

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
May 16, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

SM deLaroche called the meeting to order at 9:09 am.

A. Opening Statements by Special Magistrate deLaroche

B. Swearing in Witnesses

All witnesses were sworn in for the day's hearings.

2. OPENING REMARKS

3. MINUTES

A. Code Enforcement Special Magistrate Minutes April 18, 2024

SM deLaroche approved the minutes from April 18, 2024.

4. ADVANCED HEARINGS (Post-Initial Hearings)

A. Property Owner: Club Sea Oats Association, Inc.
Violation Address: 2539 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-37
Volusia County Tax Parcel ID #: 5322 49 00 0001

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. The Initial Hearing took place on December 7, 2023, with six violations. The Respondent was given three different compliance dates. The first date was December 18, 2023, to report on the condo board action. That date was met. The second deadline was January 22, 2024, to complete temporary measures for the leaning seawall. This became compliant on February 14th, 22 days late. The third and final compliance date was April 30, 2024. Affidavits of compliance and non-compliance were generated and sent. The property was re-inspected on May 1, 2024. The Notice of First Compliance Hearing was posted and mailed per FS. Good service was achieved. Slides were shown of the initial violations and

their updates. Ms. Herstein recommended Order #11 imposing a fine of \$250 per day and pay additional Administrative Fees in the amount of \$92.43. The total Administrative Fees now due are \$269.12.

Association President, Sheri Manning and their contractor, Parker Osborn, were in attendance. They were in agreement that the property was still in non-compliance. Mr. Osborn explained his process to complete the seawall.

SM deLaroche issued Order# #11 imposing a fine of \$250 per day beginning January 23, 2024, accruing daily through and including February 13, 2024. Beginning again on May 1, 2024 until full compliance. He ordered reimbursement of the Administrative Fee in the amount of \$269.12 payable within 30 days.

- B. Property Owner: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case Number: CDEF2023-05
Volusia County Tax Parcel ID #: 5334 00 02 0080

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. Attorney Victoria Zinn was present for the hearing along with Mike Bretzel. The SM inquired if they had any evidence to submit. Attorney Zinn replied that they did have receipts, but they were unable to find the receipts before the hearing and requested a continuance. Ms. Herstein had no objection and requested reimbursement of the Administrative Fee in the amount of \$80.22.

SM deLaroche continued the hearing until the next meeting on June 20, 2024, and imposed reimbursement of the Administrative Fees in the amount \$80.22 payable within 30 days.

- C. Property Owner: Halifax Investment Services, LLC
Violation Address: 3225 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-24
Volusia County Tax Parcel ID #: 5335 01 02 0030

This hearing was held over the telephone. Attorney James Pickens from Kinsey-Vincent Pyle called in. Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. This was a First Compliance hearing. The Initial Hearing was held on October 19, 2023. The case began with 20 violations. Three were corrected before the Initial Hearing and three were corrected by the ordered date. There are fourteen violations remaining. Ms. Herstein noted that the city was receiving the required engineering reports. The full compliance date was April 30, 2024. The property was re-inspected on May 1st and found that violations remained. The Notice of First Compliance Hearing was posted and mailed per FS. The re-inspection pictures were shown to the SM. Staff recommended Order #11 be issued and requested an additional \$99.33 in Administrative Fees. Attorney Pickens stated that his client was moving forward with the renovation process.

SM deLaroche issued Order #11 finding that the Respondent failed to gain full compliance and impose a fine beginning May 1, 2024, in the amount of \$250 per day. He ordered

reimbursement of additional Administrative Fees in the amount of \$99.33 payable in 30 days.

- D. Property Owner: OC 3711, LLC
Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-50
Volusia County Tax Parcel ID #: 6302 05 05 0070

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. This was a First Compliance Hearing. The Initial Hearing was held on January 18, 2024, and three compliance dates were given. The First Compliance date was April 17, 2024, to take temporary measures to protect the intact portions of the property and building. The property was reinspected on April 24th and found still in violation. An Affidavit of Non-Compliance was generated. On May 6th, the Notice of First Compliance Hearing was posted and mailed per FS. Good service was achieved. Slides were shown of the violations. Staff recommended Order #11 and requested reimbursement of the additional Administrative Fee in the amount of \$85.53. It was noted that the total Administrative Fees due were \$234.62. SM deLaroche issued Order #11 finding that the Respondent failed to comply with the first of three compliance dates in the Order of January 18, 2024, and hereby imposed a fine beginning April 18, 2024, and accruing daily in the amount of \$250 per day. He also imposed additional Administrative Fees in the amount of \$85.53. The entire amount of \$234.62 is due and payable within 30 days.

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, June 20, 2024
- B. July's C.E.S.M. Meeting is scheduled for Thursday, July 18, 2024, at 9:00 a.m.
- C. August's C.E.S.M. Meeting is scheduled for Thursday, August 15, 2024, at 9:00 a.m.
This meeting was changed to August 22nd.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:50 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab