CITY OF ST. AUGUSTINE, FLORIDA

Special Magistrate Hearing
June 5, 2024

The Special Magistrate held a hearing formal session at 9:00am, Wednesday, June 5, 2024, in the Alcazar Room at City Hall. The meeting was called to order by Nancy Stuparich, Special Magistrate, and the following were present:

Nancy Stuparich, Special Magistrate

Staff Present:

April Owen, Assistant City Attorney
Richard "Buddy" Schauland, Building Official
Barry Fox, Code Enforcement Manager
James Tomaselli, Code Enforcement Officer
Curtis Boles, Code Enforcement Officer
Morganne Lanni, Code Enforcement Officer
Emily Howington, Administrative Coordinator, Recording

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2. **INTRODUCTION TO NANCY STUPARICH, SPECIAL MAGISTRATE.**
3. **SWEARING IN OF STAFF**

4. **APPROVAL OF MINUTES**
No minutes required for approval

5. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**
None

6. **DISCLOSURE OF EX-PARTE COMMUNICATIONS**
None

7. **BUILDING CODE VARIANCES**
None

8. **REVIEW OF NEW CASES**

a. **CE2024-0233**
Balok Michael C
34 Phillips St
Ch 19. Sec. 19-3- Unlawful conditions.

Barry Fox relayed case information and Morganne Lanni provided testimony. On February 6, 2024, staff responded to a complaint of unsheltered junk and debris. As of May 27, the property was still out of compliance. Nancy Stuparich asked Morganne Lanni about the qualifications of a code enforcement officer and what are the duties and responsibilities of a code enforcement officer. The case photos were taken by Morganne Lanni. Nancy Stuparich asked how staff determined who is the property owner, Morganne Lanni replied via the property appraiser website. Nancy Stuparich asked about the inoperable vehicle, Morganne Lanni said the vehicle in front was unregistered and is now registered. The respondent was present. The respondent provided current pictures of backyard with car that is now registered. Nancy Stuparich asked if property remained in violation, Morganne Lanni said no, the property was now in compliance.

Motion

Nancy Stuparich made an Order to Find in Violation and close the case for compliance.

b. CE2024-0342

Rimel Aaron J
Ramlissoon-Rimel Asha
37 S. Whitney St
Ch. 25 Sec 25-56- Tree removal and replacement.

Barry Fox relayed case information and provided testimony. On April 16, 2024, staff responded to a complaint of trees being removed. Barry Fox observed a number of people pruning trees, a laurel oak tree had entire top cut off which rendered it removed. Nancy Stuparich asked about after the fact permits, Barry Fox replied that a Laurel oak is a significant tree and due to the size it would not be have been approved by Code Enforcement which means it would have required PZB approval and after the fact permits does not apply. The respondent was present, Aaron Rimel, had arborist look at tree remains and provided a document from an arborist on the nature of the tree removed.

MOTION

Nancy Stuparich made an Order Finding in Violation and imposed a fine of $2,500 and required a replacement of the tree according to city code. In alternative to replacement an additional $2,500 may be paid into the tree mitigation fund.

9. REVIEW OF PREVIOUSLY HEARD CASES

a . CE2023-0208

Largay Jospeh
6 Blanche Ln Ch 19 Sec 3- Unlawful conditions

Barry Fox provided case information and updates. On April 9, 2024, the CEAAB found the case in violation and issued an Order Finding Violation Remains which allowed the respondent 30 days to correct the violation by cleaning the property according to code after which if compliance is not met a fine of up to $250 per day may be imposed. Respondent was present and stated the material on the property was used for jobs in the neighborhood.

MOTION

Nancy Stuparich made an Order Imposing a Fine and set the fine at $250 per day for each day out of compliance. The respondent was given 10 days to come into compliance, the fine will accrue after 10 days.

c. CE2024-0209

Teisan Barbara W
Teisan Hilary Erin
Teisan Gregory Walton
Teisan Jeremy Adam
47 Grove Ave
Ch. 28 Sec 28-33- Certificates of occupancy

Barry Fox provided case information and updates. A storage shed was converted to habitable space without approval. The CEAAB Found in Violation gave the respondent 10 days to convert the structure back to a non-habitable shed. The property is still out of compliance. Nancy Stuparich asked how staff became aware of the violation, staff replied the shed was being operated as a short-term rental and Morganne Lanni as the short-term rental officer verified it was not registered and complaints were received about the poor condition. The respondent was not present.

MOTION

Nancy Stuparich made an Order Imposing a Fine of $250 per day until compliance met.

d. **CE2024-0212**
Teisan Barbara W
Teisan Hilary Erin Et Al
Teisan Gregory Walton
Teisan Jeremy Adam
47 Grove Ave
Ch. 17 Sec. 17-72- Engaging in business without a receipt; failure to comply.

Barry Fox relayed case information and provided updates. The property was being used as a pay to park without approvals. The CEAAB issued an Order Imposing a Fine of $500 for each day the violation was witnessed by staff for a total fine of $2,000. The 30 day period to pay the fine has passed and the fine has not been paid.
MOTION
Nancy Stuparich made an Order Imposing a Lien of $2,000.

e. **CE2018-0607**
Les Bons Temps Rouler LLC
52 Spring St.
Standard Housing Code 1997 Ed. Ch. 305 Sec. 305.3- Roofs

Barry Fox relayed case information and provided updates. The property lien was paid in full on March 5, 2024. The City Commission released the lien on May 13, 2024.
MOTION
Nancy Stuparich made an Order Closing the Case for Compliance.

f. **CE2022-0294**
Les Bons Temps Rouler LLC
52 Spring St
Ch. 19 Sec. 4- Certain growth and conditions prohibited.

Barry Fox relayed case information and provided updates. The property lien was paid in full on March 5, 2024. The City Commission released the lien on May 13, 2024.
MOTION
Nancy Stuparich made an Order Closing the Case for Compliance.

Nancy Stuparich, Special Magistrate called for a five minute recess while she deliberated on the Order for CE2024-0342.

10. **PREVIOUSLY HEARD CASE UPDATES**

a. **CE2024-0227**
Bicknell Family Trust
C/O Bicknell Lee
19 Milton St
Ch. 19 Sec. 19-3- Unlawful conditions.

Barry Fox relayed case information significant improvements and item tabled by CEAAB in April 2024. The case will return for a subsequent hearing as improvements have stopped.

11. CITY ATTORNEY ITEMS
None

12. OTHER BUSINESS
None

13. ADJOURNMENT
10:05AM

Nancy Stuparich, Special Magistrate

Emily Howington, Administrative Coordinator, Recording Secretary

EMILY HOWINGTON
Notary Public-State of Florida
Commission # HH 305930
My Commission Expires
August 28, 2026