

SPECIAL MAGISTRATE HEARING  
for Rental Program Cases  
City of Daytona Beach  
Commission Chambers, City Hall  
301 South Ridgewood Avenue, Daytona Beach, Florida  
July 14, 2015

A proceeding for the Special Magistrate for the Rental Cases Program was held on July 14, 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, Permit Technician  
Aimee Hampton, Paralegal

Minutes prepared by Becky Groom

1. Call to Order

Mr. Vukelja called the meeting to order at 9:12 a.m.

2. Approval of June 9, 2015 Minutes

Mr. Vukelja reviewed, approved, and executed the minutes of the meeting of June 9, 2015.

3. **Announcements:**

Ms. Baum swore in members of staff.

4. **Hearing of Cases:**

**Continued Cases:**

1. **CASE NO. SMG RI2015-0006 – STUART MORTIMER** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294 at **2215 N Atlantic Avenue**  
Violation(s) –**Failure to license residential rental property.**  
First Notified – Date of first notification 02/24/15.

Mr. Jackson stated the property remains in non-compliance; however, an inspection was conducted and the owner is making repairs. Mr. Jackson

stated staff is requesting that the property owner be given until the next cut-off date to complete the repairs.

**Special Magistrate Action:**

Mr. Vukelja found the property in non-compliance and permitted the property owner be given until August 5, 2015, to complete the repairs. If the repairs are not completed by that date, the case will be returned to the Special Magistrate for review and possible imposition of a fine of up to \$1,000 per day for every day thereafter.

2. **CASE NO. SMG R12015-0008 – GEA SEASIDE INVESTMENTS, INC** 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, 304.6, 304.7, 304.13.1, 304.13.2, 304.14, 305.3, 308.1, 504.1, 506.2, 603.1, 605.2, 704.2) and the City Code of Ordinances, Sec. 26-294 at **236 N Peninsula Drive**

Violation(s) Interior #2.1. **Active leakage in roof above upper rear balcony. 2. Hole in wood flooring of lower front porch. 3. Rotted exterior wood siding at upper front left window. 4. Areas of peeled exterior paint. 5. Non-functional windows. 6. Cracked and broken window panes. 7. Missing window screens. 8. Broken sewer clean out in yard at exterior right of building. 9. Active plumbing leak within rear exterior wall. Noted by water seeping out through voids in exterior wood siding. 10. Missing smoke detectors. 11. Poor drainage bathroom sink.12. Hole in wood flooring of family room. 13. Non-functional burners on stove top. 14. No electrical outlet in bathroom. New installation will require GFCI protection. 15. Evidence of drywood termite infestation. Noted by termite frass on interior window sills and floor 16. Renting without a license.**

First Notified – Date of first notification 03/24/15.

Mr. Jackson stated the inspectors have had no contact from the property owner regarding the violations. Mr. Jackson stated staff is requesting that a fine of \$200 per day be imposed.

Mr. Jackson stated there was a law suit filed by GEA Seaside Investments on the validity of the ordinance and the suit has been dismissed by the Federal court.

Mr. Betz stated the subject property is available for rent and there is a “for rent” sign in the window. He stated the property is also advertised for rent on a website and in the newspaper.

**Special Magistrate Action:**

The Special Magistrate imposed a fine of \$250 per day commencing July 9, 2015, and continuing to accrue each day thereafter until the property is in compliance or the amount of the fine is \$15,000, whichever occurs first.

**New Cases:**

3. **CASE NO. SMG RI2013-0197 – GEA SEASIDE INVESTMENTS, INC** is cited for failure to is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294 at **509 Harvey Avenue**  
Violation(s) –**Failure to license residential rental property.**  
First Notified – Date of first notification 02/14/14.

Mr. Jackson stated this is the first time this property has been presented to the Special Magistrate but it is a repeat violation. Mr. Jackson stated staff is requesting imposition of a fine.

Mr. Betz stated the subject property is available for rent and there is a “for rent” sign in the window. He stated the property is also advertised for rent on a website and in the newspaper. Mr. Betz stated the property owner’s representative has indicated he will contact the city to bring the properties into compliance but there has been no contact to date.

**Special Magistrate Action:**

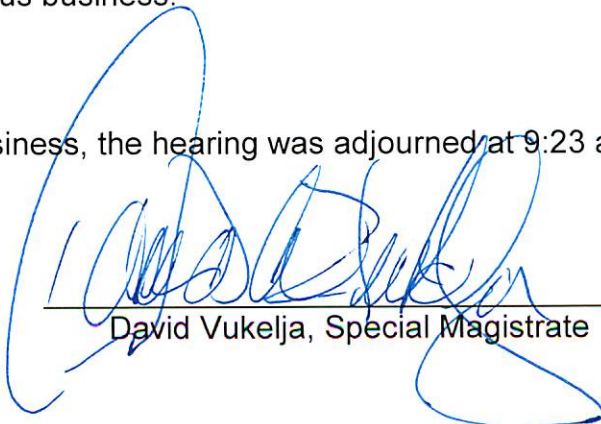
The Special Magistrate imposed a fine of \$100 per day commencing July 14, 2015, and continuing to accrue each day thereafter until the property is in compliance or the amount of the fine is \$15,000, whichever occurs first.

5. Miscellaneous Business

There was no miscellaneous business.

6. Adjournment

There being no further business, the hearing was adjourned at 9:23 a.m.



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David Vukelja, Special Magistrate