

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 13, 2026

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David D. Fuller Jr. at 9:00 a.m.

PRESENT: David D. Fuller Jr., Special Magistrate

ALSO PRESENT: Rachel Lippens, Code Enforcement Manager
Bill Browning, Code Enforcement Officer
Dena Joseph, Code Enforcement Officer
Aaron Paro, Code Enforcement Officer

Oaths

Code Enforcement Officers Dena Joseph and Aaron Paro were sworn in by Special Magistrate David D. Fuller Jr.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate David D. Fuller Jr. provided an overview of the code enforcement process as there were members of the public present.

2. Consideration of Minutes - April 8, 2026

Special Magistrate David D. Fuller Jr. approved the April 8, 2026 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 26-0990
Respondent: Ponce Inlet 4940 LLC
Address of Violation: 5961 Ridgewood Avenue
Code Officer: Dena Joseph
First Notified: 4/6/2026

Compliance: No

Cited for violation(s) - Chapter 56 (Solid Waste), Article III (Construction and Demolition Debris Collection Franchises); Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited; City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1: Outside storage of equipment and

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materials shall be permitted only when associated with a commercial use and located in designated areas approved for such display as part of a development plan, or as part of a building permit, if the required right-of-way landscape buffer is provided. Additional restrictions are specified: (a) storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located out of view from any abutting rights-of-way, private streets, waterways and residential uses. (b) Outdoor display and/or storage may be permitted in conjunction with special sales events such as those permitted under chapter 58, article III, Code of Ordinances, and other uses when permitted by special exception or approved as part of a development plan. (c) Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days; City of Port Orange Land Development Code, Chapter 16, SEC.1 (E)(3)(A): Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located out of view from any abutting rights-of-way, private streets, waterways, and residential uses [Commercial Use Zone].

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate David D. Fuller Jr. and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate David D. Fuller Jr. with no objections. The violation was to be corrected by April 30, 2026, by removing all yard debris and trash from the property. On-site dumping or piling is not permitted. The roll-off containers currently on the property must be removed immediately. Any future placement of roll-off containers requires proper permits and approval prior to placement. Removing all improperly stored items from the property, including but not limited to: Boats and paddle boats, semi-truck, construction materials, dirt piles, miscellaneous materials and equipment storage of vehicles, vessels, or materials is not permitted unless specifically allowed by zoning regulations and properly screened and permitted. The property shall be maintained free of debris, illegal storage, and unpermitted containers at all times.

Mrs. Joseph recommended the property owners be found in violation of the above-referenced codes with the violations to be corrected by May 31, 2026, by removing all trash and debris from the property. The roll-off containers currently on the property must be removed. Any future placement of roll-off containers requires proper permits and approval prior to placement. All improperly stored items from the property, including construction materials and equipment, and unlicensed trailers, must be removed. The storage of vehicles, vessels, or materials is not permitted unless specifically allowed by zoning regulations and properly screened and permitted. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Dena Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$56.81 was tendered into evidence and accepted by Special Magistrate David D. Fuller Jr. with no objections.

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Dean Maxwell, property owner, provided details on the property to include the permitting process he is currently going through, as well as the clean-up process required after the previous tenants left all their belongings behind. Mr. Maxwell stated the dumpster is his personal dumpster that sits on a trailer and that the Building Official permitted the use of his dump trailer approximately 5 years ago. Mr. Maxwell also agreed to the May 31, 2026, compliance date.

Mrs. Joseph advised there is a City code that requires roll-off containers to be registered with the City's franchise.

Mr. Maxwell stated he tried to get the dump trailer registered, but when doing so the City advised the dumpster needed to be registered as a separate business, and since it's exclusively used for his own property and his business only, he wasn't required to get it registered through the franchise.

Special Magistrate David D. Fuller Jr. asked Mrs. Joseph what items remain in non-compliance on the property. Mrs. Joseph advised the roll-off containers and a pile of concrete/debris on site were still in violation.

Mr. Maxwell stated the dumpster is on a trailer, therefore it's a dump trailer, not a roll off. He further stated he would go to the Building Department to get this sorted out once the hearing was done.

Special Magistrate David D. Fuller Jr. stated he will need further testimony to rule on the dump trailer and hereby defers ruling on the issue. He further stated that if the dump trailer issue can't be resolved between the City and Mr. Maxwell, to bring the case back before him.

Special Magistrate David D. Fuller Jr. granted the recommendation with an exception to the dump trailer, as there wasn't sufficient evidence to show this is a violation, and requested the dump trailer issue be brought back if not resolved between the City and the property owner, Mr. Maxwell. The property owner has until May 31, 2026, to remove all concrete and debris as well as the roll-off container from the property. Costs in the amount of \$56.81 were awarded to the City.

4. CEB Case No.: 26-1012

Respondent: William A. Busi

Address of Violation: 111 Abby Lane

Code Officer: Aaron Paro

First Notified: 4/10/2026

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) Maintenance of improved residential lots.

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Aaron Paro, Code Enforcement Officer, was sworn in by Special Magistrate David D. Fuller Jr. and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate David D. Fuller Jr. with no objections. The violation was to be corrected by May 11, 2026, by cutting and maintaining the grass and weeds to under 10 inches.

Mr. Paro recommended the property owners be found in repeat violation of the above-referenced codes with the violations to be corrected by May 29, 2026, by cutting and maintaining the grass and weeds to under 10 inches. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$100.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Paro requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that the overgrowth is an attractant to vermin wildlife and snakes. The cost sheet in the amount of \$50.03 was tendered into evidence and accepted by Special Magistrate David D. Fuller Jr. with no objections.

Special Magistrate David D. Fuller Jr. granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until May 29, 2026, to cut and maintain the grass and weeds under 10 inches, or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$50.03 were awarded to the City.

5. **CEB Case No.:** 26-0669
Respondent: Christina Kay Price
Address of Violation: 5990 Hensel Road
Code Officer: Aaron Paro
First Notified: 4/17/2026

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 9, Article 2, Section 10(A): (a) It is hereby unlawful for any person to cut down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with the provisions of this article. Failure to obtain a permit for tree removal may subject the party to penalties as set forth in section 22.6.

Mr. Paro requested a dismissal of the case as it is in compliance. Special Magistrate David D. Fuller Jr. granted the dismissal request.

6. **CEB Case No.:** 25-3047
Respondent: Sanchez Alberto Fuentes
Address of Violation: 721 Horseman Dr.
Code Officer: Aaron Paro

First Notified: 12/30/2025

Compliance: No

Cited for violation(s) - 2023 Florida Building Code, 8th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit; City of Port Orange Code of Ordinances Chapter 70 (Traffic), Article 2 (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandon Vehicles) (C)(1)(A).

Mr. Paro was sworn in by Special Magistrate David D. Fuller Jr. and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate David D. Fuller Jr. with no objections. The violation was to be corrected by May 8, 2026, by obtaining the required building permits.

Joe Thein, neighbor, showed photos and testified to each of the photos he took from his property and testified to what was being constructed, which is a garage conversion to a two-bedroom apartment with a kitchen and one bathroom. He also testified that the two-bedroom garage apartment is advertised on Zillow and that there is a shed in the back of the property that is being advertised as a one-bedroom apartment. He further expressed his concerns about the illegal construction work, specifically electrical work, that could potentially pose a fire hazard.

Special Magistrate David D. Fuller Jr. viewed the evidence from the Zillow ad as well as the photos submitted into evidence. Mr. Paro advised he never saw the kitchen, the inside of the garage, or the shed but requested the Special Magistrate to accept the Zillow listing as evidence since it's listed on the internet for rent. Special Magistrate David D. Fuller Jr. stated he will accept the Zillow listing. Mr. Paro explained the review process of the City's building department.

Mr. Paro recommended the property owners be found in violation of the above-referenced codes with the violations to be corrected by June 26, 2026, by obtaining the required building permits. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$100.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Paro requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$59.63 was tendered into evidence and accepted by Special Magistrate David D. Fuller Jr. with no objections.

Special Magistrate David D. Fuller Jr. granted the recommendation with a correction in the compliance date. The property owner has until June 16, 2026, to obtain the required building permits or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$59.63 were awarded to the City.

7. **CEB Case No.:** 26-0011
Respondent: Barile John Joseph, Jr.
Address of Violation: 730 Sheldon Cir.
Code Officer: Aaron Paro
First Notified: 1/2/2026

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 14 (Buildings and Buildings Regulation), Article II (Property Maintenance Code), Section 14-26 (Adoption, Amendments and Deletions of the International Property Maintenance Code), IPMC 304.6; City of Port Orange Code of Ordinances Chapter 14 (Buildings and Buildings Regulation), Article II (Property Maintenance Code), Section 14-26 (Adoption, Amendments and Deletions of the International Property Maintenance Code) IPMC 304.7; City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108(B).

Mr. Paro requested an Order Setting Fine/Lien as the property was not in compliance by April 7, 2026, as ordered in the previous hearing on March 11, 2026, by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning April 8, 2026, and running through and including April 25, 2026, for a total of 18 days as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Scotty Boy Landscaping, who abated the violation(s) at the cost of \$6,500.00. A cost sheet for mailing and recording costs in the amount of \$107.46 was tendered and submitted into evidence without objection.

Special Magistrate David D. Fuller Jr. found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning April 8, 2026, and running through and including April 25, 2026, for a total of \$1,800.00, abatement costs of \$6,500.00 and mailing and recording costs to date of \$107.46. A lien in the amount of \$8,407.46 shall be imposed.

8. **CEB Case No.:** 25-3153
Respondent: Dennis ODonnell
Address of Violation: 532 Orange Avenue
Code Officer: Aaron Paro
First Notified: 12/1/2025

Compliance: No

Cited for violation(s) - Chapter 14, Article II, Section 14-26, IPMC 304.1. Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) (a)(1)(k)(1)(2)(3) of the City of Port Orange Code of Ordinances.

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Mr. Paro requested an Order Setting Fine/Lien as the property was not in compliance by May 11, 2026, as ordered in the previous hearing on April 8, 2026, by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning May 12, 2026, and shall continue to accrue until the property is brought into compliance, as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$118.54 was tendered and submitted into evidence without objection.

Special Magistrate David D. Fuller Jr. found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning May 12, 2026, and shall continue to accrue until the property is brought into compliance and mailing and recording costs to date of \$118.54. A lien in the amount of \$118.54 shall be imposed.

9. CEB Case No.: 25-3134

Respondent: Sherbino J Plummer TR

Address of Violation: 115 Flemming Avenue

Code Officer: Aaron Paro

First Notified: 12/1/2025

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Mr. Paro requested a dismissal of the case as it is in compliance. Special Magistrate David D. Fuller Jr. granted the dismissal request.

10. CEB Case No.: 26-0525

Respondent: Francis E Thompson

Address of Violation: 1292 Harms Way

Code Officer: Bill Browning

First Notified: 3/3/2026

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) of the City of Port Orange Code of Ordinances.

Bill Browning, Code Enforcement Officer, was sworn in by Special Magistrate David D. Fuller Jr. and requested an Order Setting Fine/Lien as the property was not in compliance by April 17, 2026, as ordered in the previous hearing on April 8, 2026, by the Special

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Magistrate. He requested a daily fine in the amount of \$250.00 per day beginning April 18, 2026, and running through and including April 24, 2026, for a total of 7 days as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Scotty Boy Landscaping, who abated the violation(s) at the cost of \$300.00. A cost sheet for mailing and recording costs in the amount of \$107.46 was tendered and submitted into evidence without objection.

Special Magistrate David D. Fuller Jr. found the property in non-compliance and awarded a daily fine in the amount of \$250.00 beginning April 18, 2026, and running through and including April 24, 2026, for a total of \$1,750.00, abatement costs of \$300.00 and mailing and recording costs to date of \$107.46. A lien in the amount of \$2,157.46 shall be imposed.

ADJOURNMENT - 10:07 a.m.



Special Magistrate David D. Fuller Jr.