

City of Port St. Lucie

Special Magistrate Hearing

Meeting Minutes - Final

121 SW Port St. Lucie
Blvd.
Port St. Lucie, Florida
34984

Wednesday, May 21, 2025

9:00 AM

City Hall, Council Chambers

Addition of Item 12A

1. Meeting Called to Order

A SPECIAL MAGISTRATE HEARING of the City of Port St. Lucie was called to order by Special Magistrate Keith Davis on May 21, 2025, at 9:00 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present:

Keith Davis, Special Magistrate

Sara Brown, Project Coordinator

Rachel Francois Diejuste, Code Compliance Standards Associate

Richard Shiller, Deputy City Attorney

Various Code Compliance Officers

Shanna Donleavy, Deputy City Clerk

2. Pledge of Allegiance

The Special Magistrate led the assembly in the Pledge of Allegiance.

3. Swearing in Code Specialist and/or Building Investigators

The Deputy City Clerk administered the Oath of Testimony to staff.

4. Approval of Minutes

There was nothing heard under this item.

5. Late Abatements and/or Postponements

Ms. Francois Diejuste stated that Case #4, 25-04261 was postponed and Case #7, 25-02341 had been abated.

6. Approval of Agenda

The Special Magistrate approved the agenda.

7. Introduction of Cases

8. Code Violations

8.a Hear Code Violations Cases and Approve the Staff
Recommendation

2025-470

(Clerk's Note: This item was heard after Item 11.)

Capp 25-04159 194 SW Exmore Ave

(Clerk's Note: A PowerPoint was shown at this time.) Code Officer Gomez, previously sworn, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk swore in Monica Labarthe who stated that she needed to receive a grant through the City for the swale but per the City, the program was not set up. She stated that she would apply for a permit.

Aaron Biehl, Code Compliance Supervisor, previously sworn, informed the Special Magistrate that there had been a previous lien on the property. He added that Public Works was unsure of when the grant program would be established but hoped that the work could be completed within six months. Wesley Armstrong, Code Compliance Manager, explained the time frame for permits.

The Special Magistrate found that proper notice was achieved, and that the property remained in violation. He set a compliance date for November 21, 2025.

Pierre 24-01126 796 SE Damask Ave

(Clerk's Note: A PowerPoint was shown at this time.) Code Officer Pierre, previously sworn, read the case presentation and staff's recommendations into the record. She presented photos that were taken at the time of the inspections showing the subject property and violations. She stated that a permit was pulled but there had been no work completed.

The Deputy City Clerk swore in Michael Marks, son of Edme Spencer, who stated that the house was in foreclosure and he was trying to sort out all the finances for the house. He requested more time and hoped that the City's grant program was up and running soon.

The Special Magistrate found that proper notice was achieved, and that the property remained in violation. He set a compliance date for November 21, 2025.

9. Code Violations Special Requests

9.a Hear Code Violations Special Requests Cases and Approve the Staff Recommendation

2025-471

Gomez 24-09205 2280 SE Short St

Code Officer Gomez, previously sworn, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He informed the Special Magistrate that a driveway permit had been pulled and he requested that the Special Magistrate set the compliance date to the permit expiration date. Mr. Biehl gave the history of the property and added that a lot of work had been completed.

The Deputy City Clerk swore in Fernando Couto who agreed that the work would be completed by June 13th.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He set a compliance date of June 13, 2025.

Bender 25-02199 461 NW Marion Ave

Code Officer Bender, previously sworn, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He explained that the owner of the property is in a nursing home and the tenants had emptied the house and left it in the yard. Mr. Biehl requested that they modify the lien to include the removal of the open storage, to which the Special Magistrate agreed.

The Special Magistrate found that proper notice was achieved and found the property remained in violation and both violations constituted a threat to the public's health, safety and welfare, therefore he granted the relief requested by the City.

Bender 25-08321 366 NE Gulfstream Ave

Code Officer Bender, previously sworn, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. Mr. Biehl stated that the Department of Health had visited the property for the failed septic tank. He added that they would have to switch to the City's sewer system but the property management company was in Arizona and no movement had been made.

The Special Magistrate found that proper notice was achieved and found the property remained in violation and it constituted a threat to the public's

health, safety and welfare, therefore he granted the relief requested by the City.

Capp 25-03361 111 SW Chapman Ave

Code Officer Gomez, previously sworn & reading for Code Officer Capp, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations.

The Special Magistrate found that proper notice was achieved and found the property remained in violation and it constituted a threat to the public's health, safety and welfare, therefore he granted the relief requested by the City.

Capp 25-04269 197 SW Twig Ave

Code Officer Gomez, previously sworn & reading for Code Officer Capp, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He stated that the property was not occupied at this time.

The Deputy City Clerk sworn in Jay Faustin, appearing via Zoom, who stated that he had been in Texas for work but he was trying to obtain a child proof pool cover; therefore, he requested more time.

The Special Magistrate stated that Mr. Faustin's request was denied. He found that proper notice was achieved and found the property remained in violation and it constituted a threat to the public's health, safety and welfare, therefore he granted the relief requested by the City.

10. Certification of Fines

10.a Hear Certification of Fines Cases and Approve the Staff Recommendation

[2025-472](#)

There was nothing heard under this item.

11. Certification of Fines Special Requests

11.a Hear Certification of Fines Special Requests Cases and Approve the Staff Recommendation

[2025-473](#)

Capp 24-19455 1825 SW Oakwood Rd

(Clerk's Note: This item was heard after Item 12.)

Code Officer Gomez, previously sworn & reading for Code Officer Capp, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk sworn in Patricia Assmann & Patrick Skipper, attending via Zoom. They informed the Special Magistrate that there were multiple international heirs to the property so legalities were taking longer than expected. Mr. Skipper stated that he had recently visited the property to clean it up.

Mr. Biehl gave a brief history of the violations and liens on this property which amounted to over \$87,000.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He certified the fine and assessed the \$225 abatement cost plus the \$411 administrative costs.

Gomez 25-00417 1791 SE Ridgewood St

Code Officer Gomez, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations.

The Special Magistrate found that proper notice was achieved and found the property remained in violation except for 48.01(b) which had been abated by the City. He certified the lien and granted the relief as requested by the City.

12. Vacate Requests

12.a Hear Vacate Requests Cases and Approve the Staff Recommendation

[2025-514](#)

(Clerk's Note: This item was heard after Item 6.)

Evelyn Rojas, Lien Services Department, stated that the vacate request on today's agenda, Agenda Item #1, had come from citizens or City staff, have been found by the City to be invalid, and require Special Magistrate signature.

The Special Magistrate stated that he reviewed the requests and would sign the order.

13. How Parties are Notified

Ms. Francois Diejuste stated that a Notice of Hearing or Notice of the Certification of Fine was sent to the violator by Certified Mail Return Receipt Requested to the address listed in the Tax Collector's Office for tax notices or to the address listed in the County Property Appraiser's Database. If the green card was returned, it was placed in the file and was either signed, unsigned or unclaimed. Ten days before the hearing, an agenda was posted on the bulletin board in the lobby of Port St. Lucie City Hall. Also, a Notice of Hearing was posted on the property in question, along with an Affidavit of Posting, which included a copy of the notice posted and the date and places of its posting. If the certification card was not returned to the Neighborhood Services Department, then within ten days before the Hearing, posting was completed in the same manner as if the card was returned unclaimed as stated above. The photos shown at the hearing were kept and maintained as public records of the City of Port St. Lucie's Neighborhood Services Department. She requested that the Clerk enter the cases into the record and asked the Special Magistrate if he had any questions on cases where parties were not present. The Special Magistrate replied in the negative and stated that he found proper notice for those cases.

14. Introduction of Cases Without Parties Present

The cases without parties were read into the record by Ms. Francois Diejuste:

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|----------|------------------------|
| 25-03994 | 338 SE Yardley Terr |
| 25-04055 | 370 SW Buxton Ave |
| 24-15414 | 352 SW Voltair Terr |
| 25-01475 | 1581 SE Sutton St |
| 25-03404 | 1309 SW Bayshore Blvd |
| 25-03412 | 144 SW Lakehurst Dr |
| 25-04164 | 365 SW Todd Ave |
| 25-04166 | 568 SW Carter Ave |
| 25-05084 | 226 SW Parish Ter |
| 25-05290 | 1898 SW Brisbane St |
| 25-03788 | 2391 SE Marseille St |
| 25-04113 | 2460 SE Pascal Ave |
| 25-04588 | 2302 SE Leithgow St |
| 24-03781 | 2365 SE Delano Rd |
| 24-19878 | 1413 SE Vествhaven Cir |
| 25-01359 | 2033 SE Oxmoor Ter |
| 25-04216 | 2417 SE Elston St |
| 25-03323 | 650 SE Majestic Ter |
| 24-19094 | 2098 SE Floresta Dr |

The Special Magistrate stated that he would sign the orders for the above cases.

15. Public to be Heard

There were no public comments to be heard.

16. Adjourn

There being no further business, the meeting was adjourned at 10:11 a.m.

Shanna Donleavy, Deputy City Clerk