

CITY OF DAYTONA BEACH

**MINUTES – Red Light
Camera Violations**

**SPECIAL
MAGISTRATE
HEARING**

March 11, 2014

10:30 AM

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

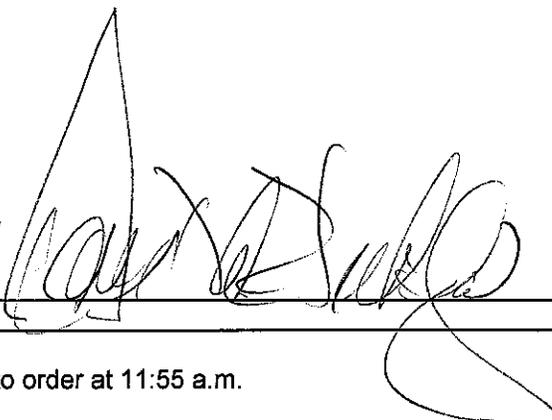
ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Earl Sault
Tiffany Enborg
Mallory Taylor
Ofc. Shawn Clark
Ofc. Chris Pearsall
Ofc. Eric Ryan

Ms. Aimee Hampton, Secretary

Approval of Minutes by:  _____ Special Magistrate

Mr. Vukelja called the Hearing to order at 11:55 a.m.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases have been resolved:

Case 29

CITATION NO. 0160151459 - Wells, Lucille 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. Hampton swore in members of staff.

Hearing of Cases:

Case 1

CITATION NO. 0160156213 - Antich, Gary M. 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. Antich came forward and was sworn. Mr. Antich reviewed the video. Mr. Antich stated that was not his vehicle and provided a copy of his registration.

Mr. Jackson reviewed the registration with staff and stated the city would agree to dismiss the case.

Ruling

Mr. Vukelja found the respondent not liable.

Case 2

CITATION NO. 0160155521 - Pollio, Gregory C. 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. Gregory C. Pollio came forward and was sworn and stated he would like to contest the violation and stated the yellow light time was not consistent with the yellow light time provided in the statute.

Ruling

Mr. Vukelja found the Respondent liable for the violation and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 3

CITATION NO. 0160150292 - Walker, Samuel 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. Samuel Walker came forward and was sworn. Mr. Walker stated he does not own the car and he showed Mr. Jackson his registration.

Mr. Jackson stated there was an affidavit of defense that was filed naming him as the driver.

Ruling

Mr. Vukelja continued the case to the April 8, 2014 meeting Agenda.

Case 4

CITATION NO. 0160150824 - Jackson, Tina 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. Tina Jackson came forward and was sworn. Ms. Jackson stated requested to confront the person who calibrated the cameras. Ms. Jackson stated she submitted an affidavit with the person's name because it was a rental car.

Mr. Jackson provided the camera maintenance inspection report.

Mr. Vukelja stated Ms. Jackson's affidavit was insufficient as she only listed "Tim" as the driver.

Ruling

Mr. Vukelja found the Respondent liable for the violation and imposed the \$158 fine plus \$100 administrative costs payable within 30 days.

Case 5

CITATION NO. 0160150013 - Knight, Anquinette 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.

Mr. Vukelja viewed the video.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable within 30 days.

Case 6

CITATION NO. 0160153668 - Levi, James 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. Levi came forward and was sworn. Mr. Levi stated there was an emergency vehicle going north on U.S. 1 he proceeded forward to move out of the way and there was a truck in front of him that slowed down.

Mr. Jackson stated the City's position is that there was not an affidavit of defense submitted and also it appears no other drivers were making evasive moves to avoid an emergency vehicle.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 7

CITATION NO. 0160153031 - Williams, Henrietta 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. Henrietta Williams came forward and was sworn. Ms. Williams stated she let her roommate driving.

Mr. Jackson stated the citation was originally sent to the Father and he transferred liability to her. Ms. Jackson stated that if Ms. Williams cannot provide the information for the affidavit the City cannot accept the affidavit at the time of the hearing.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 8

CITATION NO. 0160153314 - Williams, James 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**

Respondent was not present.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 9

CITATION NO. 0160156106 - Rhoden, Brendon 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. Brendon Rhoden came forward and was sworn. Mr. Rhoden stated he was not driving and believed he had the right to remain silent and not provide any information about the driver.

Officer Taylor cited Florida Statute regarding the red light violations.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 10

CITATION NO. 0160153718 - Rhoden, Brendon 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. Brendon Rhoden came forward and was sworn. Mr. Rhoden stated he was making a right hand turn at an intersection where it was permitted.

Mr. Jackson stated the reviewer believed the turn was not done at a safe speed.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 11

CITATION NO. 0160154171 - Rhoden, Brendon 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. Brendon Rhoden came forward and was sworn.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 12

CITATION NO. 0160153814 - Casanova, Gabriel 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 13

CITATION NO. 0160150426 - Grinko, Wendy 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. Wendy Grinko came forward and was sworn. Ms. Grinko viewed the video. Ms. Grinko made a right hand turn at an intersection where it was allowed.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 14

CITATION NO. 0160152295 - Shults, Brittney 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 15

CITATION NO. 0160153751 - Yovonn, Rod 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. Yovonn came forward and was sworn.

Mr. Vukelja disclosed he knew Mr. Yovonn was a client of his in the past and ask the city if they had an objection.

Mr. Jackson stated the city had no objection.

Mr. Yovonn stated the car is his son's car and that he was responding on behalf of his son and that the car was under the care of Econo Auto Body and provided documentation to that effect.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 16

CITATION NO. 0160151228 - Beaman, Markquis 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**

Respondent was not present.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 17

CITATION NO. 0160154079 - Benedict, Jonathan M. 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 18

CITATION NO. 0160153391 - Brown, Mickel 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. Mickel Brown came forward and was sworn. Mr. Brown stated he agreed to the violations.

Ruling

Mr. Vukelja found the Respondent liable and imposed the \$158 fine plus \$50 administrative costs payable in 30 days.

Case 19

CITATION NO. 0160153186 - Brunson, Ronald is cited for Section 316.074(1) or Section 316.075(1)(c), Florida Statutes, - **Photo/Camera - Failure to Stop at Steady Red Signal**

Pastor Ronald Brunson came forward and was sworn. Mr. Brunson stated he was making a right hand turn.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 20

CITATION NO. 0160152842 - Calhoun, Ebony 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 21

CITATION NO. 0160153173 - Depiro, Thomas 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. Thomas Depiro came forward and was sworn. Mr. Depiro viewed the video and stated he was making a right turn in a safe manner.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 22

CITATION NO. 0160154093 - Keeler, Austin 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. Austin Keeler came forward and was sworn. Mr. Keeler stated he stopped after the stop bar before making the right hand turn.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 23

CITATION NO. 0160153219 - Moore, Tiffini 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. Tiffini Moore came forward and was sworn. Ms. Moore reviewed the video and stated she made a right hand turn safely.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 24

CITATION NO. 0160154832 - Newton, James 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 25

CITATION NO. 0160151709 - Poncelet, Ouida 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Case 26

CITATION NO. 0160152921 - Ritter, Douglas 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. Douglas Ritter came forward and was sworn. Mr. Ritter reviewed the video and stated one of his two daughters was driving and neither one would admit to it. Mr. Ritter stated it was a right hand turn that appeared was safe.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 27

CITATION NO. 0160154657 - Rotstein, Jonathan 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. Jackson stated Mr. Rotstein was present earlier but was excused by the City. Mr. Jackson asked the case be dismissed.

Mr. Jackson stated Mr. Rotstein was present earlier in the meeting however he informed he the City would request a dismissal based upon the right hand turn.

Ruling

Mr. Vukelja found the Respondent not liable.

Case 28

CITATION NO. 0160155330 - Smith, Joshua V. 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 the Respondent liable and imposed the \$158 fine plus \$100 administrative costs payable in 30 days.

Miscellaneous Business

Mr. Jackson requested to go back to Case 17 Jonathan Benedict as he wanted to bring it to Mr. Vukelja's attention there was an attorney who filed a Motion to Dismiss on Mr. Benedict's behalf.

Discussions were held amongst the City and Mr. Vukelja regarding proceeding in absence of the Respondent or attorney. The determination was ultimately made that the order remains as is.

Adjournment

The meeting was adjourned at 1:15 p.m.