

SPECIAL MAGISTRATE HEARING  
for Rental Program Cases  
City of Daytona Beach  
Commission Chambers, City Hall  
301 South Ridgewood Avenue, Daytona Beach, Florida  
January 13, 2015

A proceeding for the Special Magistrate for the Rental Cases Program was held on January 13, 2015, 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  
Aimee Hampton, Paralegal

Minutes prepared by Becky Groom

1. Call to Order

Mr. Vukelja called the meeting to order at 9:05 a.m.

2. Approval of December 9, 2014 Minutes

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

3. Announcements:

There were no announcements to be made.

Ms. Hampton swore in members of staff.

4. Hearing of Cases:

New Cases:

1. **CASE NO SMG RI2014-0024– JKM-ECM PROPERTIES LL** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294, at **300 Riverview Blvd.**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – Date of first notification 06/19/2014.

Mr. Jackson stated the case is for failure to license a residential rental property; and the inspector has reported that the property is in non-compliance and asks that the property owner be given until the next meeting cut-off date in order to come into compliance.

**Special Magistrate Action:**

Mr. Vukelja found the respondent to be in non-compliance and ordered the respondent to come into compliance by February 4, 2015, or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day for every day thereafter.

2. **CASE NO SMG RI2014-0044 –GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294, at **615 Wisteria Rd.**  
Violation(s) – **Failure to license residential rental property.**  
First Notified – **Date of first notification 11/03/2014.**

Mr. Jackson stated this property is before the Special Magistrate for imposition of a fine due to repeated violations. Mr. Jackson stated this property was previously found in violation for failure to license a rental property. Mr. Jackson stated GEA Seaside Investments has not been responsive to any of the cases presented to the Special Magistrate, other than directing the City to stay off the property and then subsequently filing a lawsuit against the city. Mr. Jackson stated the property is in non-compliance and asked the Special Magistrate to impose a fine of \$200 per day to a maximum of \$15,000.

**Special Magistrate Action:**

Mr. Vukelja found the respondent to be in non-compliance and ordered the respondent to pay a fine of \$200 per day beginning on January 13, 2015, and continuing each day thereafter until the respondent is in compliance or the amount of the fine has reached the sum of \$15,000, whichever occurs first.

3. **CASE NO SMG RI2014-0052 –DONALD E. WALKER, WALKER FAMILY TRUST** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294 and is cited for failure to correct violations of the City of Daytona Beach Land Development Code , Article 19. Sec. 1.1 (Ref. FBC Supp – IPMC 502.1and IPMC 605.2), at **300 Hillside Ave.**  
Violation(s) -**1. Failure to license residential rental property. 2. Required to have separate sink for kitchen and bathroom. 3. No electrical outlet in bathroom of unit #2.**  
First Notified – **Date of first notification 05/13/2014.**

Mr. Jackson stated this property is in compliance.

4. **CASE NO SMG RI2014-0054 –KENNETH CERVENY** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294 and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.18.1, IPMC 305.1, IPMC 305.3, IPMC 504.1, IPMC 604.3, IMPC 704.1), **at 404 and 406 University**.  
**Violation(s)-1. Failure to license residential rental property. 2. Missing deadbolt lock on exterior front door of reach detached apartment. 3. Torn and damaged flooring in laundry room of main house. 4. Damage/hole in dining room ceiling of main house. 5. Leakage from downstairs hall bathroom sink in main house. 6. Inoperable ceiling light at front porch. 7. Cover plate not installed on electrical breaker box (service disconnect) in stairwell of main house. 8. Missing smoke detectors in bedrooms of main house. 9. Missing smoke detectors in bedroom and hallway of rear detached apartment.**  
**First Notified – Date of first notification 07/07/2014.**

Mr. Jackson stated the property was cited for failure to license a residential rental property. Mr. Jackson stated during the inspection, numerous code violations were discovered. Mr. Jackson stated the property owner believes he can make the necessary repairs by the next cut-off date and asked that the property owner be found in non-compliance but be given until February 4, 2015, to come into compliance.

Mr. Betz stated he met with the property owner on Friday, January 9, 2015, and completed a re-inspection. Mr. Betz stated that as of January 9, 2015, everything was corrected except for repair to a hole in the dining room ceiling. Mr. Betz stated the respondent expects to be in compliance by the next cut-off date.

**Special Magistrate Action:**

Mr. Vukelja found the respondent to be in non-compliance and ordered the respondent to come into compliance by February 4, 2015, or the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

5. **CASE NO SMG RI2014-0055 –JOSEPH TALAVERA** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294 and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.2, IPMC 304.4, IPMC 304.6, IPMC 304.13.2), **at 517 Lenox**.

**Violations-1. Failure to license residential rental property. 2. Correct areas of peeling paint along exterior. Most notable at window and door frames of both buildings and the rear balcony of rear building. 3. Paint, stain or cover raw/exposed wood along exterior roof overhang and balcony ceiling at rear building. 4. Correct rotted wood framing within upstairs exterior front wall of rear structure. 5. Corrected failed stucco at bottom of upper exterior front wall of rear structure (where the rotted wall framing is visible). 6. Complete rectangle repair in exterior wall of front building. 7. Balance and springs are broken or missing at metal single hung windows in both buildings.**

**Notified – Date of first notification 05/22/2014.**

Mr. Jackson stated the inspector has talked with the property owner. Mr. Jackson asked that the respondent be found in non-compliance and asked that the respondent be given until February 4, 2015, to come into compliance.

Mr. Betz stated he met with the property owner on December 30, 2014, and completed a re-inspection. Mr. Betz stated everything on the list has been repaired except for the non-functional windows. Mr. Betz stated the respondent is attempting to find parts and expects to be in compliance by the next cut-off date.

**Special Magistrate Action:**

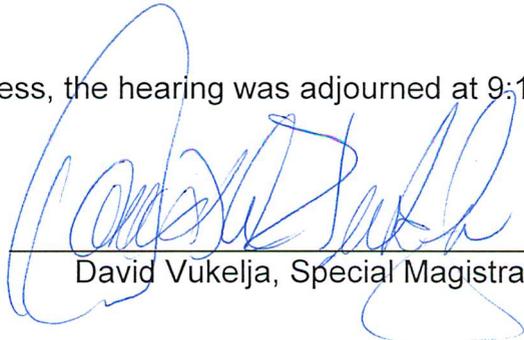
Mr. Vukelja found the respondent to be in non-compliance and ordered the respondent to come into compliance by February 4, 2015, or the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

6. Miscellaneous Business

There was no miscellaneous business.

7. Adjournment

There being no further business, the hearing was adjourned at 9:17 a.m.



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David Vukelja, Special Magistrate