

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

A proceeding for the Special Magistrate for the Rental Cases Program was held on September 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
Amy Hampton, Paralegal
Becky Groom, Board Secretary

1. Call to Order

Mr. Vukelja called the meeting to order at 9:14 a.m.

Ms. Hampton swore in members of staff.

2. Approval of August 12, 2014 Minutes

Mr. Vukelja stated he reviewed, approved, and executed the minutes of the meeting of August 12, 2014.

3. Announcements – There were no announcements.

Ms. Hampton swore in members of staff.

4. Hearing of Cases:

Continued Cases:

1. **CASE NO. SMG RI2013-0222 – GEA SEASIDE INVESTMENTS INC.** is cited for failure to correct violations of the City Code of Ordinances Sec. 26-294, at **216 Morningside Ave.**
Violation(s) – **Failure to license residential property.**
First Notified – Date of first notification 04/14/2014.

Mr. Jackson stated there are three cases for GEA Seaside and all are similar cases for failure to license residential property. Mr. Jackson stated

the license has not been obtained and this property does not have a Business Tax Receipt. Mr. Jackson stated staff is asking that a fine of \$100 per day be imposed to a maximum of \$15,000.

The respondent was not in attendance.

Mr. Vukelja stated at the last meeting, the respondent was given until September 3 to come into compliance; since that has not happened, Mr. Vukelja asked if the fine would begin September 4.

Mr. Jackson stated the fine would commence as of September 4, 2014.

Mr. Jackson stated this respondent has filed suit in Federal court regarding the constitutionality of this ordinance. Mr. Jackson stated the city has not been served so this would not impact any action the Special Magistrate would take today.

Mr. Vukelja asked Mr. Jackson where authority is provided for him to charge \$100 per day up to \$15,000.

Mr. Jackson stated this is in accordance with Florida Statutes, Chapter 162, Subsection a.

Special Magistrate Action:

Mr. Vukelja fined the respondent \$100 per day commencing September 4, 2014, and continuing each day thereafter until the respondent is in compliance or the amount of the fine reaches \$15,000, whichever occurs first.

Mr. Jackson stated that based on his research of the property, the property owner is in bankruptcy. Mr. Jackson stated copies of the Notice of Violation were provided to the bankruptcy trustee and the bankruptcy attorney.

2. **CASE NO. SMG RI2013-0257 – GEA SEASIDE INVESTMENTS INC.** is cited for failure to correct violations of the City Code of Ordinances Sec. 26-294, at **311 N Hollywood Ave.**
Violation(s) – **Failure to license residential property.**
First Notified – Date of first notification 06/04/2014.

Mr. Jackson stated there has been no communication from the respondent since the last meeting. Mr. Jackson stated staff recommends a fine be imposed of \$100 per day to a maximum of \$20,000.

Special Magistrate Action:

Mr. Vukelja fined the respondent \$100 per day commencing September 4, 2014, and continuing each day thereafter until the respondent is in compliance or the amount of the fine reaches \$20,000, whichever occurs first.

3. **CASE NO. SMG RI2013-0278 – GEA SEASIDE INVESTMENTS INC.** is cited for failure to correct violations of the City Code of Ordinances Sec. 26-294, at **121 S Grandview Ave.**
Violation(s) – **Failure to license residential property.**
First Notified – Date of first notification 06/04/2014.

Mr. Jackson stated there has been no response since the previous meeting and no action to bring the property into compliance.

Special Magistrate Action:

Mr. Vukelja fined the respondent \$100 per day commencing September 4, 2014, and continuing each day thereafter until the respondent is in compliance or the amount of the fine reaches \$20,000, whichever occurs first.

New Cases:

4. **CASE NO SMG RI202014-0012 – ANDRE RONDEAU** is cited for failure to correct violations of the Land Development Code Article 5, Section 4.1 (Site Plan Review) and Failure to correct violations of the Code of Ordinances Sec. 26-294 (IPMC 304.13, 304.13, 304.14, 604.3, 704.2) at **502 N Halifax Ave**
Violation(s) – **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.**
First Notified – Date of first notification 05/05/2014..

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the property is in non-compliance. Mr. Jackson stated staff has been in communication with the respondent and the respondent has agreed to take the necessary actions to bring the property into compliance. Mr. Jackson stated staff would like to amend the case to include failure to obtain the license for the rental property. Mr. Jackson stated he would like the Special Magistrate to find the respondent in non-compliance and give him until November 14, 2014, to come into compliance.

Mr. Vukelja asked if the respondent has been informed of the intent to amend the violation.

Mr. Jackson stated no.

Mr. Betz stated the property owner was initially cited for not having a rental license and the deficiencies were found during a city inspection. Mr. Betz stated once the deficiencies are completed, the rental license can be issued. Mr. Betz stated the property owner understands that once the repairs are made, the rental license will be issued.

Special Magistrate Action:

Mr. Vukelja found the respondent in non-compliance and asked that compliance be obtained by November 5, 2014, or the case will be returned to the Special Magistrate where a fine of \$100 per day could be imposed; Mr. Vukelja ordered that the respondent appear at the October 14, 2014, Special Magistrate Hearing for a progress report; and the violation be amended to include the failure to license residential property.

5. **CASE NO SMG RI2014-0007 – ANDRE RONDEAU** is cited for failure to correct violations of the F Code of Ordinances Sec. 26-294 (IPMC 304. 2, 304. 6, 304. 7, 304.13, 304.13.1, 304.13.2, 304.14, 305. 1, 305. 3, 305. 6, 403. 2, 504.1, 603. 1, 604. 3, 605. 1 and 704. 2) at **207 and 209 Oakridge**
Violation(s) **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. 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.**

Mr. Jackson stated this violation is similar to the previous case and asked that the violation be amended to include the failure to obtain a license for residential property.

Special Magistrate Action:

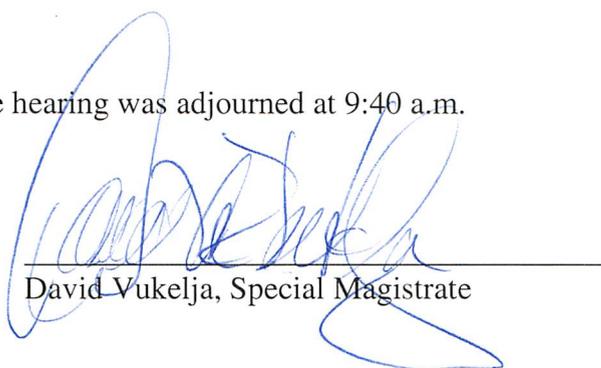
Mr. Vukelja found the respondent in non-compliance and ordered that compliance be obtained by October 8, 2014, or the case will be returned to the Special Magistrate where a fine of \$1,000 per day could be imposed; and Mr. Vukelja amended the violation to include the failure to license residential property.

4. Miscellaneous Business

There was no miscellaneous business.

5. Adjournment

There being no further business, the hearing was adjourned at 9:40 a.m.



David Vukelja, Special Magistrate



Becky Groom, Board Secretary



Notary Public

