

CITY OF ST. AUGUSTINE

Special Magistrate Meeting
Wednesday, February 4, 2026

The Special Magistrate met Wednesday, February 4, 2026, at 9:00 A.M. in the Alcazar Room at City Hall. The meeting was called to order by Garret Olsen and the following were present:

1. Swearing in of Staff:

Also Present: Garret Olsen, Special Magistrate
Isabelle Lopez, City Attorney
Richard Schauland, Building Official
Barry Fox, Code Enforcement Manager
Curtis Boles, Code Enforcement Inspector
James Tomaselli, Code Enforcement Inspector
Morganne Lanni, Code Enforcement Inspector
Emily Howington, Recording Secretary

2. MODIFICATION TO THE AGENDA

0216, is correct case number for item 5a

3. APPROVAL OF MINUTES

N/A

4. General Public Comments (3 minutes per individual)

Public comment was opened; however, there was no response.

5. NEW VIOLATION HEARING

5.A. CE2025-0584

True Real Estate Investments LLC

7 Saragossa St

Ch.28 Sec. 90 -

Administration records, and appeals.

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation as Ch.28 Sec. 90 -Administration records, and appeals.. He said the notice of violation, notice of hearing was served and affidavits were on file.

James Tomaselli, Code Enforcement Officer, responded to complaint that all windows were replaced, saw newly installed windows and the permit had been issued but HARB order directed window replacement, the work did not follow the HARB order. Stop work order lifted on January 14, was permitted to continue with interior work while the HARB violation remained.

Mr. Olsen asked how often HARB meets. Mr.Fox replied once a month.

Respondent Present Ermal Alija, met with HARB sworn in, plans will be resubmitted to HARB next week.

Mr. Olsen asked how long the approved plans will take to be completed.

Mr. Alija said if approved, it could be done in two weeks.

Mr. Fox asked to clarify if original windows are still intact, Mr. Alija stated no. Mr. Fox stated HARB would consider that the damage was irreplaceable and irreversible but considering there are 38 windows the fine would be high.

Mr. Fox stated the fine could be \$500 to \$1,000 per window for the 38 windows. Mr. Olsen asked about original HARB position, it was that the windows were destroyed so they deferred the action to Code Enforcement.

Mr. Olsen asked if HARB order requested he reapply with appropriate windows.

Mr. Fox said yes, the guidelines are set for him to reapply to HARB.

Isabelle Lopez stated that if the historic windows are damaged typically what HARB requests for a window survey assessment to justify removing and destroying the original material. If the original windows were removed and destroyed without the survey that HARB can't determine if the original material can or cannot be preserved.

Mr. Alija stated they thought because the permit was approved means that all windows could be removed.

Mr. Olsen asked if HARB does not approve the next application but that there is a process to eventually have a window approved.

Mr. Fox confirmed this and stated the violation hearing is for the actual destruction of the windows.

Mr. Olsen said the violation is for the failure to follow the permit as issued by HARB and the destruction of the windows per window

Mr. Fox said yes, the destruction of the window for each window.

ORDER

Mr. Olsen issued an Order Finding in Violation and set the fine to 250 per window for 38 windows for 9,500. With 30 days to pay in full.

**5.B CE2025-0594
Ortiz Joseph A Et AL
Ortiz Joseph V
25 Sevilla St
Ch. Sec.72-
Engaging in business without a receipt;
failure to comply.**

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. Sec.72- Engaging in business without a receipt; failure to comply. He said the notice of violation, notice of hearing was served and affidavits were on file.

Mr. Tomaselli stated on December 20, 2025, he received a complaint from a neighbor stating respondent used property as a pay to park lot. Observed a person flagging people to park on the property. On 12/27 9 vehicles parked on the property, lot used on 2 separate occasions 12/13 and 12/14 and 12/20. NOV and NOH sent on January 15, 2026.

Mr. Joseph A Ortiz, respondent, was present. Mr. Ortiz requested that visitors from Chicago be at the property. and had a document showing this. Mr. Olsen asked for a copy to be provided for staff for the record.

Mr. Ortiz stated initially the parking was to be included as a free basis to parkin his rear yard, and stated his new neighbor had established a bed and breakfast next door, and had some parties at the location and had contractors and several people renting their place and Mr. Ortiz allowed them to park at his property free of charge.

Garret asked Mr. Ortiz to clarify that parking was free and for the group.

Mr. Ortiz said yes but there was a donation option for the charity group.

Garret Olsen stated he could understand the group parking over the course for one weekend, but that staff had documented

parking over the course of several weekends.

Mr. Ortiz stated the neighbors who informed Mr. Tomaselli also ran a parking lot and providing photos don't show that he is charging anything.

Garret Olsen asked if Mr. Ortiz was still speaking on his property or the churches.

Mr. Ortiz continued to speak on his issues with the church's parking lot and activity.

Mr. Olsen asked staff about the communication on December 12.

Mr. Schauland stated staff did allow a group to park at the property for free but were under the assumption it would be in the driveway and over the course of one event.

Mr. Olsen asked if there was parking currently.

Mr. Ortiz said no, and he was under the assumption the permission was for the whole season.

Mr. Olsen asked Mr. Tomaselli if there was signage indicating a price or a fee.

Mr. Tomaselli stated on the 12 when he received the email saying the parking price but did not document because permission was given for the 12.

The other date he saw the gentleman was flagging parkers in but Mr. Tomaselli did not see a hand-to-hand money exchange

Morganne Lanni, Code Enforcement Officer took the original call and provided additional information and spoke with Mr. Ortiz face to face and informed him that he could not use a residential lot and observed a white board stating "parking \$20" that has been removed since.

ORDER

Mr. Olsen issued an Order Finding Violation and closed for compliance. If the violation repeats it will be subject to a fine of \$500 per day beginning the day the violation is observed.

5.C CE2025-0583

Day Rachel

Day Walker Lee

114 Spartina Ave

Ch. 25 Sec. 25-56-

Tree removal and replacement.

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 25 Sec. 25-56-Tree removal and replacement. He said the notice of violation, notice of hearing was served and affidavits were on file.

Mr. Tomaselli, unknown number of trees removed without approved permits including significant trees. NOV and NOH were sent on December 16, 2025.

Mr. Olsen asked that staff observe 22 stumps that were fresh. Mr. Tomaselli confirmed yes 22 freshly cut stumps.

Jason Gabriel and all respondents were sworn in attorney stated Mr. Walker Day is campus pastor, that while trees were removed without permit many trees were mostly dead or dying. In packet there are respondent submissions including an arborist report and neighborhood eyewitnesses accounts. Mr. Gabriel Spoke about the city code in relation to dead and dying trees. Mr. Gabriel further described the arborist report and the condition of the trees and believed the trees presented a danger to the area and asked that be taken into an account, the clients are not developers, and the action was intended to improve the lot. Mr. Gabriel requests that there be no violation found or that the irreparable harm to the trees be disregarded.

Mr. Day then spoke, stated they have owned the lot for 4 years, and none of the trees except for the two palms were big cedar had very little green and was also told that the dahoon hollies were hackberries and were not any good. And only goal to sell the property is because they cannot afford to build on it. Mr. Day stated none of the trees had green on them since they own the property. stated some of the stumps had been previously there but that had requested they be cut to look fresh. And the trees that they cut down were not viable.

Mr. Fox stated that staff did acknowledge 22 trees, and they while the arborist report does not apply since there is no residential home on the property, that he will still consider that 4 cedars were dead trees, and that there may be hackberries not dahoon hollies.

Discussion regarding the number of trees to be considered for the violation continued.

Garret asked for staff recommendation.

Mr. Fox stated the issue is that the lot is small and while there is a fine the city code requires a replanting of 2x southern red cedars which would be 18, and there is an ability to pay into the mitigation fund. To make up for replanting difference.

Mr. Olsen stated his preference would be to pay fine into the mitigation fund not replanting.

Mr. Gabriel requested clarification on the cost of the after the fact permits.

Mrs. Lanni stated per ordinance, 11inch tree is \$200, 14inch tree is \$400, 13inch tree is \$400.

Mr. Fox stated \$2,200 for the after the fact, and the mitigation fund\$ 2,400 for a total fine of \$4,600.

ORDER

Mr. Olsen issued an Order Finding in Violation, to 7 obtain after the fact permits for 3 hackberries, 2 oaks, and 2 palms and pay into the tree mitigation fund for the 9 red cedars at \$300 per tree with a total of \$2,400 and given 60 days to pay in full.

5.D CE2026-0208

Bishop of the Diocese St. Aug

101 San Marco Ave

Ch. 17 Sec. 17-72-

Engaging in business without a receipt; failure to comply.

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 17 Sec. 17-72-Engaging in business without a receipt; failure to comply. He said the notice of violation, notice of hearing was served and affidavits were on file.

Mr. Tomaselli, respondent to a complaint that grass field was used as a pay to park lot. He observed the lot used on 3 separate occasions as a pay to park lot. On January 15 NOV and NOH were sent and handed to new operations director Peter Batilis and that it was a repeat violation.

Respondent Cameron French and Mr. Peter Batilis on behalf of the client, not here to refute that there is a violation but here to mitigate that client has entered into a 3rd party agreement to utilize the lot as a pay to park during nights of lights. The understanding of the client was that the business tax receipt was the responsibility of valet parking pros. Through the hearing it was discovered client needed a business tax receipt in addition. In October 2025 client proceeded to obtain a business tax spoke with Victoria Murphy, City Planner, to obtain the business tax receipt that there has been difficulty getting an approval by the city and submitted copies to be added to the.

Mr. Fox stated that the business tax receipt cannot be obtained until the field is

approved as a parking lot. The field can be utilized as overflow parking for an event that the church is holding. But to get the BTR the field must be improved to be a proper parking lot, and this doesn't apply to charge for nights of lights parking.

Mr. Olsen stated staff observed parking was viewed on 3 separate occasions.

Mr. Fox stated they were informed but only provided the dates that staff could prove.

Mr. Olsen stated this is a repeat violation beginning the first date of violation viewed. The issue is that evidence of different dates how often was parking occurring.

Attorney stated over the weekend, and it was some Fridays and mainly Saturdays.

Mr. Fox stated they only request fines for the 3 dates that were documented.

ORDER

Mr. Olsen issued an Order Finding in Violation, issued a \$500 fine for each day violation observed, for 3 days the total of \$1,500 to be paid in 60 days.

5.E CE2026-0209

Tricat Llp

Shenandoah St

Ch. 17, Sec. 17-72-

Engaging in business without a receipt; failure to comply.

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 17 Sec. 17-72-Engaging in business without a receipt; failure to comply. He said the notice of violation, notice of hearing was served and affidavits were on file.

James Tomaselli observed vehicles parked and a person actively waving vehicles onto a vacant lot.

Owner, Patricia Merrit 28 water street, owner provided verbal authorization for Ms.

Thrower 817 Honeycomb Trail to speak on her behalf.

Ms. Thrower stated she does not dispute the parking of cars but requested leniency. Stated that she owns an improved lot, but it gets full and people request to park. And she stated the owner had a family party and they parked on the owner's slot and visitors requested to park there too. Asking for lenience. And on 2 different occasions people knocked on the owner's door and asked to park on her property.

Mr. Olsen asked about the sign with the qr code to pay, he asked if that was always on the lot or if any employees also stood on the lot.

Ms. Thrower stated they typically use the QR code sign.

Mr. Olsen asked Mr. Tomaselli on all the days, did he observe a sign and someone working the lot.

Mr. Tomaselli said the signs were on the property, and occasionally had to be removed from the right of way

Mr. Fox confirmed that yes ms thowers property next door is an improved lot. and that the Shenandoah property is not an improved lot and has not made the improvements to btr.

ORDER

Mr. Olsen issued an Order Finding in Repeat Violation for 7 days observed, issued a fine of \$500 per day for a total of \$3,500 to be paid in full in 60 days.

6. FINE ASSIGNMENT HEARING

6.A. CE2025-0223

20/20 Commercial Holdings Washington LLC

142 Washington St

Ch. 28 Sec. 28-90. -

Administration records, and appeals. (a)

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 28 Sec. 28-90.-Administration records, and appeals. (a). He said relayed the history of the case and the previous orders.

Mrs. Lanni stated on 1/28/26 original windows removed without permits or HARB approval.

The Special Magistrate issued an Order Finding in Violation and gave 60 days to comply.

Mrs. Lanni stated she recently spoke with the respondent that there was just 1 window that had not been fixed but all other windows in compliance. Also present was Candice Seymour, historic planner, who confirmed that all windows are still out of compliance with the HARB order and that the Muntions are not the ones approved by HARB and were some kind of adhesive.

Respondent, Shane Jackson, 142 Washington Street, stated all glass has been replaced except for one. As far as the muntin, Mr. Jackson stated it is a vinyl that is adhesive and that the one approved by HARB were not adhesive and the sun removes the adhesive. Mr. Jackson stated he bought another product that comes with the adhesive but tried to come compliant with Harbs order otherwise.

Mr. Olsen stated if the material is not what is in the HARB order, that is city's position

Mr. Olsen asked Mrs. Lanni what the process would be to get HARB to approve material or deny.

Mrs. Lanni stated the issue was both material and it did not match the original pattern of the original muntin.

Mr. Olsen asked if in HARB order if the muntions had to be even.

Mrs. Lanni said it didn't clarify it had to be even, but it did have to be 6 over 6 like the original window and to be compliant would have to meet with historic planner and agree on an approved material.

Mr. Fox stated this was heard and no fine issued to allow time to work with HARB and now HARB position is that it remains still out of compliance.

Mr. Fox outlined 60 days or a fine to encourage compliance with HARB.

ORDER

Mr. Olsen issued an Order Imposing a Fine and allowed 60 days to meet with HARB order, no fine was assigned.

**6.B CE2025-0443
Richardson, Keith
22 DeSoto Pl
Ch. 8 Sec. 8-608-
Permits required.**

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 8 Sec. 8-608- Permits required. He said relayed the history of the case and the previous orders.

A fence/trellis was installed without proper permits and Order Finding in Violation was issued.

Mr. Fox stated he spoke with respondent Mr. Richardson, who said he had fixed the fence but missed getting the permit and he will be obtaining the permit.

Case tabled for 30 days to the March 4th hearing.

7. FINE REDUCTION HEARING

**7.A. CE2024-0478
Sellars Susanne M
91 Kings Ferry Way
Ch. 8 Sec, 8-608-
Permits required.**

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 8 Sec. 8-608- Permits required. He said relayed the history of the case and the previous orders.

An Order Imposing Fine was issued at \$250 per day. The fine was set to \$29,500, on December 8, 2025, the respondent submitted a request for reduction of fine.

Respondents, Mr. Jeffery Sellars and Mrs. Susanne Sellars were present and requesting a reduction. The respondents requested instructions on how to begin this repair work and feel they were given incorrect information. The respondents stated they proceeded as quickly as they could to continue process.

Mr. Olsen said he did review the reduction application and that the respondent requested no fine and asked city staff thought.

Mr. Fox stated he has no problem with a reduction of fines, but no fine would not be procedure and the city did provide proper notice.

Mr. Olsen asked if city would recommend a fine amount.

Mr. Fox stated he was comfortable with Mr. Olsen reassessing the fine.

Discussion regarding the permitting process continued.

ORDER

Mr. Olsen issued an Order Reducing Fine to the amount of \$1,500 and gave 60 days to pay the fine, and if not paid it will revert to \$29,500.

7.B

**CE2025-0396
Gunther Jeffery
18 Locust St
Ch. 28 Sec. 28-146.-
Registration**

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 28 Sec. 28-146.-Registration. He said relayed the history of the case and the previous orders.

On July 8, 2025, staff observed failure to register the short-term rental property with the City of St. Augustine

On September 3, 2025, the Special Magistrate issued an "Order Imposing a Fine" stating the violation remains as of August 9, 2025, and the fine was set to \$250 per day until compliance is met.

On September 8, 2025, the property came into compliance, and the fine total is set to \$7,500 allowing 30 days to pay the fine.

On January 21, 2026, the respondent submitted an application to appear to request the reduction of fines.

Respondent Jay Sheer, attorney, spoke on behalf of Jeffery Gunther and stated the mailing address is sent to the shared address and the client did not receive the notice. Mr. Sheer stated the respondents have taken action with the post office to prevent this issue from occurring again.

Garret Olsen asked what occurred for the property to come into compliance

Mrs. Lanni stated she calls many short-term rental properties, and it may have been a phone call, but the second the property registers with the city she fills out an affidavit of compliance.

ORDER

Mr. Olsen issued an Order reducing fine to the amount of \$0.00 and closed the case for compliance.

8. LIEN HEARING

**8.A CE2024-0441
Jensen Annie Et AL
Holland Brandy
78 Sanford St**

**Ch 8 Sec. 8-608-
Permits required**

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 8 Sec. 8-608- Permits required. He said relayed the history of the case and the previous orders.

On December 4, 2024, the Special Magistrate issued an "Order Imposing a Fine" which stated "Respondent/representative must obtain a proper & complete permit within 60 days (2/4/25), otherwise a fine up to \$250/day will be imposed."

On August 6, 2025, the fine was set to \$250 per day.

As of February 4, 2026, the fine has reached \$45,500.

Respondent, Brandy Holland 78 Sanford St, stated the process started a long time ago and went through the process, stated he had issues with insurance and personal issues. Mr. Holland stated he originally applied for the permits on paper before the city portal went live and had issues with the portal.

Mr. Olsen clarified that this hearing is not to determine if there is a violation, but city staff is requesting the setting of a fine.

Mr. Fox clarified that the fine is for the structure in the back that does not appear on the plans for the permit.

ORDER
Mr. Olsen issued an Order imposing fine in the amount of \$45,000.

9. COMPLIANCE HEARING
None

10. PREVIOUSLY HEARD CASES UPDATE

- 10. A CE2023-0296**
- CE2024-0600**
- CE2025-0591**
- Prevatt Rosa Jane Et AL**
- Peterson R L**
- Peterson David**
- Rohrer Gloria Jean**
- Peterson Dee Ann**
- Harvey Lori**
- Peterson Lee**
- Peterson Todd**
- Peterson-Golde Amy**
- Enos Shawna**
- 30 S Leonardi St.**
- Ch. 19 Sec. 3 - Unlawful conditions.**

Barry Fox, Code Enforcement Manager, said the respondent was identified as listed and he reviewed the violation Ch. 19 Sec. 3 - Unlawful conditions. He said relayed the history of the case and the previous orders.

The property currently has 2 liens in the amount of \$50k each for a total lien of \$100k in addition to running fine city staff requested be set today. It is believe the resident has passed on and property removed from homestead. It is believed the tenet is not owner will continue to run logging business with no regard to the liens. City staff request the running fine be set and so staff may proceed with the previously authorized foreclosure on the property

Isabelle Lopez clarified that all that was required was a verbal confirmation to suspend the fines so as not to add to the \$100k of liens on the property as the city attorney office moves forward with the foreclosure.

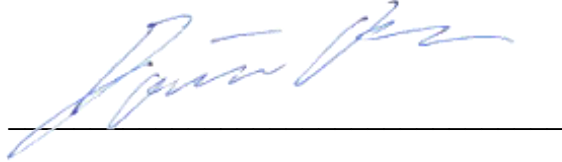
Mr. Olsen verbally confirmed that the running fines were to be suspended.

- 11. ITEMS BY CITY ATTORNEY**
- 12. OTHER BUSINESS**

(None)

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:04 PM.

A handwritten signature in blue ink, appearing to read "Garret Olsen", is written above a solid horizontal line.

Garret Olsen, Special Magistrate