

SPECIAL MAGISTRATE HEARING  
for Rental Program Cases  
City of Daytona Beach  
Commission Chambers, City Hall  
301 South Ridgewood Avenue, Daytona Beach, Florida  
October 14, 2014

A proceeding for the Special Magistrate for the Rental Cases Program was held on October 14, 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  
Mariah Quinn, Rental Housing Coordinator  
Becky Groom, Board Secretary

1. Call to Order

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

2. Approval of September 9, 2014 Minutes

Mr. Vukelja stated he reviewed, approved, and executed the minutes of the meeting of September 9, 2014.

3. Announcements:

Mr. Jackson stated Case No. 2 is in compliance.

Ms. Hampton swore in members of staff.

4. Hearing of Cases:

Continued Cases:

1. **CASE NO.SMG RI202014-0012 – ANDRE RONDEAU** is cited for failure to correct violations of the Land Development Code, Failure to correct violations of the Code of Ordinances Sec. 26-294 (IPMC 304.13), (IPMC 304.13),(IPMC 304.14), (IPMC 604.3), (IPMC 704.2) Daytona Beach LDC Article 5, Section 4.1., at **502 N Halifax Ave**  
Violation(s) – **Failure to license residential property. 1. Inoperable windows 2. Missing window screens 3. Uncovered electrical junction**

**box along exterior wall at right rear corner of building. 4. Changed use of property from office transition to residential duplex without site plan approval. 5. Renting without a rental license.**

First Notified – Date of first notification 05/05/2014.

Colleen Miles was sworn in and stated she is representing the respondent.

Mr. Betz stated the respondent has hired Ms. Miles to represent him in this matter and she has ordered surveys in order to combine the two lots. Mr. Betz stated staff is requesting compliance by the next cut-off date.

Ms. Miles stated the property was formerly a lawyer's office on the first floor with a residential unit upstairs. Ms. Miles stated the respondent wants to divest the office use due to traffic impacts on the property. Ms. Miles stated the respondent is attempting to combine this property with the property to the north and there will be supplemental property for parking with the combination of the parcels. Ms. Miles stated the respondent should be in compliance by the next cut-off date which is November 5, 2014.

**Special Magistrate Action:**

Mr. Vukelja ordered the respondent to be in compliance by November 5, 2014, or the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day as well as the imposition of the fees for failure to have a rental license.

2. **CASE NO.SMG RI2014-0007 – ANDRE RONDEAU** is cited for failure to correct violations of the Land Development Code, Failure to correct violations of the Code of Ordinances Sec. 26-294 (IPMC 304. 2) Exterior Conditions Protective treatment; (IPMC 304. 6) Exterior Conditions Exterior walls; (IPMC 304. 7) Exterior Conditions Roofs and drainage;(IPMC 304.13) Exterior Conditions Window, skylight and door frames; (IPMC 304.13.1) Exterior Conditions Glazing; (IPMC 304.13.2) Exterior Conditions Openable windows; (IPMC 304.14) Exterior Conditions Insect screens; (IPMC 305. 1) Interior Structure General; (IPMC 305. 3) Interior Structure Interior Surfaces; (IPMC 305. 6) Interior Structure Interior doors; (IPMC 403. 2) Ventilation Bathrooms and toilet rooms; (IPMC 504.1) Plumbing Systems and Fixtures General; (IPMC 603. 1) Mechanical Equipment Mechanical appliances; (IPMC 604. 3) Electric Facilities Electrical system hazards; (IPMC 605. 1) Electrical Equipment Installation; (IPMC 704. 2) Fire Protection Systems Smoke alarms at **207 and 209 Oakridge**  
Violation(s) – **Failure to license residential property. 1. Leakage through ceiling at rear portion of breezeway in building 207. Leakage likely originates at roof flashing or bathroom above. 2. Paint or**

eliminate raw wood panels on exterior left wall of bathroom at lower apartment in building 209. 3. Several damaged portions of cement asbestos siding on exterior walls of building 207, namely by front doorway and rear left corner. 4. Inoperable windows. Noted at both buildings. Mostly caused by broken sash cords and being painted shut. 5. Missing window screens. Noted at both buildings. 6. Broken window panes at upper front bedroom of building 207. 7. Holes in several interior doors at building 207. 8. Hole in interior wall at left of breezeway at building 207. 9. Incomplete repairs along interior walls and ceilings at building 207, namely in breezeway and stairwell. 10. Termite damaged window casing at upper left bathroom of building 207. 11. Hole in wall below bathroom sink at lower apartment of building 209. 12. Bathroom window is boarded shut at lower apartment of building. Bathroom requires EITHER a working window or exhaust fan for ventilation. 13. Loose commode in both lower right rear and upper bathrooms at building 207. 14. Leakage in waste line below kitchen sink of lower bathroom at building 209. 15. Inoperable bake/broil element at stove of 207. 16. Renting without rental license. 16. Leakage from refrigerator door in building 207. 17. Missing cover from interior electrical breaker box between breezeway and kitchen at 207. 18. Install cover on electrical switch and outlet by entrance of upstairs apartment at 209. 19. Missing smoke detectors throughout building 207. 20. Renting without a license.

Mr. Jackson stated this case is in compliance.

#### New Cases:

3. **CASE NO SMG RI2013-0196 – KELLY & COOPER SCOFIELD** is cited for failure to correct violations of the Land Development Code, Sec. 26-294, Rental license required, at **290 Hartford Avenue**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – Date of first notification 02/14/2014.

Mr. Jackson stated staff recommends that the rental license be obtained by November 5, 2014.

#### **Special Magistrate Action:**

Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by November 5, 2014, or the case

will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for each day thereafter.

4. **CASE NO SMG RI2013-0243 – LUIGI CERASUOLI & JTRS** is cited for failure to correct violations of the Land Development Code, Sec. 26-294, Rental license required, at **1808 N Halifax Ave**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – Date of first notification 06/04/2014.

Mr. Jackson stated the property is in non-compliance and asked that the respondent be given until November 5, 2014, to obtain the license.

**Special Magistrate Action:**

Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by November 5, 2014, or the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for each day thereafter.

5. **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.

**Respondent's Comments:**

Paul William Zivitski was sworn in and stated the violations did occur at the time of notification.

Mr. Jackson asked Mr. Zivitski be given until December 3, 2014, to come into compliance.

Mr. Zivitski stated he believes he can be in compliance by December 3, 2014.

**Special Magistrate Action:**

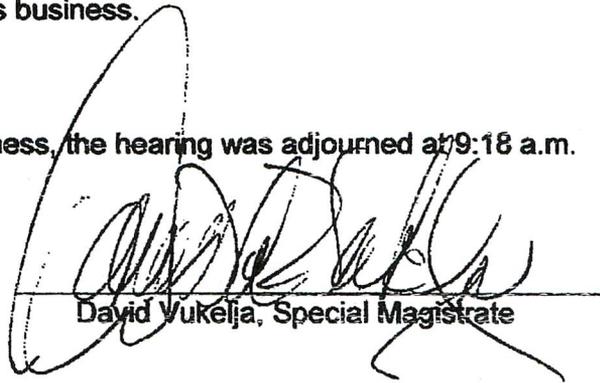
Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by December 3, 2014, or the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for each day thereafter.

**5. Miscellaneous Business**

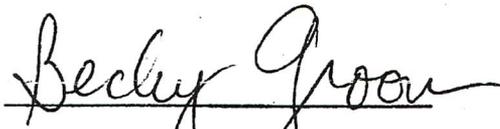
There was no miscellaneous business.

**6. Adjournment**

There being no further business, the hearing was adjourned at 9:18 a.m.



David Vukelja, Special Magistrate



Becky Groom, Board Secretary



Notary Public

