
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

David A. Vukelja, Special Magistrate

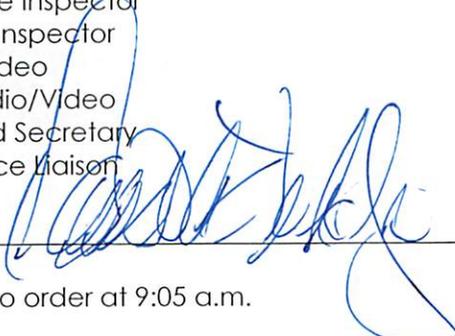
May 13, 2025 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Ms. Melissa Diaz, Assistant City Attorney
Mr. Mark A Jones, Code Field Supervisor
Mr. Ronald Beeney, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Lawanda Tomengo, Code Inspector
Mr. Curtis Wiggins, Code Inspector
Ms. Sara Kirk, Code Inspector
Mrs. Abrianna Itani, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Ms. Mariah Quinn, Code Inspector
Mr. Joe Graves, Audio/Video
Mr. Xavier Campbell, audio/Video
Mrs. Kimberly Reno, Board Secretary
Sgt. Shawna Conley, Police Liaison

Approval of Minutes by:  Special Magistrate

The meeting was called to order at 9:05 a.m.

Mr. Vukelja approved the April 8, 2025 Minutes.

Mr. Vukelja asked if there were any announcements.

Mrs. Reno made the following announcements

Page 4, Case #10 SMG 05-25-81 220 Arlington Ave Compliance May, 12, 2025.

Page 5, Case #13 SMG 05-25-84 Orange Ave Parcel Compliance May 13, 2025.

Page 5, Case #16 SMG 05-25-88 S Lincoln St Parcel Compliance May 8, 2025.

Page 6, Case #17 SMG 05-25-89 Green Ave Parcel Compliance May 12, 2025.

Mrs. Reno sworn in the staff members testifying.

Mr. Vukelja called case # 5 first

CASE # 5 - SMG 05-25-111 - Satwahe, LLC, Series 2 is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 304.6, 304.2, 304.9, 308.1), at **464 S Ridgewood Ave**. Violation(s) – Overgrown landscaping, weeds, trash and debris, dirt & grime, deteriorating paint (chipped/peeling/faded). First Notified – 12/16/2024.

Dr. Sutinder Kohli was sworn in.

Mr. Vukelja found the respondent in non-compliance and asked the inspector what a reasonable amount of time would be expected to come into compliance.

Dr. Kohli advised the building has already been painted and he and testified it would be August before someone could work on the awning. The company is booked.

Inspector Tomengo testified to the status of the case requested compliance by next cut off. Reinspection on May 9, 2025 and witnessed the painting crew and some communication was just received on the awnings and advised next cut off would be good for a check point on the awning.

Dr. Kohli testified he could get the torn awning removed. Inspector Tomenga confirmed trash and debris as well as the Awning needed to be completed.

Mr. Vukelja advised he is ordering a partial order requiring the respondent to come into compliance by June 4, 2025 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter. Partial Compliance means doing everything in the notice of violation and removing the torn awning. Ordered full compliance by September 3, 2025 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

DISPOSITION: Respondent was found in Non-Compliance and ordered to remove awning and bring all other violations into Compliance by **June 4, 2025** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day. It is further ordered to complete compliance by replacing the awning by **September 3, 2025** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 1 - SMG 05-25-78 - Adams Investment Group LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 302.8, 304.2), at **201 N Adams St.** Violation(s) – Overgrown vacant lot, weeds, trash and debris, damaged fence, inoperable vehicles, dirt & grime. First Notified – 1/22/2025.

No Respondent

Inspector Garcia testified to the status of the case. Citizen Complaint, property was posted. Requested compliance by next cut off and advised everything was taken care of except the vehicle. It has a 2025 tag/sticker on it but when it was run it says expired as of 2022. Minnesota GXH284 Oct. the Sgt is running it and if it is good the case could be put into compliance. tag was run in Wisconsin (no record) and Minnesota came back expired.

Asst. City Attorney Diaz advised the respondent was properly notified.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 05-25-96 - Gea Seaside Investments Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7), at **615 Wisteria Rd.** Violation(s) – Faded paint and dirt & grime (on retaining wall and building). First Notified – 1/29/2025.

No Respondent

Inspector Wiggins testified to the status of the case. Field generated case and requested finding of non-compliance and compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 3 - SMG 05-25-80 - Atlantic County O3 LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 302.8, 304.6, 304.14, 304.3, 304.7, 305.3, 308.1, 504.1, 505.4, 602.2, 603.1, 605.1, 704.6.1.2), at **124 Emmett St.** Violation(s) – Unmaintained landscaping, outside storage, dirt & grime, no permit (stairs), trash & debris, junk vehicles, damaged shed and garage, damaged exterior wall, no screens, no address numbers, damaged roof, damaged interior surfaces, interior trash & debris, plumbing issues, inoperable water heater, inoperable heater, inoperable appliances, inoperable electrical, no smoke detectors. First Notified – 1/3/2025.

No Respondent

Inspector Ifani testified to the status of the case advising it is a complaint generated case and no contact with the owner requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 05-25-97 - William Dennison Sr is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.b; Art. 8 Sec. 8.2; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 302.8, 304.1, 304.12, 308.1) City Code Ch. 90 Sec. 90-297, at **500 S Ridgewood Ave.** Violation(s) – Inoperable/unregistered junk vehicles, zoning violation/non-conforming use, unmaintained overgrown property, weeds, trash and debris, dilapidated fence, outside storage, leaning hand/guard rail, No Business Tax Receipt. First Notified – 12/14/2024.

William Dennison and Wesley Amos sworn in

Mr. Dennison advised Mr. Amos has been renting for nine years, he is the property controller and takes care of that stuff and believes Mr. Amos has completed all the repairs. **Mr. Vukelja** asked at the time of the notice did the violation exist and **Mr. Dennison** agreed and was found in non-compliance. **Mr. Vukelja** asked the inspector how much time should be reasonably required for the respondent to come into compliance

Inspector Tomengo advised next cut off and referred to a matter of a business tax receipt and a zoning violation for a business or nonprofit that's being run at the property that may take some additional time but by next cutoff will suffice for a checkpoint for progress on that. **Mr. Vukelja** asked the respondent what's left to be done. **Mr. Amos** listed the items of a vehicle (camaro) and boat that will be removed, reference the RV parked in the back, didn't know that it needed to be tagged (has insurance). The Suburban has a good tag on it, and everything else has been taken care of. The business is a social club and referred to a previous case and does not know where to go with that. Discussion on the minglers club and some people not liking what happens in the building and tried to sue them to close them down and that didn't happen. **Mr. Vukelja** asked if they agreed there was a need for a business tax receipt? **Mr. Amos** advised they were told no and the city was going to just let it go and for them to stay under the radar. Discussion on the zoning issue for a Social Club. **Asst Attorney Diaz** advised this is hearsay as she is unaware of this information. **Inspector Tomengo** advised there is supporting documentation in the binder to include active advertising on the internet for that type of club that the license was denied. **Inspector Tomengo** clarified for the special magistrate the nature of the violation being sought is that a social club Adult Entertainment is not zoned for that building. **Mr. Vukelja** asked who is calling it adult entertainment. **Inspector Tomengo** advised It is noted in the record details for the licensing, there's a note from April 29, 2016 saying with the information submitted, staff is unable to determine if the proposed establishment meets the definition of club or lounge. (part of the business license record details) discussion on the uses of one or more of the following. **Mr. Vukelja** asked if a social club is prohibited at that location? The proposed business is on or more of the following uses. Bottle club, adult theater, or nightclub. Bottle clubs are prohibited in the city of Daytona, Adult theater and nightclubs are not permitted uses in this T2 zoning district. Respondent confirmed it is not a bottle club. **Inspector Tomengo** confirmed there is a Fine Lien for the same zoning violation previously issued by the Special Magistrate and them continuing to advertise it as such and that is why she included the documentation of the advertisements that are still ongoing. **Mr. Vukelja** advised he was continuing this matter to the June 10, 2025 meeting and intends on going through all the material and wants to refresh his understanding as to what the rules are that come into play and it ties back to whether there's a zoning violation and a BTR is required.

DISPOSITION: The Special Magistrate ruled to **continue** the case to the **June 10, 2025** meeting for the determination of Compliance or Non-Compliance for the zoning violation and requirement of a Business Tax Receipt and further ordered the respondent was found in non-compliance and to be in compliance with all remaining violations by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Mr. Vukelja advised both sides to submit any documentation they want him to look at before the June 10, 2025 meeting.

CASE # 6 - SMG 05-25-77 - Daytona Beach MHP LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.5, 302.7, 605.4), at **622 N Beach St.** Violation(s) – Outside storage, unmaintained commercial property (sanitation), rodent harborage, dilapidated fencing, improper wiring (extension cords from trailer to shed). First Notified – 2/24/2025.

Attorney Sean Cornell for the respondent and **Dionne Kucel property manager** sworn in. Mr. Cornell provided an exhibit to the city attorney Diaz and the special magistrate and advised he also has Tom as a court reporter as well, Mr. Cornell requested hard copies of any exhibits the city may have. **Mr. Stenson** advised they are digital photos that are available. Mr. Vukelja asked if they agreed to the notice of violations, **Mr. Cornell** advised no, they do not.

Inspector Stenson testified to the status of the case advising this was a police generated complaint. Shed has been removed and the majority of the outside storage, junk and debris has been removed still issue of fencing and wiring on the property. the only thing they have left are the common areas and the fencing needs repaired. Attorney Diaz advised the exhibit submitted does not include a contract between the mobile home park and the mobile home owner that clarifies what are the responsibilities of each are, but it is clear that the common areas would be the responsibility of the mobile home park owner. **Mr. Cornell** described what his client owns is the land, common areas, they own one building at the entrance to the mobile home park. There are 32 individual mobile home lots in the park and each lot is leased to a mobile home owner that is a separate individual. His client is a business. The mobile home owners maintain the lot itself which is the space immediately surrounding the home. Chapter 723 is the Florida Mobile Home Act they specialize in and help their client with landlord tenant issues within the mobile home park space. There is a statute that preempts a local government from assessing fines, liens, violations of this nature against the mobile home park owner that statute 723.024 states that when a local government wants to issue a fine in a mobile home park, they need to issue that fine and they needed to address the issue with the mobile home owner with herself/himself. His client has a concurrent interest with the city and want to make sure their property is well maintained. The property manager Dion has the same interest trying to get the residents to clean up their property and has done a lot since the original photos were taken to insure the issues at lot 180 were addressed but from a procedural and legal perspective the case should not be brought against the mobile home park owner it should be brought against the mobile home owner. Who is an individual by the name of Tanya Test and they know exactly who it is and when the case originated they had a conversation and zoom call. The respondents attorney advised the city documentation and notices are addressed to lot number 180 not the common areas and the city needs to address this with the tenant Ms Tanya Test. After the meeting he was under the impression the violation would be addressed with the mobile home owner until they received notice scheduled for a hearing today. A sub tenant was evicted and Ms. Test took back ownership of the mobile home and the remaining violations are Ms. Test's responsibility. And his position is that this violation against the mobile home park should be withdrawn. **Ms. Diaz** advised the piece of evidence needed that isn't included in this packet, at least from what she was able to skim is the lease agreement that states she's responsible for these areas because it appears to Mr. Stenson that these are common areas, not within lot 180 and two, the notice of violation is addressed to the property owner and it's unknown what he was saying that it's addressed to lot 180. **Property Manager Ms. Kucel testified** that they paid to have the fence fixed and they didn't know who put that fence in because they purchased the property many years ago. **Mr. Vukelja** asked how are we supposed to know where the lot stops, and the lot starts? **Ms. Kucel** advised the inspector never asked. **Mr. Vukelja** advised she is the one stating it's the mobile homeowner's lot, and problem. **Mr. Vukelja** advised he is seeing trash all over the place and can't tell from looking at these photographs where it starts and where it stops. For all he knows, it may spill into common areas. And if that's the case they are properly here. Lots of owners are dragged in here because of tenants. **Ms. Kucel** advised because of the eviction she did take care of it and Mr. Stenson was aware of that. **Mr. Vukelja** advised he is going to continue this matter to our June 10, 2025 meeting and if they are going to argue that the boundaries of their responsibility are outside the unit owners' lot then they need to show something that gives him an idea of where that lot starts and ends. Then hopefully he will hear from Mr. Stenson that the majority of the issue and problems have been taken care of. Maybe he is prohibited or precluded from holding the mobile home park owner responsible. Mr. Vukelja advised he needs to

see the lease, not going to make them get a survey but bring him whatever they have that shows where the lot lines stop and start.

DISPOSITION: The Special Magistrate ruled to continue the case to the June 10, 2025 meeting for the determination of Compliance or Non-Compliance, further ordered to bring the lease and something showing the lot lines.

CASE # 7 - SMG 05-25-90 - PBNDC LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 303.1, 304.6, 304.2, 603.1), at **350 Pelican Bay Dr (Parcel # 5236-00-00-0030)**. Violation(s) – Unmaintained commercial property (Community swimming pool), dilapidated fencing, unmaintained/unsanitary pool, damaged exterior walls/doors on cabana, peeling & faded exterior paint, inoperable pool pumps. First Notified – 2/10/2025.

Andy Bonus Project Manager advised he was here to provide a status update. Was sworn in and agreed to the violations.

Inspector Stenson advised the respondent could be in compliance by the next cut off.

Mr. Bonus agreed and advised they should have the fence done by the end of the week. They are working with Giles electric for the pumps to be able to work on the pool.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 8 - SMG 05-25-92 - Arya International Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.6, 304.15, 304.2, 304.7, 305.3, 309.1, 504.1, 505.4, 604.3.2.1, 605.2, 605.4, 704.6.1.2), at **709 Ora St (Parcel # 5304-04-08-0130)**. Violation(s) – Unmaintained commercial property, expired tags, failing stucco, front door (unsealed) rear door (improperly installed), peeling & fading paint, damaged gutters, water damage to interior walls and ceilings, insect infestation, inoperable bath and shower controls, lack of hot water, extension cords running outside through window, inoperable outlets, excessive extension cords, missing /inoperable smoke detectors. First Notified – 2/28/2025.

Alysa Cooper Property Manager sworn in and agreed to the violations.

Inspector Stenson advised the property could be in compliance by the July cut off.

Ms. Cooper agreed.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **July 2, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 9 - SMG 05-25-94 - Quest IRA Inc. FBO Steven Matthew Hahn IRA is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.C.4, at **405 N Halifax Ave #2030**. Violation(s) – Unenclosed trash dumpster. First Notified – 2/5/2024.

Mr. Edward Fanning President for the Association for Halifax Shores HOA. (Fanning Law)

Att. Leanne Wagner council for Respondent Halifax Shores HOA. Agreed to the violation and advised they have been in communication and had a meeting regarding this case with Mr. Sykes and Mr. Morris in mid-January and some discussion on how certain portions of the work had to be performed. Ms. Wagner believes there was possibly a miscommunication as to who was waiting for what information. As of last week, Mr. Fanning was again in touch with Mr. Morris and there are a few items of info that need to be provided for the association to determine how it can perform the work. The items in question are given the age of the building and the fact the pavement has been there 50 years, is it possible to leave the dumpster where it is without ripping up the parking lot and installing a 10x20 concrete slab. Question 2 is if they have to install an enclosure around the dumpster, which they believe they may, can they do it without doors? Someone from the city commented that actually promotes occupancy by the homeless. The third question is, is the association possibly grandfathered in given the age of the building (50 years) where they would not need to build an enclosure around the dumpster? These questions have been represented to the city, and they are waiting to hear back.

Mr. Fanning. **Mr. Vukelja** found the respondent in non-compliance and asked the inspector how much time should reasonably be required for the respondent to come into compliance.

Inspector Stenson testified advising by the next cut off. **Mr. Vukelja** advised they have between now and June 4, 2025 to have higher authorities, so to speak, intervene and clarify what needs to be done or failing that come into compliance and coming into compliance. Ms. Wagner advised the association has been waiting since January to get answers to these questions and does not know if they will have an answer by June 4th. but Mr. Fanning indicated that Mr. Morris, back in January asked for 90 days to research and Halifax Shores has not yet received the necessary information. Discussion on getting the answers by June or not and finding out what needs to be done and ultimately it will get done. City Attorney Diaz advised the questions have already been answered and they would be happy to send them in email/writing for the record. **Mr. Fanning** confirmed that would be great, and he didn't want a ruling that would be inappropriate. Quest IRA Incorporated, FBO Steven Matthew Hahn IRA is the wrong party, and he has no association with, no authority to present. Discussion on the city amending the notice to get the proper parties on the case. Mr. Fanning is the President of the Halifax Shores HOA. Which is the owner of the common areas of 405 North Halifax Ave. **Ms. Wagner** advised they requested the correction be made to Mr. Fannings mailing address so that the president will receive the notices. Once those issues are taken care of the proper party will be substituted, assuming that is what needs to be done.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 11 - SMG 05-25-93 - Christopher R & Joy Louden is cited for failure to correct violations of The Land Development Code, Art. 3 Sec 3.4.S.1; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3), at **567 Cedar St.** Violation(s) – Rotted wood, peeling paint, broken/boarded windows, structural & electrical work without permit, inadequate address numbers. First Notified – 7/31/2024.

No Respondent

Inspector Kirk testified to the status of the case advised this was a complaint generated requested the property be found in non-compliance with compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 12 - SMG 05-25-95 - Ivan & Cardin LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 304.15, 305.3, 605.1, 701.2, 702.1), at **631 N Grandview Ave.** Violation(s) – Trash, debris & outside storage, unmaintained landscaping, damaged (fence, front door, interior surfaces), damaged wall outlets, extension cords, damaged emergency exit sign & door hardware. First Notified – 2/18/2025.

Mr. Charlie Nguyen (owner) sworn in appeared via zoom agreed to the violations. **Mr. Vukelja** found the respondent in non-compliance and asked the inspector how much time should reasonably be required for the respondent to come into compliance.

Field Supervisor Jones testified advising by the next cut off.

Mr. Nguyen stated they are already in a contract with the fan company, so they are already scheduled to get it done by the end of next week. Ask about the front door, he understands it's his building and property but being damaged/broken by the police Mr. Nguyen asked who would be responsible since they broke it to arrest the tenant. The door glass has been scheduled for an estimate today . **Mr. Nguyen** advised they are installing surveillance cameras to make sure all the trash and debris, and everything gets taken care of in the future. Discussion on more time and how much time is needed **Mr. Vukelja** advised the respondent if they are given more time, they will not be able to use it until it is in compliance. **Mr. Nguyen** advised they will try to have it in compliance by the next cut off.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Ms. Diaz called for the Miscellaneous Business as it was also for the respondents' property address, however the Miscellaneous Business was handled separately from the property owner and specifically dealt with the tenants only Social Daytona Inc. therefore the respondent Mr. Nguyen was advised he was done.

Miscellaneous Business

SMG 04-24-80 - Ivan & Cardin LLC & Tammi Tran & Social Daytona Inc is cited for failure to correct violations of The Land Development Code, Art. 10 Sec. 10.2.B.2, at 631 N Grandview Ave. Violation(s) – Occupying or using land or a structure without first obtaining all appropriate development permits. First Notified – 1/5/2024. Order Imposing Fine/Lien effective April 12, 2024. A one-time fine of \$15,000.00. \$24.00 recording fee + Interest \$1,416.36 = \$16,440.36. **ACTION TO BE TAKEN:** Vacate Order/Fine
Deputy city Attorney Mr. Jackson testified he and Mr. Lambert have an agreement. This is the case regarding selling alcohol. The only one fined was Social Daytona Inc not Ivan & Cardin. Subsequent, to that, Social Daytona filed an appeal. The city had additional cases that also imposed fines. The decision between the parties was the appeal that was issued as related specifically to this case was an appeal because of the issue of the spoilation issue that ultimately went to the criminal court as well, was dismissed and so they agreed that they would ask to vacate this order and they would dismiss the appeal, this from a legal and financial economy. It was not something that was going to be of any specific benefit to the city nor really change the circumstance as related to Social Daytona. They are out of the building. And requested to vacate the order and lien. Discussion on why the city asked for the fine then and now is asking to vacate the fine. **Mr. Jackson** advised the fine was against temporary property ownership against an LLC. The city continues to hold \$45,000 fine liens against anything they own. This would only be a slight change from the total. The only thing pending is the appeal as relates to this and the dismissal of the appeal is part of this.

DISPOSITION: The Special Magistrate ruled as to the respondent Social Daytona Inc not to include Ivan & Cardin LLC **Vacating the previous order imposing fine and lien effective April 12, 2024** in the amount of \$15,000.00 and recording fees and interest.

CASE # 14 - SMG 05-25-85 - Alice M Younger is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at **704 S Segrave St (Parcel # 533968000170)**. Violation(s) – Overgrown vacant lot, weeds, trash and debris. First Notified – 3/6/2025.

No Respondent

Inspector Bostwick testified to the status of the case and that it is a complaint generated case property was posted no contact with the owner requested finding of non-compliance and compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 15 - SMG 05-25-86 - Marian White Edwards & Shanderia Cunningham is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.4), at **Loomis Ave (Parcel # 5339-82-04-0020)**. Violation(s) – Overgrown vacant lot, weeds. First Notified – 3/19/2025.

No Respondent

Inspector Bostwick testified to the status of the case and that it is a complaint generated case property was posted no contact with the owner requested finding of non-compliance and compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

Continued Cases:

CASE # 18 - SMG 04-25-72 - Plinio A. Sepulveda Torres is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at **Live Oak Ave (Parcel 5339-37-01-0101)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 1/24/2025.

No Respondent

Inspector Bostwick testified to the status of the case and that since last hearing theres been no contact or progress. Staff requests a fine in the amount of \$250.00 a day to a max fine of \$15,000.00

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 19 - SMG 04-25-73 - The Pompey Land Trust, dated March 16, 2010 is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **Orange Ave (Parcel 5339-79-00-0350)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 1/27/2025.

No Respondent

Inspector Bostwick testified to the status of the case and that since last hearing theres been no contact or progress. Staff requests a fine in the amount of \$250.00 a day to a max fine of \$15,000.00

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 20 - SMG 04-25-74 - Cerberus Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **Valencia Ave (Parcel 5239-08-00-0580)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 2/14/2025.

No Respondent

Inspector Bostwick testified to the status of the case and that since last hearing theres been no contact or progress. Staff requests a fine in the amount of \$250.00 a day to a max fine of \$15,000.00

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 21 - SMG 01-25-03 - Eym Realty of Florida LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.13, 304.15, 605.1), at **2701 N Atlantic Ave (Parcel # 4225-01-09-0060)**. Violation(s) – Dilapidated parking lot, peeling paint, failing stucco on exterior walls, broken front window, dilapidated exterior doors, exposed wiring on exterior of structure. First Notified – 9/21/2024.

No Respondent

Inspector Stenson testified to the status of the case and that since last hearing theres been a permit that was issued on March 16, 2025 no progress made other than the permit being applied for. Staff requests a fine in the amount of \$200.00 a day to a max fine of \$15,000.00

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day will go into effect **March 6, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 22 - SMG 04-25-68 - Sunshine Ventures & Management LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.19.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2), at **999 N Atlantic Ave.** Violation(s) – Unmaintained landscaping, boarded windows and doors over 120 days, dilapidated fencing, peeling paint. First Notified – 1/22/2025.

Attorney Dennis Bayer appeared via zoom & Cobi Betzalel sworn in Mr. Bayer April 9, 2025 permits applied for and need to do an asbestos study before they will approve the permits. They have a window contract. Mr. Bayer advised the GC is working on the asbestos and once they have the window measurements in, they can submit the window order. **Ms. Diaz** asked if and when they hired the Contractor. And if they provided the asbestos report.

Inspector Stenson testified to the status of the case stating the violations have not been addressed the boards remain the peeling paint remains. **Mr. Vukelja** asked when do they expect to have the permits to complete the repairs. **Mr. Bayer** advised when they have the asbestos report which hopefully they will have in the next 10 days. The GC is working with a asbestos firm, a remediation firm to do the testing.

It was confirmed after the report comes in (10 days) they can get the permit issued and have the windows on order, there going to come finalize the measurements next week for the windows. Advised they cant paint until they get the other repairs done, the finishing touches would be the exterior paint. **Mr. Bayer** advised a 4 to 6 month time frame for compliance. The respondents are working with Seamans Construction from Flagler County. Inspector Stenson testified again to the 120 plus days the building has been boarded up and requested at minimum a progress report next month with a contract in hand with windows already been ordered and a plan on what they are doing moving forward, additionally the fence on the south and west side is in immediate need of repair,

Ms. Diaz questioned safety issues and asked if the inspector wanted to request a fine if not done in 5 days.

Mr. Vukelja asked what the problem was with the fence and **Inspector Stenson** confirmed severely damaged in some places you could just walk right over it.

DISPOSITION: Respondent was ordered to have the fence repaired within 10 days or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day. Further ordered to continue the remaining violations to the June 10, 2025 meeting for a progress report on the permit and set a compliance date.

CASE # 23 - SMG 04-25-66 - Kcp Homes LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.4, at **505 S Palmetto Ave.** Violation(s) – Dirt & grime. First Notified – 9/16/2024.

No Respondent

Inspector Beeney testified to the status of the case and that since last hearing theres been no contact with the owner no progress made. Staff requests a fine in the amount of \$100.00 a day to a max fine of \$15,000.00

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 24 - SMG 03-25-50 - Egalite Real Estate LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **807 S Ridgewood Ave & 809**. Violation(s) – Enclosing garage to living space (no permit). First Notified – 8/12/2024.

Erica Thims sworn in appeared via zoom

Inspector Beeney testified to the status of the case advised since last hearing he received a letter that was created by a mortgage company that the refinancing is in place and should be finalized in approximately 45 days. During the closing the funds owed to the city will be dispersed. There has been no progress on this case. Staff recommends to amend to the July cut off.

Mr. Vukelja questioned if the money that was due to the city was from a previous fine. Inspector Beeney advised it was money due to issues from prior owners.

Ms. Thims agrees to the cut off and believes it will be in compliance before then.

DISPOSITION: The Special Magistrate ruled to amend the current amended order of non-compliance to allow the respondents until **July 2, 2025** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 25 - SMG 09-24-158 - R&J Estates LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **110 Palm PL (Parcel # 5339-71-00-0042)**. Violation(s) – No permit (full renovation). First Notified – 11/8/2023.

Rosa Alvarado sworn in

Inspector Quinn testified to the status of the case advising she has had contact with the owner, the property remains unoccupied and is going through the application process for the Elevate Florida Program through the Florida Division of Emergency Management. They have not received the determination yet and requested to amend to the July cut off. Ms. Alvarado agreed to the July cut off.

DISPOSITION: The Special Magistrate ruled to amend the current amended order of non-compliance to allow the respondents until **July 2, 2025** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 26 - SMG 09-24-157 - Gregory Karpinski is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.10, 304.12), at **311 Cedar St (Parcel # 5339-16-00-0140)**. Violation(s) – Rotten wood, peeling paint, damaged gutters and down spouts, damaged porch flooring and ceilings, wood rot and faded paint on shed, damaged stairway and deck, missing or damaged handrail and guards. First Notified – 1/18/2024.

Mr. Karpinski sworn in

Inspector Quinn testified to the status of the case advising she has had contact with the owner since the last hearing the notice of commencements has been filed with permits and licensing and staff recommending to amend to the next cut off. **Mr. Karpinski** agreed to the cut off.

DISPOSITION: The Special Magistrate ruled to amend the current amended order of non-compliance to allow the respondents until **June 4, 2025** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 27 - SMG 04-25-69 - Uzair Shuja is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.7, 304.1, 304.3, 304.7, 308.1), at **1129 Hillcrest Dr**. Violation(s) – Dilapidated driveway, overgrown landscaping, damaged fence, damaged and unpainted soffits, no address numbers, damaged roof, rubbish and garbage on right of way. First Notified – 1/22/2025.

No Respondent

Inspector Garcia testified to the status of the case advising since the last hearing, he had contact via email, the property is occupied, no progress. Staff requested a fine in the amount of \$200.00 a day to a max of \$15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 28 - SMG 04-25-70 - Florida LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 304.1, 304.6, 304.13, 304.2, 305.1, 305.3, 504.1, 505.1), at **336 Fulton St.** Violation(s) – Trash & debris, overgrown grass and weeds, missing and damaged fence, damaged exterior surfaces, broken window, unpainted and discolored surfaces, damaged interior surfaces, dirty interior surfaces, no plumbing system, no water. First Notified – 12/30/2024.

No Respondent

Inspector Garcia testified to the status of the case advising since the last hearing, he had no contact with the owner, the property is not occupied, and no progress. Staff requested a fine in the amount of \$100.00 a day to a max of \$15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 29 - SMG 07-24-110 - S & O Investment USA LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **613 Hillside Ave.** Violation(s) – Work without permit (Interior renovations). First Notified – 2/16/2024.

Steve Yturriago (owner) sworn in

Inspector Wiggins testified to the status of the case advising contact with owner and a permit was issued and requested to hear from the owner to help determine a compliance date.

Mr. Yturriago advised they got the permit last month, working with utilities, to have them removed, just got the electrical permit last week and by next month the building should be down and be in compliance.

DISPOSITION: The Special Magistrate ruled to amend the current amended order of non-compliance to allow the respondents until **June 4, 2025** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 30 - SMG 04-24-67 - Denise T. D'Abato is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.10, 304.13.2), at **611 Braddock Ave.** Violation(s) – Dilapidated deck/stairway, boarded window. First Notified – 2/11/2023.

Denise D'Abato sworn in

Inspector Wiggins testified to the status of the case advising since March hearing, no progress has been made. Had contact with owner and at the last inspection the property was still in non-compliance, staff recommended a fine in the amount of \$100.00 a day to a max of \$10,000.00.

Discussion on the contractor quitting (who was paid) the permits have expired. Respondent advised she is having a hard time having someone come in and take over someone else's work. It is a triplex but one unit hasn't been used in years. If they have two units can they pull their own permits? Discussion on getting information from Permits & Licensing. **Mr. Vukelja** asked how she gets access to the second floor where she resides? **Ms. Abato** confirmed she uses the ladder. **Ms. Diaz** asked how many contractors had she tried to contact and **Ms. Abato** confirmed she received 8 bids and already paid \$22,000 with no work done, that was the best bid, the rest were \$50,000. **Mr. Vukeljas** advised his concern was the city may be stepping in and telling her the place is uninhabitable. If the only access to the second floor which is the primary occupied unit is by ladder. The case is continued for the imposition of a fine to the June 10, 2025 meeting to give her time to figure something out and if by June 10th they are in the same boat then he will have no alternative but to entertain this gentleman's job required request for a fine.

DISPOSITION: The Special Magistrate ruled to continue the case to the June 10, 2025 meeting for the imposition of a fine.

CASE # 31 - SMG 03-25-47 - Pelican Bay Sports Club LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2,605.1), at **110 Goshawk Dr.** Violation(s) – Dirt and grime on the courts, peeling, flaking and chipped paint, missing lights on the light poles. First Notified – 1/9/2025.

No Respondent

Inspector Recanzone testified to the status of the case advised he has had contact and no progress towards compliance and requests a fine in the amount of \$250.00 a day to a max of \$15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **May 8, 2025** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$20,000.00** dollars.

CASE # 32 - SMG 10-24-163 - Panora Properties LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.6, 304.10, 304.14), at **648 Cherry St.** Violation(s) – Work without permit, overgrown landscaping and outside storage, dirt and grime, vacant-boarded home, trash & debris, damaged fencing, rotten wood, damaged porch, damaged screens.

First Notified – 5/25/2024.

No Respondent

Inspector Itani testified to the status of the case, advised since the April hearing she has had no contact with the owner however there was a permit issued on May 6, 2025, last inspection was May 12, 2025 and the result was non-compliance requests to amend to allow time for the final inspection, since he just got his permit

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 33 - SMG 03-25-52 - 1995 Big Island Trust dated August 8, 2020 & Tyler Anthony Vasquez Tr is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13), at **314 Ora St.** Violation(s) – Dirt and grime, peeling paint, boarded up windows, damaged fascia. First Notified – 10/3/2024.

Anthony Vasquez sworn in

Mr. Vukelja asked for the progress report. Mr. Vasquez testified as of yesterday the 12th he received two of the three building permits of 123 and 125 South Wild Olive. And the architect and engineer are working on the architectural and structural plans for 314 Ora St. Presented a letter from the Architect referring to the work on 314 Ora St. The last hearing discussed him having an asbestos company remove the asbestos. Now he has hired the Engineer and Architect who did the other properties first. Mr. Vasquez is waiting for the plans to submit for permits to be pulled for Ora.

Inspector Itani confirmed she would like another progress report at the next hearing.

DISPOSITION: The Special Magistrate ruled to continue the case to the June 10, 2025 meeting for a progress report and possibly set a compliance date.

CASE # 34 - SMG 03-25-56 - 1995 Big Island Trust dated August 8, 2020 & Tyler Anthony Vasquez Tr is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.7), at **123 S Wild Olive Ave & 125**. Violation(s) – Peeling paint, dirt and grime, damaged exterior walls, damaged fascia. First Notified – 10/24/2024.

Anthony Vasquez sworn in previously. Permits are in place, just got them yesterday and will be coordinating with the contractor to start work. **Mr. Vukelja** asked if he had any idea how long work is expected to take. Mr. Vasquez advised he did not, and thought it was going to be rather extensive, referred to photos and advised the damage and the dry rot was extensive. They will have to shore up one portion of the house remove the wall, reframe it. move to the next part, remove the wall, reframe it. **Mr. Vukelja** advised since the owner was going to be here on June 10th he requested a progress on this property as well.

Inspector Ifani did not have to testify on this case.

DISPOSITION: The Special Magistrate ruled to continue the case to the June 10, 2025 meeting for a progress report and possibly set a compliance date.

CASE# 35 - SMG 07-24-109 -Covenant Community Development Corporation of Florida LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 304.6, 304.7, 308.1), at **507 5th Ave**. Violation(s) – Repair exterior walls and re-paint walls, unmaintained landscaping, damaged exterior walls with holes, damaged walls with an a/c unit, remove exposed and damaged wood, damaged roof, trash and debris. First Notified – 4/5/2024.

No Respondent

Field Supervisor Jones testified to the status of the case since last hearing there has been no contact from the owner, but did have contact with the inspector from Samsula Demolition, there is a demolition permit submitted on April 25, 2025. Staff recommends amending the order of compliance to the next cut off.

DISPOSITION: Noting the absence of the respondent based upon the testimony of our inspector and the photographs presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **June 4, 2025** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

Miscellaneous Business

Citizens requested to be heard for a Lien review. Staff received the paperwork yesterday and did not have time to prepare for and place it on the agenda. The Respondents were advised by The Special Magistrate they would be doing a disservice by doing this because the city has a right to be heard, and it can be placed on the very next Agenda. The entire process was explained to the respondents, and they were advised the Special Magistrate only needed to see one of them, if they wanted to appoint a spokesperson all three did not need to come. They agreed and City Attorney Diaz gave them her card.

Adjournment: 11:07