
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32114

Robert J. Riggio, Special Magistrate

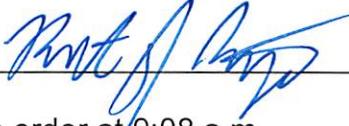
July 28, 2020 Minutes

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. Mark A. Jones, Rental Inspector
Mr. Jerome McCoy, Rental Inspector
Mr. Cliff Recanzone, Rental Inspector
Mr. Joseph Graves, Audio/Video
Mr. Charles Smarr, Audio/Video
Ms. June Barnes, Office Coordinator-Board Secretary
Ms. Karen Baum, Rental Program Technician/Board Secretary

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:08 a.m.

Mr. Riggio advised the cases will be heard as set forth in the agenda unless there is a change

Ms. Baum announced the following cases:

CASE # 15 - 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.

Compliance 07/22/2020

CASE # 22 - 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.

Compliance 07/22/2020

Minutes are still under review.

Ms. Baum swore in members of the staff who will be testifying.

Mr. Riggio called the first case.

Mr. Riggio started to call the first case but there was a technical issue. Power was lost so a brief recess was called at 9:16am.

Mr. Riggio called the hearing back to order at 9:30.

CASE # 16 - 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.

Mr. Greg McAloon attorney for respondent present on video call.

Mr. Jackson has been in contact with counsel for the property since March 2020. In his last discussion with Mr. McAloon, yesterday, they were trying to work out assessments for the property and this is a substantial matter.

Mr. Greg McAloon is in agreement to amend the non-compliance order.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 1 - 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 RDB-9. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/11/2020.

Inspector Clifford Recanzone went over what is known about the case. The property was posted for hearing on June 11, 2020 for the June 23, 2020 hearing. At no time in the last six years has there been a license of any type on the property. Mr. Recanzone received an email from the attorney for the owner that the property is in compliance as of July 20, 2020. He was able to confirm that on July 21, 2020.

Mr. Jackson advised that this was before the previous hearing for irreparable/irreversible violation. This is a zoning ordinance violation. The respondent raised an issue that it was previously authorized.

Mr. Jackson advised that Planning Coordinator, Ms. Askew, presented a report about the zoning at the last meeting. The property owners have been given notice of their non-compliance. At the previous meeting, they were advised that that the violations were irreparable/irreversible.

Mr. Jackson reminded Mr. Riggio that Ms. Askew had previously advised him that it was not applicable for the time that they were raising the issue. It was in code in error and was corrected before they purchased the property. The report that she presented is reflective of that circumstance.

Mr. Jackson advised that the property is in non-compliance and he's requesting a fine of \$15,000.00 for the original incident of irreparable/irreversible and after the previous meeting they continued with additional occurrence and is in violation of code and is requested in the amount of \$10,000.

Mr. Riggio stated that it is his understanding that the respondent had previously submitted documents from the Land Development Code that indicated this type of use was permissible. This raised a possible argument about grandfathering since the current code doesn't make the use permissible in RDB6.

Mr. Pustejovsky and Ms. Rose Askew came forward and were sworn in.

Mr. Pustejovsky stated that it hasn't been used for short term rental since Bike Week 2020. He disputed that an inspection on March 17, 2020 occurred. He claimed it hasn't been occupied since COVID started.

Mr. Pustejovsky stated RDB6 can be permitted based on evidence from the previous hearing and that the use was previously adopted. It was permitted in November 2015.

Mr. Pustejovsky stated that there has been no short-term rental since March 15, 2020. Doesn't think that they can change the current zoning due to State Law.

Mr. Pustejovsky advised the inspector didn't respond to previous contact attempts for re-inspection. He stated he did not respond until the fourth attempt. Not irreparable since this property has been generating tax revenue. He claimed that Mr. Alderman had cited this property a year before and then removed the violation. Claims he was in compliance prior to March.

Ms. Askew advised that she did extensive research on this property. It was previously listed as a permitted use, but it was corrected in December 2015 before the respondent was the owner of this property. Current RDB6 zoning visitor accommodations are not allowed in this area. This owner purchased the property in December 2016 and didn't check the use before purchasing the property about the allowable use for the property. She stated there was no business tax license.

Mr. Riggio asked Mr. Jackson about the respondent's claim that state law says you can't remove a short-term rental law. Mr. Riggio stated that he reviewed the January 21st meeting minutes and asked Mr. Jackson if a. Did the city ever adopt a short-term rental use and b. is there an argument that the City didn't adopt because they were put on notice that there was an error?

Mr. Jackson presented information to Mr. Riggio about the adoption. It was properly corrected when the error was discovered. Resolution of correction was completed in December 2015. He stated State Law issues should be litigated at the state level and this is an improper forum for that. Current code was valid at the time of the property purchase.

Mr. Pustejovsky argues that the zoning was changed because it previously was RDB6. He states he had a business tax license for the property.

Ms. Rose Askew advised the report states that the RDB6 previously only allowed single family use. The change expanded the uses for the area, but visitor accommodations weren't allowed previously. Attached C shows the only business tax license for this property was for a home-based subcontractor's office only not a business license for this owner.

Mr. Jackson clarified the date from the second paragraph of Ms. Askew's report. The correction of the permitted use was made in December 2015 prior to the effective date of March 2016.

Mr. Riggio stated he has a limited scope in this case. He is limited to applying the facts to the current code in this case. The code as written shows that there are no short-term rentals in that district.

Mr. Jackson stated that Florida State Statute allows an irreversible and irreparable fine of up to \$15,000. He stated the violation has continued since the last meeting. He said that since it is still being advertised the City is requesting \$10,000 for the additional occurrence.

Mr. Recanzone advised that it wasn't advertised when he checked on July 21, 2020. It was verified by searching by a link that it was no longer advertised.

Mr. Pustejovsky advised that the same department evaluated the same violation last year and it was unfounded and closed in May of 2019.

Captain Lee advised that short term rental investigations are very time consuming and require research. If unable to find enough evidence at the time a case would be closed as unfounded.

Mr. Jackson advised that there isn't enough information from the previous case as to why it was unfounded.

Mr. Pustejovsky advised that the property was a vacation rental for over three years and wasn't hidden and that he has been paying taxes.

Captain Lee advised this is not a permitted use and was previously found in non-compliance.

DISPOSITION: Mr. Riggio finds the respondent in Non-Compliance and was then in Compliance as of July 21, 2020. Ordered to pay in total a fine in the amount of \$25,000 finding as irreparable/irreversible. Any repeat violations could be brought back for the consideration of a fine up to \$5,000 per occurrence. Two fines each being found irreversible and irreparable \$15,000. and \$10,000.

CASE # 2 - 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.

Mr. Recanzone stated the property still needs a re-inspection. Wants to find the property in non-compliance.

Ms. Shauna Southerland came forward and was sworn in.

Mr. Jackson asked the relationship of Ms. Southerland to the property. She is a member of Tyche Living.

Mr. Recanzone advised the rental license is on hold until the inspection comes back as compliance.

Mr. Riggio asked the respondent if she thinks she can have the property inspected and passed by August 19th?

Ms. Southerland stated they should be ready by then.

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 # 8 - 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.

Ricardo Ferrer came forward and was sworn in.

Mr. Jackson advised that Mr. McCoy indicated that the property was inspected and has some repairs that needs to be done and thinks it can be done by the next cut off.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 14 - 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.

Mrs. Rhonda Ferguson came forward and was sworn in.

Mr. McCoy reports that they have started the first steps and the license is under review. They need to contact the inspector to inspect the property.

Mrs. Ferguson advised that she was the one that made the complaint. Mr. Ferguson is getting the notices. The property has several issues. The property is being rented by the husband. Mrs. Ferguson has asked that they shut down the property because it's not safe. Mr. Ferguson has changed the locks and she no longer has access to the property.

Mr. Jackson advised that there was clarification from the inspector that they need to hear from Mr. Ferguson. Mr. Ferguson has all the notices and she doesn't understand why he hasn't reached out to the inspector.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 19 - RTL SMG 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.

Colleen Miles came forward and was sworn in.

Ms. Miles is representing the owner and she has been doing research.

She has been in email contact with Mr. Morris about this property. She is trying to construct a timeline for this property. She is asking for more time to submit more paperwork for a resolution of a status.

Mr. Jackson advised that the City is willing to amend to allow more time for review.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 28 - 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.

Thomas Veal came forward and was sworn in.

Inspector Mark Jones advised the rental inspection failed in February 2020. The window permit was finalized on July 19th. RTL reinspection was scheduled on July 24. The property manager called the morning of the inspection advising that it wasn't ready for the inspection. He's asking for a fine.

Mr. Veal advised he thought the property was properly licensed because he had a business tax license. Once he received the notice he applied for the rental license. He doesn't live in the area and has had a hard time trying to get contractors to complete the work. There's been delays for bids and the window company took 8-10 weeks to get the windows made. He's had numerous delays in trying to bring the property into compliance between contractors and the property management company. The management company advised him that the final inspection is scheduled for August 8th and it should pass inspection.

Mr. Jones advised that the case was continued before because of the windows. The case has been opened since October. Mr. Jones advised it would be acceptable for the fine to start on August 9th. The property is tenant occupied.

DISPOSITION: Mr. Riggio ordered a fine in the amount of \$100.00 per day to commence on August 9, 2020 and to continue each day thereafter until the fine reaches the amount of \$15,000.00 or until the property is brought into compliance. If the property isn't in compliance by August 8th the fine will commence on August 9, 2020.

CASE # 37 - RTL 07-20-75 - Erve S. Teixeira is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, **at 317 Glenview #4**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/4/2020.

Erve S. Teixeira came forward and were sworn in.

Inspector Mark Jones advised they have applied for the license it hasn't been approved yet. He asked for a finding of Non-Compliance.

John Yalden came forward and was sworn in.

Mr. Yalden advised they applied but can't control how long it takes it get the inspection. When can the inspection be completed?

Mr. Riggio advised the license can't be issued until the property has been inspected.

Inspector Mark Jones advised they applied on July 21, 2020. It hasn't been approved yet, but we can schedule quickly after it has been approved. Must pass a zoning review before the inspection can be scheduled. The property must pass the inspection before the license is issued.

Ms. Teixeira advised that she didn't receive the letter directly. Instead, the tenant notified her. She is trying to find another place for the tenant to relocate. The tenant is supposed to leave on July 31, 2020. She advised her that she can't find another place to relocate. She's having a hard time locating a screen for the property. The tenants haven't been cleaning but she thinks it's okay for inspection. They have been given property notice to relocate and she's been in contact with Section 8 staff.

Mr. Riggio asked if the Governor's prohibition on eviction is still in effect.

Mr. Jackson advised that it still is.

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

CASE # 33 - RTL 07-20-77 - Shailaja Allenky & Greta Palisetti is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **600 S Segrave St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/29/2019.

Greta Palisetti and Shailaja Allenky came forward and were sworn.

Inspector Jerome McCoy advised there was an inspection that failed but with minimal items. Requesting an amended order. They are working on taking care of the issues.

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

CASE # 36 - RTL 07-20-70 - Dawn K. O'Brien is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1136 Madison.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/16/2020.

Dawn Roland came forward and was sworn. Max Roland was also sworn.

Mr. Riggio asked the relationship to Dawn K. O'Brien. Roland is her married name.

Mr. Jackson also asked that we amend the notice to include the name change.

Inspector Mark Jones advised that he's had no contact with the owner and that the property is occupied.

Mrs. Roland acknowledged that she is in non-compliance and she just rented this property out in 2018. She used to live at this location.

Mrs. Roland provided information about various issues with the tenants at the property. She is trying to get them removed and has a court hearing scheduled the next day. She wants to bring the property into compliance.

Captain Lee advised the writ of possession has been stopped in the court system. Willing to work to get the case resolved.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for the consideration of an imposition of a fine. He also ordered her to appear at the August 25, 2020 hearing to provide a progress report.

CASE # 3 - 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.

Inspector Jerome McCoy conducted an initial inspection and it failed with minimal repairs and is requesting to amend to the next cut off.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 4 - 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.

Jerome McCoy advised there was an inspection conducted on this property and it failed with minimal repairs and is requesting to amend to the next cut off.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 5 - 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.

Respondent was not present.

Inspector Jerome McCoy requested a fine of \$100.00 per day. He did have contact with the owner. The only item that was being held up was the fence permit which hasn't been obtained.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 6 - 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.

Inspector Jerome McCoy has conducted an inspection on this property. The only item is a window. It may take some time to order the window.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 7 - 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.

Respondent was not present.

Inspector Jerome McCoy conducted an inspection and it failed with minimal items.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 9 - RTL 06-20-18 - Evelyn Eleanior 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.

Inspector Jerome McCoy stated that no license has been applied for.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 10 - 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.

Respondent was not present.

Inspector Jerome McCoy advised an inspection was completed and there were minimal items that needed to be corrected. Request an extension due to COVID.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 11 - 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.

Respondents were not present.

Inspector Jerome McCoy had contact with the owner, but the license hasn't been applied for.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 12 - 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.

Respondents were not present.

Inspector Jerome McCoy advised an inspection was completed and there were minimal items that needed to be corrected.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 13 - 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.

Inspector Jerome McCoy advised an inspection was completed and it failed.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent 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 06-20-35 - 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.

Inspector Mark Jones advised the rental application has been received but not reviewed. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 18 - 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.

Respondents were not present.

Inspector Mark Jones advised the rental application was approved on June 22, 2020. He stated that he started the inspection on July 24, 2020 but ended up cancelling it due to the property being in no condition for a rental inspection. The property is occupied.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 20 - 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.

Inspector Mark Jones advised the owner is deceased. We have received the rental application and it is currently under review.

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 hearing for consideration of the imposition of a fine.

CASE # 21 - 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.

Respondent was not present.

Inspector Mark Jones advised the rental application was approved in December 2019. Inspection was scheduled on June 17, 2020 with some minor items plus a window that had to be ordered. The window has been ordered. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 23 - 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.

Respondents were not present.

Inspector Mark Jones advised there was an inspection on July 1, 2020 with a couple of minor items. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 24 - 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.

Inspector Mark Jones advised there is an active business tax license but doesn't have a Rental License. No application has been submitted for the rental license. He's had no contact from the owner and the property is occupied.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 25 - RTL 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.

Inspector Mark Jones advised the inspection is scheduled for August 1, 2020. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 26 - 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.

Inspector Mark Jones advised that the rental application was approved on November 19, 2019. He has been unable to reach the owner to schedule the rental inspection. There have been no return calls from the owner. The property is occupied.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 27 - 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.

Inspector Mark Jones advised the rental application was approved on June 18, 2020. There have been numerous calls from the owner as to why the inspection can't take place. Inspections have been scheduled then cancelled. The latest inspection was supposed to take place and the tenant called. Mr. Jones advised that nothing had been done to make corrections to the property. The property is occupied.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day effective July 28, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 29 - 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.

Inspector Mark Jones advised the rental application was received and he has been in contact with the owner. The tenants are currently not allowing inspections due to the virus and the owner is trying to evict the tenants but hasn't had any luck. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by August 19, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 30 - RTL 07-20-71 - DBA Rentals LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **860 White**.

Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/16/2020.

Respondent was not present.

Inspector Mark Jones advised the rental application was submitted and is presently under review. He's had contact with the owner. Waiting on the final review and then we'll schedule the inspection. The property is occupied.

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 hearing for consideration of the imposition of a fine.

CASE # 34 - RTL 07-20-72 - Anthony W Hammond, Jr. is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1616 Piccadilly**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/24/2020.

Respondent was not present.

Inspector Mark Jones has talked to the owner and he advised that he submitted the rental application however it's not in the system yet.

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 hearing for consideration of the imposition of a fine.

CASE # 35 - RTL 07-20-73 - Barry Gorin TR; Barry Gorin Revoc Living Trust is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **120 Maplewood**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/20/2020.

Respondent was not present.

Inspector Mark Jones advised he attempted a rental inspection on July 23, 2020. No repairs had been made. The inspection was cancelled, and he talked with the property manager. The property is occupied.

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 hearing for consideration of the imposition of a fine.

CASE # 38 - RTL 07-20-78 - NuView IRA, Inc FBO David Spitzer IRA is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **117 Maplewood**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/21/2020.

Respondent was not present.

Inspector Mark Jones advised the rental application was approved on June 27, 2020. There was an inspection that was scheduled on July 1, 2020 but due to tenant issues it was cancelled. There is now an inspection scheduled for August 6, 2020. The property is occupied.

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 hearing for consideration of the imposition of a fine.

CASE # 31 - RTL 07-20-79 - Amber Marie Penna & Peter McAndrew Scheveling is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1485-1487 N Peninsula Dr.** 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 – 2/14/2020.

Respondent was not present.

Inspector Clifford Recanzone is asking that the case be continued to the next hearing due to a due process issue.

Captain Lee advised it was an issue with the posting not being timely. Would like to continue to ensure that they did receive the proper due notice.

DISPOSITION: Mr. Riggio continued the case for a finding of Compliance or Non-Compliance to the August 25, 2020 hearing.

CASE # 32 - RTL 07-20-74 - JFK Capital Group LLC is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **509 Braddock 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 – 4/9/2020.

Respondent was not present.

Inspector Clifford Recanzone advised it should be continued to the August hearing.

DISPOSITION: Mr. Riggio continued the case for a finding of Compliance or Non-Compliance to the August 25, 2020 hearing.

Discussion for Miscellaneous Business-none.

The meeting was adjourned at 12:15 p.m.