

SPECIAL MAGISTRATE HEARING  
for Rental Program Cases  
City of Daytona Beach  
Commission Chambers, City Hall  
301 South Ridgewood Avenue, Daytona Beach, Florida  
December 9, 2014

A proceeding for the Special Magistrate for the Rental Cases Program was held on December 9, 2014, at 9:00 a.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following were in attendance:

Special Magistrate: David Vukelja

Staff Present: Anthony Jackson, Assistant City Attorney  
Jurgen Betz, Housing Inspector  
Karen Baum, Rental Property Coordinator

Minutes prepared by Becky Groom

1. Call to Order

Mr. Vukelja called the meeting to order at 9:10 a.m.

2. Approval of November 11, 2014 Minutes

Mr. Vukelja stated he reviewed, approved, and executed the minutes of the meeting of November 11, 2014.

3. Announcements:

There were no announcements to be made.

Ms. Hampton swore in members of staff.

4. Hearing of Cases:

Continued Cases:

1. **CASE NO SMG R12013-0069- GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294, at **13 S Peninsula Dr.**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – Date of first notification 01/14/2014.

Mr. Jackson stated this is a triplex that is not licensed under the residential rental program. Mr. Jackson stated the property owner has been cited and has not responded. Mr. Jackson stated staff is requesting a fine of \$100 per day be imposed to a maximum of \$20,000.

Mr. Betz stated the property owner has been cited only for not having a license. Mr. Betz stated an internal inspection was not done and that inspection would be completed when an application is received.

**Special Magistrate Action:**

Mr. Vukelja ruled the respondent is to pay a fine of \$100 per day commencing December 4, 2014, and continuing each day thereafter until the property is in compliance or the amount of the fine has reached the sum of \$20,000, whichever occurs first.

2. **CASE NO SMG RI2013-0067 – GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294, at **21 S Peninsula Dr.**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – Date of first notification 01/14/2014.

Mr. Jackson stated the property is a single-family home that is rented without a rental license. Mr. Jackson stated the property owner was cited but has not responded. Mr. Jackson stated staff is requesting a fine of \$100 per day be imposed up to a maximum of \$15,000.

**Special Magistrate Action:**

Mr. Vukelja ruled the respondent is to pay a fine of \$100 per day commencing December 4, 2014, and continuing each day thereafter until the property is in compliance or the amount of the fine has reached the sum of \$15,000, whichever occurs first.

3. **CASE NO SMG RI2013-0258 – GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294, at **319 N Hollywood .**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – Date of first notification 06/04/2014

Mr. Jackson stated this is a single-family home that has been rented without a rental property license. Mr. Jackson stated the property owner was cited but has not responded. Mr. Jackson stated staff is requesting a fine of \$100 per day be imposed up to a maximum of \$15,000.

**Special Magistrate Action:**

Mr. Vukelja ruled the respondent is to pay a fine of \$100 per day commencing December 4, 2014, and continuing each day thereafter until the property is in compliance or the amount of the fine has reached the sum of \$15,000, whichever occurs first.

4. **CASE NO SMG RI20140036 – PAUL & BEATRICE ZIVITSKI** is cited for failure to correct violations of the Land Development Code, Sec. 26-294, Rental license required. Rental license required;(IPMC 302.8) Exterior Property Areas- Motor vehicles; (IPMC 304.13.1) Exterior Conditions- Insect screens; (IPMC 304.18.1) Exterior Conditions - Door deadbolt; (IPMC 403.1) Ventilation - Habitable spaces; (IPMC) 403.2)) Ventilation - Bathrooms and toilet rooms; (IPMC 604.3) Electric Facilities - Electrical system hazards; (IPMC 605.1) Electrical Equipment - Installation; (MPMC 702.2) Fire Safety - Means of Egress - Aisles, at **840 N Halifax Ave**

Violation(s) – **1. Abandon van at right rear of lot. 2. Multiple areas of wood rot along exterior of building. 3. Multiple areas of peeled paint or other areas never painted. 4. Dead bolt lock required on exterior doors. 5. Broken window pane right front of apartment 1. 6. Missing window screens apartment 4. 7. Inoperable bathroom exhaust fan in apartment 2. 8. inappropriate lamp/zip cord wiring installed along interior kitchen ceiling of apartment 2. 9. Missing covers on wall switches and receptacles in apartment 2. 10. Missing smoke detector in all bedrooms. 11. Renting without license. License will be issued upon completion of repairs and reinspected.**

First Notified – Date of first notification 03/07/2014.

Mr. Jackson stated this item is presented to the Special Magistrate for the imposition of a fine.

Mr. Betz stated Mr. Zivitski has been working on the property and all violations have been corrected except four, which are rotting wood on the exterior of the building, peeling paint, installation of smoke detectors, and obtaining a rental license. Mr. Betz stated he would like the order extended until January 11, 2015, in order to permit Mr. Zivitski the opportunity to come into compliance.

Paul Zivitski stated he appeared before the Board in October and thought, at that time, he would be able to come into compliance by the December meeting. Mr. Zivitski stated painting has not been done due to the number of days it has rained during the past two months. Mr. Zivitski asked for an extension of two months in order to come into compliance.

Mr. Betz stated he was agreeable to extending the non-compliance order until February 4, 2015.

**Special Magistrate Action:**

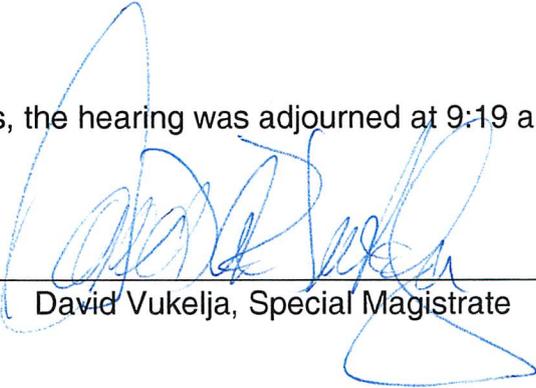
Mr. Vukelja ruled to amend the current order of non-compliance until February 4, 2015, and if the property is not in compliance at that time, the case will be returned to the Special Magistrate for imposition of a fine of up to \$1,000 per day until compliance is obtained.

5. Miscellaneous Business

There was no miscellaneous business.

6. Adjournment

There being no further business, the hearing was adjourned at 9:19 a.m.



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David Vukelja, Special Magistrate