
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

Robert J. Riggio, Special Magistrate

June 23, 2020 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Cortland Lampe, Daytona Beach Police Department
Officer Steve Catalano, Daytona Beach Police Department
Mr. Denzil Sykes, Neighborhood Services Manager
Mr. John Stenson, Lead Code Inspector
Mr. Mark A. Jones, Rental Inspector
Mr. Jerome McCoy, Rental Inspector
Mr. Cliff Recanzone, Rental Inspector
Ms. June Barnes, Board Secretary
Ms. Karen Baum, Rental Program Technician

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:05 a.m.

Captain Scott Lee announced the procedures of the meeting. He stated due to the COVID emergency, there are limited people allowed in the Commission Chamber and that respondents would need to wait outside with personal distancing of at least 6 feet.

Mr. Riggio asked if the respondents who are waiting would be able to hear the hearing in progress and Captain Lee stated they can hear from speakers in the lobby and outside the building.

Captain Lee stated that most of the cases are new cases and this is the first appearance before the Magistrate and the City would be asking for a finding of Compliance or Non-Compliance.

Ms. Barnes swore in member of the staff who will be testifying.

Mr. Riggio called the first case which is a lien review.

CEB 08-11-122 – 616 North Street - James E. Pratt (current owner is Dennis and Michelle Thomas) is cited for failure to correct violations of The Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.7, 304.2, 304.6, 304.13). Violation(s) – Roof and drainage;

peeling paint/dirt and grime, exterior walls; windows; unsecured property. First Notified – 5/26/2011. Order Imposing Fine/Lien of \$75.00 per day effective September 11, 2011. Compliance – June 9, 2014. \$15,000.00 plus \$24.00 recording costs = \$15,024.00.

Ms. Michelle Thomas came forward and was sworn in.

Mr. Jackson stated that the respondents were not responsible for the original violation and the building department's application shows that the roof was completed and final and the property was in compliance but no Affidavit of Compliance was issued. He stated the City would like to waive the lien.

Ms. Thomas agreed.

DISPOSITION: Mr. Riggio waived the lien.

CASE # 31 - RTL 06-20-16 - Elliot J Meadows is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **550 Magnolia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/28/2019.

Mr. Elliot Meadows came forward and was sworn in.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated there has been no inspection but one is scheduled for July 1, 2020.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 2 - RTL 06-20-36 - Balkrishna & Ramrajie Birsen and Sanjiv Birsen is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **257 Fountain Lakes Blvd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/5/2019.

Sanjiv Birsen came forward and was sworn in.

Inspector Mark Jones gave a timeline of the case and stated he is asking for a finding of Non-Compliance and the property is occupied. He stated they just need to schedule the rental inspection.

Mr. Birsen stated as soon as they received notice, they took actions to apply for the license and he is waiting for inspection.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 3 - RTL 06-20-37 - Carolina D Wagner is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **311 Taylor (542 N Ridgewood Ave).** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/20/2020.

Mr. Stanley Holly, contractor, came forward and was sworn in.

Mr. Jones stated the property was occupied, the rental license has expired and he is asking for a finding of non-compliance and next cutoff for compliance.

Mr. Holly stated he tried to pay for the license.

Mr. Jones stated the property failed numerous inspections.

Mr. Holly stated he is working with the City to come into compliance and inspections have been hindered by COVID.

Mr. Jones stated he needs consent to enter the residence and that in one unit there is only a single GFCI and in the other unit there are numerous items that need to be corrected.

Mr. Jackson asked the respondent if he could be done by the next cutoff of July 22 and Mr. Holly stated yes.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 5 - RTL 06-20-40 - Charlotte Stanley is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **607 N Beach St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/10/2019.

Mr. Kevin Vagovic, Attorney for the respondent came forward. Ms. Stanley came forward and was sworn in.

Mr. Jones gave a timeline of events in the case. He stated the property is not ready for inspection. He stated 1 unit is occupied and 1 is vacant. He stated he is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Mr. Vagovic stated they submitted a Rental Application dated June 17 and stated the owner has taken steps to correct the prior violations. He stated there was a tenant when they purchased the property but the owner thought they would be moving out. He stated they did not move and the application had been re-submitted. He stated they have submitted the application and fee and the property is ready for re-inspection.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 6 - RTL 04-20-77 - Christopher Brown is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **300 Hartford.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/12/2019.

Mr. Christopher Brown came forward and was sworn in.

Mr. Jones stated the property is zoned for single family home on the property and the respondent has 3 units that are occupied.

Mr. Brown stated the property has always been a multi-family home since he purchased it and is listed that way on the Volusia County records. He stated he was confused over the Business License. He stated he applied for a license and Volusia County does not have permission to modify. He stated his utility bills indicate it is not just one parcel.

Mr. Riggio asked what the City zoning map shows.

Mr. Jones stated the City map shows the parcel as single family. He stated the County does have the property listed as single family.

Mr. Riggio stated the City is probably not aware there is a problem in this case. He stated the County looks at the zoning from a different perspective. He asked the respondent if it had been rented as a multi-unit before.

Mr. Brown stated that it had always been a multi-family property.

Captain Scott Lee advised the Respondent he would need to go to zoning for the determination.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 9 - RTL 06-20-42 - Gayane Movsesyan is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **415 N Halifax #205**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/28/2019.

Ms. Gayane Movsesyan came forward and was sworn in.

Mr. Jones stated the property was inspected on June 17th and there are some minor issues that need to be corrected. He stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

Ms. Movsesyan stated she just needed time for window and then can call for the inspection.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 14 - RTL 06-20-47 - Lisa & William B McCarthy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **200 N Halifax**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/28/2019.

Ms. Lisa McCarthy came forward and was sworn in.

Mr. Jones stated the property failed inspection on October 24th, 2019 with numerous violations. He stated on January 31st, the Respondent replaced windows with no permits. He stated the permit application has been submitted, it is occupied and he is asking for a finding of non-compliance and next cutoff to come into compliance.

Ms. McCarthy stated that her tenants say they have the COVID virus and there are 2 windows that need to be redone.

Captain Lee stated the property is not flagged as a hazard for COVID.

DISPOSITION: Mr. Riggio stated he does not want to put any trades people in harm's way and found the respondent in Non-Compliance and ordered the respondent to come into compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 17 - RTL 06-20-63 - Pu Guo is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1225 Champions Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/13/2019.

Janni Courten, Property Manager, came forward and was sworn in.

Mr. Jones stated the Respondent has applied for the license and is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the property would need an inspection.

Ms. Courten stated she would like to schedule an inspection and stated the property is the same owner as the Notice and that it was just changed to a Business name.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 52 - RTL 06-20-62 - Jerome A & Nicole Danele Clarke is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **115 S Hollywood Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. REPEAT VIOLATION. First Notified – 3/18/2020.

Arthur Higgins, attorney, came forward.

Mr. Recanzone stated this is not a repeat violation as stated on the agenda. He stated the property is now in compliance and he is asking for a finding of non-compliance/compliance as a will-fine for future violations.

Captain Lee added to the zoning violation.

DISPOSITION: Mr. Riggio found the property was previously in non-compliance and is now in compliance and for any future violation may be returned for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

CASE # 55 - RTL 06-20-06 - Phoenix Investment Partners is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **506 Frances Ter.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/12/2020.

Mr. David Russell, Attorney, came forward. He stated he is asking for a continuance.

Mr. Recanzone stated that up until June 18th, the property was in compliance. He stated the property is located in the SFR-5 zone and short-term rentals are not allowed. He stated he is asking for irreparable/irreversible harm to \$15,000. He stated the respondents were first noticed on May 12th. He demonstrated through several pictures via video that the property was advertised and the nightly difference in price indicates the property was not being rented long term.

Mr. Jackson stated the City is requesting a fine per FL Statute 169.09 for irreparable/irreversible and even though the violation can stop, it cannot be reversed. He stated the Airbnb pictures indicate date stamps of March 8, April 20, May 12 and June 18.

Captain Lee stated people in the community are affected by the constant coming and going, the hotels and motels are being impacted, the renters are not paying the bed taxes that legal rentals are paying which goes to support the Ocean Center.

There was discussion regarding the FL Statute and appeal of the ordinance.

Captain Lee stated the respondents are doing things online to conceal their addresses.

Mr. Russell stated he is a part of residents that are involved in an appeal for a recent case against the City for short-term rentals which the City won. He stated they will be filing a motion for reconsideration and asked for a continuance.

Mr. Riggio asked if the violation requires a renter or advertiser or if Airbnb constitutes the violation.

Captain Lee stated to be in compliance the respondent only needed to remove it from the website.

Mr. Jackson stated the respondents removed it this morning and the ability and means to remove it from Airbnb is unknown to the owner.

Captain Lee stated the amount of the fine represents violations on March 8, March 12 and April 20 and there was no fine for the additional time and the respondents could have removed the listing. He has the property was used as a rental from April 20 to June which is at least 60 days.

Mr. Riggio stated March 8 on June 18 they were contacted by the property no contact.

Mr. Russell stated he has a copy of an email that he sent long term rental and BTR.

Mr. Riggio alerted them to the problems with the Airbnb.

Mr. Riggio ordered a recess so that Mr. Russell can provide a copy of the email to Mr. Recanzone at 11:20 a.m.

Mr. Russell returned around noon.

DISPOSITION: Mr. Riggio denied the request for continuance and stated the nightly basis rate and difference in price indicate the rental is not long term. He found the property came into compliance on June 19, 2020 and for any future violations may be returned for consideration of the imposition of a fine up to \$5,000 per occurrence. He further ordered that the violation represents irreparable/irreversible occurrences on April 20, May 12 and June 18 and therefore imposed a fine of \$5000 per occurrence for a maximum fine of \$15,000 to be payable within 30 days.

CASE # 1 - RTL 06-20-35 - Antonio Brodowski is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **2711 N Halifax Ave #468**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/18/2020.

Respondent was not present.

Mr. Jones stated the respondent has no Rental or occupational license and he is asking for a finding of Non-compliance and next cutoff for the property to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 4 - RTL 06-20-39 - Charles W Mecklem and Amelia J. Mecklem as Trustees of the Charles W Mecklem Revocable Trust dated September 26, 2003 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **931 Essex**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/4/2020.

Respondent was not present.

Mr. Jones stated the respondent has no rental license. He stated the application was submitted and he is asking for a finding on Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 7 - RTL 06-20-41 - DBA Rentals LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1209 Cadillac**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/2/2020.

Respondent was not present.

Mr. Jones stated the Respondent has no Rental License. He stated the respondent applied, receive and paid for the license on June 22 but no inspection has been held. He stated he is asking for a finding of Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 8 - RTL SMG 04-20-79 - Equity Trust Company Custodian fbo Mark Wandmacher IRA is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **315 Glenview #5**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/13/2019.

Respondent was not present.

Mr. Jones stated the Respondents have to apply for the Rental License. He stated the respondent called on June 16th and said his sister had passed away and he would like to continue the case.

DISPOSITION: Mr. Riggio continued the case to the July 28, 2020 meeting for the determination of compliance or non-compliance.

CASE # 10 - RTL 06-20-43 - Grace L Singler, Trustee of the GLS Revocable Trust dated February 22, 2008 is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1308 Hillcrest**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/3/2020.

Respondent was not present.

Mr. Jones stated the Respondent has no Rental License. He stated they have applied and the application is under review. He stated he has had contact with the respondent and is asking to continue the case to the next cutoff.

DISPOSITION: Mr. Riggio continued the case to the July 28, 2020 meeting for the determination of compliance or non-compliance.

CASE # 11 - RTL 06-20-44 - Herbert & Lorin L Kawesch is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **532 Tomoka**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/7/2020.

Respondent was not present.

Mr. Jones stated the respondent has no Rental License. He stated the application has been submitted but there has been no inspection. He stated the property is occupied and he is requesting a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 12 - RTL 06-20-45 - Jade M Pomerleau is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1319 Phillips**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/27/2019.

Respondent was not present.

Mr. Jones stated the property does not have a Rental License. He stated there has been no application and the property is occupied. He stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 13 - SMG 04-20-87 - Latisha Daniel is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1628 5th St**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/13/2019.

Respondent was not present.

Mr. Jones stated the property has no Rental License, no inspection and is occupied. He stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 15 - RTL 06-20-48 - LLA Real Estate Investment LP is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1019 Alice**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/21/2019.

Respondent was not present.

Mr. Jones stated the property has no Rental License. He stated the Respondents applied for the license in November of 2019 but there has been no inspection and the property is occupied.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 16 - RTL 06-20-49 - Niyah Chaz Johnson is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **8 Starling**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/18/2020.

Mr. Charles Johnson came forward and was sworn in.

Mr. Jones stated he received a call from the owner that he is not renting the property. He stated his daughter is living there and he asked the Respondent to send him the information in an email. He stated he has had no contact since then and is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Johnson stated he had sent the information. He stated the home belonged to his daughter's mother and went into foreclosure. He stated in order to keep the home for his daughter, he took out a loan and purchased the property.

There was discussion that Mr. Johnson's testimony under oath is sufficient to accept that the property is not being rented and is now in compliance.

DISPOSITION: Mr. Riggio ordered that the property was in compliance as of June 23, 2020.

Ms. Barnes announced that the following case is in compliance.

CASE # 18 - RTL 06-20-51 - Samuel Juste is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **517 University**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/6/2020.

Compliance 6-19-2020

CASE # 19 - RTL 06-20-52 - Shuja Adiba is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **530 Cannon**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/16/2019.

Respondent was not present.

Mr. Jones stated that respondent was first notified of the violation on December 16, 2019 and given until January 2, 2020 to come into compliance. He stated there has been no application from the owner. He stated the respondent was previously found in Non-Compliance on October 13, 2017. He stated the owner had written a letter stating the property was not occupied but the property is occupied. He stated he is asking for a finding of Non-Compliance and a fine of \$750 per day for a maximum of \$15,000.00 by imposed.

DISPOSITION: Based on the testimony of the Inspector, Mr. Riggio found the property in non-compliance and imposed a fine in the amount of \$750 per day, effective June 23, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into compliance.

CASE # 20 - RTL 06-20-65 - Svetlana Shapoval is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **735 Fairmount**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/17/2020.

Respondent was not present.

Mr. Jones stated he received a letter from the Respondent who applied on June 18, 2020 but has had no inspection.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 21 - RTL 06-20-53 - Thomas H Veal Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **635 N Nova**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/19/2019.

Respondent was not present.

Mr. Jones stated the property has no Rental License and failed inspection on February 9th. He stated there had been no re-inspection and is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 22 - RTL 06-20-54 - USA Private Money LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **916 E Millard**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/15/2020.

Scott Brown, Owner, and Anika Heard, tenant, came forward and were sworn in.

Mr. Brown stated he is the lender/borrower on this property and lives in Arizona. He stated the previous owner defaulted on payment and he took over the property. He stated he had the roof repaired. He stated he did not want to be a landlord no matter what that took.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Ms. Barnes announced the following case in compliance.

CASE # 23 - RTL 06-20-61 - Accelerated Properties 2101 LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **101 S Peninsula Dr 307**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/15/2020.

Compliance 6-19-2020

CASE # 24 - RTL 06-20-56 - Ashir Property Holdings LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr 203**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/22/2018.

Respondent was not present.

Inspector Jerome McCoy stated he is asking for a finding of non-compliance and next cutoff for the property to come into compliance. He stated the property failed the last inspection and no re-inspection has been scheduled yet.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 25 - RTL 06-20-10 - Caroline Daytona Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **142 N Caroline St**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/10/2019.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated he has had little contact with the Respondent and no inspection has taken place.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 26 - RTL 06-20-11 - Certus Equity Investment LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **900 S Peninsula Dr 208**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/22/2018.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and said the property should be in compliance by the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 27 - RTL 06-20-57 - Daniel Fuchs is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **213 Fremont Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/17/2018.

Mr. Daniel Fuchs came forward and was sworn in.

Mr. McCoy stated the inspection was done and all passed but the owner put up a fence and needs a permit.

Mr. Fuchs stated he could be in compliance by July 22, 2020.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Ms. Barnes announce the following case in compliance.

CASE # 28 - RTL 06-20-13 - David R Moore Trust & Frances Lynn Moore Trust is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1133 St Augustine Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/9/2020.

Compliance 6-18-2020

CASE # 29 - RTL 06-20-15 - Denesh Deonanan is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **531 South St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/15/2019.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the property had failed inspection.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 30 - RTL 06-20-67 - Denise T D'Abato is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **611 Braddock Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/23/2020.

Ms. Denise D'Abato and Mr. Mike Manderville came forward and were sworn in.

Mr. McCoy stated that he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the property failed inspection and the owner needed a permit. He stated there has been no re-inspection.

Ms. D'Abato stated they could not get a permit for the deck.

Mr. Manderville stated they are working on it and the property.

Mr. Riggio asked if there were tenants.

Ms. D'Abato stated no.

Mr. McCoy stated the violations were the deck, paint and steps.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 32 - RTL 06-20-17 - Escudo Capital LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **615-613 Seaman Pl.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/13/2019.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the respondent was present but did not stay. He stated he expects the owner to be in compliance by the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 33 - RTL 06-20-18 - Evelyn Eleanor Hannans Estate is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **614 Orange Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/24/2019.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 34 - RTL 06-20-19 - Geoconda Placencia is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr 205**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/22/2018.

Ms. Geoconda Placencia and Mr. Ricardo Lebaw came forward and were sworn in.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the owners have applied for the license but failed inspection with minor violations.

Ms. Placencia stated they are 100% completed now.

Mr. Lebaw stated the screens are out.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 35 - RTL 06-20-20 - Hubert Cleland Jackson & Rodney Leon Jackson is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **840 Magnolia Ave**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/22/2019.

Mr. Thomas McPherson, property manager, came forward and was sworn in.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the property failed inspection and needs a re-inspection for only minor items.

Mr. McPherson stated he has a difficult tenant and could not get in. He stated the inspection is scheduled for tomorrow at 3:15 p.m.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 36 - RTL 06-20-21 - IFFAM LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr 305**. Violation(s) – Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.15, 305.3) Failure to obtain Rental License (RTL). First Notified – 10/1/2018.

Mr. Marith Mosul, real estate agent, came forward and was sworn in.

Mr. McCoy stated that the respondent has stipulated to be in compliance by the next cutoff and has applied for a license. He stated there is an inspection scheduled for the 25th.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 37 - RTL 06-20-22 - Jasmine Lindermann etal & Stephen Lindermann is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **575 South St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 6/20/2019.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 38 - RTL 06-20-23 - Jennifer A & Pedro Q Dash is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **616 Cherry St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/8/2019.

Pedro Q Dash came forward and was sworn in.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated there has been no inspection.

Mr. Dash stated he called on Friday to schedule the inspection. He stated the tenant has COVID.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 39 - RTL 06-20-64 - Jerimiah Santiago & Perla Aguayo-Vazquez is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **536 Park Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/20/2020.

Respondent was not present.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated he has had contact with the owner.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 40 - RTL 06-20-24 - Marshall Hasz is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **220 S Adams St.** Violation(s) –

Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/17/2017.

Mr. Marshall Hasz came forward and was sworn in.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the property just needs an inspection.

Mr. Hasz stated he has an inspection scheduled for tomorrow.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 41 - RTL 06-20-25 - Napoleon Investments LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **609 Russell Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/10/2019.

Respondent was not present.

Mr. McCoy stated the owners have applied for a rental license.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Ms. Barnes announced the following case in compliance.

CASE # 42 - RTL 06-20-26 - Pelican Bay Realty Trust LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **180 Palm Sparrow Ct.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/30/2019.

Compliance 6-19-2020

CASE # 43 - RTL 06-20-27 - Samuel L & Rhonda P Ferguson is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **521 Division St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/27/2020.

Ms. Rhonda Ferguson came forward and was sworn in.

Mr. McCoy stated has had communication with the respondent and needs to schedule an inspection.

Mr. Ferguson stated nothing had been done. He stated he lives in the house and it should be demolished. There was further discussion regarding his divorce.

Captain Lee stated the respondent needs to address overdose concerns.

Mr. Ferguson stated he changed the locks.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Mr. Jackson left the chamber at 1:05 p.m.

CASE # 44 - RTL 06-20-28 - Sidney Sims Sr etals & Eartha S Watson is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **522 School St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/8/2019.

Mr. Sidney Sims and Ms. Eartha Watson came forward and were sworn in.

Mr. Jackson returned to the chamber at 1:07 pm.

The respondents agreed to stipulate they are in non-compliance and will bring the property into compliance by the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 45 - RTL 06-20-30 - Tooraj Hajimoradi is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **712 Verdell St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/15/2019.

Respondent was not present.

Mr. McCoy stated the property has failed inspection.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 46 - RTL 06-20-59 - Vernal Johnson & Patricia Roper is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **646 South St 3.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/14/2020.

Angela Brown, daughter of the respondent, came forward and was sworn in.

Mr. McCoy stated the case is here for a repeat violation and he is asking for a fine of \$500 per day to a maximum of \$15,000.00.

Ms. Brown stated her father has health issues but he applied for rental license. She stated they live in Flagler and come down to check on the property every now and then. She stated there are often squatters on the property and even though they board it up, the squatters remove the boards the next day.

Mr. Riggio asked the Inspector if there were tenants.

Ms. Brown stated there are no official tenants there.

Mr. McCoy stated there were tenants in the rear of the property.

DISPOSITION: Mr. Riggio found the property in non-compliance and imposed a fine in the amount of \$500 per day, effective June 23, 2020, to a maximum of \$15,000.00 or until compliance is achieved.

CASE # 47 - RTL 06-20-31 - Villa Jardine, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **111 Oak Tree Cir.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/10/2019.

Gloria Falville, Styles Area Property manager, came forward and was sworn in.

Mr. McCoy stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Falville stated he is new and he assumes they have something in the works.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by July 22, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 48 - RTL 06-20-32 - Village Resources & Real Estate, LLC TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **341 Maple St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/16/2019.

Mr. Chris Lim, attorney came forward. Mr. Jonathan Schon, owner, came forward and was sworn in.

Mr. McCoy stated the property had changed hands so there had been no new inspection. He stated the previous inspection failed. He stated he is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Lim stated there was a person in the property. He stated the owner put the property up for sale and someone got in. He stated they will need to file an eviction. He stated evictions are on hold until July 1 due to COVID-19.

Mr. Schon stated a subcontractor hired to do work on the property was squatting.

Mr. Jackson stated the respondent may look into trespassing the squatter and other means to resolve the issue. He stated the respondent could provide an Affidavit of non-Rental if they have no intent to have people there.

Mr. Lim stated they purchased the property in 2019 and it was vacant. He stated the owner listed the property with a realtor in February and was unable to close because of property and land title issues. He stated the owner thought it was vacant and didn't know of the violations until he was notified by the hearing letter on June 4th. He stated the property has to pass a rental inspection.

There was further discussion regarding trespass and appeal if a fine is ordered.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Ms. Barnes announced the following case is in compliance.

CASE # 49 - RTL 06-20-33 - William J & Roulyan Lynch is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **131 Cheshire Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/26/2019.

Compliance 6-19-2020

CASE # 50 - RTL 06-20-01 - Beachside Mansion, LLC is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **9 S Oleander Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/11/2020.

Ms. Barnes stated a letter had been sent to the Magistrate from this respondent.

Ms. Ali Beaman, on behalf of the owner, came forward and was sworn in. Ms. Beaman called the respondent's attorney on the phone and placed him on speakerphone.

Inspector Recanzone stated the property was in non-compliance up until this morning. He stated the property is being advertised on Airbnb.

Mr. Jackson stated the respondent asked for a continuance. He stated the property is in an area that is not zoned for short-term rental and are requesting no continuance be given. He stated the city is asking for irreparable/irreversible damage up to \$15,000.00.

Mr. Recanzone showed the Magistrate a zoning map where the respondent's property is and the property zones where short-term rentals are allowed. He stated the respondent lives in the RBD-6 zone. He stated there are 11 zones where short-term rental is permitted. He stated 6 & 7 are the only ones where none is permitted.

Ms. Beaman provided the Magistrate with a copy of the City's zoning area definitions and descriptions.

There was some conversation from the person on the phone.

Mr. Riggio stated he was inclined to continue the case as the table for RDB-6 in the code is full of footnotes and the person on the phone cannot be sworn in.

Mr. Jackson asked where the documents came from.

The person on the phone stated they are from the Daytona Beach land use codes.

Ms. Rose Askew, City Zoning Manager, came forward and was sworn in. She stated according to the City's Land Development Code other accommodation were allowed in 2013. She stated the state regulations were already authorized in 2011. She stated in RDB-6 other accommodations is not a permitted use.

Ms. Beaman stated her documents are from 2015.

Ms. Askew stated that is not what was adopted. She stated the tables are not the same.

Mr. Riggio stated if there was something out there that shows this use as approved the will continue for 30 days.

Ms. Askew stated she would provide documentation where the use was allowed. She stated there is a use determination process the respondent can use.

Mr. Jackson stated the City is confident with city opinions and asked to delay the short-term rental until the use is decided.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and continued the case to the July 28, 2020 meeting for the determination of a compliance date.

CASE # 51 - RTL 06-20-02 - Bradley S Ketchel, Melissa Ketchel and Stephen Ketchel is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **311 Riverview Blvd.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 4/9/2019.

Ms. Melissa Ketchel came forward and was sworn in.

Mr. Recanzone stated he is asking for a finding of non-compliance and will-fine.

Ms. Ketchel stated she did not put the property on Airbnb and doesn't understand non-compliance since she isn't renting the property.

Mr. Jackson stated the inspector's sworn testimony is that the property was online on April 9 and removed on April 10th.

Mr. Recanzone stated March 5, February 26, 2020 he had contact with the respondent. He stated the posting was removed after a conversation with the owner on April 9.

DISPOSITION: Mr. Riggio found the property was previously in non-compliance and subsequently in compliance and that respondent shall not violate the zoning regulation or may be returned for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

CASE # 53 - RTL 06-20-04 - Kourama LLC is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **116 S Grandview Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/11/2020.

Mr. Yassine Elkarone came forward and was sworn in.

Mr. Recanzone showed the Magistrate pictures of the listing for this property and a map of the location of the property on the video screens. He stated the listing was still up this morning. He stated he is asking for a finding of irreparable/irreversible and asking for a fine in the amount of \$15,000.

Mr. Elkarone stated the notice from the City states the property is zone SFR-5. He stated it's RDB6 and asked for dismissal.

Mr. Riggio stated he needs to know if falls in RDB-6 where it is not permitted for short-term.

Mr. Recanzone stated it is in RDB6 but short term rentals are not allowed in that area.

Mr. Recanzone stated he had contact with them and they removed the pictures.

Mr. Jackson questioned the inspector.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and imposed a fine in the amount of \$15,000 and for any repeat violations may be returned for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

When asked by Mr. Huggins as to the appeal process, Mr. Jackson stated the process for appeals can be found in FL Statute 162.11.

CASE # 54 - RTL 06-20-05 - Michael L & Olga Heller is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **401 N Grandview Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/11/2020.

Respondent was not present.

Mr. Recanzone stated he is looking for a will-fine. He stated the property came into compliance on May 13, 2020.

DISPOSITION: Mr. Riggio found the property was previously in non-compliance and now in compliance and that respondent shall not violate the zoning regulation or may be returned for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

CASE # 56 - RTL 06-20-58 - Raquel S Trout is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **101 Flicker Way**. Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. REPEAT VIOLATION. First Notified – 7/9/2019.

Ms. Raquel Trout came forward and was sworn in.

Mr. Recanzone stated he is requesting a will-fine. He stated the previous violation occurred on July 9, 2019 when the property was found in non-compliance by the Magistrate. He stated he contacted the respondent and the next day the site was off. He stated he is asking for a fine for non-compliance for one-time violation on May 7, 2020 at \$2,000.

Ms. Trout stated that her daughter does all of the work on the site and she was good until November 6 when the site was put back up by AIRBNB. She stated the site was brought back down again immediately and reappeared 6 months later.

Mr. Recanzone stated the account was paused.

Ms. Trout stated that she called them and the account was cancelled. She produced a long-term lease on the property and the cancellation from AIRBNB.

DISPOSITION: Mr. Riggio found the property in non-compliance and imposed a fine in the amount of \$1,500 for the occurrence on May 7, 2020 and ordered that the property subsequently came in compliance on May 8, 2020 and that respondent may be returned for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

CASE # 57 - RTL 06-20-68 - RAW FL RE, LLC is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1437 Golfview Dr**. Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 2/11/2020.

Respondent was not present.

Mr. Recanzone stated the property is in compliance as of March 3, 2020. He stated the respondents plan to sell the property. He stated the is asking for a will-fine.

DISPOSITION: Mr. Riggio found the property was previously in non-compliance and now in compliance and that respondent for any future violations may be returned for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

CASE # 58 - RTL 06-20-08 - Tyche Living, LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **715 Washington St**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/23/2020.

Respondent was not present.

Mr. Recanzone asked to continue the case to next month.

DISPOSITION: Mr. Riggio continued the case to the July 28, 2020 meeting for a finding of compliance or non-compliance.

CASE # 59 - RTL 06-20-07 - William LaMattina is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **418 Vermont Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short-term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/20/2020.

William LaMattina came forward and was sworn in.

Mr. Recanzone gave details of the violations using AIRBNB and asked for a finding of previously in non-compliance and now in compliance on June 10, 2020.

Mr. LaMattina stated the property was now unlisted from AIRBNB.

DISPOSITION: Mr. Riggio found the property was previously in non-compliance and subsequently in compliance on June 10, 2020 and for any future violations may be returned to the Magistrate for the consideration of the imposition of a fine of up to \$5,000 per occurrence.

Discussion for Miscellaneous Business.

The meeting was adjourned at 5:15 p.m.