. Mr. Williams viewed the video and further stated he proceeded in a safe manner by turning right on red and there was no oncoming traffic or pedestrians or any cars making a U-turn at that time.

Ruling

Mr. Vukelja found Mr. Williams not liable.

***Cases 7, 8, 9, and 10 were heard simultaneously**

Case 7

CITATION NO. 0160149952 - Giegerich, Matthew R. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Case 8

CITATION NO. 0160149953 - Giegerich, Matthew R. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Case 9

CITATION NO. 0160149954 - Giegerich, Matthew R. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera** - Failure to Stop at Steady Red Signal

Case 10

CITATION NO. 0160150458 - Giegerich, Matthew R. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - Photo/Camera - Failure to Stop at Steady Red Signal

Stacy Lynn McLaughlin Giegerich came forward and was sworn. Ms. Giegerich stated she has a stolen vehicle report with Ormond Beach Police Department, Volusia County Sheriff's Department, and Daytona Beach Police Department.

Mr. Jackson stated verified the dates of August 19 to 23rd the vehicle received citations.

Ms. Giegerich produced her police reports.

Mr. Vukelja reviewed the police reports.

Ms. Giegerich stated she did submit the affidavit of allowable defenses.

Mr. Jackson stated he has not seen the Affidavit and if Ms. Giegerich submitted it in her name, the processing center may have not put it with the right case.

Ruling

Mr. Vukelja found Mr. Giegerich not liable for the citations issued in cases 7, 8, 9, and 10.

Case 12

CITATION NO. 0160150819 - De La Paz, Manuel A. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Mr. De la Paz came forward and was sworn. Mr. De La Paz reviewed the video and stated he was in the hospital and was not driving. Mr. De La Paz stated the car was parked at his house and no one should have had access to the car.

Ruling

Mr. Vukelja found Mr. De La Paz liable for the violation and ordered the fine amount of \$158.00 plus \$50.00 administrative costs payable within 30 days.

Case 13

CITATION NO. 0160150467 - Gibson, Rosie P. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Respondent was not present.

Ruling

Mr. Vukelja found Ms. Gibson liable for the violation and ordered the fine amount of \$158.00 plus \$100.00 administrative costs payable within 30 days.

Case 16

CITATION NO. 0160149345 - Martinez, Necoll L. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Respondent was not present.

Ruling

Mr. Vukelja found Ms. Martinez liable for the violation and ordered the fine amount of \$158.00 plus \$100.00 administrative costs payable within 30 days.

Case 17

CITATION NO. 0160152813 - Santiago, Yvette is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Ms. Santiago came forward and was sworn. Ms. Santiago stated she made a right hand turn in a safe and prudent manner.

Ruling

Mr. Vukelja found Ms. Santiago not liable.

Case 18

CITATION NO. 0160148543 - Shamailov, Simon is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Respondent was not present.

Ruling

Mr. Vukelja found Mr. Shamailov liable for the violation and ordered the fine amount of \$158.00 plus \$100.00 administrative costs payable within 30 days.

Case 19

CITATION NO. 0160152863 - Tretsch, Robert A. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Mr. Tretsch came forward and was sworn. Mr. Tretsch watched the video and stated he was making a right hand turned where they are allowed and he proceeded in a safe and prudent manner.

Ruling

Mr. Vukelja found Mr. Tretsch not liable.

Case 20

CITATION NO. 0160151330 - Whitsitt, John A. is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Denise Franco appeared on behalf of Dr. Whitsitt and was sworn. Ms. Franco stated she is Mr. Whitsitt's fiancée and they did not have time to request a rescheduling hearing due to his medical schedule. Ms. Franco stated the turn was a right hand turn.

Mr. Vukelja asked if the City wanted to wait for Dr. Whitsitt.

Mr. Jackson stated normally the City would be willing to wait however; they had traffic court beginning at 1 p.m.

Ms. Franco viewed the video and stated the turn was made in a safe manner and no pedestrians or bicyclist or oncoming traffic were going on at that point.

Ruling

Mr. Vukelja found Dr. Whitsitt not liable.

Miscellaneous Business

1. **CITATION NO. 0160149673 - Buffalohorn, Troy A.** is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

ACTION TO BE TAKEN: City's Request for Amended Order Upholding Violation.

Mr. Vukelja amended the previously entered order to reflect a fine amount of \$208.00 instead of \$258.00.

Adjournment

The meeting was adjourned at 12:22 p.m.